

March 21, 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 7:01 p.m.

Present

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

Absent

Councilwoman Marianna Pontoriero

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](http://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 February 2017.

Motion by Vice President Zapcic and seconded by Councilwoman deJong to dispense with the reading of the minutes of February 21, 2017 meeting and approve the same.

All Council Members voted AYE on Roll Call.

**Students of the Month**

Mayor Ducey, President Halloran along with Councilwoman Crate recognized the Students of the Month for February 2017. Councilwoman Crate named the Brick Township High School Students of the Month and presented certificates to: Jennifer Flores, Caileigh Christopher, Daniel Venezia and Fermin Carcano. She also named and presented certificates to Brick Memorial High School Students of the Month: Mariana Lopes, Shea Hueston, Calista Coan, Lauren Pender, Louis Nazzaro, Willie Garner, Michael Sherrier and Kylie Munoz.

**National Pre-Teen Cover Girl – Lauren Zycband**

Mayor Ducey, President Halloran along with Councilwoman deJong recognized Lauren Zycband. Mayor Ducey said Lauren is a 7<sup>th</sup> grade student at Veteran's Memorial Middle School. He said Lauren enjoys performing in school productions as a member of the Drama Club and she has enjoyed dance for past ten years and is a member of a competition dance team. He said Lauren has also played soccer for the last ten years. He said for the past four years Lauren has competed in the National American Miss New Jersey Pageant and in August 2016 she was crowned National American Miss New Jersey Pre-Teen Cover Girl. He presented her with a proclamation and proclaimed Wednesday, March 22, 2017 Lauren Zycband Day.

Councilwoman deJong presented a certificate of commendation to Lauren Zycband on behalf of the Township Council.

**New Jersey Recreation & Parks Association Agency Showcase Award – Ed Moroney**

Mayor Ducey and President Halloran recognized Ed Moroney as recipient of the New Jersey Recreation & Parks Association Agency Showcase Award. Mayor Ducey said the Township of Brick is fortunate to have many loyal and dedicated individuals work each day to improve the quality of life for its residents and Ed Moroney has been an employee of the Township since October 1999 and currently serves as the Public Information Officer. He said Ed was recently bestowed with an agency showcase award for his design of the recreation department program by the New Jersey Recreation & Parks Association. He presented him with a proclamation and proclaimed Saturday, March 25, 2017 Ed Moroney Day.

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**Ordinance on First Reading: CAP Rate Index Ordinance**

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

President Halloran explained this allows the Township to establish a cap bank for future use. The ordinance allows for increases to budget appropriations, and allows the township to bank any unused monetary room. 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 for the next two succeeding years. He said by having a cap bank, they have appropriation room to handle disasters. The ordinance is simply precautionary. 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 they are not generating cash, they are creating the ability to raise money should they need it and if the funds are not needed in the succeeding two years the bank simply is dissolved.

Motion by Councilman Mummolo and seconded by Councilwoman deJong 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 2017 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

**Ordinance on First Reading: Amend Chapter 110 – Beach Hours**

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

President Halloran explained the ordinance amendment is the result of requests from beachgoers. The changes the beach hours from 8:30 am to 4:30 pm to 9:30 am to 5:30 pm. Feedback they have consistently received from beachgoers is that 4:30 was a little early to close the beaches. He said fewer people are out in the ocean swimming at 8:30 than at 4:30, so it makes sense to push the schedule back one hour.

Motion by Vice President Zapcic and seconded by Councilman Mummolo 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 TOWNSHIP CODE CHAPTER 110-15 TO SET HOURS FOR BATHING AT TOWNSHIP BEACHES**

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

All Council Members voted AYE on Roll Call.

**Introduction of the 2017 Municipal Budget**

Mayor Ducey said his first year as Mayor in 2014 they did not have an Inspection Department, only had 129 police officers, a smaller DPW, the BMAC Program was disbanded and spending was through the roof having increased 28 percent over the previous four years. He said they now have an Inspection Department, 136 police officers, a larger DPW and have BMAC – these are all services that people use on a daily basis in the Township. He said they also have three brand new parks, \$10M worth of new roads, two more new parks on the way, a new police fleet, new trucks and equipment over at DPW and all of this with only a 1.9 percent increase in spending over three years plus this year four years total. He said this is all culminating with this year's first – since at least 1992 tax cut - that's as far back as the records go – there has not been a tax cut in Brick Township since at least 1992. He said there have been years where it has been stable with a zero raise, but no tax cut at all until 2017. He said with this the debt is down over \$17M since he took over in 2014 and they have the highest surplus in history which equates to the highest financial ratings from both Moody's and Standard & Poors that they ever had in history of the Township. He said this is due to all the hard work of the department heads, business administrator, staff and the Township Council.

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**Budget Presentation: Elissa Commins – Division of Engineering**

Elissa Commins, Township Engineer, explained that the primary functions of the Division of Engineering is to establish and maintain public infrastructure and coordinate quasi-public and private development within and adjacent to the Township with that same infrastructure. Engineering handles aspects of the physical development of a property from plan review to field inspection. Additionally, Engineering is responsible for compliance and enforcement of NJDEP rules and regulations with respect to local development, including but not limited to the Coastal Area Facilities Review Act or CAFRA, Freshwater Wetland Regulation, Storm Water Management, Flood Hazard Areas, Dredging and Sediment Technology and Solid & Hazardous Waste. The Township Engineer is also the designated Flood Plain Manager responsible for compliance with the rules and requirements of the National Flood Insurance Program and the Storm Water Coordinator as required by the NJDEP. There is an enforcement aspect to the Division of Engineering that may issue violation notices and summons to those in violation of the Township's Code. She said most of the day-to-day operation of the Division of Engineering involves interaction with the public including homeowners, business people, contractors and licensed professionals. She said the greatest efforts and goals moving into 2016 include: advancing the Township's application into the Community Rating System (CRS) for discounted flood insurance premiums; assisting residents who are continuing to rebuild, elevate and recover from Sandy and those residents scheduled to be newly remapped into a flood zone; maximizing the capital funds available to the greatest extent practical in order to complete necessary repairs and perform preventative maintenance to the Township's infrastructure; and utilize the permit and project software to improve efficiency and minimize delay.

She explained Engineering currently employs six full time employees, one part time employee and has one seasonal employee. The seasonal employee will soon be graduating NJIT and works through his summer and winter breaks. The Engineer's salary and wage budget for 2017 is \$178,000.00 which represents no increase from last year. This is a direct result of the efforts to appropriate charge escrow accounts and capital projects to offset staffing costs. She said the operating budget request is \$107,200.00, which is a 2.5 percent decrease from 2016 which is due to the ongoing evaluation of the actual costs of the various membership dues associated with the staff's licenses and certifications, as well as a reduction in outsourcing daily operations and tasks. The majority of the Engineering operating budget requested is in Expert Services. This is money that the department reserves to pay engineers, architects or other professionals for services that cannot be capitalized, such as flood mapping appeals, ADA compliance consultation and general traffic consultations. If services are not required, these monies are not spent. She said the overtime budget request for 2017 is \$40,000.00, which is a \$20,000 increase from last year. Overtime is necessary due to the volume of construction being done in the Township and the completion of escrow inspections that are completed outside of normal operating hours. She said the Engineering staff has always done a great job in limiting the overtime hours worked to projects that can be charged directly for the associated cost, such as capital projects or inspections associated with developers' escrow accounts. These chargebacks to the operating budget are reflected in the actual Salary and Wage line items and not shown as an offset to the overtime line items. Due to the divisions' ability to charge projects and collect permit application fees, the operating budgets reflect decreases in salaries, and reductions in operating cost. She thanked the Mayor and Council for their support and their active participation in all the projects and initiatives.

**Budget Presentation: Michael Fowler – Division of Land Use**

Michael Fowler, Municipal Planner, explained The Division of Land Use consists of the Planning Board, Zoning Board, Zoning Office, GIS Mapping, Grant Management and General Land Use Planning. He explained the Planning Board acts on development applications involving the subdivision of land or site plans for permitted uses. The Board Secretary processes the applications from beginning to end. As part of our efforts to streamline staff, they had one Board Secretary for both the Zoning and Planning Boards since last year. Christine Papa is retiring the end of April and Pam O'Neil will be her replacement. He explained the Zoning Board of Adjustment can also act on applications involving subdivisions and site plans, the same as the Planning Board. He said however, the Zoning Board acts primarily on variances involving individual residential lots that are undersized or proposed structures that don't meet the height or setback requirements. The Zoning Board also hears matters involving uses that are not permitted in a particular Zone. He explained the Zoning Office processes applications for development that may or may not have required a Board approval. Zoning applications can range from a request to build a 90 sq. ft. shed to the development of a major shopping center. The Zoning Officer looks for consistency with Board approvals or the Zoning Code. He

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explained the GIS specialist works closely with the BTMUA and the Township's Consulting Surveyor to keep the Township's Computer Mapping current. He also makes the annual revisions to the tax map sheets and creates maps for various departments, such as Police and Recreation, working most closely with the mapping needs for Land Use and Engineering. He explained the Planner and Assistant Planner serve as the professionals to both the Zoning and Planning Boards providing reports and attending the meetings. The Planners manage the Land Use Division, serve on various township committees, prepare Master Plans, Redevelopment Plans, the Affordable Housing Plan, update the Land Use Ordinance, manage and coordinate most township grants, deal regularly with the development community and as of the end of 2015, they have taken on the administration of the Township's CDBG Program. The in-house Administration of the CDBG Program results in a combination of savings to the Township and an increase of availability of funds to the public of approximately \$100,000.00. In addition, overall grant administration was taken fully in house last year, resulting in a savings of approximately \$50,000.00. He said the Land Use Division has continued to work hand-in-hand with the Divisions of Engineering and Building to ensure the Township's participation in the NFIP's Community Rating System (CRS) program in 2016. Through the implementation of improved Engineering and Building inspection procedures and record keeping for properties within a Special Flood Hazard Area and exhaustive research and documentation by the Township Engineer and her staff, the Township received a Letter of Good Standing from FEMA on August 11th, recognizing Brick as being NFIP compliant. Being NFIP compliant, made the Township eligible for Application to the CRS, Community Rating System Program where Flood Insurance savings to the residents could be realized. He said application was immediately made to the CRS Program and formal review of the application occurred in October and November and the Township was accepted into the Program in December at a Class 6 rating. He said the result will be a 20 percent savings on eligible flood insurance policies for Brick residents beginning in May of 2017. FEMA has estimated the total annual savings on Flood Insurance at a little over \$670,000.00. The Land Use staff managed three planning firms as they prepared eleven reports and studies under the NJ Department of Community Affairs Strategic Recovery Planning Report (SRPR) Post Sandy Planning Grant Phase II Project. The Grant was \$470,000.00. These reports and studies were adopted by the Township Planning Board and/or Council in 2016 and were included in the Township's Application to the CRS Program adding a significant number of points to the scoring of the application. He said they have worked over the past three years to make rebuilding and recovery easier for residents – adopted new height and setback ordinances, revising application and permitting processes and will continue to re-evaluate processes to make them more user friendly. He said the planning staff continues to work towards obtaining grant funding and implementing projects. He said they received millions of dollars in the past few years in grant funds to improve park facilities. He said they just completed and received reimbursement for the 2016 \$1.1 Million Grant from the Green Acres Program for a multi-purpose park improvement project assisting in the Mayor's initiative to update neighborhood parks. He said this funded Herbertsville Park, Lake Riviera Park and Angela Hibbard Parks. The National Boating Infrastructure Grant of \$877,000.00 is nearing completion at Traders Cove. The USDA Farmers Market Grant was completed in 2016 for a total 2 year grant of \$40,000.00. He said the most recent notable grant award was the Department of Justice Body Worn Camera grant that they are assisting the Police Department with for \$112,500.00. He said they have assisted in the completion of the Recreational Opportunity for Individuals with Disabilities Grant (ROID) for the winter camp at Recreation. He said they are awaiting award notice for a Teen Center Grant for \$20,000.00 and another Multi-Park Development grant from Green Acres to include Birchwood, Bayside and Bernie Cook Parks for \$2.2 Million. He explained they have eight full time employees and one seasonal with eleven Planning Board members and nine Zoning Board members. The number of full time employees will be reduced to seven as of May 1<sup>st</sup> with the Board Secretary's retirement. He explained the Land Use budget for salary and wages decreased by 4.2 percent from 2016 to \$574,000.00. The requested Overtime Budget of \$20,000.00 is the same as last year this covers costs associated with the Assistant Planner and Zoning Officer's attendance at Board of Adjustment meetings and occasional after-hours work. He noted that the Zoning Board had scheduled extra meetings again this past year in an effort to hear variance applications in a timely manner resulting from Super Storm Sandy re-builds. The Zoning Board is again busy this year, having already scheduled four Special Meetings. He explained the Land Use operating budget increased by \$18,925.00, from \$6,300.00 in 2016 to \$25,225.00 in the proposed Budget. The increase is due to the addition of \$20,000.00 for Professional Services to allow for assistance with plan updates and maintenance of the CRS Program. FEMA conducts annual reviews to determine compliance with CRS approved activities. He said the other budgeted items primarily cover attendance at required training, dues and printing supplies. This section of the Operating

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Budget was reduced by \$1,085.00 when compared to last year's Budget request. He explained the Zoning Office issued permits totaling \$73,421.00 in 2015 and \$79,171.00 in 2016. However, the fees were relatively low in comparison with neighboring communities and were increased in the beginning of this year from \$50.00 to \$75.00 for principal structures and \$30.00 to \$50.00 for accessory structures. He said they hope to cover more of the costs of the Assistant Zoning Officer and Zoning Officer with this moderate fee schedule increase.

### **Budget Presentation: Dan Newman – Division of Inspections**

Dan Newman, Construction Official, explained The Division of Inspections is empowered to enforce the New Jersey adopted Uniform Construction Code as well as local ordinances relating to property maintenance, and the occupancy or re-occupancy of rental units. The Division has two budgets, one dedicated to the enforcement of the Uniform Construction Code and one dedicated to Municipal Code Enforcement of the property maintenance codes and rental inspections. He explained the purpose of the Uniform Construction Code is to protect the health, safety and welfare of the people; also, the Code is designed to encourage innovation in construction, including the use of modern technical methods and the elimination of obsolete construction regulations that increase the cost of construction. He advised the number of permits issued in 2016 was 4489 permits with an additional 1318-permit updates, for 5807 permits. That is consistent with the number of permits issued in 2015. However, to keep this number in perspective five years ago, in 2012 they issued 4526. That amounts to an increase of 27 percent in the number of permits since 2012. The number of inspections performed in 2016 was 27,743 an increase of 24 percent from 2015. Again, using 2012's 14,382 inspections as a baseline that is a 93 percent increase in inspections since 2012. The portion of the Divisions staff dedicated to the enforcement of the UCC in 2016 included: Clerical employees, 11 full time clerical support staff. In addition, they have two part-time clerical employees. That is an increase from last year of two additional full time employees and one additional part-time employee. These staff members are not new hires but were transferred from other duties in Town Hall. The Inspection staff includes, *Building*, a full time Subcode Official, two full time inspectors, one part-time-inspector who is primarily performing plan review one night a week and on alternate Saturdays, when as needed. They anticipate hiring one additional full time inspector.

He said in 2015 the Building Subcode Official was shared with another Township through a shared services agreement. That agreement ended in 2016. He said they now have full time service from their Subcode official. He noted they lost one building inspector to another township and have been aggressively looking to fill that vacancy and hope to have that accomplished in the near future. *Plumbing/Mechanical* has one full time Plumbing Subcode Official and two full time plumbing inspectors. *Electrical* has one full time Electrical Subcode Official and two full time Electrical inspectors. For fire they continue to utilize the services provided through a shared service agreement with our Fire Bureau to provide fire inspection and plan review services. They also have two part-time elevator inspectors that work as needed.

He said much of the revenue from permit fees is based on the value of construction of the projects undertaken in the Township. The value of construction for 2016 was \$114,808,313.00. That is 5 percent increase in the value of construction in 2015. The revenue generated by the permit fees was \$3,590,439. In addition, they generated \$36,700.00 in penalties, \$19,730.00 from the now expired interlocal agreement for their Building Subcode Official, for total revenue of \$3,646,869.61. The expenditures for salaries in 2016 budget were \$1,435,477.71. The O/E budget for 2016 was \$163,234.35. He said they are requesting an increase in salaries from \$1,241,625.00 to \$1,629,200.00, a 31 percent increase and noted they added additional staff this year. Of the 27,743 inspections performed in 2016, 10,670 were conducted by Building Inspectors. He noted an additional building inspector is needed. He said they also are seeking a \$50,000.00 increase in the overtime budget. Due to the extreme workload, the division's overtime budget was inadequate. As long as the workload continues to be this heavy, additional overtime will be needed. He said it is his hope that by hiring more staff the need for overtime will be diminished. He explained they are proposing a decrease in the budget request for expert services. He said the Fire Bureau provides fire inspection and plan review services, and this line item is used to reimburse the bureau. The primary cause for the decrease is a change in the regulations that will shift some of the responsibilities for plan review and inspections from the fire official to the Plumbing Sub code. Accordingly, in 2016 they budgeted \$160,000 and spent \$153,729.75. He said they are requesting \$125,000.00 for 2017. He said the increase in salary request is 20 percent and the operating budget is reduced by 21 percent. The total request for this budget is an increase from \$1,617,025.00 to \$1,863,400.00. He said that figure is still \$1,828,817.00 less than the revenue generated by this part of the division's budget.

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President Halloran opened the public hearing on the Budget Presentations.

There were no comments from the audience.

President Halloran closed the public hearing on the Budget Presentations.

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

All Council Members voted AYE on Roll Call.

**Authorize Cancellation of Grant Appropriated Reserves & Receivables**

President Halloran stated this resolution authorizes the cancellation of grant receivable balances and appropriated reserve balances which will not be received nor expended.

**Authorize Cancellation of Stale Dated Checks**

President Halloran stated this resolution authorizes the reconciliation of outstanding checks that are considered stale dated in the amount of \$178.08.

**Authorize Receipt of Bids – EMS Billing and Collection Services**

President Halloran stated the purpose of this bid is to enter into a contract with a private collection company for the EMS billing and collection services. He noted in June 2012 the Governing Body awarded a five-year contract for the EMS billing and collection services to Revenue Guard. Per that contract, Revenue Guard is paid a 9 percent commission of the total revenue collected. He advised Revenue Guard has collected \$7.8 million for the Township and has been paid \$688,904.81.

**Authorize Receipt of Bids – Municipal Court Debt Collection**

President Halloran stated this resolution authorizes the receipt of bids for Municipal Court Debt Collection. He noted in June 2014 the Governing Body awarded a one-year competitive contract with an option for an additional two, one-year terms to Pioneer Credit Recovery, Arcade, NY, which will expire on June 10, 2017. He said Pioneer Credit is paid a rate of 22 percent of the eligible amount to be collected. He advised this rate is billed to the defendant and payable by the defendant. All collection payments are paid directly to the Municipal Court, of which the Municipal Court Administrator pays Pioneer Credit the 22 percent on a monthly basis. He advised as of February 28, 2017, Pioneer Credit has been paid \$10,392.41 in outstanding debt collection.

**Authorize Award of Bid – Fireworks Display – SummerFest & Fall Fest**

President Halloran stated this resolution authorizes a contract for the fireworks at Summerfest and Fall Fest to Fireworks Extravaganza, Rochelle Park, in the amount of \$19,995.00 for the five events. He advised three bidders picked up packages and two bids were received, with Fireworks Extravaganza being the lowest of the two.

**Authorize Termination of Contract with Park Eats, LLC**

President Halloran stated this resolution terminates the Township's contract with Park Eats, LLC. He said in 2014, the Township awarded Park Eats a three-year contract for the provision of concession services at the concession stand at Brick Beach 3 and earlier this year, the Township was notified that Park Eats LLC was dissolved and its assets liquidated. He advised they are agreeing to terminate the contract in return for the transfer of ownership of the equipment and supplies of Park Eats, LLC that remained in the concession stand.

**Authorize Award of Bid – Brick Beach 3 Concession Stand**

President Halloran stated the Township went out for bid for the Brick Beach 3 concession stand and is awarding a contract to Jersey Shore Snack Shack, Point Pleasant, in the amount of \$10,000.00 per year totaling \$30,000.00 for the three-year contract. He advised bid notices were mailed to 15 prospective bidders, of which four vendors picked up packages and the only bid received was from Jersey Shore Snack Shack.

**Authorize Award of Re-Bid – Beer & Wine Garden Concession**

President Halloran stated this resolution awards a contract for beer & wine concession to Three Boys Corporation, Princeton Avenue, Brick, in the amount of \$6,000.00 for the four Summerfest events and Fall Fest Event. He advised bid packages were mailed to three potential bidders of which one bidder requested a bid package.

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**Authorize Award of Re-Bid – SummerFest Food Vendors**

President Halloran stated this resolution awards a contract to RNL Enterprises, LLC, Tacoholics, Brick, for the Category 4 food selection of Summerfest food vendors. He said at the last meeting, the Council awarded contracts in the hot food sausage and cheesesteak category, the miscellaneous category, the ice cream category and the specialty category but received no bids submitted for the deli or pizza category and re-advertised. He noted the Tacoholics bid in the amount of \$855.00 was the only bid received of the 22 bidders notified.

**Authorization to Negotiate Contract – Ice Machine Concession**

President Halloran stated the Township re-advertised for this bid and received no submissions; therefore, the Business Administrator will directly negotiate.

**Authorization to Negotiate Contract – ATM Vending Machine – SummerFest, Fall Fest & Traders Cove Marina**

President Halloran stated the Township re-advertised for this bid and received no submissions; therefore, the Business Administrator will directly negotiate.

**Authorize Addition to the Alternate Prosecutor Pool**

President Halloran stated this resolution appoints James K. Grace of the firm Long Marmero & Associates to the Alternate Prosecutor Pool.

**Authorize Award of Bid – CDBG Housing Rehabilitation Program Project #14-02**

President Halloran stated this resolution awards a contract to Nic-Lex Construction LLC, Toms River, in the amount of \$23,370.00. He said this company will be completing work on a home qualified to receive assistance through the Community Development Block Grant program the Township received from HUD.

**Authorize Acceptance of Surplus Military Equipment - One (1) Search & Rescue Vehicle**

President Halloran stated this resolution approves the acceptance of donated equipment from the US Department of Defense, specifically an armored utility truck, which is a search and rescue vehicle.

**Authorize Execution of Amended Agreement with Deauville Beach & Bay Association for Life Guarding Services**

President Halloran stated this resolution authorizes the execution of an agreement for lifeguard services at the Deauville Beach & Bay Association private beach association. He said in this agreement, the Township provides the Association with fully certified and trained lifeguards and the Township is compensated for salaries of those guards. He advised the Association had requested specific language in the responsibilities of the Association section that the Township does not object to and this agreement reflects that change.

**Authorize Placement of Tax Liens for Property Clean-ups**

President Halloran stated this resolution authorizes the placement of a tax lien at 328 Hudson Drive, Block 383.14 Lot 34 in the amount of \$788.28.

**Authorize Special Events Permit – Car Show/Fundraiser**

President Halloran stated this resolution approves the special event permit for the Ocean County Vocational Technical Education Association Car Show/Scholarship Fundraiser from 9 am to 2 pm on Saturday, May 20 with a rain date of Sunday, May 21. The event will be held at Brick Township High School and Ocean County Vocational School Parking Lots.

**Authorize Special Events Permit – Pro Wrestling**

President Halloran stated this resolution approves the special events permit for the Jersey Shore Premier Championship Wrestling Pro Wrestling event from 6 pm to 10 pm May 13, 2017 at the PAL Building on Drum Point Road.

**Bond Releases/Reductions:**

Clerk Iannarone advised the following:

- Reforestation Bond Release – Ronald Caruso – Off Drum Point Road a cash performance bond in the amount of \$8,850.00.

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**Tax Collector:**

Joanne Bergin advised the following:

- Tax Overpayments – 2015 for Block 870.22 Lot 24.04 in the amount of \$4,770.38.
- Redemption of Tax Sale Certificate for Block 378.04/Lot 9.

**Authorize Appointment to Housing Authority**

Councilwoman deJong said this resolution appoints Robyn Gedrich to the Housing Authority. She said Ms. Gedrich is a lifelong resident of Brick and is currently getting her Bachelor's Degree in Public Administration from Kean University and said that she will be a very good fit on the Housing Authority.

**Amend Resolution #145-17 – Safe & Secure Communities Grant Program – 2017**

President Halloran stated the Safe and Secure Communities Program, enacted into law in 1993, is designed to provide municipalities with funding to add law enforcement personnel vital to effective police operations and other crime related strategies as warranted by the needs of the community. He said the program allows for the funding of additional officers or funding of law enforcement support personnel which would free-up officers for direct law enforcement activities. He advised this grant is awarded to the Township by the State Division of Criminal Justice in the amount of \$60,000.00. He advised in Brick Township, these funds are used to offset police department salaries. He said the Council previously passed a resolution agreeing to participate in the program, but the funder has requested the resolution be modified to include the grant number, amounts and the project period.

President Halloran opened the public hearing on the Resolutions.

Nan Coll, 18 Greenbriar Boulevard, asked for an explanation on several of the resolutions.

Joanne Bergin, Mayor Ducey and Vice President Zapcic gave an explanation on each.

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.

Councilwoman deJong asked for updates on the Florio Perrucci bill for Birdsall, McManimon, Scotland bill for Foodtown and the Starkey, Kelly bill for Waterside.

Kevin Starkey replied these are three pending litigation matters. He advised the Florio Law Firm is representing the Township in a lawsuit against Birdsall Engineering which is against Birdsall's insurance carrier and this pertains to an improperly designed detention basis at the landfill and noted the lawsuit was filed in December 2016; the insurance company has been served with the complaint and the next step in the process is to make a coverage determination and advised the suit is progressing. He said with the McManimon Law Firm is representing the Township in the Foodtown Litigation. He said the former redeveloper sued the Township trying to reclaim their status as a redeveloper and advised the trial started in January 2017 and the judge has directed the parties to try to have discussions to resolve it. The judge indicated if the discussions were not productive it will go back to court. He advised the discussions are ongoing and he said he will report the outcome once he knows at a future meeting. He said with regards to Waterside his firm is representing the Township in a lawsuit brought by a contractor hired by the Township to do work during the post Sandy period for property clean ups and the company is seeking roughly \$500,000.00. He said this went to trial and they are waiting on the outcome, hopefully, in the next few weeks and will report once it is received.

Councilwoman Crate questioned the Violation Fee Refund on page 9.

Mayor Ducey replied it was a resident who came to the building department to get a CO and found out there was a violation on the Sandy contractor attached to it so the resident could not get the CO without paying for the violation – the resident paid the violation and received the CO and then they came to find out that the contractor was ripping many people off. He said the resident told us this story and as a result they decided to refund the resident. He said that he contacted the NJDCA and the Ocean County Prosecutor's Office to request a meeting for our residents dealing with RREM contractors who are ripping people off and advised this meeting



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will be held here in Town Hall tomorrow, March 22 at 3 pm and 7pm.

President Halloran said he noticed a bill for the firing range and asked for an update on that project; and asked for an update on ARH projects bill.

Mayor Ducey advised the firing range is almost finished. He said the police have to qualify every so often with their shooting certificates which will take place on April 4<sup>th</sup> for the next round of officers and they will be doing that at the new firing range. He advised the range should be completed in the next ten days. He named all the project streets that ARH are working on.

Vice President Zapcic questioned the Best of Breed bill.

Councilwoman deJong responded this is for the Buy in Brick Program they are the window clings that you will see in the merchants windows. She noted that they doing so well with the merchants that they ran out of the window clings that FinCredit provided to the Township. She advised they are using the monies out of the Tourism Development Commission to purchase these.

There were no comments from the audience.

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

Motion by Councilwoman deJong and seconded by Councilwoman Crate 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 \$8,102,093.45**

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 deJong and seconded by Councilman Mummolo to adopt the following Resolution.

All Council Members voted AYE on Roll Call.

### **2017 Manual Bill Resolution in the amount of \$1,616,115.66**

President Halloran opened the public hearing portion of the meeting.

Nan Coll, 18 Greenbriar Boulevard, asked if there are segregated hours at Windward Beach; asked what is the criteria on Affordable Housing; spoke about unsafe streets for pedestrians and bicycles; spoke about Foodtown.

Mayor Ducey replied Windward Beach has the same rules as every other beach. He said regarding Affordable Housing there is a big criterion and will email Ms. Coll the information. He explained the County roads do not include sidewalks and noted the County forces the costs of all the sidewalks on the Township which is a very difficult for the Township to do and that is why they wait for grants such as safe route to schools. He said with Foodtown they are trying to do a sports dome which would be great for people of all ages.

Councilwoman deJong added the Township received a grant from the State to do the Complete Streets program for free and they will be revising the master plan.

Bob Auriemma, 428 Arc Lane, suggested using pavement for sidewalks like they do in Massachusetts; spoke about rezoning property and about the master plan.

Kevin Starkey replied the Zoning Board has very specific powers under the Municipal Land Use Law they have the authority to consider requests for variances. He said there is a procedure

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called "use variance" which authorizes the Board to look at a particular piece of property that is zoned commercial, retail or residential and allow a different type of use on that property. He said that process is not considered changing the master plan.

John Sluka, 950 Sylvia Court, read his letter regarding the parkway construction project; spoke about the Cap Rate Ordinance.

Joanne Bergin explained the Cap Rate Bank and noted the only time in recent history that it was used was for Sandy and explained the surplus is used to off-set taxes.

Vic Fanelli, 24 Meadow Point Drive, asked if the beaches will be open by Memorial Day; spoke about the school budget going up.

Mayor Ducey gave an update on the beach replenishment project which will start in Brick on December 15, 2017. He advised they will be working on getting the beaches back in order in time for Memorial Day.

Ryan Griffin, 8 Lenape Trail, spoke about the Complete Streets Program.

Councilwoman deJong responded that the State will be revising the master plan for the Township for free.

Steven Brill, 806 Jenny Court, spoke about costs involved with Bernie Cook Park Redevelopment Project.

There were no further comments from the audience.

President Halloran closed the public hearing portion of the meeting.

Joanne Bergin congratulated Ed Moroney on his award and noted he was also recognized at that the League in November for a social media award. She thanked Elissa, Michael and Dan for their budget presentations.

Mayor Ducey he thanked Elissa, Michael and Dan for their budget presentations; He announced the various events he attended and upcoming events.

Councilman Mummolo congratulated Ed Moroney, Lauren Zycband and the students of the month. He thanked Elissa, Michael and Dan for their budget presentations.

Councilwoman deJong congratulated all the honorees and thanked Elissa, Michael and Dan for their budget presentations.

Councilwoman Crate congratulated the honorees and thanked everyone for their budget presentations.

Councilman Fozman congratulated all the award recipients. He spoke about the Neighborhood Watch Program and announced the various meetings that are scheduled.

Vice President Zapcic thanked Elissa, Michael and Dan for their budget presentations and congratulated all the honorees. She said she had the pleasure to participate in the Read Across America Day at Lanes Mill and Emma Havens Schools.

President Halloran congratulated Ed Moroney for his award. He congratulated Lauren Zycband, students of the month and thanked Elissa, Michael and Dan for their very informative budget presentations.

Motion by Councilwoman deJong and seconded by Councilman Mummolo to Adjourn the meeting at 9:08 p.m.

All Council Members voted AYE.

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Arthur Halloran  
Council President

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Lynnette A. Iannarone  
Township Clerk