

MINUTES: June 13th, 2022

START: 6:00 P.M.

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

ABSENT: Councilman Gianforte

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 May 23rd, 2022 meeting. A motion was made by Councilman Nolan seconded by Councilman Visceglia, all ayes, no nays.

Prior to the consent agenda resolution, the Administrator requested permission to add three proforma resolutions to the consent agenda. The first two resolutions confirmed the sale of municipal bonds to the New Jersey Infrastructure Bank and established the repayment schedules. The third resolution authorized an emergency to replace the A/C condenser at the Curtis House.

Councilman Garruzzo seconded by Councilman Visceglia, introduced Resolution 22-54 for passage of the Consent Agenda.

Resolution:

- A. (see insertion)
- B. (see insertion)
- C. (see insertion)
- D. (see insertion)
- E. To promote James Aridas to the rank of Sergeant with the effective date of June 1st, 2022.
- F. To accept with regret the resignation of Sergeant Brian Stahl.
- G. To hire Kevin Luxich as a Probationary Patrolman with an effective date of June 13th, 2022
- H. (see insertion)
- I. (see insertion)
- J. (see insertion)
- K. To declare an emergency re: replacement of existing 5-ton Trane condenser for the community room in the Curtis House in the amount of \$4900.00.

Vote: Council Members Garruzzo, Gorham, Nolan, Shaak & Visceglia; all ayes. No nays.
Passed. (Councilman Garruzzo abstained on resolutions A and B)

Councilman Visceglia seconded by Councilman Gorham introduced Resolution 22-63 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 June 13th, 2022, as reviewed by the Finance Committee and as listed on the Resolution and the Computer Bill List amended thereto. Vote: Councilmen Garruzzo, Gorham, Nolan, Shaak & Visceglia; all ayes. No nays. Passed.

The Mayor then called for committee reports and recognized Councilman Nolan who advised that the Library would celebrate its One Hundred Anniversary sometime in July. Councilman Nolan also cited the Book Club meeting tomorrow, Kids Magic Show on June 21st @ 3:30pm, Author Joanne Cherefko on June 23rd @ 4:30pm, followed by author Mary Alice Monroe on the 25th. There would also be an SSI Workshop on June 27th and a seminar on Medicare on June 29th. In addition, a Farmer's Market/Strawberry festival will be held sometime soon.

Turning to recreation, the pickle board court was in operation, the kayak rack construction was nearing completion, 112 children had already signed up for the summer recreation program, and the North South Competition had raised \$20,000 to benefit the Anderson Family.

Councilman Nolan then reported as liaison to the Environmental Commission, that the Commission wished to remind residents and anyone who used Nienstedt Island, that the island was an environmentally sensitive area. The Commission was concerned about the threat of erosion exacerbated by boaters beaching their craft as well as visitors letting their dogs run free as they posed a direct threat to nesting birds and other wildlife. The island was home to hermit crabs, numerous waterfowl and recently contained an eagles nest. Otters were seen in the adjacent waters.

All these creatures were at risk when visitors ignored the rules and regulations codified by ordinance. These rules would be strictly enforced as it is essential that this vital resource be preserved for future generations.

Councilman Garruzzo cited the resignation of Sergeant Stahl and praised his service during his ten years with the Borough, he wished him the best in his future endeavors.

Councilman Garruzzo welcomed Kevin Luxich to the force and noted that he had been a police officer in Plumsted Borough; he would be a welcomed addition to a police force that Chief Olsen had crafted into one of the finest departments in the state.

Councilman Shaak, Gorham, and Visceglia having no reports, the time had arrived for an Executive Session.

There being no further public comment, Councilman Nolan seconded by Councilman Shaak introduced Resolution 22-64 to enable an Executive Session.

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 14th, 2015, 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:
“Pending 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, Gorham, Nolan, Shaak and Visceglia; all ayes. No nays. Passed.

Councilman Shaak then left the meeting due to a possible conflict regarding the topic to be discussed.

The Executive Session began at 6:11 p.m. and ended at 6:47p.m. The session was adjourned on a motion by Councilman Visceglia seconded by Councilman Gorham.

Attorney Montenegro stated that no action was being taken and that the matter would be made public when the need for confidentiality no longer existed.

The meeting was then opened to the public. There being no public comment, the meeting was adjourned at 6:48 p.m. on a motion by Councilman Visceglia seconded by Councilman Gorham.

Approved: June 27th, 2022

Carol Baran
Municipal Clerk

BOROUGH OF BRIELLE RESOLUTION

Whereas, application has been made for renewal of liquor license #1308-33-002-013, and Whereas, the application is complete, the \$2,225.00 fee due the Borough of Brielle and the \$200.00 fee due to the State of New Jersey, Division of Alcoholic Beverage Control have been received, and all municipal requirements have been met, and

Whereas, no objections to the renewal of this license have been received.

Now therefore be it Resolved that the application of TCMJ LLC T/A The Pig and the Parrot Sand Bar for premises located at 201 Union Lane, Brielle, N.J., is hereby approved and the Municipal Clerk is authorized to issue the license for the license year July 1st, 2022 through June 30th, 2023, subject to the following conditions hereby imposed by the Governing Body of the Borough of Brielle:

- 1.) The conditions imposed by the Brielle Planning Board Resolution, dated May 6th, 1995 and incorporated into the text of this resolution as Addendum #1 (attached) shall continue to apply to this liquor license and shall be strictly enforced. The license holder shall abandon the area known as the west deck for service and/or consumption of food and alcoholic beverage and any other business purpose. The applicant shall not place any tables, chairs or similar devices on the west deck.
- 2.) No alcoholic beverage is to leave the licensed premises in an open container. The management of the Sand Bar is required to monitor all points of ingress or egress to ensure that this condition is met.
- 3.) All doors and windows of the Sand Bar shall be kept closed after 7:00 p.m. (Prevailing Time) whenever live, canned or amplified music is played.

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 at Borough Hall, 601 Union Lane, Brielle, New Jersey, on Monday, June 13th, 2022.

Witness my Hand and Seal of the Borough of Brielle this 14th day of June 2022.

Carol Baran
Municipal Clerk

Resolution No.:22-62-B
Date: June 14th, 2021

BOROUGH OF BRIELLE RESOLUTION

Whereas, application has been made for the renewal of liquor license #1308-33-012-015,
and

Whereas, the application is complete, the \$2,225.00 fee due the Borough of Brielle and the \$200.00 fee due to the State of New Jersey, Division of Alcoholic Beverage Control have been received, and all municipal requirements have been met, and

Whereas, no objections to the renewal of this license have been received.

Now therefore be it resolved that the application of RELCOL, LLC for premises located at 601 Union Avenue, Brielle, N.J., is hereby approved and the Municipal Clerk is authorized to issue the license for the license year July 1st, 2022 through June 30th, 2023.

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 at Borough Hall, 601 Union Lane, Brielle, New Jersey, on Monday, June 14th, 2021.

Witness my Hand and Seal of the Borough of Brielle this 15th day of June 2021.

Carol Baran
Municipal Clerk

Resolution No.: 22-62-C
Date: June 13th, 2022

WHEREAS, there are old escrow accounts where the work/inspections are done and a refund can be issued:

Block 125, Lot 1, 626 Spruce Place Michael & Christine Hartnett \$ 2,707.50

NOW, THEREFORE, BE IT RESOLVED that the amount listed above be refunded and a check drawn, as shown above, to close out these accounts.

Moved By: Councilman

Seconded By: Councilman

Vote: Councilmen : All Aye. No Nays.

Abstained: None

Absent:

CERTIFICATION

The foregoing is a true copy of a resolution adopted at a meeting of the Brielle Mayor & Council held on Monday, June 13th, 2022.

Witness my hand and seal of the Borough of Brielle this 14th day of June 2022.

Carol Baran
Municipal Clerk

Resolution No.: 22-62-D
Date: June 13th, 2022

WHEREAS, there are old escrow account being held for a Borough sewer Easement on 607 Union Avenue, now site of Rella's escrow held since 1985 and,

WHEREAS, as this escrow has never been used for any repair work or maintenance on this site,

NOW, THEREFORE, BE IT RESOLVED that these funds be refunded back to the Borough for Block 16.01 Lot 8, in the amount of \$38, 050.33 and accounting done to close out this escrow account #7001.

Moved By: Councilman

Seconded By: Councilman

Vote: Councilmen: All Aye. No Nays.

Abstained: None

Absent:

CERTIFICATION

The foregoing is a true copy of a resolution adopted at a meeting of the Brielle Mayor & Council held on Monday, June 13th, 2022.

Witness my hand and seal of the Borough of Brielle this 14th day of June 2022.

Carol Baran
Municipal Clerk

Resolution No.: 22-62-H
Date: June 13th, 2022

Whereas, the Borough of Brielle has been formed in accordance with the applicable statutes, and

Whereas, the Governing Body of the Borough of Brielle believes that it is in the best interest of the Borough to endorse Assembly Bill A-3883 insofar as this legislation seeks to maintain the Student Learning Standards for Comprehensive Health & Physical Education as they were in effect prior to the passage of A-4454, and

Whereas, the Governing Body concurs with the legislation's intent to prohibit boards of education from providing instruction in family life education, sex education, sexual health, sexual orientation or gender identity to students in pre-school through grade four, and

Whereas, the Governing Body further agrees that it is inappropriate for young children to learn about sex education without parental involvement and that such discussion should be left to the parent and child.

Now Therefore Be It Resolved, that the Mayor & Council hereby endorse Assembly Bill A-3883 and they further urge the state assembly to act affirmatively regarding this bill.

Moved By: Councilman

Seconded By: Councilman

Vote: Councilmen: All Aye. No Nays.

Abstained: None

Absent:

CERTIFICATION

The foregoing is a true copy of a resolution adopted at a meeting of the Brielle Mayor & Council held on Monday, June 13th, 2022.

Witness my hand and seal of the Borough of Brielle this 14th day of June 2022.

Carol Baran
Municipal Clerk

RESOLUTION CONFIRMING THE DETAILS OF THE SALE OF GENERAL OBLIGATION BONDS, SERIES 2022A, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,594,166 OF THE BOROUGH OF BRIELLE, IN THE COUNTY OF MONMOUTH, NEW JERSEY, TO THE NEW JERSEY INFRASTRUCTURE BANK PURSUANT TO THE STATE FISCAL YEAR 2022 NEW JERSEY WATER BANK

WHEREAS, the Borough of Brielle (the "Local Unit"), in the County of Monmouth, New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate or install the Project (the "Project") as defined in each of that certain Loan Agreement (the "I-Bank Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Infrastructure Bank (the "I-Bank") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the I-Bank Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the State Fiscal Year 2022 New Jersey Water Bank (the "Program");

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the I-Bank (the "I-Bank Loan") and the State (the "Fund Loan", and together with the I-Bank Loan, the "Loans") pursuant to the I-Bank Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the I-Bank and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's General Obligation Bonds, Series 2022A1, to the I-Bank in an aggregate principal amount not to exceed \$535,000 (the "I-Bank Loan Bond") and General Obligation Bonds, Series 2022A2, to the State in an aggregate principal amount not to exceed \$1,059,166 (the "Fund Loan Bond", and together with the I-Bank Loan Bond, the "Local Unit Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law, the Loan Agreements and the Escrow Agreement dated May 18, 2022 (the "Escrow Agreement") by and among the I-Bank, the State, the Local Unit and the escrow agent named therein;

WHEREAS, N.J.S.A. 40A:2-27(a) (2) of the Local Bond Law allows for the sale of the I-Bank Loan Bond and the Fund Loan Bond to the I-Bank and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the I-Bank Loan Bond to the I-Bank, without any public offering, all under the terms and conditions set forth herein; and

WHEREAS, in accordance with the terms of the Escrow Agreement, the I-Bank has sold its bonds to fund the I-Bank Loan, thereby enabling the Local Unit to confirm the exact aggregate principal amount of and debt service schedule for the Local Unit Bonds.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. The sale of the I-Bank Loan Bond to the I-Bank and the Fund Loan Bond to the State is hereby confirmed. The I-Bank Loan Bond shall be released from escrow in accordance with the terms of the Escrow Agreement and thereby issued in accordance with the principal loan amount, interest rates and maturity schedule set forth in **Schedule A** attached hereto and made a part hereof. The Fund Loan Bond shall be released from escrow in accordance with the terms of the Escrow Agreement and thereby issued in accordance with the maturity schedule set forth in **Schedule B** attached hereto and made a part hereof.

Section 2. This resolution shall take effect immediately.

Section 3. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to Meghan Ann Bennett, Esq., GluckWalrath LLP, bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

Recorded Vote: Moved by Councilman Garruzzo seconded by Councilman Visceglia

AYE: Council Members Garruzzo, Gorham, Nolan, Shaak and Visceglia

NAY: None

ABSTAIN: None

ABSENT: Councilman Gianforte

CERTIFICATE

I, Carol Baran, Clerk of the Borough of Brielle, in the County of Monmouth, State of New Jersey, HEREBY CERTIFY that the foregoing is a true and compared copy of an original resolution now on file and of record in my office which was duly adopted at a meeting of the Borough Council of the Borough of Brielle, on the 13th day of June 2022.

I DO HEREBY CERTIFY that said Borough Council consists of six members and that five members thereof were present at said meeting and that five members voted affirmatively for the adoption of said resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Borough this 14th day of June 2022.

(SEAL)

Carol Baran, Municipal Clerk

RESOLUTION CONFIRMING THE DETAILS OF THE SALE OF GENERAL OBLIGATION BONDS, SERIES 2022B, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$3,433,961 OF THE BOROUGH OF BRIELLE, IN THE COUNTY OF MONMOUTH, NEW JERSEY, TO THE NEW JERSEY INFRASTRUCTURE BANK PURSUANT TO THE STATE FISCAL YEAR 2022 NEW JERSEY WATER BANK

WHEREAS, the Borough of Brielle (the "Local Unit"), in the County of Monmouth, New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate or install the Project (the "Project") as defined in each of that certain Loan Agreement (the "I-Bank Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Infrastructure Bank (the "I-Bank") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the I-Bank Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the State Fiscal Year 2022 New Jersey Water Bank (the "Program");

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the I-Bank (the "I-Bank Loan") and the State (the "Fund Loan", and together with the I-Bank Loan, the "Loans") pursuant to the I-Bank Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the I-Bank and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's General Obligation Bonds, Series 2022B1, to the I-Bank in an aggregate principal amount not to exceed \$1,685,000 (the "I-Bank Loan Bond") and General Obligation Bonds, Series 2022B2, to the State in an aggregate principal amount not to exceed \$1,748,961 (the "Fund Loan Bond", and together with the I-Bank Loan Bond, the "Local Unit Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law, the Loan Agreements and the Escrow Agreement dated May 18, 2022 (the "Escrow Agreement") by and among the I-Bank, the State, the Local Unit and the escrow agent named therein;

WHEREAS, N.J.S.A. 40A:2-27(a) (2) of the Local Bond Law allows for the sale of the I-Bank Loan Bond and the Fund Loan Bond to the I-Bank and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the I-Bank Loan Bond to the I-Bank, without any public offering, all under the terms and conditions set forth herein; and

WHEREAS, in accordance with the terms of the Escrow Agreement, the I-Bank has sold its bonds to fund the I-Bank Loan, thereby enabling the Local Unit to confirm the exact aggregate principal amount of and debt service schedule for the Local Unit Bonds.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. The sale of the I-Bank Loan Bond to the I-Bank and the Fund Loan Bond to the State is hereby confirmed. The I-Bank Loan Bond shall be released from escrow in accordance with the terms of the Escrow Agreement and thereby issued in accordance with the principal loan amount, interest rates and maturity schedule set forth in **Schedule A** attached hereto and made a part hereof. The Fund Loan Bond shall be released from escrow in accordance with the terms of the Escrow Agreement and thereby issued in accordance with the maturity schedule set forth in **Schedule B** attached hereto and made a part hereof.

Section 2. This resolution shall take effect immediately.

Section 3. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to Meghan Ann Bennett, Esq., GluckWalrath LLP, bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

Recorded Vote: Moved by Councilman Garruzzo seconded by Councilman Visceglia

AYE: Council Members Garruzzo, Gorham, Nolan, Shaak and Visceglia

NAY: None

ABSTAIN: None

ABSENT: Councilman Gianforte

CERTIFICATE

I, Carol Baran, Clerk of the Borough of Brielle, in the County of Monmouth, State of New Jersey, HEREBY CERTIFY that the foregoing is a true and compared copy of an original resolution now on file and of record in my office which was duly adopted at a meeting of the Borough Council of the Borough of Brielle, on the 13th day of June 2022.

I DO HEREBY CERTIFY that said Borough Council consists of six members and that five members thereof were present at said meeting and that five members voted affirmatively for the adoption of said resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Borough this 14th day of June 2022.

Carol Baran, Municipal Clerk

(SEAL)