

MINUTES: September 12<sup>th</sup>, 2022

START: 7:00 P.M.

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

ABSENT: NONE

Mayor Nicol opened the meeting in compliance with the Open Public Act and asked for a salute to our flag, followed by a moment of silent prayer, and a roll call.

There being no need for a work session, Mayor Nicol then asked for a motion to approve the Minutes of the August 15<sup>th</sup>, 2022, meeting. A motion was made by Councilman Gianforte seconded by Councilman Nolan, all ayes, no nays.

Councilman Garruzzo seconded by Councilman Nolan introduced Resolution 22-76 for passage of the Consent Agenda.

Resolution:

- A. To authorize the Manasquan River Golf Club to conduct a firework display on September 17, 2022, in observance of their 100<sup>th</sup> Anniversary.
- B. To authorize amendments to the Employment Practice Manual and Employee Handbook to correct any errors and to affirm compliance with current state statute and rulings of the comptroller general.
- C. To acknowledge and authorize cancellation of taxes on certain properties due to veteran disability.
- D. (see insertion)
- E. To authorize the Mayor & Clerk to execute a memorandum of agreement with PBA Local 395 re: contract 1/1/23 thru 12/31/26.
- F. (see insertion)
- G. To accept a quote from Down To Earth Landscaping in the amount of \$29,250.00 for reforestation at the Old Bridge Road Water Tank site as per agreement with the Manasquan River Golf Club.

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

Councilman Visceglia seconded by Councilman Gorham introduced Resolution 22-77 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 12<sup>th</sup>, 2022, 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. No nays. Passed.

Mayor Nicol then announced that the time has arrived for the consideration and passage on first reading of "AN ORDINANCE TO AMEND CHAPTER ONE OF THE CODE OF THE BOROUGH OF BRIELLE ENTITLED "GENERAL" IN ORDER TO CREATE A NEW SECTION TO BE ENTITLED "FEES".

The Administrator asked that the matter be tabled due to the need for further research. Councilmen concurred and the introduction was carried for further study.

Mayor Nicol then announced that the time had arrived for the introduction and passage on first reading of 'AN ORDINANCE TO AMEND CHAPTER THIRTEEN OF THE CODE OF THE BOROUGH OF BRIELLE ENTITLED "PARKS AND RECREATIONAL FACILITIES".

Councilman Shaak, seconded by Councilman Gianforte, introduced Resolution 22-78 for passage on introduction and first reading of the foregoing ordinance. Vote: Councilman Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all ayes. No nays. Passed.

Councilman Shaak seconded by Councilman Nolan, introduced resolution 22-79 to authorize publication in the Coast Star for a hearing to be held on September 26<sup>th</sup>, 2022, at 7:00pm at Borough Hall. Vote: Councilman Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all ayes. No nays. Passed.

Mayor Nicol then called for committee reports and recognized Councilman Gianforte who had no report, but he congratulated all the participants for another splendid Brielle Day, noting that he passed the park early that evening and one would never know that the event had taken place.

Councilman Nolan reported that both the Brielle Dash and the 10K had been great successes and Recreation was now gearing up for the Chili Cook-Off later this month. Turning to the Library he reminded everyone of their upcoming centennial and advised interested parties to visit their website for a list of their schedule activities.

Councilman Garruzzo cited Brielle day and the great job done by all the various municipal departments from Police, Fire and First Aid to the DPW.

Councilman Shaak noted that the DPW spent a week in preparation for the Day and worked continually throughout the day removing trash and addressing emergent needs. They deserved special praise for a job well done.

Councilman Gorham & Visceglia having no reports, the meeting was open to the public.

Virginia Lofton, 407 South Street had a number of inquiries. She asked why the Farmer's Market at the Library had been unable to obtain a permit. The Administrator said that the statement was incorrect as, due to a recent resolution being passed, municipal activities, such as the Library sponsored market, were exempt from the permit process. Councilman Nolan interjected that there had been a postponement to permit the trustees to ascertain if the market was having any

adverse impact on the market that had existed on Higgins Avenue for some twenty-seven years. Ms. Lofton felt that a for profit business and an organic market were two different operations. Councilman Gianforte offered that when one is paying taxes and has to obtain a mercantile license it should be given some consideration. In the event, it was determined that there was no harm in permitting the Library to continue the market.

Ms. Lofton voiced a concern over the condition of Higgins Avenue and the memorial Garden at Borough Hall. The Bayberry Garden Club had been forwarded a voice mail that voiced concern, but the Club had never maintained these areas and was not in a position to undertake doing so.

Councilman Shaak advised that previously a private entity had maintained the gateway entry on Higgins, but they had ceased doing so some time ago.

Ms. Debbie Jeffreys, 804 Ashley Avenue was recognized, and she stated she had made the call and she was willing to volunteer her time and she knew of others also willing to improve these areas. She asked if there was a budget and added that irrigation could be an issue. Ms. Lofton stated that the garden Club might be willing to get involved and she would bring the matter up at their next meeting. Councilman Shaak offered to work with both women to see what if anything could be done.

Ms. Janet Hendricks, 615 Leslie Avenue questioned the ban on garden waste except for May 15<sup>th</sup> through October 15<sup>th</sup>, she asked where residents were supposed to put garden waste during the remainder of the year. Councilman Shaak suggested storing it on the property and cited the increase cost of disposal.

Ms. Hendrick also asked why Brielle did not co-mingle recycling. The Administrator offered that by separating the material they could at least receive some payment for the material. Co-mingled was undesirable and there was no market for it.

Ms. Hendrick also asked when Green Avenue would be paved, and the Administrator offered that it would be bid later this year and commence in the Spring. Ms. Hendrick presented pictures of a crosswalk that she deemed to be dirty and filled with debris and added that a resident had recently tripped at that location.

The Administrator, in response to Councilman Nolan, stated that it should be addressed as part of the scheduled improvement.

Patty Sumers, Lake Avenue, also had a concern over garden waste and noted that residents were placing it in with the trash. She also cited a dangerous pothole at the foot of the Green Avenue Bridge that Ms. Hendricks also cited as a hazard. While it was a County owned bridge the Borough would see what could be done to improve the situation.

The Council also recognized Ms. Hendricks and her husband's contributions to going above and beyond in trying to keep the area clear of debris.

Jim Stetson, 810 Rathjen Drive, cited the Fire Company's need for a storage shed to house the items employed in making the Haunted Hayride a premier event in the area. The event was well received and looked forward to by area residents, but the Fire Company had to truck everything to and from the fire house and they were simply running out of storage space. They had suggested a trailer, but recreation had opposed that solution. A shed was now being proposed and Councilman Nolan noted that it was on the Recreation agenda for the next meeting, and he invited Mr. Stetson to attend. The Council also promised to look into the matter.

Ms. Sue Stetson was recognized, and she voiced her appreciation for the DPW and especially Jeff Ely, for all the help that the Woman's Club received from DPW during Brielle Day.

There being no further public comment, the meeting was adjourned at 7:36pm on a motion by Councilman Gianforte seconded by Councilman Nolan.

Approved: September 26<sup>th</sup>, 2022

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Carol Baran  
Municipal Clerk

Resolution No.: 22-76-D  
Date: September 12<sup>th</sup>, 2022

WHEREAS, N.J.S.A. 40A:5-4 requires the governing both of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2021 has been filed by a Registered Municipal Accountant with the Municipal Clerk of the Borough of Brielle, Carol Baran as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, R. S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs, and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations" as evidenced by the group affidavit form of the governing body attached hereto: and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 -to wit:

R.S. 52:27BB-52. A local officer or member of a local governing body who, after a date fixed for compliance, fills or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fine not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Mayor & Council of the Borough of Brielle. hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Moved By: Councilman Garruzzo  
Seconded By: Councilman Nolan  
Vote: Councilmen: All Aye. No Nays.  
Abstained: None  
Absent: None

#### CERTIFICATION

The foregoing is a true copy of a resolution adopted at a meeting of the Brielle Mayor & Council held on Monday, September 12<sup>th</sup>, 2022.

Witness my hand and seal of the Borough of Brielle this 13<sup>th</sup> day of September 2022.

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Carol Baran  
Municipal Clerk

Resolution No.: 22-76-F  
Date: September 12<sup>th</sup>, 2022

WHEREAS, there was an escrow account (#7200) for work to be done at 204 South Street, and,  
WHEREAS, the applicants have decided to withdraw their Planning/Zoning Board application,  
NOW, THEREFORE, BE IT RESOLVED that the balance be refunded be refunded back to the  
Guli Zhu and Cindy Yuan, the owners for Block 21.01 Lot 3, in the amount of \$3,454.00 and  
accounting done to close out this escrow account.

Moved By: Councilman Garruzzo  
Seconded By: Councilman Nolan  
Vote: Councilmen: All Aye. No Nays.  
Abstained: None  
Absent: None

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Carol Baran  
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