

MINUTES FEBRUARY 13<sup>th</sup>, 2023

START: 7:00 P.M.

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

ABSENT: COUNCILMAN NOLAN

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 January 23<sup>rd</sup>, 2023 Meeting. A motion was made by Councilman Gianforte seconded by Councilman Visceglia, all ayes, no nays.

Councilman Garruzzo, seconded by Councilman Visceglia introduced Resolution 23-26 for passage of the consent agenda.

- A. (see insertion)
- B. (see insertion)
- C. To authorize the MS Association to conduct their annual "Coast to Coast" bike tour on May 13<sup>th</sup>, 2023.
- D. To renew the shared service agreement with Monmouth County for the Provision of Emergency Dispatch Services through the Monmouth County Sheriff's Office, Communications Division.
- E. (see insertion)
- F. (see insertion)

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

Councilman Visceglia, seconded by Councilman Gorham, introduced Resolution 23-27 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 February 13<sup>th</sup>, 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, Shaak & Visceglia.

Councilman Garruzzo cited an incident earlier today wherein Patrolman Dreher and Sergeant Sofield response to a call to assist a Saint Bernard named Beethoven, who was in distress. Patrolman Dreher performed CPR and the officers then assisted the owner in transporting Beethoven to the Garden State Veterinary Hospital where he is, at last report, in recovery. The owner wished to express her sincere gratitude to the Department for their prompt response and called both officers her "heroes".

Councilmen Shaak, Gorham and Visceglia having no reports the meeting was open to the public.

Dara Hawthorne, 1103 Jeanne Lane was recognized and stated her concerns over the change in Borough policy regarding the collection of brush, she felt that the October 15 date was too early and asked why the change was made.

Councilman Shaak responded that cost was a major issue as the price of disposal had escalated and the Borough could no longer afford to collect brush indiscriminately, hence the specific timeframe.

Paul Griffin, 1103 Jeanne Lane asked why the date couldn't be mid-November as given the warm weather, the plants continued to bloom and were being pruned or cut later in the season.

Peter Trimmer, 616 Valley Road cited the difficulty of disposing of brush at the yard due to the height of the container and the need for a large vehicle to transport the brush. He added that there was no assistance rendered at the DPW Yard and elderly women found it impossible to reach the disposal container.

Mr. Trimmer also cited the piles of brush currently around the Borough and asked why, if the letter advising of the chances said such people would be fined, no action had been taken.

Councilman Gianforte offered that it was not the intent of the Borough to be punitive, but rather to get residents to comply.

Mr. Thomas Lonergan, 1115 Cedar Lane stated that the Borough always collected brush in the past, why the change. Councilman Shaak reiterated his earlier comments and added that brush and leaves had to be kept separate when the collections overlapped, residents tended to mix the piles and then the leaves had to be disposed of as brush and the disposal costs increased. Further the brush damaged the leaf machines.

Dara Hawthorne stated that she simply had no place to store the brush and asked if there could be a grace period to permit her to find someone to take her brush.

Mayor Nicol explained that the Council sought to avoid punitive fines, the problem was that the DPW had effectively spoiled the residents by frequent collections in the past. Councilman Shaak noted that the October 15<sup>th</sup> date had always been in effect, but the Borough hadn't enforced it.

Mayor Nicol acknowledged the concerns and Councilman Gianforte noted that everyone on council was taking notes.

Councilman Garruzzo advised Ms. Hawthorne that the Borough would be flexible and together the issue could be resolved.

The meeting was adjourned at 7:28pm on a motion by Councilman Shaak seconded by Councilman Visceglia.

Page 13

Approved: February 27<sup>th</sup>, 2023

---

Carol Baran  
Municipal Clerk

Resolution No.: 23-26-A  
Date: February 13<sup>th</sup>, 2023

Resolution authorizing the County of Monmouth Mosquito Control Division to conduct aerial mosquito control operations within the Borough of Brielle

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the county; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the county of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designated "congested area," the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Borough of Brielle is designated as a "congested area" by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW, THEREFORE, be it resolved as follows:

1. The Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:
  - a. the County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies, and
  - b. such operations will be performed in compliance with applicable Federal and State regulations, and
  - c. the County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

Moved by: Councilman Garruzzo Seconded: Councilman Visceglia Ayes: Council members Garruzzo, Gianforte, Gorham & Visceglia. Nays: None. Absences: Councilman Nolan.

CERTIFICATION

The foregoing is a true copy of a resolution approved by the Brielle Mayor & Council at a meeting held on February 13<sup>th</sup>, 2023.

Witness my hand and seal of the Borough of Brielle this 14<sup>th</sup> day of February 2023.

SEAL

---

Carol Baran  
Municipal Clerk

Resolution No.: 23-26-B  
Date: February 13<sup>th</sup>, 2023

**BOROUGH OF BRIELLE CERTIFICATION OF REQUEST FOR EMERGENCY  
PURCHASES TO BE FILED WITH THE BOROUGH ADMINISTRATOR &  
CERTIFIED PURCHASING AGENT**

The undersigned Department Head certifies as follows:

1. An emergency condition exists in the Public Works Department.
2. This condition constitutes an emergency affecting the immediate health, safety or welfare of the public.
3. The nature of the condition is as follows:

Tree removal from Brielle Park.

4. The emergency occurred February 6<sup>th</sup> @ approximately 10:00 am.
5. It is necessary to invoke N.J.S.A. 40a:11-6 in order to obtain the immediate delivery of the materials, supplies or performance of the service described in the attached requisition (see attached). The estimated cost of furnishing the materials, supplies or services is
6. It is requested that a Purchase Order be issued without public advertisement for bids, pursuant to the above cited statute.
7. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

---

Thomas Nolan  
Business Administrator

---

Jeff Weiss  
Department Head

**CERTIFICATION**

I, Carol Baran 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 13<sup>th</sup> day of February 2023.

In Witness Whereof, I have hereunder set my hand and official seal of the municipality this 14<sup>th</sup> day of February 2023.

---

Carol Baran  
Municipal Clerk

BOROUGH OF BRIELLE: SELF-EXAMINATION OF BUDGET RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough Of Brielle has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2023 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough Of Brielle that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated,
    - b. Items of appropriation are properly set forth
    - c. In itemization, form, arrangement and content, the budget will

permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Approved: February 13<sup>th</sup>, 2023.

Vote recorded as follows: Councilmen Garruzzo, Gianforte, Gorham, Shaak & Visceglia; all ayes. No nays. Passed.

None abstained.

Absent Councilman Nolan.

#### Certification

The foregoing is a true copy of a resolution adopted by the Brielle Mayor & Council at a meeting held on February 13<sup>th</sup>, 2023.

Witness my hand and seal of the Borough of Brielle this 14<sup>th</sup> day of February, 2023.

---

Carol Baran  
Municipal Clerk

Resolution No.: 23-26-F  
Date: February 13<sup>th</sup>, 2023

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE  
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S  
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in  
Employment Decisions Under Title VII of the Civil Rights Act of 1964"**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of the Borough of Brielle, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

**CERTIFICATION**

The foregoing is a true copy of a resolution approved by the Brielle Mayor & Council at a meeting held on February 13<sup>th</sup>, 2023.

Witness my hand and seal of the Borough of Brielle this 14<sup>th</sup> day of February 2023.

SEAL

---

Carol Baran  
Municipal Clerk