

November 1, 2016

A combined Caucus/Public meeting of the Township Council was held in the Municipal Building at 7:00 p.m. and was called to order at 7:04 p.m.

Present

Councilwoman Andrea Zapcic
Councilman Arthur Halloran
Councilwoman Heather deJong
Councilwoman Lisa Crate
Councilman Jim Fozman
Council President Paul Mummolo

Also Present

Mayor John G. Ducey
Kevin Starkey, Township Attorney
Lynnette A. Iannarone, Township Clerk
Joanne Bergin, Business Administrator

Absent

Vice President Marianna Pontoriero

Clerk Iannarone announced adequate notice of this meeting was provided and published in Asbury Park Press on January 8, 2016. Copies of the agenda were provided to the newspapers, posted on public bulletin boards and the township website (www.bricktownship.net).

This meeting began with the salute to the flag followed by moment of silence.

Motion by Councilwoman deJong and seconded by Councilwoman Zapcic to dispense with the reading of the minutes of the September 19, 2016 meeting and approve the same.

All Council Members voted AYE on Roll Call.

NJDEP Outstanding Achievement in Recycling Award – Trish Totaro

Mayor Ducey and Councilman Fozman recognized Trish Totaro, Recycling Coordinator for receiving the NJDEP Outstanding Achievement in Recycling Award. Mayor Ducey said they were lucky enough to receive another award from the New Jersey Department of Environmental Protection for Outstanding Achievement in Recycling. He said Trish Totaro accepted the award at the NJ Recycling Symposium on October 19th. He said she works very hard on the Township's recycling efforts and he presented her with a certificate of commendation.

Councilman Fozman thanked all the Brick residents and businesses for embracing the need to recycle. He said under Trish's leadership the recycling program has grown by leaps and bounds and noted the residential recycling was up 20 percent from last year. He said the focus for 2016 was educating on the downfall of plastic bags in the recycling containers. He said they have also focused on commercial recycling. He said they received the largest tonnage grant ever this past year for \$280,093.53 – it was the third largest award in the State. He announced some of the programs she has coordinated. He thanked Trish for all of her hard work.

Motion by Councilwoman deJong and seconded by Councilman Halloran to adopt the following Resolutions:

All Council Members voted AYE on Roll Call, except:

Councilman Fozman ABSTAINED on *Authorize a Continuing Disclosure Certificate in Connection with the Issuance of Bonds by the BTMUA.*

Authorize Budget Appropriation Transfers

President Mummolo stated this resolution authorizes budget appropriation transfers as needed based on cost projections through year end.

Authorize Insertion of Chapter 159 - Body Worn Camera Grant

President Mummolo stated this resolution allows for the inclusion of a grant in the amount of \$112,500.00 from the US Department of Justice, Bureau of Justice Assistance for the Body Worn Camera Grant.

Authorize Cancellation of Grant Appropriated Reserves and Receivables

President Mummolo stated this resolution authorizes the cancellation of grant appropriated reserves and receivables totaling \$16,219.87 for the Pumpout Boat Grant, the Zoning Code Enforcement Grant from 2014 and the OEM Grant.

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Authorize Receipt of Bids – Roadway Improvements – Riviera Beach – Phase 1

Mayor Ducey explained this resolution authorizes the receipt of bids for Riviera Beach Phase 1 that includes portions of 16th Avenue, 17th Avenue, 18th Avenue, 19th Avenue, 20th Avenue, 21st Avenue, 22nd Avenue, 23rd Avenue, Calvin Court, Riviera Drive, Prospect Avenue, Morris Avenue, Branch Boulevard, Walnut Drive, Ward Avenue and Main Avenue.

Authorize Rejection of Bids & Re-Bid – HVAC Units at Civic Plaza

President Mummolo stated this resolution authorizes the rejection of bids and the rebid of the replacement of the HVAC Units at Civic Plaza. He said sixteen bidders picked up packages and five bids were received. He advised one bid was rejected due to what is considered a fatal flaw in the submissions, three of the bidders did not comply with the required site visit and were rejected for that non-compliance. He noted while the remaining two bids were in order, there was an exception noted in regards to the need for a certified electrician. He said that exception was enough of a concern to find it prudent to reject all bids and re-advertise clarifying the certified electrician requirement.

Authorize Donation of Surplus Property to Brick Township Board of Education

President Mummolo stated this resolution authorizes the donation of a 2010 Crown Victoria that is no longer needed for public use and considered surplus property to the Brick Township Board of Education. He advised Deputy Police Chief Mazza submitted the donation request on behalf of the Brick School Security Officers, who are responsible for conducting security checks for all public schools during school hours and they do not have a vehicle.

Authorize Change Order No. 1 Final – Roadway Improvements – Cedarwood Park West

President Mummolo stated this resolution authorizes a change order decreasing the contract by \$87,756.52 to Esposito Construction for the roadway improvements to Cedarwood Park West project. He advised before processing this change order, they did look into the possibility of extending the roadway improvement work; however, the contract reduction is not enough to offset the costs. He said the township engineer reviewed the quantities during construction and the Township was able to add full paving on 2 of the 16 roads, Jackson and Rosewood, which were two of the worst in terms of condition and the most heavily traveled roads in that area.

Authorize a Continuing Disclosure Certificate in Connection with the Issuance of Bonds by the BTMUA

President Mummolo stated this resolution is required each time the BTMUA goes out to bond financing for projects. He said as an agency created by the Township, anytime they go out for bonds, the Township is required to participate in a call with the Bond Rating Agency and then a follow-up due diligence call. He advised the Township CFO has participated in those calls along with the auditor. He advised the Bond Rating Agency approved the bonds, which is required to be certified by resolution.

Authorize Appointment – One Member and Two Alternate Members to the Property Maintenance Board

Mayor Ducey said one regular member resigned so this resolution appoints Sandra Thomas, Beverly Road, as a member as well as Steven Brill, Jenny Court, and Joanne Bergin, Business Administrator, as alternate members to The Property Maintenance Board. He explained the Board provides an essential function, meeting monthly to review the status of properties that have multiple code violations and forcing the owners to take action. He said those who do not comply go through the proper process that allows the Township to step in and take action. He said the board hears several cases each meeting, which can take three or more hours to review and take action and the time commitment of each of these members, is applauded, and having alternates takes some of the burden off these members, who have not been able to miss a meeting to ensure a quorum. He said addressing property code violations and the abandoned properties in town is a priority and this is another one tool that the Township uses to be as proactive as possible and as effective as possible. He thanked the three members for volunteering their time.

Authorize Receipt of Bids – Consumption Liquor License

Mayor Ducey said this resolution authorizes receipt of bid for consumption liquor license and noted consumption means is a bar/restaurant. He said the minimum bid has to be at least \$500,000.00 and said the restaurant must contain at least 100 seats.

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Authorize Release of Performance Guarantees for Parkview Estates

President Mummolo stated this resolution authorizes the release of performance guarantees including a \$413,298.43 performance bond, \$5,179.69 from the cash surety for inspection fees and \$40,742.35 of the cash performance guarantee. He said Parkview Estates is a subdivision consisting of 20 single-family residential lots on Regina Drive.

Bond Releases/Reductions:

Clerk Iannarone advised the following:

- Inspection Fund Release – Lombardi & Lombardi – Chambers Bridge Road in the amount of \$524.01.
- Inspection Fund Release – Solon Karakoglou – Princess Avenue in the amount of \$399.76.
- Inspection Fund Release – A-1 Black Top, LLC – Greenbriar I in the amount of \$80.34.
- Inspection Fund Release – Winding River Village Association – Skyline Drive in the amount of \$136.08.

Tax Collector:

Joanne Bergin advised the following:

- Tax Overpayments – 2016 in the amount of \$211.40.
- Cancellation of Tax Title Lien – Block 224.14 Lot 10 for a parcel deeded to the United States of America.
- State Tax Appeal Granted – Block 44.13 Lot 8 – 344 Bay Lane in the amount of \$2,299.16.
- State Tax Appeal Granted – Block 45.04 Lot 63 – 248 Squan Beach Drive in the amount of \$4,258.97.
- State Tax Appeal Granted – Block 45.07 Lot 33 – 275 Curtis Point Drive in the amount of \$3,578.13.
- State Tax Appeal Granted – Block 864 Lot 1.06 – 79 Fairview Avenue in the amount of \$3,629.03.
- State Tax Appeal Granted – Block 921 Lot 3 – 557 Princeton Avenue in the amount of \$4,390.47.
- State Tax Appeal Granted – Block 921 Lot 10 – 539 Princeton Avenue in the amount of 8,949.11.

President Mummolo opened the public hearing on the Resolutions.

Nan Coll, 18 Greenbriar Boulevard, reiterated her comments from previous meetings that the public is not getting enough information on the consent agenda. She asked if the Property Maintenance Board Members are compensated in benefits or money and what kind of powers they have. She stated this should be up to the Building and Code Departments and not volunteers who are not trained in the field. She asked what the connection between the BTMUA and the Township is and why do they need a continuing disclosure certificate

President Mummolo replied no compensation and they have a power, as a committee, to vote on what homes would be demolished.

Kevin Starkey replied the BTMUA is a separate independent authority created by ordinance of the Township Council and operates independently with an independent budget and employees. He said there is a service agreement that was entered into 1971 between the Township and BTMUA and one of the provisions of that agreement that the Township pledges full faith in credit to back the bonds of the BTMUA so they are able to get better interest rate on its bonds, which benefits the residents.

Vic Fanelli, 24 Meadow Point Drive, questioned the tax title lien and asked what would the recourse on the roads that will be paved if they received damage from snow removal by an outside contractor. He stated his displeasure with the budget transfer resolution and the hiring of four new police officers. He questioned the reasoning for selling the liquor license.

President Mummolo advised they can hold back payment which they have done in the past for damaged done by a contractor for snow removal.

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Mayor Ducey discussed in length the reasons for hiring of the four police officers. He advised with regards to the liquor license there are two interested parties and noted they originally wanted to do an auction, but the ABC advised they could not do it that way and it has to be done by a sealed bid.

George Scott, 16 Queen Ann Road, expressed his displeasure with the budget transfer resolution. He questioned how come it was not known that a professional electrician had to be involved with the HVAC units at Civic Plaza. He stated his displeasure with the minimum bid of \$500,000.00 for the liquor license and urged they should increase the minimum bid to \$600,000.00. He spoke about the guarantee for the bonds with the BTMUA and questioned what the bonds are being used for.

Kevin Starkey advised budget transfers like this are done every year and it is an ongoing process with the municipal budget where some costs are up and some are down and the Council in his experience always has to do this kind of transfer as they get towards the end of the year so they see how the budget they planned for is exactly adapting to the needs of the Township.

Joanne Bergin said regarding the electrician it was not an error on the Township it was a misunderstanding on the contractor who made an assumption based on his knowledge of the town that the electrician was going to be providing assistance with this work, so his bid did not include the need for an electrician.

President Mummolo advised the BTMUA will be bonding for new projects.

Councilman Fozman advised they are doing some refinancing and will be replacing about \$2M in infrastructure at the Parkway Exit 91.

John Sluka, 950 Sylvia Court, questioned what the BTMUA is replacing at the Parkway Exit 91.

Councilman Fozman replied they are replacing the water mains and noted they have reached their age limit and it was in the best interest to do this project now instead of waiting until the parkway project was done.

There were no further comments from the audience.

President Mummolo closed the public hearing on the Resolutions

President Mummolo opened the public hearing on the Computer Bill Resolution.

George Scott, 16 Queen Ann Road, asked questions on several bill items for clarification and explanations.

Joanne Bergin gave him an explanation of each.

Kevin Starkey gave him an explanation on the attorney bill items.

There were no further comments from the audience.

President Mummolo closed the public hearing on the Computer Bill Resolution

Motion by Councilman Fozman and seconded by Councilman Halloran to adopt the following Resolution:

All Council Members voted AYE on Roll Call, except:
Councilwoman Zapcic ABSTAINED on NJ Press Media;
Councilman Fozman ABSTAINED on BTMUA

2016 Computer Bill Resolution in the amount of \$22,434,145.47

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President Mummolo opened the public hearing on the Manual Bill Resolution.

There were no comments from the audience.

President Mummolo closed the public hearing of the Manual Bill Resolution.

Motion by Councilwoman Zapcic and seconded by Councilman Fozman to adopt the following Resolution:

All Council Members voted AYE on Roll Call.

2016 Manual Bill Resolution in the amount of \$1,525,272.15

Ordinance on Second Reading: Amend Chapter 110 – Fees and Dates for Winter Storage of Boats at Trader’s Cove Park & Marina

Clerk Iannarone read the title of the Ordinance into the record.

President Mummolo explained Traders Cove Marina offers winter boat storage between September 15 and May 15 and occasionally boat owners are not timely in removing their boats from storage leaving them for several months on our lot. He said this ordinance will allow the Township to collect a fee for those boat owners who continue to use the winter boat storage lot into the summer. He advised the owner of any boat not removed from winter storage by the Friday before Memorial Day shall be charged a flat fee of \$500 plus \$100 per day for each day thereafter until the boat is removed and advised these fees will be paid prior to the removal or launch of any boat in winter storage.

President Mummolo opened the public hearing on the Ordinance.

There were no comments from the audience.

President Mummolo closed the public hearing on the Ordinance.

Motion by Councilwoman deJong and seconded by Councilman Halloran to adopt the following Ordinance on Second and Final Reading and said Ordinance be published as provided by law:

All Council Members voted AYE on Roll Call.

AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING TOWNSHIP CODE CHAPTER 110 TO SET FEES AND DATES FOR THE WINTER STORAGE OF BOATS AT TRADER’S COVE PARK AND MARINA

President Mummolo opened the public hearing portion of the meeting.

John Sluka, 950 Sylvia Court, read his letter regarding the parkway construction project.

Steven Brill, 806 Jenny Court, thanked the Mayor and Council for appointing him to the Property Maintenance Board.

Nan Coll, 18 Greenbriar Boulevard, stated her displeasure with not getting enough information on the resolutions. She spoke about Visitation Relief Center’s closing.

Vic Fanelli, 24 Meadow Point Drive, spoke about the article in the Asbury Park Press regarding the heroin situation and noted in this article it did not mention anything about police involvement in solving this epidemic.

George Scott, 16 Queen Ann Road, congratulated the new members on the Property Maintenance Board. He said there is a three year moratorium on the new paving projects and questioned if the Township has reached out to residents that may need to raise their homes. He reiterated his displeasure with the minimum bid for the liquor license.

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Joanne Bergin replied they have reached out to all of the residents in the areas where the paving will be done to see if any of the residents would need to elevate and what their timeline was and also advised them of the plans for paving and the moratorium.

There were no further comments from the audience.

President Mummolo closed the public hearing portion of the meeting.

Mayor Ducey said he has been working hand in hand with the Ocean County Long Term Recovery Group to assist any families with unmet needs as a result of the closing of the Visitation Relief Center and advised their contact information. He said that the beach replenishment project has been delayed. He spoke about the Heroin Epidemic Film Screening and Discussion with Congressman MacArthur that was held on October 24th. He announced the many events he attended and the upcoming events. He thanked all Veterans for their service and announced the Veteran's Day Service on Friday, November 11th at 11 am here at Town Hall hosted by the VFW and American Legion and urged residents to attend.

Clerk Iannarone announced Election Day is on Tuesday, November 8th and the polls will be open from 6am to 8pm.

Councilwoman Zapcic congratulated Trish Totaro on her award. She spoke about the article in the Asbury Park Press about Governor Christie has signed legislation that will provide a statewide framework for Police Departments setting up programs to help addicts get into addiction treatment.

Councilman Halloran congratulated Trish Totaro for her great work on helping save the planet and creating a better environment for all of us. He thanked the three members appointed to the Property Maintenance Board for volunteering their time. He reminded all to vote on Tuesday.

Councilwoman deJong also reminded all to vote on Tuesday. She thanked the Veterans for all they do and urged all to attend the service on November 11th.

Councilman Fozman congratulated Trish and thanked the community for responding with recycling. He congratulated the three new members on the Property Maintenance Board.

President Mummolo congratulated the three members on the Property Maintenance Board and also thanked them for volunteering their time. He said Fall Fest was a great success and spoke of the huge attendance at Trunk or Treat. He congratulated Trish on her award. He said Happy Veteran's Day to all the Veterans.

Motion by Councilman Fozman and seconded by Councilman Halloran to Adjourn the meeting at 8:44 p.m.

All Council Members voted AYE.

Paul Mummolo
Council President

Lynnette A. Iannarone
Township Clerk