

MINUTES October 26th, 2020

START: 6:00 PM

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

ABSENT: NONE

Mayor Nicol convened the work session at 6:00pm. The Administrator reported that the Borough had filed the annual “Best Practice” Report with the State. Brielle had received a score of 23 out of a possible 24.5. The Borough would not lose any state aid. The Administrator attributed much of Brielle’s score to the fact that, as a member of the MMJIF, the Borough had implemented many of the performance guidelines now being required by the state years ago. There being no comments from council or the public, the work session was adjourned on a motion by Councilman Gianforte, seconded by Councilman Shaak at 6:02pm.

Mayor Nicol announced that this was a virtual meeting and is being recorded. The Mayor read the compliance statement and the Regular Council Meeting was opened in compliance with the Open Public Meetings Act. Mayor Nicol asked for a roll call.

Mayor Nicol then asked for a motion to approve the Minutes of the October 12th Regular Meeting. A motion was made by Councilman Gianforte seconded by Councilman Gorham, all aye, no nays. Passed. (Note: Councilman Visceglia abstained)

Councilman Garruzzo seconded by Councilman Gianforte introduced Resolution 20-79 for Passage of the Consent Agenda.

Resolution:

- A. (see insertion)
- B. . To authorize the renewal of the Animal Control Services Contract with Associated Humane Societies, Inc. for calendar year 2021.
- C. (see insertion)

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

Councilman Shaak seconded by Councilman Gorham introduced Resolution 20-80 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 October 26th, 2020 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, Shaak & Visceglia: all aye. No nays. Passed

Mayor Nicol announced that the time had arrived for a hearing and passage on final reading of a

‘ORDINANCE TO AMEND CHAPTER ONE OF THE CODE OF THE BOROUGH OF BRIELLE ENTITLED “GENERAL”.

The hearing was open on a motion by Councilman Gianforte, seconded by Councilman Nolan.

The Administrator explained that the ordinance addressed the general penalty section of the code and clarified the fact that, while a single summons could be issued for a violation, each day that the violation remained unabated would constitute a separate offense.

There being no comment the hearing was closed on a motion by Councilman Gianforte, seconded by Councilman Gorham.

Councilman Garruzzo seconded by Councilman Nolan introduced Resolution 20-81 for passage on final reading. Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all aye. No nays. Passed.

Councilman Shaak seconded by Councilman Nolan, introduced Resolution 20-82 to authorize publication of passage and adoption in the Coast Star according to law. Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan & Shaak; all aye. No nays. Passed.

Mayor Nicol announced that the time had arrived for a hearing and passage on final reading of ‘AN ORDINANCE TO AMEND CHAPTER THREE OF THE CODE OF THE BOROUGH OF BRIELLE ENTITLED “POLICE REGULATIONS”.

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

The Administrator explained that the ordinance permits the amendment of the Towing Fee schedule by resolution on an annual basis to ensure that the schedule is in keeping with the prevailing rates charged in the South Monmouth area.

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

Councilman Garruzzo seconded by Councilman Gianforte introduced Resolution 20-83 for passage on final reading, Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all aye. No nays. Passed.

Councilman Shaak seconded by Councilman Gianforte introduced Resolution 20-84 to authorize publication of passage and adoption in the Coast Star according to law. Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia aye. No nays. Passed.

Mayor Nicol then announced that the time had arrived for a hearing and passage on final reading of “AN ORDINANCE TO AMEND CHAPTER NINE OF THE CODE OF THE BOROUGH OF BRIELLE ENTITLED “BUILDING AND HOSUING”.

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

The Administrator explained that the ordinance created new fees for the issuance of a Certificate of Occupancy. The Code Enforcement Officer had ten days to inspect a property for sale or rent and issue a certificate. However, as he was frequently asked to make a last-minute inspection, it appears prudent to charge an additional fee based on the time frame the request is made.

Councilman Gianforte seconded by Councilman Garruzzo, introduced Resolution 20-85 for passage on final reading of the foregoing ordinance. Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Visceglia; all aye. No nays. Passed. (Note: Councilman Shaak abstained.)

Councilman Garruzzo seconded by Councilman Nolan, introduced Resolution 20-86 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.

The Mayor then called for committee report. Councilman Gianforte having no report but noted that his committee was making progress on all fronts. Councilman Nolan having no report, Councilman Garruzzo reminded the public that the Halloween Curfew was now in effect. Mischief Night, October 30th was 6:00pm to 6:00am and the period October 20th through November 1st was 7:30pm to 6:00am.

Councilman Garruzzo also reminded children to stay in groups, wear bright visible garments and avoid those homes that remained in darkness. People who welcomed Trick or Treats would obviously keep their approaches well illuminated.

Councilman Shaak, Councilman Gorham and Visceglia having no report and there being no public comment, the meeting was adjourned at 6:14pm on a motion by Councilman Shaak seconded by Councilman Nolan.

Approved: October 12th, 2020

Thomas F. Nolan
Municipal Clerk

Resolution of the Borough of Brielle

Whereas, the Glimmer Glass Bridge is under the jurisdiction of the County of Monmouth and it provides a primary access point for residents of the Borough of Brielle to the Borough of Manasquan, and

Whereas, at various times over the past decade the bridge has been out of service due to the fact that it is an antiquated structure and is operated by a mechanism that is no longer supported by current technology and replacement parts for key components of the mechanism required to operate the bridge are difficult to obtain, and

Whereas, on October 13th, 2020 the County of Monmouth advised that the bridge would be again out of service, this time for an estimated three months, while replacement parts were being fabricated by a sole source provider, and

Whereas, beyond the obvious inconvenience for residents seeking to travel between the Boroughs of Manasquan and Brielle, there is the far more serious concerns posed by public safety insofar as emergency equipment can no longer use the bridge, even when it is operational, and the bridge is a primary corridor in the event it were to become necessary to evacuate residents from Manasquan in the event of a natural disaster such as flooding caused by storms such as the Sandy Hurricane of 2012, and

Whereas, the County has a responsibility to provide a functional bridge that serves the needs of both the Bridle 86 Manasquan Communities and has thus far been thwarted in this effort due to a well-meaning, but misguided group of preservationists, who refuse to accept the fact that the bridge, although a quaint structure, no longer can meet the needs of the community it is intended to serve.

Now Therefore Be It Resolved, that the Mayor 86 Council of the Borough of Brielle call upon the Monmouth County Board of Chosen Freeholders, and the Monmouth County Department of Engineering, to make every effort to expedite the replacement of the existing Glimmer Glass Bridge with a modern functional structure that will better serve the needs of the community and recognize the necessity of making the public's safety a primary concern.

CERTIFICATION

The foregoing is a true copy of a resolution adopted at a meeting of the Brielle Mayor & Council held on Monday, October 26th, 2020.

Witness my hand and seal of the Borough of Brielle this 27th day of October 2020.

Thomas F. Nolan
Municipal Clerk

Central Jersey Health Insurance Fund Resolution to Renew

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the CENTRAL JERSEY HEALTH INSURANCE FUND, hereafter referred to as "the FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq., and;

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date, and;

WHEREAS, the statutes and regulations governing the creation and operation of a joint health insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such the FUND;

WHEREAS, the governing body of Borough of Brielle, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Renew membership with the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type (s) of coverage (s):
 - a.) Health Insurance and/or Dental Insurance and/or Prescription Coverage as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

BE IT FURTHER RESOLVED that the governing body of the Borough of Brielle is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

Adopted: October 26th, 2020

By: _____

Mayor Thomas B Nicol

Attest: _____

Thomas F Nolan, Administrator

CENTRAL JERSEY HEALTH INSURANCE FUND INDEMNITY AND TRUST AGREEMENT

THIS AGREEMENT made this 26th day of October, 2020, in the County of Monmouth, State of New Jersey, By and Between the CENTRAL JERSEY HEALTH INSURANCE FUND, hereinafter referred to as "The FUND" and the governing body of the Borough of Brielle a duly constituted LOCAL UNIT OF GOVERNMENT, hereinafter referred to as "LOCAL UNIT".

WITNESSETH:

WHEREAS, the governing bodies of various local units of government, as defined in N.J.A.C. 11:15-3.2, have collectively formed a Joint Health Insurance Fund as such an entity is authorized and described in N.J.S.A. 40A:10-36 et. seq. and the administrative regulations promulgated pursuant thereto; and

WHEREAS, the LOCAL UNIT has agreed to become a member of the FUND in accordance with and to the extent provided for in the Bylaws of the FUND and in consideration of such obligations and benefits to be shared by the membership of the FUND;

NOW THEREFORE, it is agreed as follows:

1. The LOCAL UNIT accepts the FUND's Bylaws as approved and adopted and agrees to be bound by and to comply with each and every provision of said Bylaws and the pertinent statutes and administrative regulations pertaining to same.
2. The LOCAL UNIT agrees to participate in the FUND with respect to health insurance, as defined in N.J.S.A. 17B:17-4, and as authorized in the LOCAL UNIT's resolution to join.
3. The LOCAL UNIT agrees to become a member of the FUND and to participate in the health insurance coverages offered for an initial period, (subject to early release or termination pursuant to the Bylaws), such membership to commence on January 1, 2021 and ending on December 31, 2023 at 12:00 AM provided, however, that the LOCAL UNIT may withdraw at any time upon 90 day written notice to the Fund.
4. The LOCAL UNIT certifies that it has never defaulted on payment of any claims if self-insured and has not been cancelled for non-payment of insurance premiums for a period of at least two (2) years prior to the date of this Agreement.
5. In consideration of membership in the FUND, the LOCAL UNIT agrees that it shall jointly and severally assume and discharge the liability of each and every member of the FUND, for the periods during which the member is receiving coverage, all of whom as a condition of membership in the FUND shall execute an Indemnity and Trust Agreement similar to this Agreement and by execution hereto, the full faith and credit of the LOCAL UNIT is pledged to the punctual payments of any sums which shall become due to the FUND in accordance with the Bylaws thereof, this Agreement or any applicable Statute. However, nothing herein shall be construed as an obligation of the LOCAL UNIT for claims and expenses that are not covered by the FUND, or for that portion of any claim or liability within the LOCAL UNIT retained limit or in an amount which exceeds the FUND's limit of coverage.

6. If the FUND in the enforcement of any part of this Agreement shall incur necessary expenses or become obligated to pay attorney's fees and/or court costs, the LOCAL UNIT agrees to reimburse the FUND for all such reasonable expenses, fees, and costs on demand.

7. The LOCAL UNIT and the FUND agree that the FUND shall hold all moneys in excess of the LOCAL UNIT's retained loss fund paid by the LOCAL UNIT to the FUND as fiduciaries for the benefit of the FUND claimants all in accordance with N.J.A.C. 11:15-3 et. seq.

8. The FUND shall establish and maintain Claims Trust Accounts for the payment of health insurance claims in accordance with N.J.S.A. 40A:10-36 et. seq., N.J.S.A. 40A:5-1 and such other statutes and regulations as may be applicable. More specifically, the aforementioned Trust Accounts shall be utilized solely for the payment of claims, allocated claim expense and stop loss insurance or reinsurance premiums for each risk or liability as follows:

- a) Employer contributions to group health insurance
- b) Employee contributions to contributory group health insurance
- c) Employer contributions to contingency account
- d) Employee contributions to contingency account
- e) Other trust accounts as required by the Commissioner of Insurance

9. Notwithstanding 8 above, to the contrary, the FUND shall not be required to establish separate trust accounts for employee contributions provided the FUND provides a plan in its Bylaws for the recording and accounting of employee contributions of each member.

10. Each LOCAL UNIT of government who shall become a member of the FUND shall be obligated to execute an Indemnity and Trust Agreement similar to this Agreement.

Adopted: October 26th, 2020

By: _____

Mayor Thomas B Nicol

Attest: _____

Thomas F Nolan, Administrator