

April 19, 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 7:00 p.m.

Present

Councilwoman Andrea Zapcic
Councilman Arthur Halloran
Councilwoman Heather deJong
Councilwoman Lisa Crate
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

Absent

Councilman Jim Fozman

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).

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

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 March 2016.

Motion by Vice President Pontoriero and seconded by Councilwoman deJong to dispense with the reading of the minutes of March 8 and March 22, 2016 meetings and approve the same.

All Council Members voted AYE on Roll Call.

Damiana Dalleo – USA National Miss New Jersey Jr. Princess

President Mummolo, Vice President Pontoriero and Mayor Ducey recognized Damiana Dalleo, USA National Miss New Jersey Jr. Princess. Mayor Ducey read and presented her with a proclamation, proclaiming Monday, April 25, 2016 as Damiana Dalleo Day. Vice President Pontoriero talked about Damiano's accomplishments and presented her with a certificate of accomplishment on behalf of council.

Students of the Month

Mayor Ducey, President Mummolo along with Councilwoman Crate recognized the Students of the Month. President Mummolo named the Brick Township High School Students of the Month for March and presented certificates to: Molly Tully, Sean Chojnacki, Jennilee Stocker, and Matthew Penna. He also named and presented certificates to Brick Memorial High School Students of the Month: Dorian Schwartz, Jacob Marren, John Gilman, Gabrielle Hernandez, Kordell Forrest, Megan Barry, Christopher Gall, and Shannon Bell.

Brick Township High School Girls Bowling Team

President Mummolo, Councilwoman Zapcic and Mayor Ducey recognized the Brick Township High School Girls Bowling Team. Mayor Ducey read and presented the team with a proclamation, proclaiming Wednesday, April 20, 2016 to be Brick Township High School Girls Bowling Team Day. Councilwoman Zapcic read the resolution and presented certificates on behalf of council to each of the team members. She extended congratulations to the members of the NJSIAA State Champion Dragons: Nicole Aumack, Brianna MacLeod, Vicky Spirio, Victoria Gray, Julianna Forbes, April Sharkey, EmilyLyn Silber, Shivani Mody, Caylin Ryan, Skikha Mody, Cristy Sharkey and Head Coach Kristin Hayes.

Brick Memorial High School Girls Bowling Team

President Mummolo Councilwoman Zapcic and Mayor Ducey recognized the Brick Memorial High School Girls Bowling Team. Mayor Ducey read and presented the team with a proclamation, proclaiming Thursday, April 21, 2016 to be Brick Memorial High School Girls Bowling Team Day. Councilwoman Zapcic read the resolution and presented certificates on behalf of council to each of the team members. She extended congratulations to the members of the Group IV State Champion Mustangs: Victoria Bird, Victoria Boughton, McKenna Collier, Deann Downs, Misty Downs, Katie Hagan, Rachel Katz, Veronica Lewis, Margaret Neafsey,

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Sarah Pitcher, Amanda Shelters, Jillian Stuart and Head Coach Dave Thompson.

Mayor Ducey announced McKenna Collier was one of five selected in the nation for the Earl Anthony Scholarship. He said she is a 3-year distinguished honor roll student at Brick Memorial High School while taking 11 honors courses. He presented her with a Certificate of Achievement for being one of the five recipients for receiving the Earl Anthony Scholarship.

Brick Memorial High School Boys Bowling Team

President Mummolo Councilwoman Zapcic and Mayor Ducey recognized the Brick Memorial High School Boys Bowling Team. Mayor Ducey read and presented the team with a proclamation, proclaiming Friday, April 22, 2016 to be Brick Memorial High School Boys Bowling Team Day. Councilwoman Zapcic read the resolution and presented certificates on behalf of council to each of the team members. She extended congratulations to the members of the Group IV State Champion Mustangs: Cullen Asaro, John Boughton, Brandon Byrnes, Darian Collis, Austin Daddato, Michael Erdelyi, Michael Guzman, Robert Guzman, Michael Hagan, Alec Hehir, Nickolus Jackson, Andrew Lazarchick, Dominic Petrosino, Matthew Pray, Andrew Varela, Cameron Waldhelm, Ryan Waldhelm and Head Coach Mike Bilello.

Motion by Vice President Pontoriero and seconded by Councilwoman Zapcic to adopt the following Resolutions.

All Council Members voted AYE on Roll Call.

Recognize Brick Township High School Girls Bowling Team

President Mummolo stated this resolution recognizes the Brick Township High School Dragons Girls Bowling Team, who captured the Shore Conference Tournament and South Jersey Group 3 Sectional Championship, their 9th consecutive Overall Group 3 Championship and finished their season by capturing first place in the NJSIAA Tournament of Champions at Carolier Lanes for the second straight year.

Recognize Brick Memorial High School Girls Bowling Team

President Mummolo stated this resolution recognizes the Brick Memorial High School Mustangs Girls Bowling Team who captured the NJSIAA Group IV Championship, earning a spot in the NJ.com ranking of the top girls bowling teams in the state.

Recognize Brick Memorial High School Boys Bowling Team

President Mummolo stated this resolution recognizes the Brick Memorial High School Mustangs Boys Bowling Team who had another outstanding season, compiling a record of 12-5 and winning the NJSIAA Group IV State Championship.

Recognize Veteran's Appreciation Day – July 4, 2016

Mayor Ducey stated this resolution recognizes July 4, 2016 as Veterans Appreciation Day. He said as a gesture of respect and thanks, the Township will provide free beach badges and parking for the Township's public beaches on July 4, 2016 to military veterans, their spouses and dependent children.

Authorize Emergency Temporary Appropriations

President Mummolo stated this resolution authorizes emergency temporary appropriations as needed until the municipal budget is adopted.

Comments & Recommendations of Audit

President Mummolo stated this resolution confirms that the council members have received a copy of the Township's annual Audit and that they have read the comments and recommendations of the Audit.

Accept the 2015 Corrective Action Plan

President Mummolo stated this resolution accepts the 2015 Corrective Action Plan, which produced only one finding. He said the auditor noted that Interfunds are reflected on the balance sheet for various funds at year-end. He reported the auditor recommends that Interfunds be liquidated prior to year-end, however, these Interfunds are created to facilitate the processing of any reimbursable grants received. He said in reimbursement grants, they must pay up front and then be reimbursed after all related paperwork is received and processed. He stated these Interfunds set up the ability to receive the reimbursement funds

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which is needed due to the timing of the various reimbursement grants.

Authorize Execution of Grant Application/Contract – New Jersey State Highway Eastbound Reconstruction Project

President Mummolo stated this resolution authorizes the execution of a grant contract with the NJDOT for the additional funds needed for the Route 70 Eastbound Reconstruction project. He said several issues occurred during construction that required change orders at the Township's expense, specifically pipe replacement and reconstruction of pavement. He stated they requested reimbursement from the NJDOT and did not receive a favorable response until the Mayor went to Trenton and spoke with the DOT Commissioner, who committed to fully fund the change orders related to the issues identified during construction. He said they have requested reimbursement now that the project is fully complete, and this contract allows the Township to accept those funds in the form of a grant.

Authorize Application to NJDCA Demo Loan Program

Mayor Ducey stated this resolution authorizes an application to the NJ Department of Community Affairs for the Unsafe Building Demolition Fund Program for funding needed to demolish unsafe, abandoned and dilapidated homes as directed by the Township's Property Maintenance Board.

Authorize Receipt of Bids – SummerFest Food Truck

President Mummolo stated this resolution authorizes the receipt of bids for an additional food truck at Summerfest to sell tacos and quesadillas.

Authorize Award of Bid – Landscape Maintenance Service at Solar Field

President Mummolo stated this resolution authorizes the award of bid for landscape maintenance service at the solar field to Clintar NJ Inc, Perrineville. He said this is a two-year contract with maintenance occurring twice per year. He stated the total contract amount is \$19,778.00 per year. He said in accordance with a mandate from the EPA maintenance of the areas around the solar field at the former landfill on Sally Ike Road is the Township's responsibility.

Authorize Award of Contract– Stafford Township Cooperative - Purchase & Delivery of Office Supplies

President Mummolo stated this resolution authorizes the award of contract through the Stafford Township Cooperative to W.B. Mason, Cranbury for the purchase and delivery of office supplies.

Authorize Award of Contract through NJPA National Cooperative – Four 40 Yard Roll-off Containers

President Mummolo stated this resolution authorizes the award of contract through the NJPA National Cooperative for four 40-yard roll-off containers to Wastequip, LLC, Statesville, NC in the amount of \$21,120.00.

Authorize Change Order No. 1 Final – Miscellaneous Drainage & Roadway Improvements

President Mummolo stated this resolution authorizes the first and final change order in the contract with Brennan Brothers Contracting, LLC for Miscellaneous Drainage & Roadway Improvements. He said the change order represents a decrease in the contract by \$14,188.82 representing as built quantity adjustments.

Authorize Change Order No. 1 Final – Rebid – Colorado Park Improvement Project

President Mummolo stated this resolution authorizes the first and final change order in the contract with Precise Construction for the Colorado Park Improvement Project. He said the change order represents a decrease in the contract by \$345.60 representing as built quantity adjustments.

Authorize Rejection of Bids – Demolition of All Structures – Block 1374 Lot 27 – 126 South Beverly Drive

President Mummolo stated this resolution authorizes the rejection of bids for the demolition of the structure located at 126 South Beverly Drive. He said the low bid for this demolition was \$119,500.00, with bids going as high as \$152,410.00. He reported this far exceeds the budget

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for the demolition. He said they have been in touch with the bank in an attempt to get the house demolished by the responsible party due to the high costs of having it done by the municipality.

Authorize Execution of Subdivision Takeover Agreement with FIA – Parkview Estates

President Mummolo stated this resolution authorizes the execution of a subdivision takeover agreement with First Indemnity of America Insurance Company for the completion of site improvements at the Parkview Estates Subdivision. He said the original developer failed to complete the required site improvements at the subdivision and was declared to be in default, therefore, the bonding company has agreed to undertake the completion of the required site improvements, which requires a takeover agreement that must be approved by Council.

Authorize Temporary Construction Easement for Beach Replenishment Project

Mayor Ducey stated this resolution authorizes a temporary construction easement at Brick Beaches 1, 2 and 3 as required by the Army Corps of Engineers for the beach replenishment project.

Bond Releases/Reductions

Clerk Iannarone advised this resolution authorizes the release of \$2,086.56 remaining in the Engineering & Inspection Fund for the Route 88 Costco Garden Center.

Tax Collector

Joanne Bergin advised the following:

- 100% DAV Refund & Cancel Taxes – Block 383.16 Lot 16 – 258 Pine Tree Dr. in the amount of \$6,466.75.
- 100% DAV Refund & Cancel Taxes – Block 662 Lot 17 – 473 Driver Avenue in the amount of \$1,773.05.
- Tax Overpayments – 2016: Block 1051, Lot 29, 129 Harding Drive, in the amount of \$1,112.27; Block 211.03, Lot 31, 70 Rochester Drive, in the amount of \$2,137.98; and Block 657, Lot 23, 453 Barber Avenue, in the amount of \$1,126.25.
- State Tax Appeal Granted – Block 547 Lot 27 – 493 Brick Blvd in the amount of \$22,084.43 which is a three-year appeal.

President Mummolo opened the public hearing on the Resolutions.

Vic Fanelli, 24 Meadow Point Drive, had questions regarding the NJDCA Demo Loan Program. He asked who owns the properties.

Joanne Bergin responded this is a loan but they intend to request a zero percent interest rate over a 10-year period. She said whether it is granted or not they do not know yet. She said if they do not get the request they will think about what they are going to do. She said that most of the homes are owned by banks.

Kevin Starkey responded the Township has first claim to a lien on the property. He said if the taxes are not being paid the property will go on the list for tax sale foreclosure and at that point the township will be paid in full by someone who takes the tax lien because this would be included in the tax. He said if taxes are being paid on the property he presumes at some point the bank that's paying taxes will want to sell the property.

Joanne Bergin commented it is easier to sell an abandoned lot rather than one with a dilapidated house on it. She said a bank does not have to deal with prevailing wage and a lesser requirement for dealing with asbestos as a municipality has to do so their demolition would be less expensive.

Richard Gross, 29 Greenbriar Boulevard, asked if the Township owns the solar field. He questioned why the owner of the solar panels would not pay for the maintenance of the property surrounding them. He expressed his concerns with this agreement.

Joanne Bergin responded the Township owns the property but not the solar panels for 15 years. She said the owner of the solar panels is responsible for the maintenance directly below their panels; the Township is responsible for the entire site, specifically the area around the solar panels.

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Jim Cancel, Mapleleaf, asked if they have considered applying for a receivership program for the abandoned properties.

Kevin Starkey responded that they have a foreclosure registration ordinance where banks are required to register with the township clerk. He said when those properties become abandoned they have tools at their disposal to force the banks to maintain those properties and if they do not the Township can maintain the properties and put liens against the properties.

Jim Cancel spoke of the receivership program.

Kevin Starkey responded the means traditionally that the township uses is that when taxes are not paid they sell the tax lien then an outside person comes in. He said townships typically do not like to take over properties.

Nan Coll, 18 Greenbriar Boulevard, expressed her concerns that council does not give enough information to the public on resolutions they are voting on. She had questions on the resolution pertaining to Parkview Estates. She reiterated her request to hold separate caucus and public council meetings.

Kevin Starkey responded to her questions and explained the NJDCA Demo Loan Program.

President Mummolo closed the public hearing on the Resolutions.

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

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 Councilwoman Zapcic to adopt the following Resolution:

All Council Members voted AYE on Roll Call, except:
Councilwoman Zapcic ABSTAINED on Gannett Newspapers and New Jersey Press Media.

2016 Computer Bill Resolution in the amount of \$953,587.39

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 \$1,513,749.42

Ordinance on Second Reading: Cap Rate Ordinance

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

President Mummolo explained this ordinance 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.

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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.

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.

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)

President Mummolo opened the public hearing portion of the meeting.

Steve Brill, Jenny Court, stated his concerns with the Turnpike Authority Parkway construction project. He spoke about the truck crashes and automobile accident. He stated their need for a sound barrier. He gave a history of the issues with this project.

Nan Coll, 18 Greenbriar Boulevard, continued about her concerns and added to Mr. Brill's comments. She referred to Mayor Koch and said he never touted himself but asked how he was doing and challenged the Mayor and Council to do the same. She commented on the need for a community center. She spoke of issues with Comcast.

Vic Fanelli, 24 Meadow Point Drive, had some questions about the tax lien sale and asked how much actually gets paid off by the homeowner and/or sold with the tax lien sale.

Joanne Bergin responded she did not know off the top of her head and has not had a chance to sit with the tax collector to get any information about the sale. She suggested he talk to the tax collector any time.

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

Michele Spector, Jenny Court, stated she has a copy of the response from Carl Block's office that she will leave. She talked about all of the basins going in and the potential for mosquitos. She commented regarding the parkway project they need relief and they need justice for what has happened to them.

Jim Cancel, Sawmill Road, expressed concerns with Colorado Park. He said the residents in the area are very concerned. He said that he is concerned that if they do not implement a nuisance abatement program they will lose the entire community.

Steve Cancel, Sawmill Road, spoke of issues at Colorado Park and urged nuisance abatement.

President Mummolo closed the public hearing portion of the meeting.

Mayor Ducey stated the Turnpike Authority was supposed to plant trees that were 8' by Evergreen Woods and reported the trees they planted are 3' which is unacceptable; the township wrote a letter to them stating these trees were unacceptable. He said that he attended the Brick Memorial HS Color Guard Competition, the OC Mayors' meeting to discuss Barnegat Island Issues, the OC Mayors' Breakfast meeting with the DEP Commission Bob Martin; Mayors' Press Conference in Belmar to protest the NJ Natural Gas hike, the Community Disaster Loan Seminar, he read at Emma Havens Young School reading event at Barnes & Noble, the Brick Little League Opening Day Ceremonies, the 6th Annual Green Fair at BTHS and thanked all the organizers & participants. He said it was a very successful event and Keith Rella did an awesome job. He supported the BTHS Girls Lacrosse Team fundraiser at Rita's Ice. He

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announced several upcoming events.

Councilwoman Zapcic congratulated Miss New Jersey Junior Princess, Damiana Dalleo, a pleasure to see her tonight and wished her good luck in the national competition. She congratulated the bowling teams and the students of the month. She mentioned there were over 550 people attending the Green Fair; and congratulations to the Sustainable Brick Committee and Keith Rella for the fabulous job. She attended the Spring Celebration Concert at Greenbriar II which was a fundraiser for Cycle for Survival.

Councilman Halloran congratulated all of the proclamation recipients; Damiana Dalleo, the students of the month and the bowling teams. He attended the Green Fair and congratulated Keith Rella for a job well done. He would like to see some of the projects they talked about come to fruition to clean up and make the environment safer. He announced April 30 is the Clean Ocean Action Beach Cleanup.

Councilwoman deJong echoed everyone's sentiment on the Green Fair; and said great job by Keith Rella. She enjoyed the Brick Township High School production of How To Succeed in Business Without Really Trying. She encouraged residents to see our arts.

Vice President Pontoriero thanked and congratulated Keith Rella and John Hyfantis who worked so hard on the Green Fair as well as the Sustainable Brick Committee. She congratulated the bowling teams and Damiana Dalleo.

President Mummolo congratulated Princess Damiana Dalleo, students of the month and all of the bowling teams. He said that he attended the Green Fair and congratulated Keith Rella and John Hyfantis.

Motion by Councilwoman Zapcic and seconded by Councilwoman deJong to Adjourn the meeting at 8:55 p.m.

All Council Members voted AYE.

Paul Mummolo
Council President

Lynnette A. Iannarone
Township Clerk