

Borough of Brielle

MAY 8, 2017

August 14 2017

May 8th, 2017

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MINUTES MAY 8th, 2017 WORK SESSION START: 7:30 PM

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

ABSENT: COUNCILMAN GORHAM

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 convened the work session in compliance with the Open Public Meetings Act and recognized the Administrator, who had no report but he asked permission to add two resolutions to the consent agenda to approve raffles and added that resolution "A" would have to be held as the Tax Clearance Certificate was pending.

There being no questions from Council or from the public, there was no further discussion and the work session was adjourned at 7:32 pm on a motion by Councilman Gianforte seconded by Councilman Nolan.

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MINUTES MAY 8th, 2017 START: 7:33 P.M.

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

ABSENT: COUNCILMAN GORHAM

Following a moment of silent prayer, a salute to the flag and roll call, the Minutes of the April 10th regular meetings were approved on a motion by Councilman Gianforte seconded by Councilman Nolan; all aye; no nays. Passed.

Councilman Garruzzo seconded by Councilman Nolan, introduced Resolution 17-44 for Passage of the Consent Agenda.

Resolution:

- A. (carried to May 22nd due to absence of Tax Clearance Certificate)
- B. To appoint Joseph Bonacci, 34A Brandywyne, Brielle, to the Brielle Planning Board.
- C. (see insertion)
- D. (see insertion)
- E. (see insertion)
- F. (see insertion)

Vote: Councilmen Garruzzo, Gianforte, Nolan, Shaak & Visceglia; all aye, No nays. Passed

Councilman Visceglia seconded by Councilman Shaak introduced Resolution 17-47 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 May 8th, 2017, as reviewed by the Finance Committee and as listed on the Resolution and the Computer Bill List amended thereto. Vote: Council members Garruzzo, Gianforte, Nolan, Shaak & Visceglia: all aye. No nays. Passed (Note: Councilman Shaak was appointed to the Finance committee for purposes of this meeting).

Mayor Nicol then announced that the time had arrived for the introduction and passage on first reading of 'AN ORDINANCE TO AMEND CHAPTER FIVE OF THE CODE OF THE BOROUGH OF BRIELLE ENTITLED "ANIMAL CONTROL".

Councilman Garruzzo seconded by Councilman Nolan introduced Resolution 17-48 for passage on introduction

and first reading. Vote: Councilmen Garruzzo, Gianforte, Nolan, Shaak & Visceglia; all aye. No nays. Passed.

Councilman Gianforte seconded by Councilman Garruzzo introduced Resolution 17-49 to authorize publication in the Coast Star for a hearing to be held on May 22nd, 2017 at 7:30 pm at Borough Hall. Vote: Councilman Garruzzo, Gianforte, Nolan, Shaak & Visceglia; all aye. No nays. Passed.

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Mayor Nicol then announced that the time had arrived for the introduction and passage on first reading of "AN ORDINANCE TO AMEND CHAPTER THREE OF THE CODE OF THE BOROUGH OF BRIELLE ENTITLED "POLICE REGULATIONS".

Councilman Garruzzo, seconded by Councilman Nolan, introduced Resolution 17-50 for passage on introduction and first reading of the foregoing ordinance. Vote: Councilman Garruzzo, Gianforte, Nolan, Shaak & Visceglia; all aye. No nays. Passed.

Councilman Shaak seconded by Councilman Nolan, introduced Resolution 17-51 to authorize publication in the Coast Star for a hearing to be held on May 22nd, 2017 at 7:30pm at Borough Hall. Vote: Councilman Garruzzo, Gianforte, Nolan, Shaak & Visceglia; all aye. No nays. Passed.

Mayor Nicol then called for Committee Reports and recognized Councilman Gianforte who had no report.

Councilman Nolan advised that the Library would feature the Irish Step Dancers on May 16th, John Messner will conduct a discussion on back pain and exercise on May 18th, and on May 22nd, the Reconnection Heal Others, Heal Yourself an introduction to the reconnection healing process presented by Dr. Eric Pearl. Councilman Nolan also noted that the Board of Recreation was gearing up for the North vs. South competition.

Councilman Garruzzo noted that during the month of April the police made 14 adult arrests: One simple assault, four possessions of marijuana, three D.W.I., two for criminal mischief and five warrant arrests. Three hundred and forty-four motor vehicle summonses were issued and eleven motor vehicle accidents were investigated.

The National Night Out Against Crime Committee approved Tuesday, August 8th, for Brielle to hold the event due to a conflict with the Manasquan Fireman's Fair. Updates on this event will appear on Facebook.

Councilman Shaak referenced Clean-up week and cited the placement of a Golf Cart at the curb by one resident; he praised the DPW for a job well done. Councilman Shaak also cited the drainage project on Oceanview Road that was nearing completion and the Valley Road project that was almost complete. The roadway was milled and final paving should take place in the near future.

In closing Councilman Shaak reminded the public that the First Aid Squad would conduct the annual blood drive on Tuesday, May 9th 4:00pm to 7:00pm at the First Aid Building.

Councilman Visceglia having no report the meeting was open to the public.

Richard Robinson, 917 Hilltop Road, advised Council of a dangerous condition regarding a fifteen foot deep ditch adjacent to the roadway that was already narrow. Mayor Nicol promised to have the DPW and Engineer inspect the area. There being no further public comment the meeting was adjourned 7:45 pm on a motion by Councilman Shaak, seconded by Councilman Gianforte.

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Approved: May 22nd, 2017

Thomas F. Nolan
Municipal Clerk

Resolution No: 17-46-C
Date: June 13th, 2016

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 2016 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.

CERTIFICATION

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council, at a meeting held on May 8th, 2017.

Witness my hand and seal of the Borough of Brielle this 9th day of May 2017.

Thomas Nolan
Municipal Clerk

Resolution No.:17-46-D
Date: May 8th, 2017

Resolution opposing the proposed extension of the length of the summer season during which seasonal retail consumption licensees could sell alcoholic beverages

WHEREAS, S2606 sponsored by Senator Patrick J. Diegnan, Jr. (District 18, Middlesex) and the companion bill A1850 sponsored by Assemblypersons Thomas P. Giblin (District 34, Essex and Passaic); Wayne P. DeAngelo (District 14, Mercer and Middlesex); Raj Mukherji (District 33, Hudson); Jamel C. Holley (District 20, Union),

and co-sponsored by Assemblypersons Joseph V. Egan (District 17, Middlesex and Somerset); Craig J. Coughlin (District 19, Middlesex); Annette Quijano (District 20, Union); and Angelica Jimenez (District 32, Bergen and Hudson) would extend by two months (from May 1 to March 1) the length of the summer season during which seasonal retail consumption licensees could sell alcoholic beverages; and,

WHEREAS, there are no seasonal retail consumption licensees in the communities represented by the sponsors and co-sponsors of S2606 and A1850; and,

WHEREAS, neither the sponsors nor co-sponsors have offered a valid basis to increase the term of the license; and,

WHEREAS, said extension would create undue hardship on the communities in which these eight (8) seasonal licenses exist, all of which are located in Monmouth County; and,

WHEREAS, the proposed time extension would in fact represent the de facto issuance of a use variance for those establishments that are located in a zone that does not permit the sale of alcoholic beverages, i.e., a residential zone, thereby disenfranchising the communities from regulating the existing non-conforming use and which in reality is an expansion of the non-conforming use, which is prohibited under the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq.; and,

WHEREAS, S2606/A1850 would increase the costs for police services in the municipalities where these non-conforming establishments exist as the municipality would be precluded from utilizing the services of part-time Special Law Enforcement Officers to assist regular Police Officers in the enforcement of local ordinances and state statute and instead would have to appoint more full-time regular Police Officers; and,

WHEREAS, Assemblyperson David Rible, who represents the Borough of Brielle, has been a vocal opponent to the passage of these bills and we thank him for his responsiveness to the concerns expressed by his constituents.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Brielle, that our opposition to the enactment of these bills be placed on the record.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be sent to Governor Christie, Lt. Governor Guadagno, Senator Stephen Sweeney, Senator Robert Singer, Assemblypersons Sean Kean and David Rible, and the sponsors and co-sponsors of S2606/A1850 as noted above, and Mothers Against Drunk Driving.

CERTIFICATION

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council, at a meeting held on May 8th, 2017.

Witness my hand and seal of the Borough of Brielle this 9th day of May 2017.

Thomas Nolan
Municipal Clerk

Resolution No: 17-46-E
Date: May 8th, 2017

Resolution of the Borough of Brielle

Whereas: on May 2nd, 2017 Friends of the Friendly Sons of St. Patrick of the Jersey Shore, 700 Hwy. 71 Spring Lake, NJ 07762 submitted Raffle Application No. 2017-10 ID, No. 475-8-37707 for an Off-Site Gift

Raffle, to be held at Manasquan River Golf Club, 843 Riverview Drive Brielle NJ 08730 on Monday, Aug. 7th, 2017 at 9pm.

Whereas: the Brielle Police Department had indicated that it has no objection to granting this License.

Now, Therefore, Be It Resolved: that the Governing Body of the Borough of Brielle directs the Business Administrator to sign the Findings and Determination and the Municipal Clerk is to issue the required License on behalf of the Borough.

Certification

The foregoing is a true copy of a Resolution passed by the Mayor and Council of the Borough of Brielle at a meeting held at Borough Hall, 601 Union Lane, Brielle, New Jersey, on May 8th, 2017.

Witness my Hand and Seal of the Borough of Brielle this 9th day of June 2017.

Thomas F. Nolan
Municipal Clerk

Resolution No: 17-46-F
Date: May 8th, 2017

Resolution of the Borough of Brielle

Whereas: on May 2nd, 2017 Friends of the Friendly Sons of St. Patrick of the Jersey Shore, 700 Hwy. 71 Spring Lake, NJ 07762 submitted Raffle Application No. 2017-11 ID, No. 475-8-37707 for an On-Site 50/50 Raffle, to be held at Manasquan River Golf Club, 843 Riverview Drive Brielle NJ 08730 on Monday, Aug. 7th, 2017 at 6-8 pm.

Whereas: the Brielle Police Department had indicated that it has no objection to granting this License.

Now, Therefore, Be It Resolved: that the Governing Body of the Borough of Brielle directs the Business Administrator to sign the Findings and Determination and the Municipal Clerk is to issue the required License on behalf of the Borough.

Certification

The foregoing is a true copy of a Resolution passed by the Mayor and Council of the Borough of Brielle at a meeting held at Borough Hall, 601 Union Lane, Brielle, New Jersey, on May 8th, 2017.

Witness my Hand and Seal of the Borough of Brielle this 9th day of May 2017.

Thomas F. Nolan
Municipal Clerk