

Borough of Brielle

SEPTEMBER 9, 2019

October 07 2019

September 9th, 2019

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MINUTES September 9th, 2019 WORK SESSION START: 7:30 PM

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

ABSENT: COUNCILMAN GARRUZZO

Mayor Nicol announced that any member of the public wishing to audio or video record a Council Meeting must give notice to the Borough Clerk prior to the meeting being recorded.

Mayor Nicol then opened the Work Session in compliance with the Open Public Meetings Act and recognized the Administrator who had no report but asked to remove Resolution "D" from the consent agenda and to add Resolution "G" to permit a Block Party on September 14th.

The Chair then recognized Fire Official Chris Wilms who reported on the status of his department (see insert). The Fire Inspector, accompanied by his Deputy Michael Hines, noted that the Bureau, as part of the Shared service Agreement with Sea Girt was addressing a number of issues. Five Hundred violations had been uncovered of which 30% had already been abated. Working with the Fire Company 19 new Knox Boxes had been installed and another 7 were on order. In response to Councilman Shaak's inquiry it was stated that the first run Fire Truck and the Fire Chief's vehicle were equipped to utilize the boxes. Mr. Wilms was also pleased to note that additional Life Hazards had been documented and the appropriate fees would not be paid to the State. They would result in increased revenue for the Borough. Registration fees were also up. The Bureau would continue in its mission to ensure fire protection throughout Brielle in a cost-effective manner.

Mayor then read a proclamation re: Hunger Action Monmouth (see insert).

WHEREAS, hunger and poverty are issues of grave concern in the United States, the State of New Jersey and the town; and

WHEREAS, Town is committed to taking steps to raise awareness about the need to combat hunger; and

WHEREAS, the Town is committed to working with Fulfill, formerly The FoodBank of Monmouth and Ocean Counties in educating people about the role and importance of food banks in addressing hunger and raising awareness of the need to devote more resources and attention to hunger issues; and

WHEREAS, the Federal poverty level for a family of four (4) has become \$23,850, in 2014; and

WHEREAS, more than 136,000 individuals in Monmouth and Ocean Counties rely on food provided by the members of The FoodBank of Monmouth and Ocean Counties annually; and

WHEREAS, one (1) in every ten (10) people in Monmouth and Ocean Counties received "emergency" food from the FoodBank of Monmouth and Ocean Counties and their network of food pantries, soup kitchens, shelters and other community organizations; and

WHEREAS, food banks across the country will host numerous events throughout the month of September to bring awareness and attention to encourage involvement in efforts to end hunger in their local community.

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NOW, THEREFORE BE IT PROCLAIMED, that the Mayor and Council of the Borough of Brielle, County of Monmouth, State of New Jersey do hereby recognize September, as HUNGER ACTION MONTH in the Borough, and call this observance to the attention of its citizens.

There being no questions from Council or the public, the work session was adjourned at 7:36 p.m. on a motion by Councilman Gianforte seconded by Councilman Nolan.

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MINUTES September 9th, 2019 START: 7:51 P.M.

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

ABSENT: COUNCILMAN GARRUZZO

Following the announcement on recording devices, Mayor Nicol asked for a moment of silent prayer, a salute to the flag and a roll call.

Mayor Nicol then asked for a motion to approve the Minutes of the August 12th, Regular Meeting. A motion was made by Councilman Gianforte seconded by Councilman Nolan; all aye; no nays. Passed.

Councilman Gianforte seconded by Councilman Shaak introduced Resolution 19-71 for passage of the Consent Agenda.

Resolution:

A. (See insertion)

B. (See insertion)

C. (See insertion)

D. (See insertion)

E. (See insertion)

F. To approve a Block Party, N. Tamarack Drive, September 14th, 2019

Vote: Councilmen Gianforte, Gorham, Nolan, Shaak & Visceglia; all aye. No nays. Passed. (Note: Councilman Visceglia abstained on "F")

Councilman Visceglia seconded by Councilman Gorham introduced Resolution 19-72 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 9th, 2019, as reviewed by the Finance Committee and as listed on the Resolution and the Computer Bill List amended thereto. Vote: Council Members Gianforte, Gorham, Nolan & Visceglia: all aye. No nays. Passed

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

Councilman Nolan noted that the Library would be initiating Fall Hours with a Noon to 5:00pm schedule on Fridays. A Bus Trip to Grand Central Station was scheduled for Sunday, October 13th.

Councilman Shaak advised Brielle Day had been a great success and he thanked the DPW for an outstanding job in returning the park to normal within a matter of hours.

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Councilman Shaak also cited the new traffic patterns slated to begin on the Route 35 Bridge on September 20th. He noted that the date could be pushed back to September 23rd due to the Sea Food Festival in Point Pleasant.

Councilmen Gorham & Visceglia having no reports the meeting was opened for public comment.

Virginia Lofton, 407 South Street, reiterated her concerns over the lack of maintenance on the dog waste containers on Brielle Avenue and the absence of a trash receptacle at Donnelly Beach. Ms. Lofton also requested information on the status of the Bike Rack at Brielle Beach and the debris at the terminus of Union Lane between the Pig & Parrot and Waypoint 622.

Councilman Shaak advised that he was working with the DPW to address the waste issue and the need for a trash container at Donnelly Beach. Councilman Nolan advised that the Bike Rack was scheduled to be included in the 2020 budget. The debris issue would be referred to Code Enforcement as the restaurants could be a contributing factor in the debris issue.

Keith McEligot asked when the next shredding day was scheduled. The Administrator advised that the Borough hoped to coordinate the event with Monmouth County.

Mr. McEligot also asked if the Brielle Police were involved in the Ring Program. Councilman Shaak stated that they did solicit the cooperation of homeowners with security cameras as a crime deterrent and he would inquire about the program. Mr. McEligot noted that it appeared to be a worthwhile program being utilized by other local departments.

He then brought to Council's attention the increased usage of electric motor bike. The vehicles did not require a license to operate but could achieve speeds up to 30mph. The users as well as bicyclists should be made aware of prevailing Motor Vehicle Laws as they could pose a hazard to pedestrians and motorists alike.

Council would bring the matter to Chief Olsen's attention.

There being no further comments, the meeting was closed on a motion by Councilman Nolan seconded by Councilman Gianforte at 7:51pm.

Approved: September 23rd, 2019

Thomas F. Nolan
Municipal Clerk.

Resolution No: 19-71-A
Date: September 9th, 2019
BOROUGH OF BRIELLE RESOLUTION

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 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk of the Borough of Brielle, Thomas F. Nolan as per the requirements of N.J. S. 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.
I hereby certify that this is a true copy of the resolution passed at the meeting held on September 9th, 2019.

CERTIFICATION

I, Thomas F. Nolan 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 12th day of August 2019.
In Witness Whereof, I have hereunder set my hand and official seal of the municipality this 13th day of August 2019.

Thomas F. Nolan
Municipal Clerk

Resolution No.: 19-71-B
Date: September 9th, 2019

RESOLUTION OF THE BOROUGH OF BRIELLE, IN THE COUNTY OF MONMOUTH, NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF ITS "NOTE RELATING TO THE CONSTRUCTION FINANCING PROGRAM OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST", TO BE ISSUED IN THE PRINCIPAL AMOUNT OF UP TO \$5,210,500.00 AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE BOROUGH OF BRIELLE IN FAVOR OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST, ALL PURSUANT TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST CONSTRUCTION FINANCING PROGRAM.

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 construct a project consisting of Capital Improvements to Water Utility(the "Project"), and it is the desire of the Local Unit to obtain financing for such Project through participation in the environmental infrastructure financing program (the "Environmental Infrastructure Financing Program") of the New Jersey Environmental Infrastructure Trust (the "Trust");

WHEREAS, the Local Unit has determined to temporarily finance the construction of the Project prior to the closing with respect to the Environmental Infrastructure Financing Program, and to undertake such temporary financing with the proceeds of a short-term loan to be made by the Trust (the "Construction Loan") to the Local Unit, pursuant to the Construction Financing Program of the Trust (the "Construction Financing Program");

WHEREAS, in order to (i) evidence and secure the repayment obligation of the Local Unit to the Trust with respect to the Construction Loan and (ii) satisfy the requirements of the Construction Financing Program, it is the desire of the Local Unit to issue and sell to the Trust the "Note Relating to the Construction Financing Program of the New Jersey Environmental Infrastructure Trust" in an aggregate principal amount of up to \$ 5,210,500.00 (the "Note");

WHEREAS, it is the desire of the Local Unit to authorize, execute, attest and deliver the Note to the Trust 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"), and other applicable law; and

WHEREAS, Section 28 of the Local Bond Law allows for the sale of the Note to the Trust, without any public offering, and N.J.S.A. 58: 11B-9 allows for the sale of the Note to the Trust without any public offering, all under the terms and conditions set forth therein.

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

Section 1. In accordance with Section 28 of the Local Bond Law and N.J.S.A. 58:11B 9, the Local Unit hereby authorizes the issuance, sale and award the Note in accordance with the provisions hereof. The obligation represented by the Note has been appropriated and authorized by bond ordinance #1086 of the Local Unit, which bond ordinance is entitled "[Title]" and was finally adopted by the Local Unit at a meeting duly called and held on [Date], at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions hereof, (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof), and (ii) the dated date of the Note.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note by the parties authorized pursuant to Section 4(h) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Note shall be as follows:

- a) the principal amount of the Note to be issued shall be an amount up to \$5,210,500.00
- b) the maturity of the Note shall be as determined by the Trust;
- c) the interest rate of the Note shall be as determined by the Trust;
- d) the purchase price for the Note shall be par;
- e) the Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note;
- f) the Note shall be issued in a single denomination and shall be numbered "CFP 16 -
- g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to

both principal and interest in lawful money of the United States of America; and
h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The Note shall be substantially in the form attached hereto as Exhibit A.

Section 6. The law firm of Gluckwalrath is hereby authorized to arrange for the printing of the Note, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust for the Construction Financing Program, to arrange for same.

Section 7. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Secretary of the Local Unit, as applicable, in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit and after further consultation with the Trust and its representatives, agents, counsel and advisors, to be executed in connection with the issuance and sale of the Note and the participation of the Local Unit in the Construction Financing Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery of the Note and the participation of the Local Unit in the Construction Financing Program.

Section 8. This resolution shall take effect immediately.

Section 9. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to Gluckwalrath, bond counsel to the Local Unit, David Zimmer, Executive Director of the Trust, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

CERTIFICATION

I, Thomas F. Nolan 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 9th day of September 2019.
In Witness thereof, I have hereunder set my hand and official seal of the municipality this 10th day of September 2019.

Thomas F. Nolan
Municipal Clerk

Resolution No.: 19-71-C
Date: September 9th, 2019

RESOLUTION OF THE BOROUGH OF BRIELLE DECLARING ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR PROJECT COSTS FROM THE PROCEEDS OF DEBT OBLIGATIONS IN CONNECTION WITH ITS PARTICIPATION IN THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM

WHEREAS, the Borough of Brielle (the "Borrower") intends to acquire, construct, renovate and/or install the environmental infrastructure project more fully described in Exhibit A attached hereto (the "Project");

WHEREAS, the Borrower intends to finance the Project with debt obligations of the Borrower (the "Project Debt Obligations") but may pay for certain costs of the Project (the "Project Costs") prior to the issuance of the Project Debt Obligations with funds of the Borrower that are not borrowed funds;

WHEREAS, the Borrower reasonably anticipates that obligations, the interest on which is excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), will be issued by

the New Jersey Environmental Infrastructure Trust (the "Issuer") to finance the Project on a long-term basis by making a loan to the Borrower with the proceeds of the Issuer's obligations (the "Project Bonds"); and

WHEREAS, the Borrower desires to preserve its right to treat an allocation of proceeds of the Project Debt Obligations to the reimbursement of Project Costs paid prior to the issuance of the Project Debt Obligations as an expenditure for such Project Costs to be reimbursed for purposes of Sections 103 and 141 through 150, inclusive, of the Code.

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

Section 1. The Borrower reasonably expects to reimburse its expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with proceeds of its Project Debt Obligations.

Section 2. This resolution is intended to be and hereby is a declaration of the Borrower's official intent to reimburse the expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with the proceeds of a borrowing to be incurred by the Borrower, in accordance with Treasury Regulations §1.150-2.

Section 3. The maximum principal amount of the Project Debt Obligations expected to be issued to finance the project is \$5,210,500.00

Section 4. The Project Costs to be reimbursed with the proceeds of the Project Debt Obligations will be "capital expenditures" in accordance with the meaning of Section 150 of the Code.

Section 5. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Code. The proceeds of the Project Bonds used to reimburse the Borrower for Project Costs, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of the Project Debt Obligations or another issue of debt obligations of the Borrower, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1).

Section 6. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than the Project Debt Obligations is paid, or (ii) the date the Project is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

Section 7. This resolution shall take effect immediately.

CERTIFICATION

I, Thomas F. Nolan 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 9th day of September 2019. In Witness thereof, I have hereunder set my hand and official seal of the municipality this 10th day of September 2019.

Thomas F. Nolan
Municipal Clerk

Resolution No.:19-71-E
Date: September 9th, 2019

WHEREAS, there is an Escrow Accounts for variance work done at the following properties that is completed and a refund can be done to close this out:

Block 48.01, Lot 13.02 &14.02, original subdivision bonding for sidewalks, Curb & driveway apron, Lot 14.02 complete & ½ bonding can be refunded to Bruce Latourette, \$4,435.20

Block 48.01, Lot 13.02 & 14.02, balance of original escrow fee for minor subdivision which has been completed, \$350.00 to Bruce Latourette

Block 99.03, Lot 14, 404 Osprey Point Drive, owned by Brian & Elizabeth Hart, withdrawing variance request, balance of escrow fee \$2,038.88.

NOW, THEREFORE, BE IT RESOLVED that the amounts be refunded, and checks be drawn as shown above to officially close out this account.

CERTIFICATION

The foregoing is a true copy of a resolution adopted at a meeting of the Brielle Mayor & Council held on Monday, September 9th, 2019.

Witness my hand and seal of the Borough of Brielle this 10th day of September 2019.

Thomas F. Nolan
Municipal Clerk