

MINUTES JANUARY 9th, 2023

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 Meetings Act followed by a silent prayer, a salute to the flag and roll call.

There being no need for a work session, Mayor Nicol then asked for a motion to approve the Minutes of the December 19th, 2022 Meeting and the January 3rd, 2023 Reorganization Meeting. A motion was made by Councilman Gianforte seconded by Councilman Nolan, all ayes, no nays.

Councilman Garruzzo, seconded by Councilman Nolan introduced Resolution 23-22 for passage of the consent agenda.

A To G (see insertions).

H. To renew the current agreement with the Brielle Library Association for the provision of all library related services.

I. To retain BRB Valuation to provide services on Tax Appeals on a “as needed” basis.

J. To authorize the Municipal Clerk to issue Food Handler Permits and all non-statutory annual licenses for 2023 in compliance with municipal ordinance.

K. To renew the shared service agreement with for custodial services with the Brielle Elementary School.

L. (insert).

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

Councilman Visceglia, seconded by Councilman Gorham, introduced Resolution 23-23 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 9th, 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.

The Mayor then called for committee reports and recognized Councilman Gianforte who had no report. Councilman Nolan advised that the Library would be holding the No Wine or Whiners Club and Pilates with Loria for January 10th and Chair Yoga with Penelope Morrison on the 12th. The Library would be closed for Martin Luther King, Jr. Day.

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Councilman Garruzzo, Shaak, Gorham and Visceglia having no report, the meeting was opened to the public on a motion by Councilman Garruzzo, seconded by Councilman Nolan. There being no public comment the public portion was adjourned on a motion by Councilman Garruzzo seconded by Councilman Nolan.

The meeting was adjourned at 7:01pm on a motion by Councilman Gianforte seconded by Councilman Nolan.

Approved: January 23rd, 2023

Carol Baran
Municipal Clerk

Resolution No: 23-22-A
Date: January 9th, 2023

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 9th day of January 2023, that 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 2023 to perform to the terms of the Agreement between the Municipal Attorney and the Borough of Brielle.

1. 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.
2. 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.
3. This contract is being awarded under the non-fair and open contract provisions of N.J.S.A. 19:44A-20.5.
4. The contractor is required to file a Business Entity Disclosure Certificate with the Borough of Brielle and a Political Contribution Disclosure Form.
5. Funds for payment of this contract have been provided for in the 2023 Temporary Budget and shall be included in the 2023 Municipal Budget.
6. 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 9th, 2023.

Witness my hand and seal of the Borough of Brielle this 10th day of January 2023.

Carol Baran
Municipal Clerk

Resolution No: 23-22-B
Date: January 9th, 2023

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 9th day of January 2023, that

1. Alan P. Hilla, Jr. & H2M Water is hereby retained by the Borough of Brielle as its Municipal Engineer for the fiscal year 2023 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 2023 Temporary Budget and shall be included in the 2023 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

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Witness my hand and seal of the Borough of Brielle this 10th day of January 2023.

Carol Baran
Municipal Clerk

Resolution No: 23-22-C

Date: January 9th, 2023

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 9th day of January 2023, that

1. Robert A. Hulsart is hereby retained by the Borough of Brielle as its Auditor for the calendar year 2023 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 2023 Temporary Budget and shall be included in the 2023 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

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Witness my hand and seal of the Borough of Brielle this 10th day of January 2023.

Carol Baran
Municipal Clerk

Resolution No: 23-22-E
Date: January 9th, 2023

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 9th day of January 2023, 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 2023 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 2023 Temporary Budget and shall be included in the 2023 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 9th, 2023.

Witness my hand and seal of the Borough of Brielle this 10th day of January 2023.

Carol Baran
Municipal Clerk

Resolution No: 23-22-F
Date: January 9th, 2023

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 Prosecutor; 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 9th day of January 2023, 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 2023 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 2023 Temporary Budget and shall be included in the 2023 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 9th, 2023.

Witness my hand and seal of the Borough of Brielle this 10th day of January 2023.

Carol Baran
Municipal Clerk

Resolution No: 23-22-G
Date: January 9th, 2023

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 Charles Shaw, 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 9th day of January 2023, that

1. Charles Shaw, Esq., is hereby retained by the Borough of Brielle as its Public Defender for the calendar year 2023 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 2023 Temporary Budget and shall be included in the 2023 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

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Witness my hand and seal of the Borough of Brielle this 10th day of January 2023.

Carol Baran
Municipal Clerk

Resolution No.: 23-22-L
Date: January 9th, 2023

Resolution of the Borough of Brielle

Whereas, NJSA:40A58 provides for making transfers between 2022 Budget Appropriation Accounts during the months of November and December, and

Whereas, it has become necessary at this time to expend funds in excess of the sums appropriated for the purposes specified in the 2022 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 2022 Budget.

CURRENT:

From:	Streets/Roads S/W	\$6,700.00
	Total	\$6,700.00
To:	Legal O/E	\$6,7000.00
	Total	\$6,7000.00

Moved By: Councilman Garruzzo Seconded By: Councilman Nolan

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 9th, 2023.

Witness my hand and seal of the Borough of Brielle this 10th day of January 2023.

Carol Baran
Municipal Clerk