

MINUTES SEPTEMBER 11th, 2023

START: 7:00 P.M.

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

ABSENT: NONE

Mayor Nicol opened the meeting in compliance with the Open Public Meetings Act followed by a silent prayer, a salute to the flag and roll call. Mayor Nicol read a proclamation re: Danny Tobin.

Mayor Nicol asked for a motion to approve the Minutes of the August 14th, 2023 Meeting. A motion was made by Councilman Gianforte seconded by Councilman Nolan, all ayes, no nays. Approved. (Note: councilman Shaak abstained)

Councilman Garruzzo, seconded by Councilman Nolan introduced Resolution 23-74 for passage of the consent agenda.

- A. (see insertion)
- B. (see insertion)
- C. (see insertion)
- D. To approve an application for a Block Party, Oceanview Road, September 23rd, 2023
- E. (see insertion)
- F. To approve Change Order for Green Avenue Phase I in the amount of \$8,421.21 and Phase II in the amount of \$1,057.27.

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

Councilman Visceglia seconded by Councilman Gorham, introduced Resolution 23-75 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 September 11th, 2023, as reviewed by the Finance Committee and as listed on the Resolution and the Computer Bill List amended thereto. Vote: Councilman Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all ayes. No nays. Passed.

Mayor Nicol announced that the time had arrived for the hearing and further consideration of 'AN ORDINANCE TO AMEND CHAPTER SEVEN OF THE CODE OF THE BOROUGH OF BRIELLE ENTITLED "VEHICLES AND TRAFFIC"'.

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

The Administrator explained that the ordinance would legitimize no parking signs on Green Avenue and establish parking times at Borough Hall. The municipal lot will be posted for municipal business only 9:00am to 4:00pm.

Janet Hendricks, 615 Leslie Avenue, asked if any additional signage would be placed on Green Avenue and she was advised that only the existing signs were warranted by the ordinance.

There being no further questions, the hearing was closed on a motion by Councilman Shaak seconded by Councilman Nolan.

Councilman Garruzzo, seconded by Councilman Nolan introduced Resolution 23-76 for passage on final reading of the foregoing ordinance. Vote: Councilman Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all ayes. Passed.

Councilman Garruzzo, seconded by Councilman Nolan, introduced Resolution 23-77 to authorize publication of passage and adoption in the Coast Star according to law. Vote: Councilman Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all ayes. No nays. Passed.

Mayor Nicol then read a Proclamations. Ms. Courtney Gilmartin was recognized, and she thanked the mayor for the proclamation on Family Court and reminded the public of how important it was that qualified court personnel be assigned to this particular branch of court administration due to the sensitive nature of the work and the potential adverse impacts on children.

Whereas, This year, approximately 288,300 men will be diagnosed with prostate cancer in the United States alone – one man every 2 minutes, and roughly 34,700 will die this year from the disease, about 3,500 more than 2020 – which is one man every 15 minutes; and

Whereas, In New Jersey, an estimated 9,460 new cases of prostate cancer will be diagnosed, and an estimated 730 deaths will occur in 2023; and

Whereas, Men with relatives – father, brother, son – with a history of prostate cancer are twice as likely to develop the disease; and

Whereas, Prostate cancer is the most commonly diagnosed cancer in American Men and the third leading cause of cancer death behind lung and colon cancer; and

Whereas, 1 in 8 men are diagnosed with prostate cancer in their lifetime and 1 in 6 African American men will develop prostate cancer in their lifetime. Overall, African American men are 1.7 times more likely to be diagnosed with - and 2.1 times more likely to die from - prostate cancer than white men; and

Whereas, Veterans who were exposed to herbicides like Agent Orange are at increased risk for developing prostate cancer, and are more likely to have an aggressive form of the disease; and

Whereas, Education regarding prostate cancer and early detection strategies is critical to saving lives, preserving, and protecting our families. As well as the economic and social burden of prostate cancer is huge on families; and

Whereas, If caught early prostate cancer has a five-year survival rate of nearly 100%. However, for late stage prostate cancer the five-year survival rate is 31%; and

Whereas, Many more men will be diagnosed in 2023 at a later stage because of delayed screenings and treatment due to Covid-19 and

Whereas, All men are at risk for prostate cancer and we encourage the citizens of Borough of Brielle to increase the importance of prostate awareness and screenings.

NOW, THEREFORE, BE IT RESOLVED; I, Mayor and Council do hereby proclaim the month of September 2023 to be PROSTATE CANCER AWARENESS MONTH in Borough of Brielle.

WHEREAS, the mission of the Family Court Awareness Month Committee (FCAMC) is to increase awareness on the importance of a family court system that prioritizes child safety and acts in the best interest of children, and; WHEREAS, the mission at the FCAMC is fueled by the desire to create awareness and change in the family court system for the conservatively estimated, 58,000 children a year ordered into unsupervised contact with abusive parents, while honoring the hundreds of children who have been reported as murdered during visitation with a dangerous parent, and;

WHEREAS, the mission of the FCAMC is to increase awareness on the importance of empirically-based education and training on domestic violence and child abuse, including emotional, psychological, physical, and sexual abuse, as well as childhood trauma, coercive control, and post separation abuse for judges and all professionals working on cases within the family court system, and;

WHEREAS, the mission of the FCAMC is to increase awareness on the importance of using scientifically valid, evidence-based, treatment programs and services that are proven in terms of safety, effectiveness, and therapeutic value, and;

WHEREAS, the mission at the FCAMC is to educate judges and other family court professionals on evidence-based, peer-reviewed research. Such research is a critical component to making decisions that are truly in the best interest of children. This research includes The Adverse Childhood Experiences (ACEs) Study (co-principal investigator: Vincent Felitti, Kaiser Permanente-CDC); Child Custody Evaluators' Beliefs About Domestic Abuse Allegations (principal investigator: Daniel Saunders, University of Michigan, sponsored by the National Institute of Justice); and Child Custody Outcomes in Cases Involving Parental Alienation and Abuse Allegations (principal investigator: Joan S. Meier, GW Law School, sponsored by the National Institute of Justice), and;

NOW, THEREFORE, The Mayor and Council of the Borough of Brielle hereby declare the Month of NOVEMBER to be FAMILY COURT AWARENESS MONTH.

Mayor Nicol congratulated Councilman Garruzzo on his first chairmanship of Brielle Day and a job well done.

Mayor Nicol then called for committee reports and recognized Councilman Garruzzo who thanked the police and first aid for their great work on Brielle Day. Due to the excessive heat, there were a few incidents that required first aid intervention, but all in all the day had been a great success.

Councilman Gianforte had no report but praised everyone involved in making Brielle day a success.

Councilman Nolan cited the success of the Recreation Summer Program and the job they did in running the 10K Race for only the second time. Turning to the Library he cited the on-going programs such as Chair Yoga and No Wine or Whiners Book Club and added that detailed information was available on the library website; he added that a special program was being planned for Veteran's Day.

Councilman Shaak cited the outstanding job by the DPW in their preparation and clean-up before, during and after Brielle Day. Councilman Shaak echoed the praise of his colleagues for the job

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

Virginia Lofton 407 South Street offered that while Brielle day was doubtless a great success, the unseasonable temperatures kept many people away. She asked if the Council had considered moving the day to later in the fall.

Councilman Shaak agreed that the heat had been oppressive, and he cited the police officers who had spent the day in full regalia, but he noted that in years past the temperatures had been delightful and the problem with a change of date was that so many communities held fall festivals that it might adversely impact turn-out.

Janet Hendricks, 615 Leslie Avenue, reminded the Council of her previous appearances and requests for information as to when the N.J. Transit improvements to the Green Avenue RR Crossing would be completed. Ms. Hendricks had personally contacted them and was pleased to report that the guard rail she had voiced concerns over had been installed; she asked if the Council would hold up their end of the arrangement and place plantings at that site?

Mayor Nicol stated that the Borough planned to do it later in the season when the weather was better.

Ms. Hendrick also cited recent ordinances being adopted in Manasquan and Point Beach and Borough to address the issue of "E" Bikes. Did Brielle plan to address that issue. Councilman Garruzzo offered "not at this time".

Dave Eareckson, 301 Old Bridge Road cited the H2M fair Share Housing Plan and again asked Council how it intended to meet the 340 Unit obligation mandated by the State? By his calculations, given the set aside requirements the Borough would have to construct 1700 units to meet the established goal; he thought the Borough should be more pro-active in resolving this issue. He also cited the expense of litigation in these matters.

Virginia Lofton asked how much the litigation had cost so far? Attorney Montenegro advised that he did not have the number, but it was available, he added that the Borough was taking a holistic approach to this issue and would address the Fair Share Housing issue as part of the litigation process.

Mr. George Franklin, 719 Howell Drive recommended that, if the Borough planned an E Bike ordinance if they would include a helmet requirement. He stated his daughter worked in the neurological division of a large hospital system and she cited numerous children who had suffered permanent brain injury due to the injuries suffered in accidents involving these bikes.

Mr. Stephen Husarik 632 Holly Hill Drive asked why the sudden parking restrictions at Borough Hall.

The Administrator explained that the Borough was faced with the installation of a Sally Port adjacent to the main structure and this would effectively eliminate a number of parking places. The Borough has asked the school and the neighboring contractor to refrain from using the lot as the construction would exacerbate the current parking issues.

There being no further public comment, Councilman Garruzzo, seconded by Councilman Nolan introduced Resolution 23-78 to enable an Executive Session. Note: Councilman Shaak left the meeting due to a conflict.

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 September 11th, 2023, as follows:

1. The Public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
“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: Councilman Garruzzo, Gianforte, Gorham, Nolan & Visceglia.; all ayes. No nays. Passed.

The Executive Session began at 7:30 p.m. and ended at 8:35p.m. The session was adjourned on a motion by Councilman Garruzzo, seconded by Councilman Gianforte.

Councilman Gianforte, seconded by Councilman Garruzzo introduced resolution 23-79 that authorized Attorney Montenegro and Attorney Surenian to proceed with the litigation in the manner discussed in executive session. In addition, the Borough would retain the services of Kendra Lelie, KMA Associates, to assist in the prosecution of the litigation and any matters arising therefrom as it regards the possible amendment of the existing fair Share Housing Plan adopted by the Borough and the Borough Planning/Zoning Board. The resolution also authorized the creation of a Fair Share Housing Sub-Committee to consist of members of council and of the planning board and any professional the committee deemed necessary to serve in an advisory capacity. Vote: Garruzzo, Gianforte, Gorham, Nolan & Visceglia; all ayes. No nays. Passed.

The meeting was then opened to the public. There being no public comment, the meeting was adjourned at 8:38 p.m. on a motion by Councilman Garruzzo, seconded by Councilman Visceglia.

Approved: September 25th, 2023.

Carol Baran
Municipal Clerk

Resolution No.:23-74-A
Date: September 11th, 2023

RESOLUTION TO AUTHORIZE THE TRANSFER OF A LIQUOR LICENSE

Whereas, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License #1308-33-001-010 issued to Paradise Hospitality, LLC for premises located at One Ocean Avenue, Brielle, New Jersey, 08730, and

Whereas, the submitted application is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term and

Whereas, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as the pertinent local ordinances and conditions consistent with Title 33, and

Whereas, a Police Investigation has been conducted and no impediments were found that would prevent said transfer, and

Whereas, the Governing Body has no objection to this transfer, subject to all conditions placed on the resolution of renewal, dated July 10th, 2023, and consents to the transfer taking effect.

Now Therefore Be It Resolved, that the Governing Body of the Borough of Brielle hereby approves the person to person transfer of Liquor License #1308-33-001-010 from Paradise Hospitality, LLC to Gull View, LLC effective this 11th day of September, 2023.

Certification

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council at a meeting held on September 11th, 2023.

Witness my hand and the seal of the Borough of Brielle this 12th day of September, 2023.

SEAL

Carol Baran
Municipal Clerk

Resolution No.:23-74-B
Date: September 11th, 2023

BOROUGH OF BRIELLE RESOLUTION

Whereas, the Borough of Brielle advertised for bids for the provision of gasoline, in the Coast Star on August 11th, 2023, and

Whereas, the Borough of Brielle received bids for the award of a contract for the project on August 24th, 2023, and

Whereas, the lowest responsible bidder was Taylor Oil 201 Heller Place, Bellmawr, New Jersey, with a bid of 30 cents, above the New Jersey State Treasury posting, and

Whereas, funds for this project shall be provided for in the annual municipal budgets for calendar years 2024 and 2028.

Now Therefore Be It Resolved, that a contract be awarded to Taylor Oil for the period 1/1/24 through 12/31/28.

Moved by: Councilman Garruzzo

Seconded by: Councilman Nolan

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

None abstained.

None Absent. Passed

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, September 11th, 2023.

Witness my Hand and Seal of the Borough of Brielle this 12th day of September 2023.

Carol Baran
Municipal Clerk

Resolution No.:23-74-C
Date: September 11th, 2023

BOROUGH OF BRIELLE RESOLUTION

Whereas, the Borough of Brielle advertised for bids for the provision of diesel fuel, in the Coast Star on August 10th, 2023, and

Whereas, the Borough of Brielle received bids for the award of a contract for the project on August 24th, 2023, and

Whereas, the lowest responsible bidder was Taylor Oil 201 Heller Place, Bellmawr, New Jersey, with a bid of 30 cents, above the New Jersey State Treasury posting, and

Whereas, funds for this project shall be provided for in the annual municipal budgets for calendar years 2024 and 2028.

Now Therefore Be It Resolved, that a contract be awarded to Taylor Oil for the period 1/1/24 through 12/31/28.

Moved by: Councilman Garruzzo

Seconded by: Councilman Nolan

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

None abstained.

None Absent.

Passed

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, September 11th, 2023.

Witness my Hand and Seal of the Borough of Brielle this 12th day of September 2023.

Carol Baran
Municipal Clerk

Resolution No.: 23-74-E
Date: September 11th, 2023

**BOROUGH OF BRIELLE CERTIFICATION OF REQUEST FOR EMERGENCY
PURCHASES TO BE FILED WITH THE BOROUGH ADMINISTRATOR &
CERTIFIED PURCHASING AGENT**

The undersigned Department Head certifies as follows:

1. An emergency condition exists in the Borough Hall.
2. This condition constitutes an emergency affecting the immediate health, safety or welfare of the public.
3. The nature of the condition is as follows:

Discharge Pipe Green Avenue Pump Station and Curb Stop Repair of Non-operative curb stop.

4. The emergency occurred August 21st, August 24th and August 25th.
5. It is necessary to invoke N.J.S.A. 40a:11-6 in order to obtain the immediate delivery of the materials, supplies or performance of the service described in the attached requisition (see attached). The estimated cost of furnishing the materials, supplies or services is
6. It is requested that a Purchase Order be issued without public advertisement for bids, pursuant to the above cited statute.
7. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Thomas Nolan
Business Administrator

Jeff Weiss
Department Head

CERTIFICATION

I, Carol Baran, do hereby certify that the foregoing is a true copy of a resolution adopted by the Governing Body of the Borough of Brielle at a meeting held on the 11th day of August 2023.

In Witness Whereof, I have hereunder set my hand and official seal of the municipality this 12th day of August 2023.

Carol Baran
Municipal Clerk