

MINUTES June 28th, 2021

START: 6:00 PM

PRESENT: MAYOR NICOL, COUNCILMEN GARRUZZO, GIANFORTE, GORHAM, NOLAN, SHAAK & VISCEGLIA, ATTORNEY MONTENEGRO & ADMINISTRATOR NOLAN.

ABSENT: NONE

Mayor Nicol announced that this meeting was being held virtually in compliance with Executive Order No. 103 and was being recorded.

There being no need for a work session, Mayor Nicol then read the compliance statement and the Regular Council Meeting was opened, after a pledge of allegiance to our flag. Mayor Nicol asked for a roll call.

Mayor Nicol then asked for a motion to approve the Minutes of the June 14th, 2021, Regular Meeting. A motion was made by Councilman Gianforte seconded by Councilman Garruzzo, all ayes, no nays. Passed.

Mayor Nicol then read a Proclamation (see insertion).

Whereas, the Borough of Brielle has been formed in accordance with the applicable statutes, and **Whereas**, it is fitting and proper for a municipality to pay tribute to those residents whose conduct are a positive reflection on the community, and

Whereas, on Friday June 11th, 2021, Erin Smith and Andrew Jacobs simultaneously witnessed two females in distress in the water adjacent to the Glimmer Glass Bridge, their respective kayaks having capsized, and

Whereas, without thought to their personal safety both individuals entered the water and proceeded to offer lifesaving assistance to the women, neither of whom were wearing safety vests, despite the fact that one of the women could not swim, and

Whereas, this selfless act of courage avoided a potential tragedy and such conduct is worthy of public recognition.

Now Therefore Be Proclaimed, that Monday, June 28th, 2021, is hereby proclaimed Erin Smith and Andrew Jacobs Day in the Borough of Brielle, and

Be It Further Proclaimed, that all Brielle Residents join the Mayor & Council in the acknowledgement of this heroic action.

One of the recipients, Mr. Jacobs, asked if this meant that everyone would wear hero costumes such as Spider Man on this date and the mayor advised “yes” if he so wished.

Council congratulated both heroes on their conduct and Councilman Shaak who was present at the event was glad that they were receiving well deserved recognition and he applauded their

conduct.

Mayor Nicol hoped that the Coast Star reporter would take note of this event.

Mayor Nicol then announced that the time had arrived for a hearing on the Borough's 2021 CDBG Application.

The hearing was opened on a motion by Councilman Garruzzo seconded by Councilman Nolan.

The Administrator explained that the Borough had previously applied for and been approved for CDBG Funds to bring the Borough into compliance with ADA requirements. Unfortunately, the bids received were in excess of the amount provided by the grant.

The Borough then reduced the scope of the project, rebid and was able to complete the first phase of the project, the provision of a handicapped chair lift. The new application was seeking funds to complete the project by constructing a handicapped accessible bathroom adjacent to the Council Chamber.

There being no questions from council or the public, the hearing was closed on a motion by Councilman Gianforte seconded by Councilman Shaak.

Councilman Garruzzo seconded by Councilman Nolan, introduced Resolution 21-81 to authorize the submission of an application to the Monmouth County Community Development Program for a grant to complete the Borough's ADA Compliance Project. Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all ayes. No nays. Passed.

Mayor Nicol then announced that the time had arrived for a hearing as to whether or not the Borough should submit a Ballot Question to the Public on the November Ballot regarding the membership of the Brielle Library in the Monmouth County Library System.

The hearing was opened on a motion by Councilman Gianforte seconded by Councilman Shaak.

The Administrator advised that the record should indicate that Chairman Nolan and the Public Resource Committee in conjunction with the Library Board of Trustees had met with representatives of Monmouth County Library Commission in an effort to resolve the issues of concern that had led to the proposed referendum question.

The dialogue had been constructive and in order to permit further discussions, the recommendation was to carry the hearing and the enabling resolution to the July 19th meeting @ 6:00pm. No further public notice of the hearing shall be given.

On a motion by Councilman Nolan seconded by Councilman Gianforte, the hearing was carried

to July 19th, 2021 @ 6:00pm. The hearing would be held virtually. Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all ayes. No nays. Passed.

Councilman Garruzzo seconded by Councilman Gianforte introduced Resolution 21-83 for Passage of the Consent Agenda.

Resolution:

- A. (See insertion)
- B. (See insertion)
- C. (See insertion)
- D. (See insertion)
- E. (See insertion)
- F. (See insertion)

Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all ayes. No nays. Passed (Note: Councilman Garruzzo abstained on resolution “A through “C”. Councilman Shaak abstained on “B”).

Councilman Visceglia seconded by Councilman Gorham introduced Resolution 21-84 for Payment of Bills. Be It Resolved that the following bills be paid, and that the Mayor or President of Council be authorized to draw orders on the Chief Finance Officer for payment of the bills of June 28th, 2021, as reviewed by the Finance Committee and as listed on the Resolution and the Computer Bill List amended thereto. Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all ayes. No Nays. Passed.

Prior to requesting committee reports, the mayor announced that Brielle Day was officially on the calendar and would be held on Saturday, September 11th. The mayor then called for committee reports and recognized Councilman Gianforte who had no report, but he recognized the Administrator who advised Council that there were on-going issues with the current ordinance that allowed for Special permits.

In many cases applicants were seeking to conduct activities that are in violation of existing zoning regulations and, while in the past the Borough has been lenient in the enforcement of zoning, these requests are becoming an issue. Just this afternoon a local business requested permission to hold a car show in the C-2 Zone. The request was denied as it came in too late for the agenda, and the requested date was July 11th prior to the next council meeting, but it was a violation of zoning and another business in the adjacent Gateway Zone had just been informed that he must desist in holding events that violated zoning. I think the Community Development Committee needs to review the ordinance with an eye to clarifying the “gray areas”.

Councilman Nolan thanked the Council for agreeing to carry the hearing on the library

referendum to the next meeting as he felt the dialogue had been productive. He advised that the library had begun the Family Summer Read Program and while it would now be closed on Saturday through the summer, the Midday Book Club had commenced at 2:00pm this date, yoga on the lawn would continue along with other programs such as read and wine.

No other Councilmembers having reports, the meeting was opened to the public.

The Administrator advised that no written comments on any agenda item had been made either by e-mail or mail prior to the deadline for submission.

Mayor Nicol apologized for his late arrival due to technical problems he attributed to his lack of computer skill, but he was corrected by IT Director Coman who cited technical difficulties beyond the mayor's control that he was now taking steps to remediate.

There being no public comment, the meeting was adjourned at 6:37 pm on a motion by Councilman Gianforte seconded by Councilman Nolan.

Approved: July 19th, 2021

Thomas Nolan
Deputy Municipal Clerk

Resolution No.:21-83-A
Date: June 28th, 2021

BOROUGH OF BRIELLE RESOLUTION

Whereas, application has been made for the renewal of Liquor License #1308-33-001-008, and
Whereas, the application is complete and the \$2,225.00 fee due to the Borough and the \$200.00 fee due to the State of New Jersey Division of Alcoholic Beverage Control received, and all municipal requirements have been met, and

Whereas, no objections to the renewal of this license have been received

Now Therefore Be It Resolved, that the application of Paradise Hospitality LLC for premises located at 1 Ocean Avenue, Brielle, New Jersey, is hereby approved and the Clerk is authorized to renew the license from July 1st, 2021 through June 30th, 2022, subject to the following conditions:

1. Alcoholic Beverage may be sold, served, delivered, or consumed on the open exterior deck of the premises from 12:00 p.m. to 11:00 p.m., Sunday through Thursday, and from 12:00 p.m. to 1:00 a.m. on Friday and Saturday.
2. Live entertainment may be permitted on Saturdays and Sundays from 1:30 P.M. to 12:00 a.m. (Midnight). Live entertainment shall be limited to a piano player, a guitar player or a band (not to exceed a duo). A Disc - Jockey shall not be permitted.
3. Controlled Background Music may be permitted in the above-mentioned deck area during the hours of 12:00 p.m. to 10:00 p.m., Sunday through Thursday, and from 12:00 p.m. to 1:00 a.m. on Fridays and Saturdays, providing that said music is in compliance with the provisions of Chapter 3, Sections 3-1.1 through 3.1-11 of the Code of the Borough of Brielle entitled "Noise Control" and is compliance with all other Ordinances of the Borough.
4. A singer shall be permitted to entertain on the deck on Friday and Saturday evenings from 9:00 p.m. until 12:00 a.m. (Midnight) and on Sunday from 3:00 p.m. until 10:00 p.m. provided that such activity is in compliance with the provisions of Borough Ordinances.
5. No doors or windows can remain open while any live entertainment or background music is utilized on the deck.
6. On the Sunday prior to Memorial Day & on the Sunday prior to Labor Day, the deck may remain open until 1:00 am. The deck may also remain open until 1:00 a.m. on July 3rd. These exceptions are granted subject to the provisions of this resolution.

Certification

The foregoing is a true copy of a Resolution passed by the Mayor and Council of the Borough of Brielle at a meeting held at Borough Hall, 601 Union Lane, Brielle, New Jersey, on Monday, June 28th, 2021.

Witness my Hand and Seal of the Borough of Brielle this day 29th of June 2021.

Carol Baran
Municipal Clerk

Resolution No.:21-83-B
Date: June 28th, 2021

BOROUGH OF BRIELLE RESOLUTION

Whereas, application has been made for the renewal of liquor license #1308-33-004-008, and

Whereas, the application is complete, the \$2,225.00 fee due the Borough of Brielle and the \$200.00 fee due to the State of New Jersey, Division of Alcoholic Beverage Control have been received, and all municipal requirements have been met, and

Whereas, no objections to the renewal of this license have been received.

Now therefore be it resolved, that the application of Brenda's III, LLC, T/A Waterman's Tavern for premises located at 403 Higgins Avenue, Brielle, N.J., is hereby approved and the Municipal Clerk is authorized to issue the license for the license year July 1st, 2021 through June 30th, 2022.

Certification

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council at a meeting held on June 28th, 2021.

Witness my hand and seal of the Borough of Brielle this 29th day of June 2021.

Carol Baran
Municipal Clerk

BOROUGH OF BRIELLE RESOLUTION

Whereas, application has been made for renewal of liquor license #1308-33-002-011, and Whereas, the application is complete, the \$2,225.00 fee due the Borough of Brielle and the \$200.00 fee due to the State of New Jersey, Division of Alcoholic Beverage Control have been received, and all municipal requirements have been met, and

Whereas, no objections to the renewal of this license have been received.

Now therefore be it Resolved that the application of Getting Happier LLC T/A The Pig and the Parrot Sand Bar for premises located at 201 Union Lane, Brielle, N.J., is hereby approved and the Municipal Clerk is authorized to issue the license for the license year July 1st, 2021 through June 30th, 2022, subject to the following conditions hereby imposed by the Governing Body of the Borough of Brielle:

- 1.) The conditions imposed by the Brielle Planning Board Resolution, dated May 6th, 1995 and incorporated into the text of this resolution as Addendum #1 (attached) shall continue to apply to this liquor license and shall be strictly enforced. The license holder shall abandon the area known as the west deck for service and/or consumption of food and alcoholic beverage and any other business purpose. The applicant shall not place any tables, chairs or similar devices on the west deck.
- 2.) No alcoholic beverage is to leave the licensed premises in an open container. The management of the Sand Bar is required to monitor all points of ingress or egress to ensure that this condition is met.
- 3.) All doors and windows of the Sand Bar shall be kept closed after 7:00 p.m. (Prevailing Time) whenever live, canned or amplified music is played.

Certification

The foregoing is a true copy of a Resolution passed by the Mayor and Council of the Borough of Brielle at a meeting held at Borough Hall, 601 Union Lane, Brielle, New Jersey, on Monday, June 28th, 2021.

Witness my Hand and Seal of the Borough of Brielle this 29th day of June 2021.

Carol Baran
Municipal Clerk

Resolution No.:21-83-D
Date: June 28th, 2021

BOROUGH OF BRIELLE RESOLUTION

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Improvements to Green Avenue – Phase II project.

NOW, THEREFORE, BE IT RESOLVED that Council of Borough of Brielle formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA2022 Improvements to Green Avenue – Phase II – 00079 to the New Jersey Department of Transportation on behalf of Borough of Brielle.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Borough of Brielle and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement

Certification

The foregoing is a true copy of a Resolution passed by the Mayor and Council of the Borough of Brielle at a meeting held on Monday, June 28th, 2021.

Carol Baran
Municipal Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

(Clerk)

(Presiding Officer)

BOROUGH OF BRIELLE RESOLUTION

Resolution: Approving Insertion of Special Item of Revenue - Clean Communities Grant

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Brielle has received a grant of \$ 11,811.07 from the State of New Jersey and wishes to amend its 2021 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Brielle hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$ 11,811.07 which is now available as a revenue from:

MISCELLANEOUS REVENUES

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

State and Federal Revenues Off-Set with Appropriations:

Clean Communities Grant

pursuant to provisions of Statute, and

BE IT FURTHER RESOLVED that a like sum of \$ 11,811.07 be and the same is hereby appropriated under the caption of:

GENERAL APPROPRIATIONS

(a) Operations Excluded from 5% CAPS

State and Federal Programs Off-Set by Revenues:

Clean Communities Grant -

Other Expenses

BE IT FURTHER RESOLVED that the CFO electronically file this Resolution with the Director of Local Government Services.

Certification

The foregoing is a true copy of a Resolution passed by the Mayor and Council of the Borough of Brielle at a meeting held on Monday, June 28th, 2021.

Witness my Hand and Seal of the Borough of Brielle this 29th day of June 2021.

Carol Baran
Municipal Clerk