

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 7:01 p.m.

**Present**

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

**Also Present**

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

Township 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](http://www.bricktownship.net)).

This meeting began with the salute to the flag followed by a moment of silence for the victims of Brussels.

The Clerk was directed to accept and file the Building & Construction, Certificate of Occupancy, Engineering, Sewer & Water and Vital Statistics Reports for the month of February 2016.

Motion by Vice President Pontoriero and seconded by Councilwoman Zapcic to dispense with the reading of the minutes of February 23, 2016 meeting and approve the same.

All Council Members voted AYE on Roll Call.

**Lee Ann Ray – Powerlifting Champion**

Mayor Ducey and President Mummolo recognized Lee Ann Ray. Mayor Ducey said Brick Township has a diverse group of residents who enhance the reputation of the community and the culture thanks to their contributions. He said Lee Ann Ray has made a name for herself in the sport of powerlifting and has powerlifted astounding total weights including 835 pounds. He said Lee Ann is a New Jersey record holder with three State records and noted she recently won the American Open Competition in Boston and she will be competing in the Nationals in October for a chance to compete for the World Title. He presented her with a proclamation and proclaimed Wednesday, March 23, 2016 Lee Ann Ray Day.

President Mummolo congratulated Lee Ann Ray for her accomplishments and presented her with a resolution on behalf of the Township Council

**Students of the Month**

Mayor Ducey and President Mummolo along with Councilwoman Crate recognized the Students of the Month. President Mummolo named the students and presented certificates to Brick Township High School Students of the Month for February: Ivana Beltran, Jorge Romero, John Bruno and Katarina Brannick. He also named the students and presented certificates to: Brick Memorial High School Students of the Month for February: Emilie Allison, Matthew Farnkopf, Frank Fanelli, Riley Stevenson, Hazel Rubio Hernandez, KiShaun Carter, Jesse Schroetter and Caitlyn Halligan.

**Joe Gilsenan – Ocean County Municipal Joint Insurance Fund Award**

Mayor Ducey and President Mummolo along with Mike Avalon from Conner Strong Buckelew recognized Joe Gilsenan for the Ocean County Municipal Joint Insurance Fund Award. Mayor Ducey said the Township of Brick is fortunate enough to have many dedicated employees who work to improve the quality of life for our residents. He said Joe is known as “Safety Joe” and he has been an employee since 1988 and currently serves as Director of Safety and Insurance and Liability as well as Deputy Coordinator of the Office of Emergency Management. He said Joe was recently honored by his colleagues on the Ocean County Municipal Joint Insurance Fund with the W. Thomas Renkin Memorial Award for his dedication and his significant contributions to the continued safety and well-being of the funds membership. He noted Joe saved the Township, by his training and dedication to safety, \$127,000.00 in the Township liability insurance and over \$100,000.00 off of the worker’s compensation insurance. He presented the proclamation and proclaimed Thursday, March 24, 2016 Safety Joe Day.

President Mummolo congratulated and thanked Joe for his hard work and dedication to the town and said Joe consistently reminds us that “safety is no accident” and presented him with a resolution on behalf of the Township Council.

Mike Avalon, Vice President Conner Strong Buckelew, gave a brief history on working with Joe since 1998. He said Joe is a unique individual and serves as an active member of the OCMJIF executive committee assessing the performance of professionals and he also serves at the grass root level and Chairman of the Executive Safety Committee. He said one of the points for considering this award was an essential idea Joe came up with for a best practices standard for communication not only within Brick, but through the County for safe beach operations. He read into the record the award inscription.

#### **Ordinance on First Reading: Cap Rate Ordinance**

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

President Mummolo explained this allows the Township to establish a cap bank for future use. He said the ordinance allows for increases to budget appropriations, and allows the township to bank any unused monetary room. He stated this cap bank ordinance allows the Township to increase budget appropriations by 3.5 percent over the prior year’s appropriations, and to bank any unused appropriation room for the next two succeeding years. He said by having a cap bank, they have appropriation room to handle disasters. He said the ordinance is simply precautionary. He stated it is not funded through a tax increase; since it is only used in subsequent years should they need to fund a one-time expenditure. He said the only time in recent years the Township used this was to fund emergency response for Super Storm Sandy. He said they are not generating cash but creating the ability to raise money should they need it. He stated this is the act of setting aside money for a specific purpose (an emergency). He reported they appropriate funds and raise cash when needed; if the funds are not needed in the succeeding two years the bank simply is dissolved.

Motion by Vice President Pontoriero and seconded by Councilwoman Zapcic to adopt the following Ordinance on First Reading and said Ordinance be published as provided by law:

All Council Members voted AYE on Roll Call.

#### **CALENDAR YEAR 2016 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40a: 4-45.14)**

Motion by Vice President Pontoriero and seconded by Councilman Halloran to adopt the following Resolution.

All Council Members voted AYE on Roll Call.

#### **Introduction of the 2016 Municipal Budget**

##### **Budget Presentation: Glenn Campbell – Department of Public Works**

Glenn Campbell, Director of Public works gave a brief overview of the Department of Public Works, which includes roads, solid waste collection, buildings & grounds, vehicle maintenance, and parks. He said the Department of Public Works makes more than 2.7 million stops per year to residents’ homes. In 2015, they collected 29,312 tons of solid waste and 4,247 tons of bulk and drive over 600,000 miles per year. The splendid customer service staff handled 51,160 incoming calls and had 54,000 visitors to the public works recycling center, otherwise known as the “hill.”

He said in 2014, the Parks division was brought back into the Department of Public Works, which has really enabled the best use the employees to manage the overall infrastructure of the town. There are 17 parks that employees maintain including 10 basketball courts, 8 tennis courts, 3 bocce courts, 3 horseshoe pits, 3 football fields, 15 soccer fields, 2 inline hockey rinks, 9 miles of bike trails and 22 softball and baseball fields. Additionally, they manage 376 irrigation zones with 1775 heads. There are 147 acres of maintainable grass fields maintained by the parks division. There are many intersections maintained by the parks department along with every detention basin in Township. They also maintain 10 beach/waterfront properties and provide more than 69 acres of lake management. One of the most consuming tasks is the

annual fall and spring leaf collection which takes 10 weeks – starting at the end of October until the second week of January and then they immediately move into Christmas tree collection for three weeks before moving into the spring leaf collection schedule. He said In 2016, they will be working on the construction of a pole barn at the Drum Point Sports Complex to protect the equipment from the elements. Three newly renovated Parks: Herbertsville, Angela Hibbard and Lake Riviera will be added this summer adding to the maintenance and irrigation demands.

The parks division salary and wage budget is down slightly and the operating budget has been decreased by 11 percent.

He said at Public Works, they have several initiatives underway in 2016. The locker room renovation project has started, and work on the Police Department's new firing range at the site is progressing. He said the employees worked to help reduce the overall cost of the project by constructing the berm using fill acquired at no cost to the tax payers. The consulting engineer on this project commended the public works crew for the amazing job they did with this project – and that their efforts saved the Township approximately \$200,000.00 in wages and equipment rental. He explained in 2015, they transitioned to a new Public Works Asset Management software program that is now up and running and they have consolidated 12 different spread sheets into one control software that not only alerts when supplies are needed, but also identifies when vehicles need routine service. He said in terms of the roads operating budget, expenditures remain relatively flat with a .02 percent increase.

He explained the sanitation salary budget is showing an increase of 4 percent and noted the actual expenditures did not increase; last year, they were able to offset a portion of the sanitation salary and wage by applying funds received from the Essential Services Grant, which they are not expected to receive this year. He said the overtime budget for sanitation also remained flat with no increase. He said this line item covers the weeks in which holidays fall and Saturday collection is required; it also covers operations at the recycling center and any other fleet operations required throughout the year. 2015 overtime was impacted by plowing and salting, they mobilized 28 times between January-March, essentially every third day. He stated the operating budget increased by 12 percent as they addressed the need to fund the uniforms and boot allowance for the crews out in the field. The Tonnage at landfill was down another 10.5 percent representing a savings to the taxpayers of \$219,874.00. And the Bulk tonnage was down another 10.79 percent representing a savings of \$37,221.00. He said since they banned construction materials at the hill and for pick up the total savings is \$1,107,221.

He remarked thanks to the recycling education efforts, they saw a 57 percent increase in the State tonnage grant award of \$280,000.00 (the previous high was \$120,337.00). They received a Clean Communities Grant in the amount of \$170,736.00.

He said the Buildings and Grounds budget increased 19 percent due to the addition of a full-time electrician. He explained this not only provides a more efficient, well-rounded staff, having the electrician on staff saves the Township money. In calculating the costs for a 16-month period, the Township spent just under \$300,000 on the electrician as an outside contractor including the costs of parts and supplies. By bringing this in house they will save more than \$100,000.00 per year. He said the Buildings and Grounds operating budget is increasing 13 percent as a result of the need for electrical supplies and to fund the EPA-mandated maintenance required at the landfill on Sally Ike Road.

He said the Vehicle maintenance salary and wage budget is decreasing by 5 percent with a minor decrease as well in the operating budget for vehicle maintenance.

President Mummolo opened the public hearing on the Department of Public Works Budget Presentation.

Vic Fanelli, 24 Meadow Point Drive, stated the voters and taxpayers of Brick voted over 3 to 1 to not change anything in the Public Works Department and to keep everyone so that says it all.

George Scott, 16 Queen Ann Road, complimented Mike Thomas, a Public Works employee, who went out of his way to help him clean up recycling that fell out of the can during a wind storm.

There were no further comments from the audience.

President Mummolo closed the public hearing on the Department of Public Works Budget Presentation.

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

All Council Members voted AYE on Roll Call, except:

Vice President Pontoriero ABSTAINED on *State Tax Appeal Granted – Block 565 Lot 1 – 2597 Hooper Avenue – GS Realty and State Tax Appeal Granted – Block 565 Lot 1 – 2597 Hooper Avenue.*

### **Recognize Lee Ann Ray – Powerlifting Champion**

#### **Recognize Joe Gilsenan - Ocean County Municipal Joint Insurance Fund Award**

President Mummolo stated this resolution recognizes Township Safety Officer Joe Gilsenan for receiving the W. Thomas Renkin Memorial Award in honor of his efforts and dedication to the Ocean County Joint Insurance Fund. Joe was honored for coordination of resources and improved communication among Shore towns with emergency response training for lifeguards and other essential personnel. This program resulted in significant contributions to the continued safety and well-being of the Fund's member municipalities.

#### **Authorize Cancellation of Stale Dated Checks**

President Mummolo stated this resolution authorizes the Township to cancel outstanding checks that are considered stale dated in the amount of \$418.89.

#### **Authorize Execution of Shared Services Agreement with County of Ocean – Child Restraint Program Grant**

President Mummolo stated this resolution authorizes the execution of a shared services agreement with the Ocean County Sheriff's Office for the FY16 Child Restraint Program Grant. He explained the Child Restraint Grant Program is run by the Ocean County Sheriff's Office for the purpose of inspecting and installing child restraints in vehicles. With this grant, Brick PD can designate officers to become certified Child Passenger Safety Technicians to conduct child restraint inspections. The County offers the certification training and will offset a portion of the salary of those officers who complete the training.

#### **Authorize Change Order No. 1 Final – 2014 Paving Program Lake Riviera Phase II**

President Mummolo stated this resolution authorizes the final change order for the 2014 Paving Program – Lake Riviera Resurfacing Phase II to Earle Asphalt Co. be decreased by \$133,369.29.

#### **Authorize Change Oder No. 1 – Purchase of One (1) Diagnostic Tool for Dump Trucks**

President Mummolo stated this resolution authorizes a change order to the contract awarded to Campbell Freightliner for two 2016 or newer, tandem axle, dump truck with stainless steel, 14-yard dump bodies and snow plow. It was brought to their attention that one item was inadvertently not awarded in the original contract and it is needed as a diagnostic tool/test equipment needed to connect the existing DPW shop computer to the new truck diagnostic port. Therefore, they will issue a change order in the amount of \$3,350.00 for this item.

#### **Authorize Execution of Settlement Agreement – New Beginnings Christian Fellowship**

Mayor Ducey explained this began in 2011 when the Board of Adjustment denied an application that was made by New Beginnings Church. He said the denial was not based on compelling State interest which is necessary to deny an application before the Board of Adjustment. He explained New Beginnings owned two properties in two different names and they were asking the Board to combine them so they could use the parking lot on both of the properties. He said if the denial was done correctly, it would have stood and would not have moved on. He said instead the Board and former council member showed hostility towards this religious institution and now the Township will pay for this. He reported some of the facts in the transcripts of the Zoning Board. He said the good news is, the Township's insurance company will be paying out the \$237,500.00 and this will not come out of the Township's coffers.

**Bond Releases/Reductions:**

Clerk Iannarone advised the following Inspection Fund Release

- Inspection Fund Release – Stewart J. Dailey, III – Off Princeton Avenue in the amount of \$206.70.

**Tax Collector:**

Joanne Bergin advised the following:

- Refund Overpayment for Automated Garbage Can – Block 868.11 Lot 4 in the amount of \$60.00.
- Tax Overpayments – 2016. Block 1383, Lot 7c150, 134 Skyline Drive, in the amount of \$526.10; Block 211.03, Lot 36, 86 Rochester Drive, in the amount of \$2,092.97.
- State Tax Appeal Granted – Block 45.07 Lot 24 – 241 Curtis Point Drive in the amount of \$6,003.72, which is a two-year appeal.
- State Tax Appeal Granted – Block 379.02 Lot 3 – 25 & 15 Brick Boulevard in the amount of \$11,388.52, which is a three-year appeal.
- State Tax Appeal Granted – Block 547 Lot 1 – 545 Brick Boulevard, in the amount of \$17,167.06 which is a two-year appeal.
- State Tax Appeal Granted – Block 565 Lot 1 – 2597 Hooper Avenue – GS Realty in the amount of \$4,740.00.
- State Tax Appeal Granted – Block 565 Lot 1 – 2597 Hooper Avenue in the amount of \$9,885.27.
- State Tax Appeal Granted – Block 932 Lot 2.02 – 613 Point Avenue – Conigliaro in the amount of \$6,153.33.
- State Tax Appeal Granted – Block 932 Lot 2.02 – 613 Point Avenue in the amount of \$9,940.17.
- State Tax Appeal Granted – Block 1170 Lot 26 – 525 Jack Martin Boulevard in the amount of \$163,763.65 which is a four-year appeal.

**Authorize Receipt of Bids – Fall Harvest Festival Event Concession Coordinator**

President Mummolo said this resolution authorizes receipt of bids for the Fall Harvest Festival Event Coordinator.

**Support Acquisition of Property by Ocean County Natural Lands Trust Fund Block 645 Lot 1.01**

Mayor Ducey explained the Trust for Public Lands is a non-profit entity and they have undertaken an effort to acquire approximately 11 acres of land located between Church Road and Worth Drive by the Pioneer Fire House. The TPL has expressed an intention to seek full financing of the project from the Ocean County Natural Lands Trust Fund which provides funds for acquisition and preservation of natural lands, open spaces and farmland. He said the Township desires to express its support for TPL and the affected residents to seek financing from the County for such acquisition and pointed out the Township of Brick would not prevent a private owner from selling to a buyer of their choice and the Township would support a sale of the property for open space. He said the Township Administration is not interested in purchasing additional land and noted he has seen that turns out in the past with Trader's Cove that has cost us about \$31M to date and the Foodtown site that just sits year after year. He advised the Township should not be in the real estate buying and holding business.

President Mummolo opened the public hearing on the Resolutions.

Nan Coll, 18 Greenbriar Boulevard, said she was deeply disturbed to hear the comments said at a Board of Adjustment meeting regarding the New Beginnings Church and asked if these comments were during an open meeting.

Kevin Starkey advised some of the comments were made at a public hearing and some were made privately, but they were all documented.

Bill, Resident, thanked the Mayor and Council for the supporting the resolution for the acquisition of the Pioneer Fire House property to Trust for Public Lands.

George Scott, 16 Queen Ann Road, stated his objection to 3F of the New Beginnings Church settlement agreement.

Kevin Starkey replied the Plaintiffs signed this settlement agreement already and it was conditioned on both this council and zoning board approving it and then authorizing it to be signed – he advised it is not binding on the plaintiff until the council and zoning board approve it once that is done it becomes binding on all parties.

George Scott stated his displeasure on State Tax Appeal final assessment value. He stated his concerns with the resolution supporting the acquisition of the Pioneer Fire House property to the Trust for Public Lands and questioned the previous developer's contract for this property

Kevin Starkey responded that he spoke with the developer's attorney and the time for approvals has expired and as of today there is no contract. He said the developer maybe requesting extensions but as of now there is not. He advised the Township is not involved directly in this contract with Trust for Public Lands and will not be involved with this contract.

Jessica, 336 Church Road, thanked the Mayor and Council for the supporting the resolution for the acquisition of the Pioneer Fire House property to Trust for Public Lands.

Jessica, Resident, thanked the Mayor and Council for the supporting the resolution for the acquisition of the Pioneer Fire House property to Trust for Public Lands.

Britta, Save Barnegat Bay, thanked the Mayor and Council for the supporting the resolution for the acquisition of the Pioneer Fire House property to Trust for Public Lands.

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.

Councilwoman deJong questioned the bill for Jeffrey Surenian & Associates on page 25 if this prior to letting him go.

Kevin Starkey replied yes and the responsibility for Affordable Housing to a new attorney in January and noted the bills were for 2015.

There were no further comments from the audience.

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

Motion by Vice President Pontoriero and seconded by Councilman Fozman to adopt the following Resolution:

All Council Members voted AYE on Roll Call, except:  
Councilwoman Zapcic ABSTAINED on New Jersey Press Media; and  
Councilman Fozman ABSTAINED on the BTMUA.

**2016 Computer Bill Resolution in the amount of \$9,202,032.44**

President Mummolo opened the public hearing on the Manual Bill Resolution

There were no comments from the audience.

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

Motion by Vice President Pontoriero and seconded by Councilwoman deJong to adopt the following Resolution:

All Council Members voted AYE on Roll Call.

**2016 Manual Bill Resolution in the amount of \$ 1,480,090.73**

**Ordinance on Second Reading: Amend Chapter 245 – Permitted Yard Encroachments**

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

President Mummolo explained this ordinance amendment is a recommendation of the Council's Land Use Committee, who is working to try and remove as many unnecessary barriers as possible for people elevating their homes. This amendment allows for access staircases with an entry stoop or platform not to exceed a total 100 square feet in area and no further than 5 feet into a required rear yard setback area.

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 Vice President Pontoriero and seconded by Councilman Fozman 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 THE TOWNSHIP CODE OF THE TOWNSHIP OF BRICK, SO AS TO AMEND CHAPTER 245-330.4, ENTITLED "PERMITTED YARD ENCROACHMENTS"**

President Mummolo opened the public hearing portion of the meeting.

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

Vic Fanelli, 24 Meadow Point Drive, thanked the Mayor for the explanation on the resolution for New Beginnings Church. He asked when the high school bowling teams will be recognized at a council meeting.

President Mummolo advised on April 19<sup>th</sup>.

George, Resident, spoke on the Buy in Brick Program and suggested some ideas such as advertising this program.

Mayor Ducey advised they have over 40 businesses that are in the program. He said that the program has been going on one year and has brought in over \$800,000.00 for the businesses involved and has saved \$65,000.00 on tax bills for the residents using the program.

Councilwoman deJong advised the Tourist Commission just approved monies for advertising in the Asbury Park Press and they are also working on signs of the locations for the Buy in Brick Program. She advised they have done a Spring cleaning newsletter that went out to the businesses that do that type of work.

Michele Spector, 808 Jenny Court, asked if they have heard from Carl Block, OC Freeholder.

Joanne Bergin replied no and advised the County did send a letter to NJTPA and as far as she knows NJTPA has not responded to the County yet.

There were no further comments from the audience.

President Mummolo closed the public hearing portion of the meeting.

Joanne Bergin congratulated Safety Joe.

Mayor Ducey urged residents to remember #BrickProud campaign. He said he attended BMHS Career Day and said he had a great time speaking to the kids and talking to them about his career as an attorney and being the Mayor.

Councilwoman Zapic congratulated the Students of the Month and also congratulated Safety

Joe and commented she had the pleasure of working with him. She congratulated Lee Ann Ray on her achievement as a powerlifter.

Councilman Halloran congratulated Lee Ann Ray, Students of the Month and Safety Joe and commented on the Safety Joe's saving the Township monies. He said he was happy the Ordinance passed to Amend Chapter 245 which will allow some yard encroachments and noted that it will make a difference to those homeowners.

Councilwoman deJong congratulated Lee Ann Ray, Students of the Month and Safety Joe. She said the Sustainable Brick Township, Environmental Commission and Recreation Department do a fantastic job putting this fair on and thanked them for all their hard work.

Councilwoman Crate congratulated Students of the Month, Safety Joe and Lee Ann Ray. She thanked Glenn Campbell for his budget presentation and spoke of the great job the DPW workers do.

Councilman Fozman congratulated Lee Ann Ray and Joe. He thanked Glenn Campbell for his budget presentation and said Public Works does a lot for the town and they have improved on recycling and also thanked the residents for recycling and said the Township saved \$280,000.00 last year. He spoke of the Neighborhood Watch and thanked some of the CERT Team members that help them in their last walk.

Vice President Pontoriero echoed all the comments that were made by her colleagues tonight and spoke about the Neighborhood Watch and thanked the committee members on the Public Safety Committee – Councilman Fozman and Councilwoman Zapcic.

President Mummolo congratulated Lee Ann Ray on her achievement, Students of the Month, Safety Joe and Glenn Campbell for his budget presentation.

Motion by Councilwoman Zapcic and seconded by Councilman Halloran to Adjourn the meeting at 8:33 p.m.

All Council Members voted AYE.

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Paul Mummolo  
Council President

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Lynnette A. Iannarone  
Township Clerk