

February 7, 2017

A Caucus/Public meeting of the Township Council was held in the Municipal Building at 7:00 p.m. and was called to order at 7:05 p.m.

Present

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

Also Present

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

Clerk Iannarone announced adequate notice of this meeting was provided and published in Asbury Park Press on January 13, 2017. 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.

Motion by Councilwoman Pontoriero and seconded by Vice President Zapcic to dispense with the reading of the minutes of December 20th and December 30, 2016 meetings and approve the same.

All Council Members voted AYE on Roll Call, except:
Councilwoman Crate and President Halloran ABSTAINED on December 30th because they were absent.

Sustainable Brick Township – Silver Certification

Mayor Ducey along with President Halloran recognized the Sustainable Brick Township Committee for receiving the Silver Certification. Mayor Ducey presented certificates of commendation to the committee. He said the Sustainable Brick Group has achieved the Silver Certificate, which is the highest in the State.

Tara Paxton said on behalf of John Hyfantis he was the driving force behind leading all of them toward reaching the Silver Certification. She said this certification could not have been achieved without the efforts of all of the groups that contribute to Sustainability in the Township of Brick that run their own programs from Recreation, Public Works, Land Use & Engineering Departments, Senior Services, Wellness Program and the Buy-In Brick Program. She said without these great programs they would not have achieved the distinction of the “Silver”.

Mayor Ducey presented the proclamation and proclaimed Wednesday, February 8, 2017 Sustainable Brick Township Day.

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

All Council Members voted AYE on Roll Call.

Authorize Emergency Temporary Appropriations

President Halloran stated this resolution allows them to establish line item department budgets as needed until the adoption of the budget.

Authorize New Jersey Green Acres Application – 2017 Multi-Park Redevelopment Project

President Halloran stated this resolution authorizes the submission of a grant application to the NJDEP Green Acres Program for a multi park development project that includes renovations at Bayside Park, Bernie Cook Memorial Park and Hank Waltonowski Memorial Park. He said the Township is requesting \$2.1 million in funds towards the cost of these projects.

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

President Halloran stated this resolution authorizes the execution of a shared services agreement with the Ocean County Sheriff's Office for the FY17 Child Restraint Program Grant. He explained the Child Restraint Grant Program is run by the Ocean County Sheriff's Office for

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the purpose of inspecting and installing child restraints in vehicles. This grant allows the Police Department to designate officers to become certified Child Passenger Safety Technicians to conduct child restraint inspections. He said the County offers the certification training and will offset a portion of the salary of those officers who complete the training.

Authorize Receipt of Bids – Hank Waltonowski Memorial Park Improvements

Mayor Ducey said the project estimate for this park is \$1.1M and includes a complete redevelopment of the playground to provide one area for 2-5 year olds and another area for 6-12 year olds and in addition there will be pour and play safety surfacing, state of the art basketball courts, baseball/softball field, gazebo for shade and security cameras and new lighting fixtures.

Authorize Receipt of Bids – Manufacture and Printing of Tax Bills

President Halloran stated this resolution authorizes the receipt of bids for the manufacturing and printing of the 2017 final and 2018 preliminary tax bills.

Authorize Receipt of Bids – Uniforms for Various Departments

President Halloran stated this resolution authorizes the receipt of bids for recreation uniforms for various programs including recreation basketball leagues, softball leagues, Summerfest, lifeguard and summer camp counselor T-shirts. He noted the current two-year contract with Dot Designing will expire on April 26, 2017.

Authorize Award of Contract – Entertainment & Production Services – 2017 Summerfest Program

Mayor Ducey explained this resolution awards a contract to La Guardia Associates, Cedar Grove, in the amount of \$30,250.00 for entertainment and production services to the Township for the 2017 Summerfest Program. He announced the dates and the various bands that will be performing.

Authorize Mayor to enter into fair and open professional services contract for Labor Counsel

President Halloran stated this resolution awards a contract for Labor Counsel to Rainone Coughlin and Minchello of Woodbridge. He said 16 bids were received – all firms submitted for an hourly rate of \$165. He advised Mr. Rainone has been serving as the Township's labor counsel for the past two years. He said these bids were reviewed by the Purchasing Agent for compliance with the bid specifications, and those that met all of the requirements were provided to the appropriate department or division head for review and recommendation.

Authorize Award of Alternative Process Contract - Aegis Public Safety Software Suite for Police Department

President Halloran stated this resolution authorizes the award of contract in the amount of \$147,027.00 to Tyler Technologies, Troy Michigan to provide Decision Support Software Module including implementation and training services for the Police Aegis CAD system. He advised the software provided to the Police Department is proprietary and not available for purchase through other companies.

Authorize Addition to Alternate Prosecutor Pool

President Halloran stated this resolution adds Robert A. Rothstein of the firm of Rothstein, Mandell, Strohm Halm & Kurs be added to the Alternate Prosecutor Pool.

Authorize Addition to Legal Services Pool

President Halloran stated this resolution adds the firm of King, Kitrick, Jackson & McWeeney to the Professional Legal Services Pool.

Accept Weiner Law Group, LLP Name Change – Legal Services Pool

President Halloran stated this resolution accepts a name change for a firm on the Township Legal Services Pool from Weiner Lesniak LLP to Weiner Law Group, LLP.

Amend Resolution #28-17 – Code Enforcement Prosecutor

President Halloran stated this resolution amends a previous resolution to the contract for Code Enforcement Prosecutor awarded to Eric D. Brophy of Diegnan & Brophy to a rate not to exceed \$400 per court session. He advised a previous resolution indicated the contract would stipulate a per hour fee; that was incorrect and is being modified.

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Retain Planning Services from Department of Community Affairs for Bicycle & Pedestrian Master Plan

Councilwoman deJong explained the State of New Jersey Department of Community Affairs Office of Local Planning Services provides planning services to eligible municipalities at no cost. She said they have asked for their assistance in developing a bicycle and pedestrian master plan and this resolution confirms the scope of services that will be done as part of the development of this plan. She said this will help the Township become part of the Complete Streets Program. She said they want to make the roads safer for bicycles and for pedestrians.

Authorize Person-to Person Transfer of Plenary Retail Consumption Liquor License - Joe's Crab Shack

President Halloran stated this resolution confirms a person-to-person transfer of a plenary retail consumption liquor license owned by Crab Addison, Inc. trading as Joe's Crab Shack.

Authorize Appointments to the Sustainable Brick Township Committee

President Halloran stated the Township authorizes appointments to the Sustainable Brick Committee, who advise the Township Council on ways to improve municipal operations with "Green" initiatives which are economically and environmentally sound. He announced the following members that are appointed: Mayor John Ducey Designee Robert Czekaj, Council President Designee Heather deJong, Mike Fowler, Glenn Campbell, Steven Specht, Dennis Filippone, Sharon Ercoliani, Brian Mirsky, John Hyfantis, Gary Szymanski, Paul Kurtz, Joseph Lamb, and Kelly Romanowski.

Authorize Appointment to the Property Maintenance Board

President Halloran stated this resolution appoints Edward Buecker as a regular member of the Township's Property Maintenance Board for an unexpired term effective February 7, 2017 and expiring December 31, 2017.

Bond Releases/Reductions:

Clerk Iannarone advised the following:

- Performance Bond Reduction – 135 Brick Blvd, LLC – Off Brick Blvd a bond reduction of \$984,447.59 and a cash performance bond in the amount of \$109,383.07.
- Performance Bond Reduction – 2086 Route 88, LLC – Off Route 88 a bond reduction in the amount of \$54,196.96 and a cash performance bond in the amount of \$12,229.73.
- Performance Bond Release – Joe's Crab Shack – Brick Plaza a bond reduction in the amount of \$68,301.95 and a cash performance bond in the amount of \$34,150.99.
- Performance Bond & Inspection Fund Release – Belle Theobald – Off Jordan Rd. a cash performance bond in the amount of \$12,885.60 and the engineering inspection fund in the amount of \$1,415.88.

Tax Collector:

Joanne Bergin advised the following:

- Veteran Deduction Granted – 2016 in the amount of \$250.00.
- Tax Overpayments – 2008 Block 211.22 Lot 7 in the amount of \$1,662.11.
- Tax Overpayments – 2016 Block 494 Lot 15 in the amount of \$1,298.29.
- Redemption of Tax Sale Certificates for three properties.

Authorize Special Events Permit – Cancer Fundraiser.

President Halloran stated this resolution authorizes a special events permit for a Cancer Fundraiser at the Brick PAL Building on Sunday, February 19th from 1pm to 6pm.

President Halloran opened the public hearing on the Resolutions.

Vic Fanelli, 24 Meadow Point Drive, questioned the reason for doing the Emergency Temporary Appropriations resolution.

Joanne Bergin responded once they establish the temporary budget then they have to do the temporary appropriations which by statute municipalities should do until they adopt the budget. She noted the resolution is just 40 percent less than half and this will make sure they have funds in place until the budget hearing.

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George Scott, 16 Queen Ann Road, stated his concerns with the word loan on the Green Acres Grant application; he questioned where the inspections are done for the child restraint program; he asked for clarification on several other resolutions.

Joanne Bergin replied the Green Acres Program requires that they request the funds the way we are requesting them. She said they do not give only grants; anything they fund they will give you grant in portion and other portion would be a loan; it is always a shared combination of grant and loan. She said they look at the Green Acres money that would come in to help offset the costs and noted they are committed to these projects. She advised the council will fully fund these projects through bond ordinances and noted Green Acres only reimburses you whether it is a loan or grant after you have done the project and submitted invoices, etc. She advised the EMT's will be handling the child restraint program in which they are trained with a schedule of days for inspections.

Steven Brill, 806 Jenny Court, asked how much yearly additional costs will there be for the parks and will there be a need to hire additional personnel to maintain the parks.

Joanne Bergin replied the ongoing maintenance costs for each project will vary per park. She advised they are maintaining them now so it is not new to the roster; it is not a new cost, but what you have to do to maintain it may change based on the new amenities that are put there.

There were no further comments from the audience.

President Halloran closed the public hearing on the Resolutions.

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

Councilman Mummolo said there are two bills one for ARH Associates and the other for CME for two roads projects each and asked to be brought up to date on these projects.

Mayor Ducey said the two road projects for ARH are a paving and drainage project on Midstreams/Carroll Fox Road, and roadway work in Seaview Meadows. The Midstreams project is traditional mill and overlay with minor base improvements and drainage modification and the roads include Carroll Fox Road and Hunters Road. The Seaview Meadows project is traditional mill and overlay with minor base improvements at drainage modifications and he named the streets. He added ARH is also completing the design of the Lake Riviera Phase II project which includes traditional mill and overlay with minor base improvements at drainage modifications and he named the streets. He said regarding CME the Heritage Hill roadway improvement project is for roadway resurfacing and drainage upgrades and he named the street. He also named the Laurel Crest roadway improvement project streets.

Councilman Mummolo asked to be brought up to date with the Maser project for three roads.

Mayor Ducey said the first project is the resurfacing of Tunes Brook Drive. The Normandy Beach roadway repairs and reconstruction project is complete and included reconstruction of portions of Normandy Beach that were destroyed and or damaged during Hurricane Sandy. He said the damage included collapsed roadways, broken pavement, broken curb and sidewalk, and damaged drainage systems and he named the various streets. He said Village Way is in the Midstreams neighborhood and includes roadway base repair, drainage upgrades and resurfacing.

Councilwoman deJong said there is a bill for Barlo & Governale for Drum Point Sports Complex storage building and asked for an update on this project and questioned the ASCAP expenditure

Mayor Ducey said there plans are to construct a storage building for the parks department vehicles at Drum Point. He said they needed County approval first because of an existing easement and they received it. He explained because of two existing water lines and a sewer line in the vicinity, they needed to do test pits. Those have been done and resulted in a 50 x 95 building, which is smaller than originally proposed but certainly still adequate for their needs. He advised Barlo is working on the architectural footprint and site plan.

President Halloran advised ASCAP expenditure is for royalties paid to artist for using their music.

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Councilwoman Crate said there is a bill for CDW Government for a craigslist camera and asked what this is.

Mayor Ducey said once the camera installation is complete, the safety officer will identify an area to relocate the existing handicapped parking spots. He said once those have been relocated, the area will be designated an "Internet Safe Zone" for people to drop off/pick up merchandise that was purchased/sold online – a "safety zone" and there will be signage for these locations and it will be monitored. He said they hope to get this done by spring.

George Scott, 16 Queen Ann Road, asked questions on several bill items for clarification and explanations. He spoke about the bill for consulting services for Scott Pezarras.

Joanne Bergin gave him an explanation of each.

Kevin Starkey gave him an explanation on the attorney bill items and explained the reasons for the Scott Pezarras bill item.

Vic Fanelli, 24 Meadow Point Drive, spoke about the compensation for Scott Pezarras.

There were no further comments from the audience.

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

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

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

2017 Computer Bill Resolution in the amount of \$20,726,325.31

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

There were no comments from the audience.

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

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

All Council Members voted AYE on Roll Call.

2017 Manual Bill Resolution in the amount of \$1,603,654.36

Ordinance on Second Reading: Amend Chapter 245 – Land Use – Temporary Sleeping Quarters

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

President Halloran explained his Ordinance will extend permission for places of assemblies to provide temporary encampment accessory use so that volunteers coming in from out of state to assist with rebuilding efforts can be housed in local churches.

President Halloran opened the public hearing on the Ordinance.

There were no comments from the audience.

President Halloran closed the public hearing on the Ordinance.

Motion by Vice President Zapcic and seconded by Councilwoman deJong 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.

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**AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN,
STATE OF NEW JERSEY AMENDING SECTION 245-296M.(1)(d) OF THE
CODE OF THE TOWNSHIP OF BRICK**

Ordinance on Second Reading: Authorize Street Vacation – Meryl Lane

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

President Halloran said Meryl Lane is off Robbins Street off Princeton Avenue. He stated this subdivision was approved by the zoning board years ago and there is an application pending before the Planning Board to add to the lot sizes. There are five lots there now. He said the neighbors want to vacate Meryl Lane and subdivide to split the properties between the two neighboring owners. If they get the subdivision approved, the property owners pooled their money to purchase the property in the rear to prevent it from being built upon. He said they are proposing a subdivision that will extend their lot lines toward the water. Secondly, they are requesting a vacation of Meryl Lane. If the Planning Board approves it, prior to the resolution of compliance, the Township could vacate the paper street so the filed maps would reflect both the subdivision and the street vacation. He noted this request has been reviewed by the Land Use Committee and recommended for Council consideration. He noted there is no monetary value to this street vacation. He explained when a parcel of land is “dedicated” to the township, county, state, etc. as a roadway; it is on loan for public access - not conveyed in perpetuity. When the township “vacates” its claim to the land, it merely releases the municipality’s right to continue to use it for public access. That is why a deed from the town is not necessary for a street vacation. He added based on the 1999 filed map of the specific area in question, land use law dictates a 50/50 split between the two adjacent neighbors. The roadway area is not an asset of the township and could not be sold, so technically it has no market value to the township. He said from another standpoint, the “stand alone” lot which would result is only 50’ wide in an R75 zone, so it would need a variance to be considered buildable – without that, it would only be of value to the adjacent property owners. He advised the purchase of the land behind these parcels, and its subsequent subdivision, will increase the assessments of everyone involved. Those homes are currently assessed as river “views” not “riverfront” because they do not have any water rights associated with the property. Once they purchase and subdivide, those homes will be considered waterfront parcels and their assessment will be adjusted accordingly.

President Halloran opened the public hearing on the Ordinance.

George Scott, 16 Queen Ann Road, questioned if there was an estimate on how much more the assessments and taxes would be for these properties and added the assessment should go up considerably.

Joanne Bergin said there is no advance guesstimate on what the assessment and taxes would be at this time.

Councilman Mummolo advised the assessment will also take into consideration that wetlands are involved which is treated differently by the tax office because some of it is not usable land.

There were no further comments from the audience.

President Halloran closed the public hearing on the Ordinance.

Motion by Councilman Mummolo and seconded by Councilwoman deJong 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 VACATING MERYL LANE**

President Halloran opened the public hearing portion of the meeting.

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

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Vic Fanelli, 24 Meadow Point Drive spoke about the ongoing budget appropriation transfers.

Evelyn Zucker, 112 Harding Drive, spoke of the vacant house on 110 Harding Drive that is in disrepair and the yard is a mess with a pool liner laying on the ground collecting rain water, which breeds mosquitoes in the summer. She advised they cannot use their back yard in the summertime. She advised the bank will do nothing to clean up this property. She said she called Code Enforcement, but has not heard from them.

Mayor Ducey said this is the first time they are hearing about this property and advised they will have Code Enforcement go out to the property.

George Scott, 16 Queen Ann Road, asked about the green trucks that are parked at the former Foodtown site and questioned if the Township is receiving rent from this company and how much; he spoke on the cost of going out to re-bid and remarked on Scott Pezarras' involvement.

Joanne Bergin advised they are not receiving rent they have a mutual agreement with the company they provide a service.

Mayor Ducey said it is a barter system the company gets the parking spots and they provide a service for us with the cutting of trees.

Joanne Bergin advised they have list of trees that need to be maintained and they give them the list and they supervise the work and noted they are happy with the agreement.

Steven Brill, 806 Jenny Court, said he is concerned that the water supply from the MUA had lead contamination per a NJDEP report dated July 15th.

Councilman Fozman responded there was lead in the copper pipes in the houses that were built back in 1987 and the water going into the homes was fine, it was the lead joints were leaking lead and that issue has been corrected and noted they annually check those homes. He advised anyone can bring in their water to be tested. The MUA water is not contaminated and advised Mr. Brill that he can address any concerns at a MUA meeting and noted the upcoming meeting date.

There were no further comments from the audience.

President Halloran closed the public hearing portion of the meeting.

Mayor Ducey gave an update on the HARP Program and advised to date 30 people took part in the program. He advised the upcoming Sandy Recovery Workshop dates at the Brick Library and advised the Township will be hosting a DCA Meeting with RREM for residents that were scammed by contractors on February 16th. He noted the Building Department extended hours on the third Wednesday of each month. He announced upcoming events and events that he has attended.

Councilwoman Pontoriero spoke about someone she was able to help get into the HARP Program. She announced Senior Services is holding two dates for tax assistance and gave information on where to call for an appointment.

Councilman Mummolo congratulated Sustainable Brick Township on the Silver Certification.

Councilwoman deJong congratulated the "Green Team" and advised she is looking forward to working with the committee this year as council liaison.

Councilman Fozman advised the MUA water is safe and urged residents to attend their meetings. He spoke about the Neighborhood Watch Meetings and reminded residents not to put plastic bags in the recycling can.

Vice President Zapcic congratulated the "Green Team" on the Silver Certification. She said she attended the Brick Dragons Football and Cheer Banquet along with the Mayor and

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congratulated them. She spoke about the cancer fundraiser special event to be held on February 16th at the Brick PAL Building.

President Halloran also congratulated and thanked the Sustainable Brick Township team on their dedication and help being bestowed the Silver Certification.

Motion by Vice President Zapcic and seconded by Councilwoman deJong to Adjourn the meeting at 9:17 p.m.

All Council Members voted AYE.

Arthur Halloran
Council President

Lynnette A. Iannarone
Township Clerk