

MINUTES MARCH 22nd, 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 the Mayor began the Regular Meeting.

Mayor Nicol 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 March 8th, 2021 Regular Meeting. A motion was made by Councilman Garruzzo seconded by Councilman Nolan, all aye, no nays. Passed.

Councilman Garruzzo seconded by Councilman Shaak introduced Resolution 21-42 for Passage of the Consent Agenda.

Resolution:

- A. (see insertion).
- B. To authorize the Boy Scouts to conduct an overnight clean-up of Nienstedt Island May 15th & 16th, 2021.
- C. To accept a bid from Manasquan Bank for a B.A.N. of 2.5 million dollars @ 0.39% interest

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

Councilman Visceglia seconded by Councilman Gorham, introduced Resolution 21-43 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 March 22nd, 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. Passed.

Mayor Nicol announced that the time had arrived for a hearing and further consideration of "AN ORDINANCE TO AMEND CHAPTER TWENTY-FOUR, SECTION 10 ET. SEQ. OF THE CODE OF THE BOROUGH OF BRIELLE ENTITLED "STORM

WATER MANAGEMENT”.

The hearing was opened on a motion by Councilman Garruzzo seconded Councilman Visceglia. Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all ayes. No nays. Passed.

The Administrator explained that the ordinance adopted the new storm water regulations promulgated by the NJDEP. Their adoption was a state mandate that would enhance water quality throughout the state.

The hearing was closed on a motion from Councilman Gianforte and seconded by Councilman Nolan. Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all ayes. No nays. Passed.

Councilman Garruzzo seconded by Councilman Nolan introduced Resolution 21-44 for passage and adoption on final reading. Vote: Councilmen Garruzzo, Gianforte, Nolan & Shaak; all ayes. Passed.

Councilman Garruzzo seconded by Councilman Gianforte introduced Resolution 21-45 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.

The Mayor then announced that the time had arrived for a hearing and further consideration of “CALENDAR YEAR 2021/AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK”.

The hearing was opened on a motion by Councilman Gianforte seconded Councilman Nolan. Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all ayes. No nays. Passed.

The Administrator explained that the ordinance would permit the Borough to go to a 3.5% CAP that would assist in the preparation of the 2021 municipal budget.

The hearing was closed on a motion from Councilman Nolan and seconded by Councilman Visceglia. Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all ayes. No nays. Passed.

Councilman Nolan seconded by Councilman Shaak introduced Resolution 21-46 for passage and adoption on final reading. Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all ayes. No nays. Passed.

Councilman Garruzzo seconded by Councilman Nolan introduced resolution 21-47 to

authorize publication of passage and adoption in the Coast Star according to law. Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all ayes. No nays. Passed.

Prior to the Committee Reports, Mayor Nicol read a Proclamation (insert).

Whereas, distracted driving is a serious, life-threatening practice that is preventable; and
Whereas, distracted driving can result in injuries and deaths to all road users (motorists, pedestrians and bicyclists); and

Whereas, distracted driving occurs when drivers divert their attention away from the task of driving to focus on another activity instead; and

Whereas, in 2018 alone distracted driving-related crashes resulted in 2,841 deaths and 400,000 injuries on our nation's roads; and

Whereas, in New Jersey distracted driving was listed as a contributing circumstance in 50-percent of all motor vehicle crashes in 2018; and

Whereas, the State of New Jersey will participate in the nationwide *Distracted Driving 2021 Crackdown* from April 1 - 30, 2021 in an effort to raise awareness and decrease driver distraction through a combination of enforcement and education; and

Whereas, the national slogan for the campaign is *UDrive. UText. UPay*; and

Whereas, a reduction in distracted driving in New Jersey will save lives on our roadways;

Therefore, be it resolved that the Borough of Brielle declares its support for the *Distracted Driving 2021 Crackdown* both locally and nationally from April 1 - 30, 2021 and pledges to increase awareness of the dangers of distracted driving.

Mayor Nicol called for committee reports and recognized Councilman Gianforte who had no report.

Councilman Nolan advised the library was in the interviewing process for the librarian position, they had received 20 applications and have narrowed it down to 6.

Councilman Nolan advised that bids for the new pickle ball court were received and were a bit higher than expected. Councilman Nolan added the bocce courts were reconstructed over the weekend by volunteers of recreation and the snowman contest winner would be picked at the April meeting.

Councilman Garruzzo informed the public of recent car burglaries which are happening both at residences and businesses. He urged residents to remove key fobs, lock their vehicles, place cars in garage, never leave valuables in their vehicles and consider storing their key fobs in a signal-blocking box.

Councilmen Shaak, Gorham and Visceglia had no report.

Prior to opening the public portion, the Administrator advised that no public comments had been received by either regular mail or e-mail prior to the published deadline.

Taylor LaTourette, 102 Perry Place, explained he had spoken to Councilmen Gianforte and Garruzzo about the large foundation NJ Transit had installed near the tracks which was an “eyesore” to the residents. Mr. LaTourette asked if the Borough could reach out to a contact at NJ Transit. Councilman Gianforte said he spoke to other neighbors and Councilman Shaak about the work area. Councilman Gianforte stated he would like to continue working with the Public Works committee and speak to NJ Transit about a possible compromise.

Virginia Loftin, 407 South Street, asked if someone could investigate the recycling and garbage situation at the end of Union Lane. The Mayor said we would have Chris Willms Code Enforcement, reach out to the owners of Pig & Parrot and Waypoint.

The meeting was adjourned at 6:22 pm on a motion by Councilman Gianforte seconded by Councilman Shaak.

Approved: April 12th, 2021

Carol Baran
Municipal Clerk

RESOLUTION URGING THE IMMEDIATE REPEAL OF SENATE BILL NO. 3454

WHEREAS, Public Question 1, the “Marijuana Legalization Amendment,” was on the ballot in New Jersey as a legislatively referred constitutional amendment on November 3, 2020; and

WHEREAS, the text of the ballot question was provided as follows:

CONSTITUTIONAL AMENDMENT TO LEGALIZE MARIJUANA

Do you approve amending the Constitution to legalize a controlled form of marijuana called “cannabis”?

Only adults at least 21 years of age could use cannabis. The State commission created to oversee the State’s medical cannabis program would also oversee the new, personal use cannabis market. Cannabis products would be subject to the State sales tax. If authorized by the Legislature, a municipality may pass a local ordinance to charge a local tax on cannabis products.

WHEREAS, Public Question 1 was approved with 67.08% “Yes” votes and 32.92% “No” votes; and

WHEREAS, on February 22, 2021, Governor Phil Murphy signed into law legislation legalizing and regulating cannabis use and possession for adults 21 years and older (A-21, The New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act) and decriminalizing marijuana and hashish possession (A-1897). The Governor also signed S- 3454, addressing marijuana and cannabis use and possession penalties for individuals younger than 21 years old and imposing criminal penalties on law enforcement officers; and

WHEREAS, the majority of New Jersey residents last Fall voted in favor to legalize marijuana for use by adults at least 21 years of age. There is no question, nor debate, on the outcome of the ballot question. However, New Jersey residents were not aware at the time of their vote that this would eventually lead to the New Jersey Legislature voting to make law enforcement officers “guilty of a crime” if they notify parents of children under the age of 18 that their child was caught with marijuana or alcohol, on the first offense; and

WHEREAS, Senate Bill No. 3454 was voted on, passed and signed into law with less than one (1) hour left before the legalization of marijuana was scheduled to become law; and

WHEREAS, as a result of this law, our law enforcement officers will be guilty of a crime if they notify parents that an underage child is using or in possession of marijuana or alcohol on their first offense. Only if the child is found again using or in possession can a law enforcement officer notify the parents; and

WHEREAS, the legislation is treacherous to law enforcement officers because it creates a penalty of 3rd Degree Deprivation of Civil Rights if an officer uses the odor or possession of marijuana or alcoholic beverages as the reason for initiating an investigatory stop of a person. The new law states that a law enforcement officer cannot use the odor of marijuana or alcohol as reasonable articulable suspicion to initiate an investigatory stop. The new law states a minor cannot consent to be searched and that a law enforcement officer no longer has probable cause to search a minor for illegally using marijuana or alcohol. Further, if an officer violates a minor’s rights by using pot or alcohol as the reason for a search, then the officer will be charged with the crime of Deprivation of Civil Rights; and

WHEREAS, Senate Bill No. 3454 establishes penalties of only warnings for illegal use by minors of marijuana or alcohol but it essentially prevents an officer from even approaching a person

suspected of being a minor. The smell of marijuana and its use in the presence of a law enforcement officer will no longer be grounds to search an individual. While marijuana is now legal for those 21 and older, Senate Bill No. 3454 is an assault on law enforcement's ability to enforce the law. Senate Bill No. 3454 is an attack on law enforcement officers by making law enforcement officers the target of punishment rather than the individuals breaking the law. This language will have dangerous consequences for the public and law enforcement officers; and WHEREAS, the County Commissioners of the County of Monmouth continue to strive to support the local law enforcement effort and recognize that the resources of law enforcement is already drastically strained.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Monmouth that this Board does hereby urge the immediate repeal of Senate Bill No. 3454 and finds:

- 1 . Senate Bill No. 3454 was passed with little to no discussion, no public transparency, and no public debate.
- 2 . By passing Senate Bill No. 3454, the Legislature and Governor Phil Murphy ignored the judgment of parents over the lives of their children. The requirements of the new law will keep parents in the dark about what may be happening in their children's lives. It shows children there are no major consequences if they are found using marijuana or alcohol for the first time. Parents should have the right to know if their child is using or in possession of marijuana from the first encounter and be given the chance to discuss its consequences before it potentially becomes a larger issue.
- 3 . Senate Bill No. 3454 takes a huge step backward on the path of ensuring children are aware of both the short-term and long-term consequences of drug and alcohol use. Essentially, the Legislature is telling children they have one "free pass" to get caught with marijuana or alcohol before there are any real consequences.
- 4 . Senate Bill No. 3454 unfairly and unreasonably imposes criminal penalties on law enforcement officers if they are found to have violated new rules dictating underage possession. The odor of cannabis or alcohol will no longer be enough to justify a search. The same holds true for "the unconcealed possession" of an alcoholic beverage, marijuana, hashish or cannabis item, according to the bill text.
- 5 . Senate Bill No. 3454 turns law enforcement officers into criminals. It establishes a legal set of enforcement powers, but it criminalizes the actual enforcement of those powers.
- 6 . Senate Bill No. 3454 contradicts a prior law that banned smoking tobacco products on beaches and boardwalks, but now that law may be essentially unenforceable when it comes to smoking marijuana on beaches and boardwalks. Underage users of marijuana will now be free to smoke it anywhere, including in places the law says is illegal, because merely stopping a person to enforce the law is now illegal for police. Drug dealers will quickly learn to hide their drugs, guns and evidence of crimes on anyone under 18 years of age since merely lighting a joint as the officer

approaches will put the officer in jeopardy of making an illegal search and being charged criminally.

7. Senate Bill No. 3454 goes well beyond the express terms of the ballot question and the intent of New Jersey's voters when they approved the question.
8. Governor Murphy and the State Legislature should take urgent steps to repeal Senate Bill No. 3454 to protect our children and law enforcement officers.

BE IT FURTHER RESOLVED that the Municipal Clerk of the Borough of Brielle shall forward a certified true copy of this resolution to the Governor of the State of New Jersey; Lieutenant Governor of the State of New Jersey; the New Jersey State Legislature; the members of the Monmouth County Legislative Delegation; New Jersey League of Municipalities; all County Boards of County Commissioners; the Mayor and Council of all towns within the County of Monmouth and the New Jersey State PBA, 158 Main Street, Woodbridge, New Jersey 07095.

CERTIFICATION

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council, at a meeting held on March 22nd, 2021.

Witness my hand and seal of the Borough of Brielle this 23rd day of March 2021.

Carol Baran
Municipal Clerk