

MINUTES JANUARY 10<sup>th</sup>, 2022

START: 6:00 P.M.

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, Mayor Nicol then 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 December 13th, 2021, Sine Die Meeting and January 3rd, 2022, Organization Meeting. A motion was made by Councilman Garruzzo seconded by Councilman Visceglia, all ayes, no nays.

Councilman Garruzzo, seconded by Councilman Visceglia, introduced Resolution 22-20 for passage of the Consent Agenda.

- 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 Agreement between the Borough of Brielle and the Brielle Library Association.
- I. To retain BRB Evaluation Consulting for services re: tax appeals on a “as-needed” basis.
- J. To authorize the Administrator to issue Food Handlers Permits and all Non-Statutory annual licenses for 2022.
- K. To renew the Shared Service Agreement for custodial services with the Brielle School.
- L. (see insertion).
- M. To retain Attorney Robert Swain as consulting attorney for the preparation of bid specification, review of bids, and contract preparation re: Sanitation Contract 1/1/23 through 12/31/26.

Vote: Council Members Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all ayes. No nays. Passed.

Councilman Visceglia, seconded by Councilman Gorham, introduced Resolution 22-21 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 10<sup>th</sup>, 2022, 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 ayes. Passed.

Mayor Nicol then praised the DPW for their response to the recent snow storm and acknowledged Municipal Clerk Baran's good work in alerting the public to the fact that the Friday sanitation route collected was postponed until Saturday. The Mayor then called for committee reports and recognized Councilman Gianforte who had no report.

Councilman Nolan advised that Recreation had set the start of Biddy Basketball back to January 20<sup>th</sup> due to the resurgence of Covid. Covid had also impacted delivery of materials for the pickle board court, and occasioned some delays, but stripping is scheduled for the Spring. The Borough had also received a grant from NJDEP in the amount of \$50,000 to help offset some of the costs associated with this project. The library would conduct the Book Club on January 11<sup>th</sup>, the Discuss and Sip program on the 13<sup>th</sup> and an informational forum on Medicare on the 15<sup>th</sup> of this month.

Councilman Garruzzo announced he had no report.

Councilman Shaak reiterated the Mayor's praise for DPW and he implored residents to keep all vehicles off the roadway during plowing to avoid damage to the plows and to their cars. He also acknowledged complaints regarding icy conditions on some side streets. Councilman Shaak reminded the public that the procurement of salt was at a premium and had to be used judiciously, but the public safety would never be at risk.

Neither Councilman Gorham nor Visceglia having reports, the meeting was opened to the public.

The Administrator having already noted that no public comments on the agenda items had been received either by mail or e-mail, the meeting was adjourned at 6:10pm on a motion by Councilman Gianforte, seconded by Councilman Garruzzo.

Approved: January 24<sup>th</sup>, 2022

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Carol Baran  
Municipal Clerk

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 10<sup>th</sup> day of January 2022, 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 2022 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) 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 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 2022 Temporary Budget and shall be included in the 2022 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 (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 10<sup>th</sup>, 2022.

Witness my hand and seal of the Borough of Brielle this 11<sup>th</sup> day of January 2022.

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Carol Baran  
Municipal Clerk

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 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 11<sup>th</sup> day of January 2022, that

1. Alan P. Hilla, Jr. & H2M Water is hereby retained by the Borough of Brielle as its Municipal Engineer for the fiscal year 2022 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 2022 Temporary Budget and shall be included in the 2022 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 (i) 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 10<sup>th</sup>, 2022.

Witness my hand and seal of the Borough of Brielle this 11<sup>th</sup> day of January 2022.

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Carol Baran  
Municipal Clerk

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 10<sup>th</sup> day of January 2022, that

1. Robert A. Hulsart is hereby retained by the Borough of Brielle as its Auditor for the calendar year 2022 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) 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 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 2022 Temporary Budget and shall be included in the 2022 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(i) 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 10<sup>th</sup>, 2022.

Witness my hand and seal of the Borough of Brielle this 11<sup>th</sup> day of January 2022.

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Carol Baran  
Municipal Clerk



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:11-5(l)(a) and (i); and

WHEREAS, the Local Public Contracts Law, N.J.S.A.40A:11-5(1)(a) and (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 Counsel 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) and (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

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council at a meeting held on January 10<sup>th</sup>, 2022.

Witness my hand and seal of the Borough of Brielle this 11<sup>th</sup> day of January 2022.

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Carol Baran  
Municipal Clerk

Resolution No: 22-20-E  
Date: January 10<sup>th</sup>, 2022

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 10<sup>th</sup> day of January 2022, 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 2022 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: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. 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. 19:44A-20.5.
5. Funds for payment of this contract have been provided for in the 2022 Temporary Budget and shall be included in the 2022 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 10<sup>th</sup>, 2022.

Witness my hand and seal of the Borough of Brielle this 11<sup>th</sup> day of January 2022.

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Carol Baran  
Municipal Clerk

Resolution No: 22-20-F

Date: January 10<sup>th</sup>, 2022

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 10<sup>th</sup> day of January 2022, that

1. James W. Holzapfel and the firm of Citta, Holzapfel & Zabarsky, is hereby retained by the Borough of Brielle as its Municipal Prosecutor for calendar year 2022 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: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. 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. 19:44A-20.5.
5. Funds for payment of this contract have been provided for in the 2022 Temporary Budget and shall be included in the 2022 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 10<sup>th</sup>, 2022.

Witness my hand and seal of the Borough of Brielle this 11<sup>th</sup> day of January 2022.

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Carol Baran  
Municipal Clerk

Resolution No: 22-20-G  
Date: January 10<sup>th</sup>, 2022

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 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 10<sup>th</sup> day of January 2022, that

1. Timothy J. Wintrode, Esq., is hereby retained by the Borough of Brielle as its Public Defender for the calendar year 2022 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 2022 Temporary Budget and shall be included in the 2022 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 10<sup>th</sup>, 2022.

Witness my hand and seal of the Borough of Brielle this 11<sup>th</sup> day of January 2022.

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Carol Baran  
Municipal Clerk

Resolution No.: 22-20-L  
Date: January 10<sup>th</sup>, 2022

Resolution of the Borough of Brielle

Whereas, NJSA:40A58 provides for making transfers between 2021 Budget Appropriation Accounts during the months of January, February & March, and

Whereas, it has become necessary at this time to expend funds in excess of the sums

appropriated for the purposes specified in the 2021 Budget, and

Whereas, the Governing Body may, by resolution, transfer an existing excess to an appropriation deemed insufficient.

Now Therefore Be It Resolved, (no less than 2/3's of the full membership of the Governing Body affirmatively confirming), that the following transfers be made between appropriation accounts in the 2021 Budget.

CURRENT:

From:	Vehicle Maintenance	\$10,000.00
	Total	\$10,000.00
To:	Legal O/E	\$10,000.00
	Total	\$10,000.00

Moved By: Councilman Garruzzo Seconded By: Councilman Visceglia

Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak and Visceglia: All Aye.  
No Nays.

Absent: None                      Abstained: None

**CERTIFICATION**

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council, at a meeting held on January 10<sup>th</sup>, 2022.

Witness my hand and seal of the Borough of Brielle this 11<sup>th</sup> day of January 2022.

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Carol Baran  
Municipal Clerk