

Borough of Brielle

MAY 14, 2018

June 25 2018

May 14th, 2018

Page 38

MINUTES May 14th, 2018, 2018 WORK SESSION START: 7:30 PM

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

ABSENT: NONE

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, but he asked for permission to add a resolution to the consent agenda re: signatories to bank accounts.

Mayor Nicol then read a proclamation on Gun Violence Awareness Day (see insertion).

DECLARING THE FIRST FRIDAY IN JUNE TO BE NATIONAL GUN VIOLENCE AWARENESS DAY

This proclamation declares the first Friday in June to be National Gun Violence Awareness Day in the Borough of Brielle to honor and remember all victims and survivors of gun violence and to declare that we as a country must do more to reduce gun violence.

WHEREAS, every day, 96 Americans are killed by gun violence and on average there are nearly 13,000-gun homicides every year; and

WHEREAS, Americans are 25 times more likely to be killed with guns than people in other developed countries; and

WHEREAS, protecting public safety in the communities they serve is mayors' highest responsibility; and

WHEREAS, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from dangerous people; and

WHEREAS, mayors and law enforcement officers know their communities best, are the most familiar with local criminal activity and how to address it, and are best positioned to understand how to keep their citizens safe; and

WHEREAS, in January 2013, Hadiya Pendleton, a teenager who marched in President Obama's second inaugural parade and was tragically shot and killed just weeks later, should have be now celebrating her 21st birthday; and

WHEREAS, to help honor Hadiya — and the 96 Americans whose lives are cut short and the countless survivors who are injured by shootings every day — a national coalition of organizations has designated June 1st, 2018, the first Friday in June, as the 4th National Gun Violence Awareness Day; and

WHEREAS, the idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange; they chose this color because hunters wear orange to announce themselves to other hunters when out in the woods and orange is a color that symbolizes the value of human life; and

Page 39

WHEREAS, anyone can join this campaign by pledging to Wear Orange on June 1st, the first Friday in June in 2018, to help raise awareness about gun violence; and

WHEREAS, by wearing orange on June 1st, 2018 Americans will raise awareness about gun violence and honor the lives of gun violence victims and survivors; and

WHEREAS, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands and encourage responsible gun ownership to help keep our children safe.

NOW, THEREFORE BE IT RESOLVED, that Mayor and Council of the Borough of Brielle declare the first Friday in June, June 1, 2018, to be National Gun Violence Awareness Day. I encourage all citizens to support their local communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.

Lynn Schambach, 525 Harris Avenue, thanked the Mayor & Council for the proclamation and their support of Gun Awareness Day. As a member of Moms Demand Action, a group founded in 2012 after the New Town Tragedy, her goal and that of the group was to work for sensible gun legislation to increase awareness of this vital issue. She invited the Governing Body to attend their rally in Asbury Park, on Saturday, June 2nd, from

12:30 to 3:30pm and she reminded them to wear "Orange".

There being no questions from Council or the public, work session was adjourned at 7:40 p.m. on a motion by Councilman Shaak seconded by Councilman Garruzzo.

Page 40

MINUTES May 14th, 2018 WORK SESSION START: 7:41 PM

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

ABSENT: NONE

Following a moment of silent prayer, a salute to the flag and a roll call, the Minutes of the April 23rd, 2018 meeting were approved on a motion by Councilman Gianforte seconded by Councilman Nolan; all aye; no nays. Passed

Councilman Garruzzo seconded by Councilman Nolan introduced Resolution 18-60 for Passage of the Consent Agenda.

Resolution:

A. (see insertion)

B. (see insertion)

C. (see insertion)

D. (see insertion)

E. To authorize Realty Data Systems to conduct added assessment inspections as per the terms of their original contract.

F. (see insertion)

G. (see insertion)

Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all aye, No nays. Passed (Note: Councilman Garruzzo abstained on "A")

Councilman Visceglia seconded by Councilman Gorham introduced Resolution 18-61 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 May 14th, 2018, 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 aye, No nays. Passed

Mayor Nicol then announced that the time had arrived for a hearing and further consideration of "AN ORDINANCE TO AMEND CHAPTER FOUR OF THE CODE OF THE BOROUGH OF BRIELLE ENTITLED "GENERAL LICENSING".

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

The Administrator explained that the ordinance further refined the restrictions on door-to-door solicitations by vendors.

Page 41

The hearing was closed on a motion by Councilman Shaak seconded by Councilman Gorham.

Councilman Gianforte seconded by Councilman Nolan introduced Resolution 18-62 For passage on final reading of the foregoing ordinance. Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all aye. No nays. Passed.

Councilman Gianforte seconded by Councilman Nolan introduced Resolution 18-63 to authorize publication of passage and adoption in the Coast Star according to law. Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all aye. No nays. Passed.

Mayor Nicol recognized Councilman Gianforte who had no report. Councilman Nolan advised that the town wide garage sale had been a great success and he noted that the Library's summer hours were posted on their web-site. Councilman Nolan reminded the public that the annual North vs. South competition would be

held June 2nd. The deadline for sponsorship was May 20th, but registration could take place as late as June 2nd, although the Recreation Committee preferred that participants not wait until the last minute.

Councilman Garruzzo advised that he was running the Basketball Event on that day and this year teams would be divided into two age group 18 to 40 and over 40 to make the event fairer.

Councilman Garruzzo also noted that the Police Department Marine Unit has been activated for the summer months and shall begin patrols on Saturday, May 19th from 8:00am to 1:00pm. Paddle Surf New Jersey is hosting a Paddle Sport Race on the Manasquan River that day and the unit will be present to assist with ensuring the safety of the participants.

Councilman Shaak advised that the pot hole program was near completion and asked residents who knew of any ones that might have been missed to let him know. Councilman Shaak was also pleased to announce that the Drawbridge had re-opened "temporarily". He added that Council supported the replacement of the existing bridge with a new modern structure.

Councilman Gorham & Visceglia having no report the meeting was open to the public.

There being no further public comment, Councilman Gianforte seconded by Councilman Nolan introduced Resolution 18-64.

Whereas, the Open Public Meetings Act permits the exclusion of the Public from a meeting in certain circumstances; and

Whereas, the Borough Council of the Borough of Brielle is of the opinion that such circumstances currently exist. Now Therefore Be It Resolved, by the Borough Council of the Borough of Brielle, County of Monmouth, State of New Jersey, on May 14thth, 2018, as follows:

1. The Public shall be excluded from discussion of and action upon the hereinafter specified subject matters.

Page 42

2. The general nature of the subject matter to be discussed is as follows:
"Potential Litigation".

3. It is anticipated at this time that the above stated subject matters will be made public when the need for confidentiality no longer exists.

Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all aye. No nays. Passed. (Note: Councilman Garruzzo then abstained from attending the Executive Session due to a conflict.)

The Executive Session began at 7:50 p.m. and ended at 8:12 p.m. The session was adjourned on a motion by Councilman Gianforte seconded by Councilman Nolan.

Councilman Garruzzo, seconded by Councilman Nolan introduced Resolution 18-65 To authorize the Borough Attorney to defend the Borough and the Borough Engineer in the Civil Action Complaint In Lieu of Prerogative Write and action for Mandamus and for Civil Damages and for Injunctive Relief, filed on 5/11/18 MON-L-001737-18.

The meeting was adjourned at 8:13 pm on a motion by Councilman Shaak seconded by Councilman Gianforte.

Approved: May 29th, 2018. _____
Thomas F. Nolan
Municipal Clerk

Resolution No: 18-60-A
Date: May 14th, 2018

Resolution of the Borough of Brielle

Resolution opposing the proposed extension of the length of the summer season during which seasonal retail consumption licensees could sell alcoholic beverages

Whereas, The Borough of Brielle previously opposed the adoption of S2606 sponsored by Senator Patrick J. Diegnan, Jr. (District 18, Middlesex) and the companion bill A1850 sponsored by Assemblypersons Thomas P. Giblin (District 34, Essex and Passaic); Wayne P. DeAngelo (District 14, Mercer and Middlesex); Raj Mukherji (District 33, Hudson); Jamel C. Holley (District 20, Union), and co-sponsored by Assemblypersons Joseph V. Egan (District 17, Middlesex and Somerset); Craig J. Coughlin (District 19, Middlesex); Annette Quijano (District 20, Union); and Angelica Jimenez (District 32, Bergen and Hudson) that would extend by two months (from May 1 to March 1) the length of the summer season during which seasonal retail consumption licensees could sell alcoholic beverages; and

Whereas, there is no valid basis to increase the term of the license; and,

Whereas, said extension would create undue hardship on the communities in which these eight (8) seasonal licenses exist, all of which are located in Monmouth County; and,

Whereas, the previously proposed time extension would in fact represent the de facto issuance of a use variance for those establishments that are located in a zone that does not permit the sale of alcoholic beverages, i.e., a residential zone, thereby disenfranchising the communities from regulating the existing non-conforming use and which in reality is an expansion of the non-conforming use, which is prohibited under the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq.; and

Whereas, the previously proposed time extension would increase the costs for police services in the municipalities where these non-conforming establishments exist as the municipality would be precluded from utilizing the services of part-time Special Law Enforcement Officers to assist regular Police Officers in the enforcement of local ordinances and state statute and instead would have to appoint more full-time regular Police Officers; and,

Now Therefore Be It Resolved, by the Governing Body that our opposition to the enactment of a time extension during which seasonal retail consumption licensees could sell alcoholic beverages be placed on the record.

Be It Further Resolved, that a certified copy of this resolution shall be sent to Governor Murphy, Lt. Governor Oliver, Senator Stephen Sweeney, Senator Robert Singer, Assemblypersons Sean Kean and Ned Thomson; and David Rible, Director, Division of Alcoholic Beverage Control.

Moved By: Councilman Garruzzo

Seconded By: Councilman Nolan

Ayes: Councilmen Gianforte, Gorham, Nolan, Shaak & Visceglia

Abstained: Councilman Garruzzo

CERTIFICATION

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council, at a meeting held on May 14th, 2018.

Witness my hand and seal of the Borough of Brielle this 15th day of May 2018.

Thomas Nolan
Municipal Clerk

Resolution No.:18-60-B

Date: May 14th, 2018

Borough of Brielle Resolution

Be It Resolved, that the Mayor & Clerk are hereby authorized to execute an Interlocal Agreement between the Borough of Brielle and the Brielle Board of Education for the sharing of cost for the provision of a police officer at the Brielle Elementary as per the provisions of the Interlocal Agreement the terms and conditions of which are attached to this resolution.

Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all aye. No nays. None abstained. Passed.

Certification

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council at a meeting held on May 14th, 2018.

Witness my hand and seal of the Borough of Brielle this 15th day of May 2018.

Thomas F. Nolan
Municipal Clerk

SEAL

Resolution No: 18-60-C

Date: May 14th, 2018

BOROUGH OF BRELLE RESOLUTION

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing both of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2017 has been filed by a Registered Municipal Accountant with the Municipal Clerk of the Borough of Brielle, Thomas F. Nolan as per the requirements of N.J. S. 40A: 5-6, and a copy has been received by each member of the governing body, and

WHEREAS, R. S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs, and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations" as evidenced by the group affidavit form of the governing body attached hereto: and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as Stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 -to wit: R.S. 52:27BB-52 . A local officer or member of a local governing body who, after a date fixed for compliance, fills or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Mayor & Council of the Borough of Brielle. hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON MAY 14TH, 2018.

Thomas F. Nolan Municipal Clerk

ResolutionNo.:18-60-D
Date: May 14th, 2018

WHEREAS, there exists a Tax Title Lien on property located at 301 Lenni Lenape Trail, owned by Leslie Pompilio and known as Block 7.01 Lot 11 and
WHEREAS, this lien has been redeemed by Owen Loan Servicing
NOW, THEREFORE, BE IT RESOLVED that a check be drawn made payable to
Trystone Capital assets LLC for redemption of this lien
1) Lien Redemption \$1,019.54 Premium to be refunded \$1000.00

Certification

The foregoing is a true copy of a Resolution passed by the Mayor & Council of the Borough of Brielle at a meeting held at Borough Hall, 601 Union Lane, Brielle, New Jersey, on Monday, May 14th, 2018.
Witness my Hand and Seal of the Borough of Brielle this 15th day of May 2018.

Thomas Nolan
Municipal Clerk

ResolutionNo.:18-60-F
Date: May 14th, 2018

Be It Resolved, to authorize a Municipal Agreement with Ocean First Bank
For all accounts:
Tax Title & Lien Account
Animal License Account
Disbursement Account
Escrow Account
LETF Account
Water & Sewer Account
Unemployment Trust Account
Payroll Account
Payroll Agency Account Recreation Account

Moved By: Councilman Garruzzo
Seconded By: Councilman Nolan
Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all aye. No nays. Passed.

Certification

The foregoing is a true copy of a Resolution passed by the Mayor & Council of the Borough of Brielle at a meeting held at Borough Hall, 601 Union Lane, Brielle, New Jersey, on Monday, May 14th, 2018.
Witness my Hand and Seal of the Borough of Brielle this 15th day of May 2018.

Thomas Nolan
Municipal Clerk
ResolutionNo.:18-60-G
Date: May 14th, 2018

Be It Resolved, to authorize a Municipal Agreement with Ocean First Bank for the use of Facsimile Signatures.

Moved By: Councilman Garruzzo

Seconded By: Councilman Nolan

Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all aye.

No nays. Passed.

Certification

The foregoing is a true copy of a Resolution passed by the Mayor & Council of the Borough of Brielle at a meeting held at Borough Hall, 601 Union Lane, Brielle, New Jersey, on Monday, May 14th, 2018.

Witness my Hand and Seal of the Borough of Brielle this 15th day of May 2018.

Thomas Nolan
Municipal Clerk