

MINUTES JANUARY 8th, 2024

START: 7:00 P.M.

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

ABSENT: NONE

Following a moment of silent prayer, a salute to the flag and a roll call, Mayor Garruzzo opened the meeting in compliance with the Open Public Act and asked for a motion provided by Councilman Gianforte and seconded by Councilman Nolan, to accept and file the minutes of the December 18th, 2023 meeting and the January 2nd, 2024 Organization Meeting; all ayes.

Councilman Gianforte seconded by Councilman Nolan introduced Resolution 24-23 for passage of the consent agenda.

- A. (see insertions).
- B. (see insertions).
- C. (see insertions).
- D. (see insertions).
- E. (see insertions).
- F. (see insertions).
- G. (see insertions).
- H. To renew the current agreement with the Brielle Library Association for the provision of all library 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 2024.
- K. To renew the shared service agreement with for custodial services with the Brielle Elementary School.
- L. (insert).
- M. To hire Justin Garriss as a driver/laborer in the Department of Public Works effective this date.
- N. (see insertions).
- O. To appoint Michael A. Gianforte as SMRSA representative effective 2/1/2024.
- P. To accept the Chief of Police’s recommendation to adopt prevailing towing rates has promulgated by Frank’s Towing, All Time Towing & Point Pleasant Towing.

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

Councilman Visceglia, seconded by Councilman Gorham, introduced Resolution 24-24 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 8th, 2024, as reviewed by the Finance Committee and as listed on the Resolution and the

Computer Bill List amended thereto. Vote: Councilmembers Gianforte, Gorham, Nolan, Shaak & Visceglia; all ayes. No nays. Passed.

Mayor Garruzzo then called for committee reports and recognized Councilman Gianforte who advised the public that a total of 4,295 cubic yards of leaves had been collected during leaf season. Final collection will wrap up during the next two weeks. Christmas tree collection will continue for the next few weeks with trees being employed for dune replacement. Snow removal equipment was being readied and hopefully that would ensure that there would be no snow.

Councilman Nolan cited the Library special and on-going events ranging from Pilates with Catlin Loria on January 9th to Chair Yoga with Penelope also on the 9th and Fashion Design on the 17th. Full details are available on the Library website.

Turning to Recreation, Councilman Nolan advised that the biddy basketball program was a continuing success and Recreation looked forward to 2024. In addition, the Environmental Commission had undertaken an “environmental inventory” that would be developed throughout the year.

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

Mayor Garruzzo then advised the assembly of the new rules as to public participation that had been formalized by resolution at the organization meeting. Anyone wishing to address the Governing Body was now asked to come forward to the podium and provide the Clerk with their name and address. Speakers were restricted to one topic at a time, but if no one else wished to speak, a second question could be posed. Each speaker would be restricted to five minutes.

There being no public comment, the meeting was adjourned at 7:09 pm on a motion by Councilman Gianforte seconded by Councilman Visceglia.

Next Meeting: January 22nd, 2024

Carol Baran
Municipal Clerk

**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 8th day of January 2024, that

1. 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 2024 to perform to the terms of the Agreement between the Municipal 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 the contract is determined to exceed the \$17,500.00 threshold. The estimates value of this annual contract is \$150,000.00.
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 Certificate with the Borough of Brielle and a Political Contribution Disclosure Form.
6. Funds for payment of this contract have been provided for in the 2024 Temporary Budget and shall be included in the 2024 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(l)(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 8th, 2024.

Witness my hand and seal of the Borough of Brielle this 9th day of January 2024.

Carol Baran
Municipal Clerk

Resolution No: 24-23-B

Date: January 8th, 2024

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 8th day of January 2024, that

1. Alan P. Hilla, Jr. & H2M Water is hereby retained by the Borough of Brielle as its Municipal Engineer for the fiscal year 2024 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 2024 Temporary Budget and shall be included in the 2024 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

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council at a meeting held on January 8th, 2024.

Witness my hand and seal of the Borough of Brielle this 9th day of January 2024.

Carol Baran
Municipal Clerk

Resolution No: 24-23-C

Date: January 8th, 2024

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 8th day of January 2024, that

1. Robert A. Hulsart is hereby retained by the Borough of Brielle as its Auditor for the calendar year 2024 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 2024 Temporary Budget and shall be included in the 2024 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

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council at a meeting held on January 8th, 2024.

Witness my hand and seal of the Borough of Brielle this 9th day of January 2024.

Carol Baran
Municipal Clerk

Resolution No: 24-23-D

Date: January 8th, 2024

BOROUGH OF BRIELLE
MONMOUTH COUNTY
NEW JERSEY

Resolution authorizing the award of a contract for professional services in connection with the financing of capital improvements in accordance with the attached agreement (contract awarded without competitive bidding pursuant to the local public contracts law, N.J.S.A. 40a:11-1 et seq.), authorized by the Borough of Brielle, County of Monmouth, New Jersey.

WHEREAS, there exists a need for specialized legal services in connection with the authorization and the issuance of bonds and other obligations and other matters relating to capital financing by the Borough of Brielle, County of Monmouth, New Jersey (herein the "Borough"); and

WHEREAS, such specialized legal services can be provided only by a recognized Bond Counsel firm, and the law firm of GluckWalrath, LLP Red Bank, New Jersey, are so recognized by the financial community; and

WHEREAS, the services to be performed are "professional services" as defined in the Local Public Contracts Law, N.J.S.A.40A:11-2(6), and therefore are excepted from the Local Public Contracts Law requirements for competitive bidding, pursuant to N.J.S.A.40A:11-5(1)(a) and (i); and

WHEREAS, the Local Public Contracts Law, N.J.S.A.40A:11-5(1)(a) and (i), requires the public advertisement of notice with respect to contracts for professional services awarded without competitive bids; and

WHEREAS, funds are or will be available for this purpose.

NOW, THEREFORE, be it resolved By the Borough Counsel of the Borough of Brielle, in the County of Monmouth, New Jersey as follows:

1. That the Borough Counsel hereby appoints the firm of GluckWalrath, LLP, Attorneys at Law, Red Bank, New Jersey, to serve as Bond Counsel to the Borough in connection with the financing of capital projects, and awards the contract which is annexed hereto and made a part hereof (the "Contract"), in accordance with N.J.S.A. 40A:11-1 et seq.
2. That the Mayor or other appropriate official of the Borough, on behalf of the Borough, is hereby authorized and directed to execute the Contract and the Clerk is hereby authorized and directed to attest to the execution of said Contract for professional services in connection with the preparation of all bond ordinances and the authorization and issuance of all bonds, bond anticipation notes, tax anticipation notes or similar obligations and

related matters of capital and debt financing by the Borough.

3. That no appropriation of funds is required at this time, payment coming from the proceeds of the sale of bonds, bond anticipation notes and tax anticipation notes or similar obligations or from capital authorizations or other appropriate budgeted items in accordance with the attached Contract.
4. That this Contract is awarded without competitive bidding as a professional service under the provisions of the Local Public Contracts Law, N.J.S.A.40A:11-5(1)(a) and (i), because legal services are a recognized profession licensed and regulated by law.
5. That a notice in accordance with this resolution and the Local Public Contracts Law shall be published in the official newspaper or newspapers of the Borough.
6. That an executed copy of the Contract and a copy of this resolution shall be filed in the Office of the Clerk and be available there for public inspection in accordance with law.
7. That this resolution shall take effect immediately.

The estimates value of this annual contract is \$10,000.00

Certification

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council at a meeting held on January 8th, 2024.

Witness my hand and seal of the Borough of Brielle this 9th day of January 2024.

Carol Baran
Municipal Clerk

**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 Adam S. Abramson-Schneider, 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 8th day of January 2024, that

1. Adam S. Abramson-Schneider is hereby retained by the Borough of Brielle as its Labor Attorney for calendar year 2024 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.
4. This contract is not subject to the 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 2024 Temporary Budget and shall be included in the 2024 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

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council at a meeting held on January 8th, 2024.

Witness my hand and seal of the Borough of Brielle this 9th day of January 2024.

Carol Baran
Municipal Clerk

Resolution No: 24-23-F

Date: January 8th, 2024

**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 D. Carton IV 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 8th day of January 2024, that

1. James D Carton IV is hereby retained by the Borough of Brielle as its Municipal Prosecutor for calendar year 2024 to perform to the terms of the Agreement between the Municipal Prosecutor 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 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 2024 Temporary Budget and shall be included in the 2024 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

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council at a meeting held on January 8th, 2024.

Witness my hand and seal of the Borough of Brielle this 9th day of January 2024.

Carol Baran
Municipal Clerk

Resolution No: 24-23-G

Date: January 8th, 2024

**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 Donlad K. Greer, Jr 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 8th day of January 2024, that

1. Donlad K. Greer, Jr. is hereby retained by the Borough of Brielle as its Public Defender for calendar year 2024 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 contract 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 2024 Temporary Budget and shall be included in the 2024 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

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council at a meeting held on January 8th, 2024.

Witness my hand and seal of the Borough of Brielle this 9th day of January 2024.

Carol Baran
Municipal Clerk

Resolution No.: 24-23-L
Date: January 8th, 2024

Resolution of the Borough of Brielle

Whereas, NJSA:40A58 provides for making transfers between 2023 Budget Appropriation Accounts during the months of January, February & March, and

Whereas, it has become necessary at this time to expend funds in excess of the sums appropriated for the purposes specified in the 2023 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 2023 Budget.

CURRENT:

From:	Streets/Roads S/W	\$14,300.00
	Total	\$14,300.00
To:	Garbage Removal	\$14,300.00
	Total	\$14,300.00

Moved By: Councilman Gianforte Seconded By: Councilman Nolan

Vote: Councilmembers Gianforte, Gorham, Nolan, Shaak and Visceglia: All Ayes. 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 8th, 2024.

Witness my hand and seal of the Borough of Brielle this 9th day of January 2024.

Carol Baran
Municipal Clerk

Resolution No.: 24-23-N

Date: January 8th, 2024

Borough of Brielle Civil Rights Resolution

A RESOLUTION TO AFFIRM THE BOROUGH OF BRIELLE'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of the Borough of Brielle to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of the Borough of Brielle has determined that certain procedures need to be established to accomplish this policy

NOW, THEREFORE BE IT ADOPTED by the Mayor and Council that:

Section 1: No official, employee, appointee or volunteer of the Borough by whatever title known, or any entity that is in any way a part of the Borough shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough's business or using the facilities or property of the Borough.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough to provide services that otherwise could be performed by the Borough.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough in order for the public to be made aware of this policy and the Borough's commitment to the implementation and enforcement of this policy.

Certification

The foregoing is a true copy of a Resolution passed by the Mayor & Council of the Borough of Brielle at a meeting held at Borough Hall, 601 Union Lane, Brielle, New Jersey, on January 8th, 2024.

Witness my Hand and Seal of the Borough of Brielle this 9th day of January 2024.

Carol Baran
Municipal Clerk