

MINUTES JULY 10<sup>th</sup>, 2023

START: 7:00 P.M.

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

ABSENT: COUNCILMAN SHAAK

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. Mayor Nicol read a proclamation re: Danny Tobin.

Mayor Nicol asked for a motion to approve the Minutes of the June 26<sup>th</sup>, 2023 Meeting. A motion was made by Councilman Gianforte seconded by Councilman Visceglia, all ayes, no nays. Approved.

Councilman Garruzzo, seconded by Councilman Nolan introduced Resolution 23-67 for passage of the consent agenda.

- A. (see insertion)
- B. (see insertion)
- C. To approve an application for a Block Party 8/5/2023 on Leslie Avenue
- D. To authorize H2M to prepare bid specifications for Improvements to Borough Hall (Roof, HVAC, ADA Compliance, Second floor renovations) at a cost not to exceed 20% of estimated cost.
- E. To approve an application for a Block Party 8/19/2023 on Susan Avenue
- F. (see insertion)

Vote: Councilman Garruzzo, Gianforte, Gorham, Nolan & Visceglia; all ayes. No nays. Passed.  
(Note: Councilmen Garruzzo abstained from A)

Councilman Visceglia seconded by Councilman Gorham, introduced Resolution 23-68 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 July 10<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, Nolan & Visceglia; all ayes. No nays. Passed.

The Mayor called for committee reports and recognized Councilman Gianforte who had no report. Councilman Nolan advised that at the Library, the summer reading program continues through August 15<sup>th</sup>. Ukulele Camp began today, and Christmas in July will be July 18<sup>th</sup>, 3:30 to 4:30 pm. A private tour of the Point Pleasant Coast Star Station is on July 20<sup>th</sup> and Crafting with Competing Ms. New Jersey is July 25<sup>th</sup>. The full array of programs is available on the Library website. Turning to Recreation, he noted that the Summer Recreation Program was in full swing.

Councilmen Garruzzo, Visceglia and Gorham having no reports the meeting was opened to the public and the Chair recognized Janet Hendricks, 615 Leslie Avenue, who in turn recognized the efforts Larry Rose and Bill Peterson for planting flowers at the Flag Pole; she added that Mr. Rose asked if the hose nozzle, which someone had run over, could be replaced.

Ms. Hendricks again asked when the remediation of the end of Leslie Avenue, that had been stripped during the recent improvements to the Railroad Crossing, would be restored.

Mayor Nicol stated it was N.J. Transit's responsibility, but Ms. Hendrick stated that their Supervisor informed her that it was not. The Mayor said he would pursue the matter.

Lynn Schambach, 525 Harris Avenue, was then recognized and she reviewed the issue of killifish traps being placed in Debbie's Creek and creating a problem for both adult Swans, one had been entrapped and rescued a few weeks ago, and just this weekend a similar incident took place involving an adult and cygnet's. She asked if signage could be placed, to advise the owners of these traps of the danger they impose to the various wildlife who inhabit the area.

Her view was shared by Therese Williams, 610 Cedarcrest, who had witnessed the most recent occurrence and had cut the line to prevent the bird from strangulation. These traps were being set along various locations from the Bridge to East Woodland Avenue and they were often placed by adults and frequently left unattended for extended periods. She praised the Fire Company for their rescue efforts over the weekend and the Humane Society for endeavoring to return the cygnets to their family. The mother swan was still recovering from her injuries of late June. Anything the Council could do was appreciated; the Mayor & Council agreed to entertain signage.

There being no further public comment, Councilman Garruzzo, seconded by Councilman Nolan introduced Resolution 23-69 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 July 10<sup>th</sup>, 2023, 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:  
"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, Gianforte, Gorham, Nolan & Visceglia; all ayes. No nays. Passed.

The Executive Session began at 7:19 p.m. and ended at 7:35p.m. The session was adjourned on a motion by Councilman Garruzzo, seconded by Councilman Gianforte.

Attorney Montenegro announced that the discussion had centered on litigation defense and the matter would be made public when the need for confidentiality no longer exists.

The meeting was then opened to the public. There being no public comment, the meeting was adjourned at 7:36 p.m. on a motion by Councilman Gorham, seconded by Councilman Visceglia.

Approved: August 14<sup>th</sup>, 2023

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Carol Baran  
Municipal Clerk

Resolution No. 23-67-A  
Date: July 10<sup>th</sup>, 2023

## BOROUGH OF BRIELLE RESOLUTION

Whereas, application has been made for the renewal of Liquor License #1308-33-001-008, and

Whereas, the application is complete and the \$2,225.00 fee due to the Borough and the \$200.00 fee due to the State of New Jersey Division of Alcoholic Beverage Control 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 Paradise Hospitality, LLC for premises located at 1 Ocean Avenue, Brielle, New Jersey, is hereby approved and the Municipal Clerk is authorized to renew the license for the period July 1<sup>st</sup>, 2023 through June 30<sup>th</sup>, 2024, subject to the following conditions.

1. Alcoholic Beverage may be sold, served, delivered, or consumed on the open exterior deck of the premises from 12:00pm to 11:00pm, Sunday through Thursday, and from 12:00pm to 1:00am on Friday and Saturday.

2. In accordance with the conditions of the Planning Board Resolution agreed to at a meeting of that Body held on December 8<sup>th</sup>, 2020, the applicant agrees that there shall be no amplified live music outdoors at this location. This prohibition includes live music and DJ's.

3. An unamplified violin or similar instrument, as well as a microphone for the officiant, shall be permitted outdoors during ceremonies.

4. Controlled Background music may be permitted in the above-mentioned deck area during the hours of 12:00pm to 10:00pm Sunday through Thursday, and from 12:00pm to 1:00am on Fridays and Saturdays, providing that the music is in compliance with the provisions of Chapter 3, Section 3-1.1 through 3.1-11 of the Code of the Borough of Brielle entitled "Noise Control" and is compliant with all other ordinances.

5. No doors or windows can be open when background music is utilized on the deck.

6. On the Sunday prior to Memorial Day and on the Sunday prior to Labor Day, the deck may remain open to 1:00am. The deck may also remain open until 1:00am on July 3<sup>rd</sup>. These exceptions are granted subject to the provisions of this resolution.

## CERTIFICATION

The foregoing is a true copy of a resolution adopted at a meeting of the Brielle Mayor & Council held on Monday, July 10<sup>th</sup>, 2023.

Witness my hand and seal of the Borough of Brielle this 11<sup>th</sup> day of July 2023.

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Carol Baran  
Municipal Clerk

Resolution No.:23-67-B  
Date: July 10<sup>th</sup>, 2023

## RESOLUTION OF THE BOROUGH OF BRIELLE

Whereas, the Governing Body of the Borough of Brielle is of the opinion that it would be in the best interest of the rate payers of the Brielle Municipal Utility to retain special counsel to provide for legal representation for potential claims as part of a class action lawsuit regarding PFAS, PFOS and PFOA toxic chemicals, and

Whereas, the Mayor & Council of the Borough of Brielle seeks to participate in said class action lawsuit.

Now Therefore Be It Resolved, by the Mayor & Council of the Borough of Brielle as follows:

1. Michael Fitzgerald, through Wilentz, Goldman and Spitzer, is appointed special counsel for the PFAS, PFOS and PFOA class action litigation.

Moved by: Councilman Garruzzo  
Seconded by: Councilman Gianforte

Vote: Council, Garruzzo, Gianforte, Gorham, Nolan & Visceglia; all ayes. No nays.  
Abstained: None. Absent: Shaak.

## CERTIFICATION

The foregoing is a true copy of a resolution adopted at a meeting of the Brielle Mayor & Council held on Monday, July 10<sup>th</sup>, 2023.

Witness my hand and seal of the Borough of Brielle this 11<sup>th</sup> day of July 2023.

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Carol Baran  
Municipal Clerk

Resolution No.: 23-67-F  
Date: July 10<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 Borough Hall.
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:

HVAC Condenser replacement

4. The emergency occurred July 10<sup>th</sup> @ approximately 7:00 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.

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Thomas Nolan  
Business Administrator

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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 10<sup>th</sup> day of July 2023.

In Witness Whereof, I have hereunder set my hand and official seal of the municipality this 11<sup>th</sup> day of July 2023.

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Carol Baran  
Municipal Clerk