

May 17, 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

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

Councilwoman Andrea Zapcic
Council Vice President Marianna Pontoriero

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 April 2016.

Students of the Month

Mayor Ducey, President Mummolo along with Councilwoman Crate recognized the Students of the Month for April. President Mummolo named the Brick Township High School Students of the Month and presented certificates to: Rachael Harvey, Paige Campana, Kyle Jagers and Tyler DeAlmeida. He also named and presented certificates to Brick Memorial High School Students of the Month: Makayla Manfredi, Daniel Mejia-Garcia, Meg Rennar, Dawson Narby, John Whalen, David Murphy, Megan Lapinski and Joseph Feiden

PILOT Check Presentation – Homes Now, Inc., to the Township of Brick

Carol Wolfe of Homes Now, Inc. presented a check in the amount of \$80,000.00 to the Township of Brick for their payment in lieu of taxes (PILOT) for Chambers Bridge Residence. She said Chambers Bridge Residence is a 186 apartment complex serving low income seniors with set aside for 23 individuals with developmental disabilities. She said the project brings the Township over 200 COAH credits. She said this is a great project but it would not be without the support from the Mayor, Council and Administration.

Mayor Ducey thanked Carol Wolfe and commented on how important the COAH credits are for the Township and spoke on the court battle with the Fair Housing Board.

Kevin Batzel – 2016 Fire Protection Inspector of Year

Mayor Ducey, President Mummolo along with Councilman Halloran recognized Kevin Batzel for being bestowed the 2016 Fire Protection Inspector of the Year by the New Jersey State Fire Prevention & Protection Association. Mayor Ducey said the Township is fortunate to have loyal and dedicated individuals who work each day to improve the quality of life for all the residents. He said Kevin Batzel, the Bureau Chief and Fire Marshal with the Brick Bureau of Fire Safety has demonstrated his commitment to the safety and security of Brick Township residents by upholding fire safety codes and standards. He presented him with a proclamation and proclaimed Thursday, May 19, 2016 to be Kevin Batzel Day. Councilman Halloran said it is a honor to present the resolution on behalf of the Township Council to Kevin Batzel because of his dedication to the Brick residents.

Kevin Batzel thanked all for the honor especially the brothers and sisters of the fire service.

Richard Orlando - 2015 Fire Prevention Inspector of the Year

Mayor Ducey, President Mummolo along with Councilman Halloran recognized Richard Orlando for being bestowed the John H. Flaherty 2015 Fire Prevention Inspector of the Year by the New

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Jersey State Fire Prevention & Protection Agency. Mayor Ducey thanked all the fire professionals in the town. He said Richard Orlando, the Assistant Bureau Chief with the Brick Bureau of Fire Safety has demonstrated his commitment to the interest of fire safety and is recognized for his contributions to the preservation and protection of life and property in the Township of Brick. He presented a proclamation and proclaimed Wednesday, May 18, 2016 to be Richard J. Orlando Day. Councilman Halloran said he is proud to present the resolution on behalf of the Township Council.

Rick Orlando thanked all for the honor along with his family and fire family.

National Emergency Medical Services Week – May 15-21st

Mayor Ducey and President Mummolo recognized Captain Pacitti, Michael Botts, Robert Contreras, Sergeant Pedersen and the EMS Members to come to the podium. Mayor Ducey said the individuals who provide emergency medical services in the Township of Brick serve a vital role in the community. He said the members of emergency medical services teams are ready to provide life-saving care to those in need 24/7. He said the EMS service system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out of hospital medical care providers. He presented a proclamation and proclaimed May 15 – 21st 2016 to be Emergency Medical Services Week in Brick Township. President Mummolo presented the resolution on behalf of the Township Council.

Traders Cove Restaurant

Mayor Ducey touched on the process and said that path has led the Township to this awesome project which is an outdoor seasonal restaurant (April to October) at Traders Cove. He said the restaurant will be constructed and operated entirely through private enterprise and it will create a consistent revenue stream to help offset the costs associated with the acquisition, development and operation of Traders Cove. He said in 2015 Traders Cove showed a profit, a little over \$82,000.00. He said the restaurant lease will not only give the town an awesome place for everyone to enjoy, but it also doubles the amount generated from the site to help pay down the debt service faster. He clarified the proposed restaurant entirely constructed through private money and no taxpayer dollars will be used to construct the restaurant and announced Chef's International is the one they chose. He said Chef's International will lease the land for an annual fee of \$75,000.00 and will create a consistent revenue stream for the Township and reduce the burden for Brick taxpayers. He said the \$75,000.00 is a yearly lease with an escalator from there. He noted the restaurant will not limit any access to the bay, will not limit any amenities offered at the site. He said the restaurant will be built on a portion of the park that was always intended to have a building on it. He pointed out both Green Acres and the Department of Environment Protection gave their blessing to this great restaurant. He said as Mayor he has an obligation to the taxpayers of Brick to try and make Traders Cove as cost neutral as possible. He spoke of the many amenities the restaurant will have and noted they are looking for this to be up and running in the summer of 2017. He said this is a great project and something to be proud of it will be jewel of the State and will bring boaters in from around just to see it and noted Chef's International is a great company. He introduced John Jackson, the attorney for Chef's International.

John Jackson thanked the Mayor, Council, Joseph Baumann and Joanne Bergin for their assistance and hard work they put in for making this happen. He spoke about Chef's International and the vetting process and noted Chef's International will be a great partner for Brick Township. He gave a brief history on Chef's International and the integrity of their company. He mentioned the other restaurants they own. He introduced Mr. Bob Cooper, President of Chef's International.

Bob Cooper expressed how excited they are with partnering with Brick Township. He spoke of about their successful project, 9th Avenue Pier in Belmar. He said they hired Melillo and Bauer Associates to design the project. He gave a brief description of the phase 1 and 2 and noted they will employ about 100 people and spoke of the longevity of their employees. He introduced Matt Yeager from Melillo and Bauer Associates

Matt Yeager said he is the project designer on the Traders Cove Restaurant. He gave a brief description of the concept plan. He gave a power point presentation on the site and explained the various amenities.

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President Mummolo opened the public hearing on the Traders Cove Restaurant Presentation.

George Scott, 16 Queen Ann Road, stated his pleasure with the project and questioned if more boats slips would be added.

President Mummolo responded the slips are already there.

Mayor Ducey clarified there are some transient slips and advised they need to have a certain number of them and it will be perfect for the restaurant.

George Scott asked Mr. Cooper if the timeframe for one year was the same as their other restaurant in Belmar and noted there are a lot of things to do to get this underway. He asked how they came to the figure of the \$75,000.00 per year and how the \$75,000.00 minus taxes is going to work.

Mr. Cooper replied they started the project in Belmar in March and opened the restaurant in June. He said this project is more intense as long as the permits are approved one year will be doable and they should open by this time next year.

Joanne Bergin added by looking and doing calculations based on the restaurant in Belmar.

John Jackson replied it is similar to a net/lease where taxes are included.

Kevin Starkey clarified they may be taxes on the improvements, which is up to the tax assessor to determine if there will be taxes on the improvements and what level they would be taxed at. He said if there are taxes they are the Township's obligation.

John Jackson added there is a 2% compound escalation cost every year and starts year two and grows in multiples.

There were no further comments from the audience.

President Mummolo closed the public hearing on the Traders Cove Restaurant Presentation.

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

All Council Members voted AYE on Roll Call.

Recognize Kevin Batzel – 2016 Fire Protection Inspector of the Year

President Mummolo stated this resolution recognizes Township fire inspector Kevin Batzel as the 2016 Fire Protection Inspector of the Year by the New Jersey State Fire Prevention & Protection Association for his contributions to the continued safety and well-being of the residents of Brick Township.

Recognize Richard Orlando – 2015 Fire Prevention Inspector of the Year

President Mummolo stated this resolution recognizes Township fire inspector Rick Orlando who received the John H. Flaherty 2015 Fire Prevention Inspector of the Year Award by the New Jersey State Fire Prevention & Protection Association.

Recognize National Emergency Medical Services Week – May 15-21st

President Mummolo stated this resolution recognizes National Medical Emergency Services Week as May 15-21st honoring the Township's emergency medical services professionals, who serve a vital role in the community.

Authorize Cancellation of Stale Dated Checks – Municipal Court

President Mummolo stated this resolution reconciles the Municipal Court's Bail Account and General Account to cancel outstanding checks totaling \$75.00 and transmit those funds into the Current Fund.

Authorize Receipt of Bids – 2016 Local Roadway Paving & Drainage Program – Northern Cedarcroft

President Mummolo stated this resolution authorizes the receipt of bids for the Northern

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Cedarcroft roadway paving and drainage program. He said the roads included in this plan for a traditional mill and overlay with minor base repairs include North Cherokee Lane (to Tuscaloosa Lane), Shawnee Drive (Cherokee Lane to End), Navaho Trail, Rancocas Drive, Lenape Trail (Shawnee Drive to End) Choctow Lane, Tuscaloosa Lane and Apache Lane (Cherokee Lane to Lenape Trail).

Authorize Receipt of Bids – Roadway Improvements to Isolated Streets

President Mummolo stated this resolution authorizes the receipt of bids for roadway improvements to isolated streets. He said the roadways included in this project are some of the poorest rated within the Township. They are in need of surface pavement treatments and areas of reconstruction; however, they are unique in that they are all isolated. He explained these roads are all in areas where the surrounding roads do not warrant immediate attention. He said all of the roads are slated for design and building; however limited funding will result on a base bid consisting of Firehouse Road, Shore Drive, Plaza Terrace West and Ridge Road with design alternates being given consideration in the order of G Street and Sunset Court.

Authorize Receipt of Bids – Vehicle Repairs

President Mummolo stated this resolution authorizes the receipt of bids for various repairs to township vehicles on an as needed basis.

Authorize Award of Bid – Rental & Laundry of DPW Uniforms, Purchase & Delivery of Shirts and Miscellaneous Shop Supplies

President Mummolo stated this resolution authorizes the award of bid for rental and laundry of DPW uniforms, purchase and delivery of T-shirts and miscellaneous shop supplies to American Wear, Inc, East Orange, NJ and Aramark Uniform Services, Burbank, CA. This award will be for three years commencing on June 1, 2016 and conclude on May 31, 2019.

Authorize Award of Proposal – Fair & Open Process – Planning Service Pool

President Mummolo stated this resolution authorizes award of proposal for planning service pool for general planning, board of adjustment conflict planner and planning board conflict planner. He said this pool is in place in the event these services are needed at some point throughout the year.

Authorize Award of Bid – SummerFest Food Truck

President Mummolo stated this resolution authorizes an award of bid for an additional food truck at Summerfest to RNL Enterprises, Brick, otherwise known as Tacoholics for the sale of tacos and quesadillas at this year's concerts.

Authorize Purchase & Delivery of Day Care/Pre School Playroom Equipment through US Communities National Cooperative

Mayor Ducey said as a Township they offer some awesome early childhood programs. He said it has been said by the teachers in kindergarten and first grade they can tell which kids went through these programs and noted there is a waiting list for these programs so they need to make more room over at Civic Plaza. He said with expanding these programs there is a need for more equipment.

Authorize Rejection of Bids – Fall Harvest Festival Concession Coordinator

Mayor Ducey said originally it was thought they would hire a coordinator to help with the Bricktoberfest event. He said they went out to bid and bids came back higher than expected and they felt this could be done in house. He pointed out the name of this event will be change to Fall Fest and noted the various amenities that will be at this event.

Amend Professional Accountant Services Contract

President Mummolo stated this resolution amends the professional accountant services contract currently in place with Bowman and Company to allow for additional hours as needed to provide temporary assistance in the finance department.

Designate Redeveloper and Authorize Agreement – Waterfront Restaurant at Traders Cove

President Mummolo stated this resolution designates Chef's International as the redeveloper for the Trader's Cove waterfront restaurant and authorizes the agreement between Chef's International and the Township.

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Authorize Execution of Settlement Agreement and Release with Earle Asphalt – 2010 Road Program

Kevin Starkey said he is recommending this settlement of a lawsuit that was filed by Earle Asphalt back in 2014. He said they were seeking the sum of \$85,000.00 which was retainage for roadwork. He said the Township believed the roadwork was not done properly. He explained they counter claimed against Earle and also brought in the bonding company and the engineering group that designed the project. He stated the settlement that Earle has agreed to drop its claim, which leaves the Township with \$85,000.00 in retainage and the design firm has agreed to put \$85,000.00 more into it. He said the end result of this settlement will be \$170,000.00 which the engineer said it was sufficient to fix the roadways to where they should be at no additional costs to the taxpayers.

Authorize Class I Officers to attend Ocean County Police Academy

President Mummolo stated this resolution authorizes Class I officers to attend the Ocean County Police Academy. Our special police officer roster has been expanded as needed to provide security during municipal court and to do bookings, which significantly reduces police overtime and gets the officers back on the road after an arrest.

Authorize Special Events Permit – PC Richard & Son Tent Sale Event

President Mummolo stated this resolution authorizes a special events permit at PC Richard and Son for a tent sale to be held between 9 am and 9:30 pm June 6 – 21st.

Authorize Special Events Permit – Green Cove Marina Family Fun Day

President Mummolo stated this resolution authorizes a special events permit for Green Cove Marina to hold a Family Fun Day from 11 am to 4 pm on Saturday, June 25th.

Authorize Special Events Permit – Jersey Shore Marina Customer Appreciation Event

President Mummolo stated this resolution authorizes the special events permit to Jersey Shore Marina for their customer appreciation event from 8 am to 11 pm on August 13th.

Tax Collector:

Joanne Bergin advised the following:

- Tax Overpayments – 2016 Block 382.33 Lot 23, 45 Courtshire Drive, in the amount of \$281.92; Block 1231 Lot 966, 494 5th Avenue, in the amount of \$327.91.
- Redemption of Tax Sale Certificates – Block 261 Lot 17; Block 340 Lot 76 and Lot 75.
- Cancel Tax Liens and Taxes – Block 245.20 Lot 29 and Block 1025 Lots 5 & 10.
- State Tax Appeal Granted – Block 547 Lot 6 – 451 Brick Boulevard in the amount of \$17,781.19, which is a two-year appeal.

Councilman Fozman questioned if all the special event permits met the criteria from the various departments.

Joanne Bergin responded yes they all have and advised they are happy with the progress at Jersey Shore Marina.

President Mummolo opened the public hearing on the Resolutions.

Nan Coll, 18 Greenbriar Boulevard, stated her pleasure about the progress Jersey Shore Marina has done. She reiterated her request to hold separate caucus and public council meetings. She questioned the resolution on isolated streets.

Mayor Ducey explained some of the reasons for the repairs on these streets.

John Sluka, 950 Sylvia Court, asked for clarification on the resolution for the Traders Cove Restaurant with regards to the \$75,000.00 less tax.

Kevin Starkey clarified the \$75,000.00 is annual and increased by 2 percent each year for the length of the lease; the taxes are a separate category, which are assessed by the assessor if they are applicable just against the structures.

Sam Foster, 108 Teakwood Drive, asked if the Township receives monies for the issuance of a special events permit. He questioned if there was a substantial savings by not having caucus meetings.

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President Mummolo answered there is a fee for the permit and added various Township departments look at the event to make sure there are no codes are being violated. He advised they are not planning to hold caucus meetings.

George Scott, 16 Queen Ann Road, spoke about Kevin Batzel's accomplishment. He stated his pleasure with not going forward with the Fall Festival Coordinator. He said he read the agreements for the redeveloper for the Traders Cove Restaurant and questioned if this becomes an all year round restaurant will it be negotiated with new terms.

Kevin Starkey responded it would be an amendment to what is in place and it would have to be re-negotiated and new terms would have to be discussed.

George Scott spoke on the special liquor license and questioned about the sale of package goods.

President Mummolo advised there will be no package goods sold at the restaurant.

Kevin Starkey added that might have been in the prior version of the agreement and it is not included in the lease.

George Scott asked who will be paying for the change in the CAFRA permit and noted in the agreement it stipulates the lessee will be paying for it and in Exhibit D it says the lessor shall secure the amendment to the CAFRA permit and pay for all the costs.

Joanne Bergin advised the Township will be doing the change. She explained the Township submitted the CAFRA permit for the entire site and at that time we could not solidify that it in its entirety because we did not know what was going to be done on that parcel. She said CAFRA advised us to come back to them with a permit mod and site plan. She noted the costs are nominal for the amendment.

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.

There were no comments from the audience.

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

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

All Council Members voted AYE on Roll Call, except:
Councilman Fozman ABSTAINED on BTMUA

2016 Computer Bill Resolution in the amount of \$4,536,294.23

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 Councilwoman deJong and seconded by Councilwoman Crate to adopt the following Resolution:

All Council Members voted AYE on Roll Call.

2016 Manual Bill Resolution in the amount of \$3,034,680.50

Ordinance on First Reading: Amend Chapter 437 – Towers and Wreckers

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

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President Mummolo said this ordinance came out of the Public Safety Committee. He said in November, the Police Department held a meeting with all of the Township towers to get their input about updating the ordinance for Towers and Wreckers, Chapter 437. He said research was brought to the meeting about surrounding towns' fees and conditions. The current ordinance has not been updated since 2007. The fees and conditions in this ordinance have not changed in the past nine years; and an update is needed to ensure the fees are fair for the public and the tow companies and the proposed changes are in line with surrounding town's fees.

Motion by Councilwoman deJong and seconded by Councilman Halloran 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.

AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE CHAPTER 437 ENTITLED "TOWERS AND WRECKERS"

President Mummolo opened the public hearing portion of the meeting.

Sam Foster, 108 Teakwood Drive, spoke about his neighbor's large pile of brush at the curb that has been there for quite some time. He questioned the policy in the township when political lawn signs can be put up.

Councilman Fozman asked for the address and advised he will take care of it.

Kevin Starkey advised political lawn signs may be put up 30 days before an election

Sam Foster questioned how the food trucks are regulated in town and if there is a limit.

Clerk Iannarone advised the limit is seven mobile food vendors. She pointed out veterans are exempt from the limitation.

Karyn Cusanelli, 113 Duchess Lane, gave a brief history about former Michael Malpass and his art exhibit that was held at Monmouth University. She said he was a Sculptor and a Brick resident. She asked if the council would be interested in honoring his legacy and mentioned she would help to facilitate this request.

John Sluka, 950 Sylvia Court, read his letter regarding the parking construction project. He advised the trees that were planted at the site are now dying.

Mayor Ducey advised he did hear back from the Turnpike Authority and he was told it was the Evergreen Woods landscaper that picked the type of trees for that site. He advised the attorney for Evergreen Woods is looking into guidance for the dying trees whether or not they can be taken down or to leave them there so the "Authority" will know how many dead ones there are.

Steve Brill, 806 Jenny Court, spoke about the water drainage issue at Bernie Cooke Park and mentioned he contacted the Mosquito Control about the standing water.

Michele Spector, 808 Jenny Court, also spoke about the dying trees at Evergreen Woods and mentioned they were not planted correctly and they are not being watered. She mentioned the documentary they are working on about the issues at Evergreen Woods.

Nan Coll, 18 Greenbriar Boulevard, spoke about the removal of trees in her neighborhood.

There were no further comments.

President Mummolo closed the public hearing portion of the meeting.

Mayor Ducey congratulated the Brick Township EMS on their 10th Anniversary. He mentioned he received a call from Mr. Thompson of Mermaid Marina complimenting the EMS, Public Works and Police Department for a clean-up of an accident that occurred in front of his marina and also mentioned another call he received from a resident complimenting the Township dispatch and

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police personnel that assisted him. He spoke about the Police Unity Tour that stopped by on the bicycles on May 9th to recognizing the fallen officers. He mentioned the pink ribbons around town hall for Meridian's Paint the Town Pink Campaign for breast cancer awareness. He advised Relay for Life is Friday at Brick Township High School and noted so far the Mayor's Miracle Marchers have raised over \$5,000.00 to date and mentioned special guest Todd Durkin from the TV Show "Strong" will be at Relay for Life – he is a graduate from Brick Township High School Class of 1989. He said he attended the Brick Township Historical Society Installation Dinner and noted it is their 40th Anniversary and attended the Brick Women's Club – 70th Anniversary Luncheon. He also mentioned both of the clubs are always looking for new members and mentioned the great charity work both of the organizations perform. He said he attended the Neighborhood Watch Meeting at Evergreen Woods. He spoke about the many other events he attended and mentioned the upcoming events in town.

Councilman Halloran congratulated the students of the month. He said he was honored to present the resolution this evening to Kevin Batzel and congratulated him along with Richard Orlando. He mentioned some of the events he has attended. He stated he is excited about the Traders Cove Restaurant. He said he attended the Barrier Island Neighborhood Flood Plain Management and Hazard Mitigation Plan presentation and what a great presentation done by Dave Roberts from Maser along with Tara Paxton and Michael Fowler. He said the presentation gave a lot of information specifically on helping reduce the risks of these climate events that they are experiencing and to create a more resilient environment out on the barrier island. He gave out the hotline number and email address for the building department for residents to call for permit updates. He wished everyone a happy and safe Memorial Day.

Councilwoman deJong gave the information on the Brick Garden Club's Secret Gardens of Brick Tour on July 12th and mentioned what a great tour it is. She wished everyone a happy and safe Memorial Day.

Councilwoman Crate congratulated the students of the month along with Kevin Batzel and Richard Orlando on their honors. She said she is looking forward to going to the Relay for Life Event on Friday and mentioned Saturday is the opening of the Brick Farmer's Market. She wished everyone a happy Memorial Day.

Councilman Fozman congratulated the students of the month along with Kevin Batzel and Rick Orlando. He thanked the Mayor, Administration and the Redevelopment Committee for working on the waterfront restaurant at Traders Cove and stated his pleasure with the project. He spoke about recycling and urged residents not to put plastic bags in the recycling can. He said he spoke about the Neighborhood Watch at the Senior Advisory Meeting. He mentioned if you see something wrong and need to report it you need to call the police department at 732-262-1100. He spoke of the upcoming Neighborhood Watch meetings. He spoke about the bike patrol at Maple Leaf and Herbertsville Park. He urged residents that go to the Farmer's Market to bring a recyclable bag and try not to use the plastic bags.

President Mummolo congratulated students of the month along with Kevin Batzel, Richard Orlando and all the EMS personnel for all their hard work. He thanked John Jackson, Mr. Cooper from Chef's International and Matt Yeager for their presentation on the Traders Cove Restaurant. He said he attended the Senior Citizen Prom and congratulated the King and Queen of the Prom, Vera and Lenny. He said also there was a resident at the prom that turned 101 and was honored to present her a proclamation on behalf of Mayor Ducey. He wished everyone a happy Memorial Day.

Motion by Councilwoman deJong and seconded by Councilman Halloran to Adjourn the meeting at 9:22 p.m.

All Council Members voted AYE.

Paul Mummolo
Council President

Lynnette A. Iannarone
Township Clerk