

October 9, 2018

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 7:02 p.m.

**Present**

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

**Also Present**

Mayor John G. Ducey  
Scott Kenneally, 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 and The Ocean Star on January 5, 2018. 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 September 2018.

Motion by Councilman Fozman and seconded by Councilman Mummolo to dispense with the reading of the minutes of September 12<sup>th</sup> and September 25, 2018 Meetings

All Council Members voted AYE on Roll Call, except:

Vice President Crate ABSTAINED on September 12<sup>th</sup> and;

Councilwoman Pontoriero ABSTAINED on September 25<sup>th</sup> because they were absent

**Presentation to Michael Fowler**

Mayor Ducey said Michael will be retiring as of November 1<sup>st</sup> and mentioned he has been the Township Planner for the last 25 years. He spoke of Michael's most recent accomplishment with the implementation of the Village Zone Ordinance which will be eliminating the mixed use zones in certain areas of Brick Township. He said Michael leaves a legacy of kindness and true stewardship for the Township. He spoke of some hallmarks of his legacy that include a commitment to protecting parkland and open space with an overall goal of making Brick more accessible through pedestrian paths, bike trails, pocket parks and conservation areas. He presented Michael with a "Key to the City" and thanked him for what he has done for Brick Township.

Michael thanked the Mayor for his kind words and his support over the years and also thanked the council for making his job easier, Scott Kenneally for the great legal advice he has given, Joanne for her support and positive attitude and also thanked all his co-workers.

Motion by Councilwoman Pontoriero and seconded by Councilwoman Zapcic to adopt the following Resolutions:

All Council Members voted AYE.

**Recognize Breast Cancer Awareness Month**

President deJong stated this resolution recognizes October as Breast Cancer Awareness Month to raise awareness and support those courageously fighting breast cancer and honoring the lives lost to the disease.

**Authorize Receipt of Bids – Operation of Brick Beach I Food Concession Stand**

President deJong stated this resolution authorizes the receipt of bids for the operation of the Brick Beach 1 food concession stand. She said the current three-year contract expired at the end of the 2018 summer season. She advised the new contract will also be a three-year contract commencing with the 2019 summer season.

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**Authorize Receipt of Bids – Employee Assistance Program Services**

President deJong stated this resolution authorizes the receipt of bids for employee assistance program services. She explained the bid is to provide assessment and counseling sessions for employees and supervisory orientations as needed, as well as trainings/workshops on a quarterly basis and noted this bid also includes quarterly utilization reports and a 24-hour phone line which handles routine appointments within 72 hours and emergent appointments immediately. She advised in 2017 the Township spent a total of \$17,947.50 for these services and the current vendor is Preferred Behavioral Health, Brick.

**Authorize Award of Bid – Peterbilt Parts & Service**

President deJong stated this resolution authorizes the award of bids for Peterbilt Parts and Services to Hunter Jersey Peterbilt, Clarksburg. She advised the bid was for \$95.00 per hour labor rate and a discount of 25 percent off Manufacturer's suggested retail prices on parts. She said this will be a two-year contract. She stated during the current two-year period, the Township spent \$177,000.00. She advised bid notices were mailed to four prospective bidders from the bidders list of which three picked up bid packages and only one bid was received.

**Authorize Award of Bid – Construction Supplies**

President deJong stated this resolution authorizes award of bid for construction supplies to Madison Township Lumber & Supply Co, Matawan, at a schedule of prices for a variety of items. She advised bid notices were mailed to 14 prospective bidders of which two picked up packages and only one bid was received and noted this will be a two-year contract. She stated during the current two-year contract period, the Township incurred a cost of approximately \$22,000.00.

**Authorize Award of Contract – Purchase & Delivery of Regular Unleaded Gasoline through Stafford Township Cooperative Pricing System**

President deJong stated this resolution authorizes an award of contract for the purchase and delivery of regular unleaded gasoline to Petroleum Traders Corp, Fort Wayne, Indiana, at a rate established by the Stafford Township Cooperative Pricing System. She advised this is a two-year contract not to exceed \$85,000.00 per year with funds to be certified prior to each order.

**Authorize Rejection of Re-Bid for Access Control System and Authorize 2<sup>nd</sup> Re-Bid**

President deJong stated this resolution authorizes the rejection of re-bid for the access control system and the authorization to rebid. She advised bid notices were sent to 18 prospective bidders of which five picked up bid packages and two bids were received. She explained one bid was deemed to be non-responsive for failure to properly complete the proposal sheet and the other bid substantially exceeded the budget appropriation as approved in the 2018 capital budget. She said it is the recommendation of the Director of IT to reject all bids and rebid this service.

**Authorize Change Order No. 1 Final – Digitization of Historic Property Tax Card Project.**

President deJong stated this resolution authorizes a change order decrease in the amount of \$5,280.09 in the contract with Ricoh USA for the Digitization of Property Tax Cards.

**Establish Fees for Traders Cove Marina Services**

President deJong stated this resolution establishes fees for Traders Cove Marina. She said the Recreation Committee reviewed the fees charged for the services at the Marina including boat slips, jet skis docks, transient docks, use of the boat ramp and winter storage and also they reviewed a comparison of charges at nearby Marinas and made minor adjustments to the summer slip fees and jet ski docks. She advised the Committee also recommended a lesser rate for residents in accordance with NJDEP Green Acres regulations.

**Support Brick School District's Litigation for Equitable Distribution of State Aid**

Mayor Ducey explained this resolution supports the Brick Township School District's litigation for equitable distribution of State Aid. He said the Brick Township School District is receiving less than the State Aid it should have otherwise and noted the District's loss of aid for this school year is \$1.9M. He said should the 7-year plan be fully realized, Brick will lose approximately \$23M by year seven. He gave a few pointers on the lawsuit. He expressed this disparate treatment is unacceptable and the District has no choice but to pursue litigation to have this matter heard by an Administrative Law Judge. He advised the municipality must be named as an interested party and this resolution confirms participation at no cost to the Township and noted the School District is the actual plaintiff.

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

President deJong stated this resolution authorizes the placement of liens for property cleanups at: 50 Pilot Drive in the amount of \$119.71; 130 Jib Circle in the amount of \$366.63; 1 Homewood Drive in the amount of \$363.48; 355 Hudson Drive in the amount of \$72.81; 324 Hudson Drive in the amount of \$409.44; and 607 Duquesne Boulevard in the amount of \$72.81.

### **Authorize Special Events Permit – Willow Springs Rehab Community Concert**

President deJong stated this resolution authorizes a special events permit for a community concert at Willow Springs Rehab from 1 to 4 pm on October 14<sup>th</sup> at the center located on Burnt Tavern Road.

### **Bond Releases/Reductions:**

Clerk Iannarone advised the following:

- Inspection Fund Release – Saker Shop Rites, Inc., - Off Route 70 in the amount of \$106.28.

### **Tax Collector:**

Joanne Bergin advised the following:

- Tax Overpayments – 2007 there is one in the amount of \$1,116.25.
- Tax Overpayments – 2018 there is one in the amount of \$245.81.

Councilman Fozman questioned if the dock boxes are included in Section 1 in the Traders Cove Marina fee resolution and noted they were included previously.

Joanne Bergin advised no the dock boxes were not included previously and advised him of what was removed and added under the Section A. #1.

President deJong opened the public hearing on the Resolutions.

Nan Coll, 18 Greenbriar Boulevard, spoke about the Brick School District's litigation.

Cathy Ericksen, 58 Collins Court, questioned if other school districts would be working in conjunction with the Brick Schools in the litigation.

Mayor Ducey advised most likely they will join in.

Erin Bolger, Brick, said she is happy for the litigation resolution as she has children in the Brick Township Schools.

Vic Fanelli, 24 Meadow Point Drive, questioned and asked for clarification on several of the resolutions; he spoke about the Brick School District's litigation.

Joanne Bergin and Mayor Ducey gave him an explanation of each question.

Scott Kenneally answered Mr. Fanelli's questions on the School District's litigation.

There were no further comments from the audience.

President deJong closed the public hearing on the Resolutions.

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

There were no comments from the audience.

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

Motion by Councilwoman Pontoriero and seconded by Councilwoman Zapcic to adopt the following Resolution.

All Council Members voted AYE on Roll Call, except:  
Councilwoman Zapcic ABSTAINED on Asbury Park Press and NJ Press Media;  
President deJong ABSTAINED on CME Associates.

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**2018 Computer Bill Resolution in the amount of \$9,969,058.18**

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

There were no comments from the audience.

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

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

All Council Members voted AYE on Roll Call.

**2018 Manual Bill Resolution in the amount of \$1,695,704.28**

**Ordinance on First Reading: Amend Chapter 110-18 Township Code – Fees**

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

Mayor Ducey stated this ordinance changes the beach fees for 2019. He said the beaches are on the Township's Recreation and Open Space Inventory and are subject to Green Acres regulations. He advised the Recreation Committee opted to increase the daily beach badge rate from \$5.00 to \$8.00 the seasonal beach badge cost of \$25.00 until June 15<sup>th</sup> and \$30.00 thereafter will remain the same. He said this ordinance will also provide free beach access to active and retired military. This ordinance provides free beach access for any veteran who provides a copy of his/her DD214 (proof of military status) and noted this is a great way of saluting the Veterans.

Motion by Councilwoman Pontoriero and seconded by Councilman Fozman 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 CHAPTER 110-18 OF THE TOWNSHIP CODE ENTITLED "FEES"**

**Ordinance on Second Reading: Amend Chapter 245 – Land Use – Village Zone**

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

Mayor Ducey explained this Ordinance replaces the existing Mixed Use Overlay Zone. He advised the current zones are located at the former Foodtown site, Riverwalk Shopping Center, the triangle property located on Burrsville Road and Jack Martin Boulevard and the property located behind the post office. He said the current mixed use overlay zone allows multi-family housing with some retail. He said the Village Zone specifically applies to parcels along Herbertsville Road, Drum Point Road and Mantoloking Road. He explained the ordinance provides development standards that apply to new construction. He advised uses specifically prohibited in the zone will be new gasoline stations. He said instead those large apartment buildings this ordinance will limit apartments to a maximum of one or two depending on the square footage. He advised this will make it easier for property owners with plans to upgrade or make improvements without having to go in front of the Board of Adjustment.

President deJong opened the public hearing on the Ordinance.

Diana, 409 Raleigh Road, questioned the current zone for the triangle property located on Burrsville Road and Jack Martin Boulevard.

Mayor Ducey responded Hospital Support Zone and remarked it would be perfect for a VA Clinic.

Nan Coll, 18 Greenbriar Boulevard, said the Hospital Support Zone sign has disappeared from that area; she stated her displeasure with not having a special hearing on this Ordinance and spoke about the master plan.

Vic Fanelli, 24 Meadow Point Drive, questioned how far down Mantoloking Road the Ordinance

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includes Adamston Road.

Tara Paxton, Assistant Township Planner showed Mr. Fanelli the area on the zoning map.

Mayor Ducey responded no this Ordinance does not include Adamston Road.

Cathy Ericksen, 58 Collins Court, stated her concerns with the Ordinance; spoke of parking issues in the neighborhood side streets; stated she does not want to see a big store with apartments over it and not enough parking.

Sam Foster, 108 Teakwood Drive, agreed with Ms. Ericksen statement on the parking issues.

Helen Fayad, 338 Crystal Drive, questioned what happened to the B1 areas and spoke of the zoning issues in the Sky Manor section.

Scott Kenneally said those properties that might have been B1 are now the Village Zone and that use can have an apartment above it. He said a lot of those properties on Mantoloking or Herbertsville Roads fell into a category where many of them had some commercial use with apartments above it because they were constructed years ago and if the property owner wanted to do anything they had to go to the Board of Adjustment because they were zoned at B1 a non-permitted use to have the apartment upstairs even though it might have been grandfathered. He said the Village Zone now makes it a permitted use subject to compliance.

There were no further comments from the audience.

President deJong closed the public hearing on the Ordinance.

Motion by Councilwoman Pontoriero and seconded by Councilman Halloran to adopt the following Ordinance on Second and Final Reading and said Ordinance be published as provided by law:

All Council Members voted AYE on Roll Call.

**ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 245 ENTITLED "LAND USE" AND CREATING A VILLAGE ZONE**

**Ordinance on Second Reading: Amending the Zoning Designation for Various Properties.**  
Clerk Iannarone read the title of the Ordinance into the record.

President deJong explained the zoning designation for various properties specifically applies to parcels along Herbertsville Road, Drum Point Road and Mantoloking Road. She said the ordinance provides development standards that apply to new construction. She advised Planning Board review and approval and Architectural Committee Review are required on all new mixed use or non-residential developments in the proposed Village Zone. She said ordinance came about after the township planners identified a trend in Board of Adjustment cases related to mixed use. She advised the ordinance will legalize many structures which makes it easier for property owners with plans to upgrade or make improvements and noted the ordinances were sent to the Planning Board for review and approval.

President deJong opened the public hearing on the Ordinance.

Helen Fayad, 338 Crystal Drive, said master plans take a long time to develop and there needs to be input from the community on what they want in their neighborhood; she spoke about her property on Cedar Bridge & Hooper Avenue should be completed zoned commercial; she urged the council to reconsider some areas where ratables can be good for Brick.

Diana, 409 Raleigh Road, asked if the existing properties on Mantoloking, Herbertsville & Drum Point Roads are just the ones coded mixed use are going to be changed over; she questioned if any of the properties are coded RR1 that will be changed.

Mayor Ducey replied they are getting rid of the mixed use overlay zones.

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Tara Paxton advised the fire training center is being rezoned from OPT to RR1, but that site is not part of the Village Zone.

There were no further comments from the audience.

President deJong closed the public hearing on the Ordinance.

Motion by Councilman Mummolo and seconded by Councilman Halloran to adopt the following Ordinance on Second and Final Reading and said Ordinance be published as provided by law:

All Council Members voted AYE on Roll Call.

**AN ORDINANCE AMENDING THE ZONING DESIGNATION FOR VARIOUS PROPERTIES ON THE ZONING MAP OF THE TOWNSHIP OF BRICK**

President deJong opened the public hearing portion of the meeting.

John Sluka, 950 Sylvia Court, read his letter regarding the parkway construction project; he spoke about the need for a safety wall.

Nan Coll, 18 Greenbriar Boulevard, spoke about St. Dominic School receiving the Blue Ribbon Award and urged the council to have a presentation for them at an upcoming meeting

President deJong and Mayor Ducey advised they have contacted St. Dominic School and they will be attending the November 20<sup>th</sup> meeting for a special presentation.

Sam Foster, 108 Teakwood Drive, said the council should consider going back to having caucus meetings separate from the public meeting.

Steve Brill, 806 Jenny Court, spoke about the parkway noise at Evergreen Woods.

Vic Fanelli, 24 Meadow Point Drive, asked for clarification on the grant the Township received for School Security.

Joanne Bergin explained the Township is the lead contact as the security falls under the Chief.

There were no further comments from the audience.

President deJong closed the public hearing portion of the meeting.

Mayor Ducey spoke briefly about the \$469,000.00 school security grant and noted it is called the Cops School Violence Prevention Program; gave an update on the recycle coach app; he spoke about some upcoming events.

Councilwoman Zapic congratulated Michael Fowler on his retirement; she spoke about Eagle Point Neighborhood Halloween event that is open to the public.

Councilman Halloran congratulated Michael Fowler and expressed a safe and long healthy retirement to him; he mentioned the upcoming Beach Sweep on October 20<sup>th</sup> at Beach I.

Vice President Crate spoke about her opportunity working with Michael Fowler and wished him the best on his retirement; she mentioned the upcoming Photo Gallery night on October 18<sup>th</sup>; she mentioned some other upcoming events.

Councilman Fozman congratulated Michael Fowler on his retirement; he expressed that he was happy with the school security grant; questioned the dirt in the back of the Municipal Complex

Councilman Mummolo thanked Michael Fowler for his 25 years of service and noted he will be missed; he gave some statistics on a recent Evergreen Woods survey regarding a sound wall; he mentioned the upcoming Trunk or Treat Event on October 20<sup>th</sup>.

Councilwoman Pontoriero congratulated Michael Fowler on his retirement and expressed that

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Mike has true love for Brick and he will be missed; she spoke about the recent Italian Flag raising ceremony.

President deJong mentioned the upcoming free Senior Health Fair on October 11<sup>th</sup>; she mentioned the Recreation Office is still accepting donations of candy for Trunk or Treat; she also congratulated Michael Fowler on his retirement and expressed that he have a long and restful retirement and he will be missed.

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

All Council Members voted AYE.

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Heather deJong  
Council President

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Lynnette A. Iannarone  
Township Clerk