

Borough of Brielle

JANUARY 8, 2018

January 31 2018

January 8th, 2018

Page 6

MINUTES JANUARY 8th, 2018 WORK SESSION START: 7:46 PM

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

ABSENT: SHAAK

Mayor Nicol announced that any member of the public wishing to audio or video record a Council Meeting must give notice to the Borough Clerk prior to the meeting being recorded.

Mayor Nicol convened the work session in compliance with the Open Public Meetings Act and recognized the Administrator, who had no formal report.

Mayor Nicol then read a Proclamation to proclaim April 27th, 2018 as "Arbor Day" in the Borough of Brielle (see insertion).

Whereas, The State legislature has designated the last Friday in April as Arbor Day, and

Whereas, it is the purpose of this designation to encourage the planting of shade and forest trees, to encourage the harvesting of forest crops by approved conservation measures, and to encourage the protection of forests from the scourge of devastating fires, insects, and diseases that destroy the beauty and usefulness of our woodlands as well as endangering the wildlife that inhabit them, and

Whereas, public endorsement of the foregoing measures, through the observance of Arbor Day, will help to preserve the natural resources of our forests and ensure that this heritage endures for future generations.

Now Therefore, Be it proclaimed, that Friday, April 27th, 2018 be observed as Arbor Day in the Borough of Brielle, and the Governing Body hereby urges all Brielle residents to plant one or more trees in honor of the day and to actively participate in all sponsored Arbor Day activities within the Borough of Brielle.

There being no further comment, work session was adjourned at 7:48 p.m. on a motion by Councilman Garruzzo seconded by Councilman Visceglia.

Page 7

MINUTES JANUARY 8th, 2018 START: 7:48 P.M.

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

ABSENT: SHAAK

Following a moment of silent prayer, a salute to the flag and a roll call, the Minutes of the December 18th, 2017 meeting were approved on a motion by Councilman Shaak seconded by Councilman Visceglia; all aye; no nays. Passed (Note: Councilmen Nolan & Visceglia abstained).

Councilman Garruzzo seconded by Councilman Nolan, introduced Resolution 18-15 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)
- G. (see insertion)
- H. To renew the current agreement with the Brielle library association for the provision of library services.
- I. To appoint Carol McMenamy as the Public Agency Compliance Officer (PACO)
- J. (see insertion)
- K. (see insertion)
- L. To authorize the Administrator to issue Food Handler Permits and all non-statutory licenses for calendar 2018

Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan & Visceglia; all aye, No nays. Passed

Councilman Garruzzo seconded by Councilman Gorham introduced Resolution 18-16 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 January 8th, 2018, as reviewed by the Finance Committee and as listed on the Resolution and the Computer Bill List amended thereto. Vote: Council members Garruzzo, Gianforte, Gorham, Nolan & Visceglia: all aye. No nays. Passed

Mayor Nicol then called for Committee Reports and recognized Councilman Gianforte who had no report.

Councilman Nolan wished everyone a Happy New Year.

Page 8

Councilman Garruzzo provided those assembled with the 2017 Statistics for the Police Department. Adult Arrests 164, Juvenile Arrests 4, Motor Vehicle Accident Investigations 100, Motor vehicle Summonses 3,135, DWI Arrests 39 and Drug Arrests 41.

During Calendar 2017, the department engaged in a number of Community Policing Partnerships, they included National Night Out, Trunk or Treat, Wreaths across America, the annual Coat Drive in conjunction with PBA 395 and the Pilgrim Baptist Church in Red Bank. Again, in partnership with PBA 395, happy holiday tickets for pizza at Jimmy's Cucina were issued to the Elementary School students.

Councilman Gorham & Visceglia had no reports.

The meeting was then adjourned at 7:50 pm on a motion by Councilman Gianforte seconded by Councilman Gorham.

Approved: January 22nd, 2018

Thomas F. Nolan
Municipal Clerk

Resolution No: 18-15-A Date: January 8th, 2018

RESOLUTION OF THE
GOVERNING BODY OF THE BOROUGH OF BRIELLE
AWARDING A PROFESSIONAL CONTRACT

WHEREAS, the above entity has been formed pursuant to the applicable New Jersey Statutes; and
WHEREAS, in order to fulfill its statutory duties it is necessary that the Borough of Brielle retain the services of a Borough Attorney; and
WHEREAS, the Borough of Brielle has retained the services of the firm of Montenegro, Thompson, Montenegro & Genz, inasmuch as they are competent to fulfill the needs of the Borough of Brielle; and

WHEREAS, the Borough of Brielle wishes to establish the rate of compensation for and to be paid to said professional;

NOW, THEREFORE, be it resolved that as of this 8th day of January 2018, that;

1. Nicholas C. Montenegro of the firm of Montenegro, Thompson, Montenegro & Genz is hereby retain by the Borough of Brielle as the Municipal Attorney for the fiscal year 2018 to perform to the terms of the Agreement between the Municipal Attorney and the Borough of Brielle.
2. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because same involves the retaining of professional services.
3. The Chief Administrative Officer has made a determination that, in accordance with the provisions of the non-fair and open process the value of the contract is determined to exceed the \$17,500.00 threshold. The estimates value of this annual contract is \$150,000.00.
4. This contract is being awarded under the non-fair and open contract provisions of N.J.S.A. 19:44A-20.5.
5. The contractor is required to file a Business Entity Disclosure Certificate with the Borough of Brielle and a Political Contribution Disclosure Form.
6. Funds for payment of this contract have been provided for in the 2018 Temporary Budget and shall be included in the 2018 Municipal Budget.
7. The Borough of Brielle Clerk shall cause the attached Notice to be published in the Coast Star in compliance with the provisions of N.J.S.A.40A:11-5(l)(a)and(i) and N.J.S.A. 19:44A-20.5,

Certification

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council at a meeting held on January 8th, 2018.

Witness my hand and seal of the Borough of Brielle this 9th day of January, 2018.

Thomas F. Nolan
Municipal Clerk

Resolution No: 18-15-B Date: January 8th, 2018

RESOLUTION OF THE
GOVERNING BODY OF THE BOROUGH OF BRIELLE
AWARDING A PROFESSIONAL CONTRACT

WHEREAS, the above entity has been formed pursuant to the applicable New Jersey Statutes; and
WHEREAS, in order to fulfill its statutory duties it is necessary that the Borough of Brielle retain the services of an Municipal Engineer; and

WHEREAS, the Borough of Brielle has retained the services of Alan P. Hilla, Jr. of H2M Water inasmuch as they are competent to fulfill the needs of the Borough of Brielle; and
WHEREAS, the Borough of Brielle wishes to establish the rate of compensation for and to be paid to said professional;

NOW, THEREFORE, be it resolved that as of this 8th day of January 2018, that;

1. Alan P. Hilla, Jr. & H2M Water is hereby retained by the Borough of Brielle as its Municipal Engineer for the fiscal year 2018 to perform to the terms of the Agreement between the Municipal Engineer and the Borough of Brielle.
2. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a)and(i) of the Local Public Contracts Law because same involves the retaining of professional services.
3. The Chief Administrative Officer has made a determination that, in accordance with the provisions of the non-fair and open process the value of this contract is determined not to exceed the \$17,500 threshold. The estimates value of this annual contract is \$70,000.00.
4. This contract is being awarded under the non-fair and open contract provisions of N.J.S.A.19:44A-20.5.
5. The contractor is required to file a Business Entity Disclosure Certification with the Borough of Brielle.
6. Funds for the payment of this contract have been provided for in the 2018 Temporary Budget and shall be included in the 2018 Municipal Budget.
7. The Borough of Brielle Clerk shall cause the attached Notice to be published in the Coast Star in compliance with the provisions of N.J.S.A. 40A:1 1-5(1)(a) and N.J.S.A.19:44-20.5.

CERTIFICATION

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council at a meeting held on January 8th, 2018.

Witness my hand and seal of the Borough of Brielle this 9th day of January 2018.

Thomas F. Nolan
Municipal Clerk

Resolution No: 18-15-C
Date: January 8th, 2018

RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF BRIELLE AWARDING A PROFESSIONAL CONTRACT

WHEREAS, the above entity has been formed pursuant to the applicable New Jersey Statutes; and

WHEREAS, in order to fulfill its statutory duties it is necessary that the Borough of Brielle retain the services of an Auditor; and

WHEREAS, the Borough of Brielle has retained the services of Robert A. Hulsart inasmuch as he is competent to fulfill the needs of the Borough of Brielle; and

WHEREAS, the Borough of Brielle wishes to establish the rate of compensation for and to be paid to said professional;

NOW, THEREFORE, be it resolved that as of this 8th day of January 2018, that;

1. Robert A. Hulsart is hereby retained by the Borough of Brielle as its Auditor for the calendar year 2018 to perform to the terms of the Agreement between the Auditor and the Borough of Brielle.
2. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because same involves the retaining of professional services.
3. The Chief Administrative Officer has made a determination that, in accordance with the provisions of the non-fair and open process the value of this contract is determined to exceed the \$17,500.00 threshold. The estimates value of this annual contract is \$40,000.00.
4. This contract is being awarded under the non-fair and open contract provisions of N.J.S.A. 19:44A-20.5.
5. The Contractor is required to file a Business Entity Disclosure Certification and a Political Contribution Disclosure Form with the Borough of Brielle.
6. Funds for payment of this contract have been provided for in the 2018 Temporary Budget and shall be included in the 2018 Municipal Budget.
7. The Borough of Brielle Clerk shall cause the attached Notice to be published in the Coast Star in compliance with the provisions of N.J.S.A. 40A:11-5(1)(a) and (j) and the provisions of N.J.S.A. 19:44A-20.5.

Certification

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council at a meeting held on January 8th, 2018.

Witness my hand and seal of the Borough of Brielle this 9th day of January 2018.

Thomas F. Nolan
Municipal Clerk

Resolution No: 18-15-D
Date: January 8th, 2018

BOROUGH OF BRIELLE
MONMOUTH COUNTY
NEW JERSEY

Resolution authorizing the award of a contract for professional services in connection with the financing of capital improvements in accordance with the attached agreement (contract awarded without competitive bidding pursuant to the local public contracts law, N.J.S.A. 40a:11-1 et seq.), authorized by the Borough of Brielle, County of Monmouth, New Jersey.

WHEREAS, there exists a need for specialized legal services in connection with the authorization and the issuance of bonds and other obligations and other matters relating to capital financing by the Borough of Brielle, County of Monmouth, New Jersey (herein the "Borough"); and

WHEREAS, such specialized legal services can be provided only by a recognized Bond Counsel firm, and the law firm of GluckWalrath, LLP Red Bank, New Jersey, are so recognized by the financial community; and

WHEREAS, the services to be performed are "professional services" as defined in the Local Public Contracts Law, N.J.S.A. 40A:11-2(6), and therefore are excepted from the Local Public Contracts Law requirements for competitive bidding, pursuant to N.J.S.A. 40A:115(l)(a)(i); and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i), requires the public advertisement of notice with respect to contracts for professional services awarded without competitive bids; and

WHEREAS, funds are or will be available for this purpose.

NOW, THEREFORE, be it resolved By the Borough Council of the Borough of Brielle, in the County of Monmouth, New Jersey as follows:

1. That the Borough Counsel hereby appoints the firm of GluckWalrath, LLP, Attorneys at Law, Red Bank, New Jersey, to serve as Bond Counsel to the Borough in connection with the financing of capital projects, and awards the contract which is annexed hereto and made a part hereof (the "Contract"), in accordance with N.J.S.A. 40A:11-1 et seq.
2. That the Mayor or other appropriate official of the Borough, on behalf of the Borough, is hereby authorized and directed to execute the Contract and the Clerk is hereby authorized and directed to attest to the execution of said Contract for professional services in connection with the preparation of all bond ordinances and the authorization and issuance of all bonds, bond anticipation notes, tax anticipation notes or similar obligations and related matters of capital and debt financing by the Borough.
3. That no appropriation of funds is required at this time, payment coming from the proceeds of the sale of bonds, bond anticipation notes and tax anticipation notes or similar obligations or from capital authorizations or other appropriate budgeted items in accordance with the attached Contract.
4. That this Contract is awarded without competitive bidding as a professional service under the provisions of the Local Public Contracts Law, N.J.S.A.40A:11-5(1)(a)(i), because legal services are a recognized profession licensed and regulated by law.
5. That a notice in accordance with this resolution and the Local Public Contracts Law shall be published in the official newspaper or newspapers of the Borough.
6. That an executed copy of the Contract and a copy of this resolution shall be filed in the Office of the Clerk and be available there for public inspection in accordance with law.
7. That this resolution shall take effect immediately.

The estimates value of this annual contract is \$10,000.00

Certification

I, Thomas Nolan, Clerk of the Borough of Brielle in the County of Monmouth, New Jersey do hereby certify that annexed hereto is a true and complete copy of a resolution adopted by the Borough Counsel of the Borough of Brielle at a duly convened meeting held on the 8th of January 2018. Said resolution has not been amended or repealed and remains in full force and effect on this date.

In Witness Whereof, I hereunto set my hand and affix the corporate seal of said Borough as of this 9th day of January 2018.

BOROUGH OF BRIELLE
IN THE COUNTY OF
MONMOUTH, NEW JERSEY

Thomas F. Nolan
Municipal Clerk

Resolution No: 18-15-E
Date: January 8th, 2018

RESOLUTION OF THE
GOVERNING BODY OF THE BOROUGH OF BRIELLE
AWARDING A PROFESSIONAL CONTRACT

WHEREAS, the above entity has been formed pursuant to the applicable New Jersey Statutes; and

WHEREAS, in order to fulfill its statutory duties it is necessary that the Borough of Brielle retain the services of a Labor Attorney; and

WHEREAS, the Borough of Brielle has retained the services of James W. Holzapfel and the firm of Citta, Holzapfel & Zabarsky, inasmuch as he is competent to fulfill the needs of the Borough of Brielle; and

WHEREAS, the Borough of Brielle wishes to establish the rate of compensation for and to be paid to said

professional;

NOW, THEREFORE, be it resolved that as of this 8th day of January 2018, that;

1. James W. Holzapfel and the firm of Citta, Holzapfel & Zabarsky, is hereby retained by the Borough of Brielle as its Labor Attorney for calendar year 2016 to perform to the terms of the Agreement between the Labor Attorney and the Borough of Brielle.
2. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:I 5(I)(a) of the Local Public Contracts Law because same involves the retaining of professional services.
3. The Chief Administrative Officer has made a determination that, in accordance with the provisions of the non-fair and open process the value of this contract is determined not to exceed the \$17,500.00 threshold. The estimates value of this annual contract is \$2,000.00 .
4. This contract is not subject to the provisions of N.J.S.A. I 9:44A-20.5.
5. Funds for payment of this contract have been provided for in the 2018 Temporary Budget and shall be included in the 2018 Municipal Budget.
6. The Borough of Brielle Clerk shall cause the attached Notice to be published in the Coast Star.

Thomas F. Nolan
Municipal Clerk

Resolution No: 18-15-F Date: January 8th, 2018

RESOLUTION OF THE
GOVERNING BODY OF THE BOROUGH OF BRIELLE
AWARDING A PROFESSIONAL CONTRACT

WHEREAS, the above entity has been formed pursuant to the applicable New Jersey Statutes; and
WHEREAS, in order to fulfill its statutory duties it is necessary that the Borough of Brielle retain the service of a Municipal Prosecutor; and
WHEREAS, the Borough of Brielle has retained the services of the firm of Citta, Holzapfel & Zabarsky inasmuch as they are competent to fulfill the needs of the Borough of Brielle; and
WHEREAS, the Borough of Brielle wishes to establish the rate of compensation for and to be paid to said professional

NOW, THEREFORE, be it resolved that as of this 8th day of January 2018 that;

1. The firm of Citta, Holzapfel & Zabarsky is hereby retained by the Borough of Brielle as its Municipal Prosecutor for calendar year 2018 to perform to the terms of the Agreement between the Municipal Prosecutor and the Borough of Brielle.
2. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:I1-5(I)(a) of the Local Public Contracts Law because same involves the retaining of professional services.
3. The Chief Administrative Officer has made a determination that, in accordance with the provisions of the non-fair and open process the value of this contract is determined not to exceed the \$17,500.00 threshold. The estimates value of this annual contract is \$25,000.00.
4. This contract is not subject to the provisions of N.J.S.A. 19:44A-20.5
5. Funds for payment of this contract have been provided for in the 2018 Temporary Budget and shall be included in the 2018 Municipal Budget.
6. The Borough of Brielle Clerk shall cause the attached Notice to be published in the Coast Star.

CERTIFICATION

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council at a meeting held on January 8th, 2018.

Witness my hand and seal of the Borough of Brielle this 9th day of January 2018.

Thomas F. Nolan
Municipal Clerk

Resolution No: 18-15-G

Date: January 8th, 2018

RESOLUTION OF THE
GOVERNING BODY OF THE BOROUGH OF BRIELLE
AWARDING A PROFESSIONAL CONTRACT

WHEREAS, the above entity has been formed pursuant to the applicable New Jersey Statutes; and

WHEREAS, in order to fulfill its statutory duties it is necessary that the Borough of Brielle retain the services of an Public Defender; and

WHEREAS, the Borough of Brielle has retained the services of Timothy J. Wintrode, Esq. inasmuch as he is competent to fulfill the needs of the Borough of Brielle; and

WHEREAS, the Borough of Brielle wishes to establish the rate of compensation for and to be paid to said professional;

NOW, THEREFORE, be it resolved that as of this 8th day of January 2018, that;

1. Timothy J. Wintrode, Esq., is hereby retained by the Borough of Brielle as its Public Defender for the calendar year 2018 to perform to the terms of the Agreement between the Public Defender and the Borough of Brielle.
2. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A: 11-5(1)(a)and(i) of the Local Public Contracts Law because same involves the retaining of professional services.
3. The Chief Administrative Officer has made a determination that, in accordance with the provisions of the non-fair and open process the value of this contract is determined not to exceed the \$17,500.00 threshold.
4. This contract is not subject to the provisions of N.J.S.A.19:44a-20.5.
5. The Borough of Brielle Clerk shall cause the attached Notice to be published in the Coast Star.
6. Funds for payment of this contract have been provided for in the 2018 Temporary Budget and shall be included in the 2018 Municipal Budget.
7. The Borough of Brielle Clerk shall cause the attached Notice to be published in the Coast Star in compliance with the provisions of N,J.S.A.40A11:-5(I)(a)and(i) and N.J.S.A. 19:44A-20.5,

Certification

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council at a meeting held on January 8th, 2018.

Witness my hand and seal of the Borough of Brielle this 9th day of January, 2018.

Thomas F. Nolan
Municipal Clerk

Resolution No: 18-15-J
Date: January 8th, 2018

Whereas, the tax appeal process frequently requires the Borough to be represented in appeals that are heard by the State of New Jersey's Tax Court, and

Whereas, such appeals require the employment of an "expert" witness to testify as to the value of the properties in question, and

Whereas, throughout the year, the Borough solicits proposals from BRB Valuation & Consulting Services, and

Whereas, each proposal is unique to the individual property under consideration during the appeal process and a standard professional service contract is not deemed by the Governing Body to be an appropriate vehicle to meet this need.

Now Therefore Be It Resolved, that the Borough Administrator is authorized, in concurrence with the Borough Tax Assessor, to employ BRB Valuation as a professional service with each case and the amount required for provision of the specific service to be treated as a separate contract/proposal.

CERTIFICATION

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council, at a meeting held on January 8th, 2018.

Witness my hand and seal of the Borough of Brielle this 9th day of January 2018.

Thomas Nolan
Municipal Clerk
Resolution No: 18-15-K
Date: January 8th, 2018

WHEREAS, the Borough of Brielle wishes to continues the existing relationship with the Monmouth County Department of Transportation for the provision of the Special Citizens Area Transportation System (SCAT), and

WHEREAS, the current contract expires on December 31st, 2017

NOW THEREFORE BE IT RESOLVED, that the Mayor & Municipal Clerk are hereby authorized to execute an agreement with the Monmouth County Department of Transportation for the provision of SCAT services for the period January 1st, 2018 through December 31st, 2018.

CERTIFICATION

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council, at a meeting held on January 8th, 2018.

Witness my hand and seal of the Borough of Brielle this 9th day of January 2018.

Thomas Nolan
Municipal Clerk