

April 25, 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).

This meeting began with the salute to the flag led by Eagle Scouts Liam Bergin and Thomas Kraft followed by a moment of silence - President Halloran asked for all to keep in their thoughts and prayers for the family of Fran Smith former Township Clerk from 1982 – 2000 who recently passed away.

The Clerk was directed to accept and file the Building & Construction, Certificate of Occupancy, Engineering, Sewer & Water and Vital Statistics Reports for the month of March 2017.

Osbornville School – Pitfalls of Plastic Video and Tony Scuorzo – Stop & Shop Manager

Councilman Fozman said as Chair of the Public Works Committee he is proud to serve along with Councilwoman Pontoriero and Councilwoman Crate. He thanked all the teachers, students that participated in the recycling program. He said there are some students and teachers that go above and beyond creating fun ways to show everyone the proper ways to recycling. He introduced the Township's Recycling Coordinator, Trish Totaro.

Ms. Totaro thanked Mayor, Council and Administration for allowing her to create and implement an educational and outreach recycling program for the residents of Brick Township with the support of Director Glenn Campbell. She said she is able to go into the community and educate the public on what is and what is not recyclable within Brick Township. She said they seize the opportunity to educate residents through the students on the pitfalls of plastic – meaning the single use grocery bags that people throw into the “blue” container and noted these plastic bags are not permitted in the blue container. She explained and showed pictures of what happens to the equipment at the County when plastic bags are in the recycling and noted the cost to the County to remove these bags is \$1M per year in extra labor, disposal and workman's compensation. She said in getting her message to the community she asked the schools to become creative in the ways they can collect plastic shopping bags. She said they had many schools participate but Osbornville School created a “bag party”– with the entire school involved in this music video and because of this initiative they collected over 60,000 plastic bags that were removed from recycling. She presented the following: Kathy DiGrigoli, Principal of Osbornville Elementary School with a Brick Township Recycling Education Excellence Award; Producer and Star of the Bag Party, Tracy Steigenwald along with her 4th Grade Class and the Green Team with a Brick Township Recycling Education Excellence Award. She also recognized Stop n Shop Manager, Tony Scuorzo and said with their partnership they were able to recycle the 60,000 plastic bags which came to 757 pounds of grocery bags and presented him with the Brick Township Community Outreach Excellence Award.

Liam Bergin and Thomas Kraft – Presentation to Mayor Ducey – Monarch Waystation Recognition

Mayor Ducey was presented a Certificate of Appreciation and a Monarch Waystation sign by Liam Bergin, Thomas Kraft along John Zingis. Liam Bergin said with the Mayor and Township

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Council's help they were able not only build Monarch Mountain at Windward Beach Park but make it an official "Waystation" by the Monarch Watch.

John Zingis said he also participated in the launching of this program in January 2016. He said they opened the doors to improve an area at Windward Beach Park near the fishing pier. He said it is in full bloom right now with many indigenous plants - all native plants and they are all for pollinators.

Students of the Month

Mayor Ducey, President Halloran along with Councilwoman Crate recognized the Students of the Month for March 2017. Councilwoman Crate named the Brick Township High School Students of the Month and presented certificates to: Johnna Fellin, Tyler Knowsley, Lida Haut and Gabriella Barros. She also named and presented certificates to Brick Memorial High School Students of the Month: Aurianna Brezanin, Mia Caprioni, Cal Padron, Cristine Le Ny, Ryan Mahaffey, Natalie Vassilatos, Zackary Poinsett and Katelyn Soto.

Municipal Budget Hearing

Motion by Councilwoman Crate and seconded by Councilman Mummolo to adopt the following Resolution:

All Council Members voted AYE on Roll Call.

Resolution Authorizing Reading of Budget by Short Title

Motion by Councilwoman deJong and seconded by Councilman Mummolo to open the Hearing on the Municipal Budget.

All Council Members voted AYE on Roll Call.

Clerk Iannarone announced that this is the time fixed for the public hearing on the 2017 Municipal Budget. The budget was introduced by the governing body on March 21, 2017 and was advertised in the Asbury Park Press on April 14, 2017 together with notice of hearing for April 25, 2017 at this time.

George Scott, 16 Queen Ann Road, questioned the surplus balance on page 4; beach revenues; UCC fees; solar debt service and general revenues.

Joanne Bergin and Maureen Laffey-Berg gave him an explanation on each.

Vic Fanelli, 24 Meadow Point Drive, stated his displeasure with too much surplus; spoke of new hires and spoke about year-end budget transfers.

Steven Brill, 806 Jenny Court, commented on the BTMUA \$1M donation.

There were no further comments from the audience.

Motion by Councilwoman deJong and seconded by Councilwoman Crate to Close the Public Hearing on the Budget.

All Council Members voted AYE on Roll Call.

Councilwoman deJong presented the resolution Amending the 2017 Municipal Budget.

Clerk Iannarone read the resolution into the record in full.

President Halloran opened the public hearing on this Resolution.

Vic Fanelli, 24 Meadow Point Drive, stated his displeasure with this resolution and of the changes to it.

Joanne Bergin responded when they finalized the budget it has to go to the State for review and approval before they are allowed to do this hearing. She said on Monday they received approval from the State and the approval came with conditions and gave an explanation on each.

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There were no further comments from the audience.

President Halloran closed the public hearing on this Resolution.

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

All Council Members voted AYE on Roll Call.

Authorize State Required Budget Amendment Resolution

Councilwoman Crate requested the Resolution to be read in full.

Clerk Iannarone read the Resolution into the record in full.

Motion by Councilman Mummolo and seconded by Councilman Fozman to Adopt the 2017 Municipal Budget.

All Council Members voted AYE on Roll Call.

President Halloran announced the 2017 Brick Township Municipal Budget has been adopted.

Adoption of 2017 Municipal Budget

Motion by Councilwoman deJong and seconded by Vice President Zapcic to adopt the following Resolutions:

All Council Members voted AYE on Roll Call, except:

Councilman Fozman ABSTAINED on “*Support the BTMUA Voluntary Water Conservation*”.

Recognize National Volunteer Week – April 23rd – April 29th

President Halloran stated this resolution recognizes National Volunteer Week that celebrates and recognizes the individuals, families, nonprofit organizations and government entities and the tremendous impact volunteers have throughout the community.

Authorize Receipt of Bids -Purchase & Delivery One Triaxle 40 Cubic Yard Roll-Off Truck

President Halloran stated this resolution authorizes the receipt of bids for a 40-cubic yard roll off truck for DPW.

Authorize Award of Bid – Riviera Beach Roadway Improvements Phase I

Mayor Ducey explained this resolution authorizes the award of bid to Meco Inc., Clarksburg, for the Road Improvements to Riviera Beach Phase 1 project for a total bid amount of \$602,366.05. He said the project includes but is not limited to portions of 16th, 17th, 18th, 19th, 20th, 21st, 22nd and 23rd Avenues, Calvin Court, Riviera Drive, Prospect Avenue, Morris Avenue, Branch Boulevard, Walnut Drive, Ward Avenue and Main Avenue.

Authorize Transfer of Plenary Retail Distribution Liquor License – Forbes

President Halloran stated this resolution authorizes the person-to-person transfer of a plenary retail distribution license issued to Forbes Liquors to SP Holdings, LLC trading as Forbes Wines and Liquors for the store located on Brick Boulevard.

Support the BTMUA Voluntary Water Conservation

Councilman Fozman explained this is in support of the Brick Utilities resolution urging voluntary water conservation. According to Brick Utilities, the area has experienced a dry weather pattern and the lack of rain has had a significant impact on stream flows and shallow groundwater supplies resulting in low flows in the Metedeconk River. He said as they approach their high demand season, it is the Authority’s intention to urge residents to be mindful of their water usage and conserve where and when possible.

Bond Releases/Reductions:

Clerk Iannarone advised the following:

- Inspection Fund Release – Linda & Vincent LoPiccolo – Princeton Avenue in the amount

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of \$757.95.

- Inspection Fund Release – Fellowship Chapel of Jersey Shore – Duchess Lane in the amount of \$958.81.
- Inspection Fund Release – CRP Worthington Lessee, LLC – Jack Martin Boulevard in the amount of \$895.30.

Tax Collector:

Joanne Bergin advised the following:

- 100% DAV Refund & Cancel Taxes – Block 382.30 Lot 14 – 236 Essex Court in the amount of \$362.33.
- Tax Overpayment – 2017 Block 869.07/Lot 3 in the amount of \$427.17.
- State Tax Appeal Granted – Block 44.01 Lot 14 – 199 Helm Road in the amount of \$1,775.07.
- State Tax Appeal Granted – Block 44.06 Lot 6 – 198 Pointe Drive in the amount of \$4,606.47.
- State Tax Appeal Granted – Block 446.19 Lot 7 – 635 Duquesne Boulevard, in the amount of \$11,055.44 which is a two-year appeal.
- State Tax Appeal Granted – Block 1170 Lot 5 – 1722 Route 88 in the amount of \$20,035.00 which is a two-year appeal.

President Halloran opened the public hearing on the Resolutions.

There were no 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 an update on the Township vs Birdsall litigation bill on page 20.

Kevin Starkey 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.

There were no comments from the audience.

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

Motion by Councilwoman Crate and seconded by Councilman Mummolo to adopt the following Resolution.

All Council Members voted AYE on Roll Call, except:
Councilman Fozman ABSTAINED on the BTMUA;
Councilwoman deJong ABSTAINED on CSI of Ocean County;
Vice President Zapcic ABSTAINED on NJ Press Media.

2017 Computer Bill Resolution in the amount of \$1,918,761.04

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

All Council Members voted AYE on Roll Call.

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2017 Manual Bill Resolution in the amount of \$1,585,401.41

Ordinance on Second Reading: Amend Chapter 98 – Animals

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

Councilman Crate said she everyone know that she spoke to the issue regarding the amendment of Township Code Chapter 98 that would restrict the sale of dogs and cats in pet stores at the last council meeting. She reiterated the reason why she is voting for the change in this ordinance and why she feels so strongly about the importance of standing up and speaking out to make this change. This ordinance, as it is currently written, allows for the possibility of the acquisition of dogs from puppy mills. This is a practice that they cannot stand for in the Township of Brick. She said she is not going to go into all of the details of how puppy mills work and the horrible things that happen in them. She said instead she focused on the positive elements that will come from the amendment of this ordinance. Breeders Association does not have to go out of business because of this. The opportunity to convert their business into a puppy friendly pet store that helps to find homes for shelter pets would open their doors to so many more customers. She said she feels quite confident that The Humane Society along with local advocates would love to work hand in hand with Breeders Association in order to make this conversion happen. They do not have to offer just pets as their main source of income. Statistics show that American's love their dogs so much so that they are willing to spend upwards of \$64 billion dollars on them each and every year. Through the work of Mayor Ducey, the Township Council and partnership with local small business owners with our Buy in Brick program, they are proving to be a town that wants more small businesses to succeed. This is a great chance for Breeders Association to become a part of that. She expressed she is proud to say that she will be voting YES to pass this amendment and looks forward to seeing the positive changes that will take place over time because of it.

Mayor Ducey said he is proud that Brick Township is going to be one of the first towns to have this type of Ordinance that puts a ban on selling any type of dog that is not a rescue dog or donated dog or a seized dog. He said these are the kind of dogs that need people's help. He said there are many other stores that sell these kinds of dogs and cats and are doing very well in business. He said it is great that they can make this change and have this change be effective right here in Brick Township.

Vice President Zapcic she said she is and her family are animal lovers and they have had as members of their family both purebred animals purchased from an independent reputable breeder and as well as rescue animals. She remarked that she will also be supporting this Ordinance.

President Halloran opened the public hearing on the Ordinance.

Chris, Toms River, said he purchased a dog from this pet store; he questioned how will they know these are actually rescue animals because he was told his dog was from a breeder and found out it came from a horrible puppy mill.

Mayor Ducey replied the County Health Department that is their purview and they will do their investigations and will make sure everything is on the up and up.

Kevin Starkey explained this Ordinance eliminates the non-conforming use – which is the sale of puppies/dogs that are not from rescue, donated or seized. He said this Ordinance will go into effect on June 30th. He said between now and June 30th all existing permits run to that date and as of that date, anyone seeking a permit will have to come to the Township apply for a permit and a permit will be issued in accordance with the Ordinance as it is amended. He advised this is the only authority the Township can give to anyone and it will be the job to enforce that through the County Health Department for their frequent, periodic visits to the various stores in town.

Nan Coll, 18 Greenbriar Boulevard, spoke about the animal ordinance that a proper hearing should be conducted on this matter; said she feels there is a possibility of a lawsuit with this matter.

Kevin Starkey responded that he researched this and the Mayor and Council are entitled to take

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this action and there is no question about it – this is a legislative matter and have the authority to take it.

Sam Neale, Manchester Township, spoke about the pet store and how they have no consideration for the animals in their care.

Janice Fischer, Manasquan, said there is a possibility of a lawsuit. She spoke about similar ordinances that have passed across the United States that have not been challenged and a few have been challenged but were upheld by the courts.

Judy Burbank, Toms River, spoke about her sick dog she purchased at the pet store.

Jennifer Dougherty, Veterinarian Tech, said 85 people contacted her with their stories of purchasing puppies that became sick; she gave some examples of the various conditions of the many sick dogs.

Craig, Brick Township, commended Councilwoman Care for her comments and expressed hope the pet store will do the right thing.

Alan Braslow, Cherry Hill, said his town enacted a similar ordinance and forced the business that previously sold dogs from a puppy mill to switch to rescue retail and noted the store is still in business. He said you can succeed as rescue if you play by the rules and do the right thing.

Clayton, 588 New Jersey Avenue, said he is not a fan of pet stores in general. He questioned how this law would affect person to person breeder's transactions.

Kevin Starkey responded there is a specific provision in this Ordinance and read "Nothing contained herein shall prohibit a shelter, pound or other establishment from keeping, displaying, selling or otherwise transferring any cat or dog, or both, that has been seized, rescued or donated". He said this also permits: "Any person who sells, exchanges, or otherwise transfers only animals that were bred and reared on the premises owned by the person shall be considered a breeder and not a pet store".

There were no further comments from the audience.

President Halloran closed the public hearing on the Ordinance.

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

All Council Members voted AYE on Roll Call.

AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING TOWNSHIP CODE CHAPTER 98, "ANIMALS," TO RESTRICT THE SALES OF DOGS AND CATS

President Halloran opened the public portion hearing of the meeting.

Nan Coll, 18 Greenbriar Bouelvard, said she is in favor of the pet store being put out of business. She spoke about needing more street lights.

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

Michele Spector, 808 Jenny Court, spoke about the article in Brick Times regarding the sound wall at Evergreen Woods; spoke about the letter she wrote to the DOT regarding the parkway construction project.

Steven Brill, 806 Jenny Court, also spoke about the article in Brick Times.

There were no further comments from the audience.

President Halloran closed the public hearing portion of the meeting.

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Joanne Bergin expressed her condolences to the families of Fran Smith and Michael Vecchio.

Mayor Ducey thanked the Sustainable Committee, Environmental and Shade Tree Commission and all those who participated in the Green Fair. He said the event was very successful thanks to all organizations, schools, vendors and staff - Keith Rella and John Lolla for their hard work and efforts. He also thanked Clean Ocean Action and volunteers for their efforts on Saturday with the annual spring beach clean-up. He advised this month is volunteer appreciation month and thanked all Brick residents who volunteer within the community. He gave an update on the tennis court improvements. He announced they are opening a Teen Center at Civic Plaza and advised they received a grant for \$25,000.00 to help with the project and thanked Vice President Zapcic for working on that along with Joanne Bergin, Tara Paxton and Colleen Finnegan and said this will be an awesome amenity to the town and will give kids somewhere productive to be. He announced various upcoming events.

Clerk Iannarone expressed her condolences to the family of former Township Clerk Fran Smith and Mike Vecchio. She said she was hired by Fran Smith in 1996 and worked with him until he retired in 2000 and remarked he was a great mentor and will be missed by everyone that knew him.

Councilman Mummolo thanked the students and teachers from Osbornville Elementary School for their great video on plastic bags. He also thanked Liam Bergin, Thomas Kraft and John Zingis for presenting the Township with the Monarch Waystation plaque and remarked they did a great job. He said he attended the Green Fair along with some council members and remarked it was a great turn out.

Councilwoman deJong thanked the members of the Green Team for putting on a great Green Fair especially Keith Rella who did a great job contacting the vendors, schools, etc.

Councilwoman Crate thanked the students of the month and mentioned the great job done at the Green Fair. She said she enjoyed Osbornville School "bag party" song and what a great job done. She commented on the pet store and hopes they will take the opportunity to do the right thing.

Councilman Fozman thanked Osbornville School for their video along and said he thought it was very unique and thanked the teacher Tracy Steigenwald and Principal Kathy DiGrigoli for their support and production.

Vice President Zapcic announced upcoming events.

President Halloran expressed his condolences to the Smith and Vecchio families for their loss and certainly will keep them in our thoughts and prayer. He also asked to please keep Councilwoman Pontoriero in our thoughts and prayers as well. He thanked the Osbornville School children and teachers for doing a great job on the video along with Councilman Fozman and Trish Totaro for their assistance to bring this to the council meeting. He thanked Liam Bergin, Thomas Kraft and John Zingis their presentation on the Monarch Waystation and the acknowledgement they gave to Mayor Ducey. He congratulated students of the month. He advised the events he attended and spoke about environmental issues with idling of cars.

Motion by Councilwoman deJong and seconded by Councilwoman Crate to Adjourn the meeting at 9:28 p.m.

All Council Members voted AYE.

Arthur Halloran
Council President

Lynnette A. Iannarone
Township Clerk