

MINUTES November 25th, 2019 WORK SESSION

START: 6:00 PM

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

ABSENT: NONE

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 then opened the Work Session in compliance with the Open Public Meetings Act and recognized the Administrator who had no report, but he advised Council that there was a need for an Executive Session to permit the Attorney to update the Council on litigation.

There being no questions from Council or the public, the work session was adjourned at 7:32 p.m. on a motion by Councilman Gianforte seconded by Councilman Shaak.

MINUTES November 25th, 2019

START: 7:33 P.M.

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

ABSENT: NONE

Following the announcement on recording devices, Mayor Nicol asked for a moment of silent prayer, a salute to the flag and a roll call.

Mayor Nicol then asked for a motion to approve the Minutes of the November 12th Regular Meeting. A motion was made by Councilman Gianforte seconded by Councilman Nolan; all aye; no nays. Passed. (Note: Councilman Gorham abstained).

Councilman Garruzzo seconded by Councilman Nolan introduced Resolution 19-81 for passage of the Consent Agenda.

Resolution:

- A. To declare an Emergency re: Water Main Break on Harris Avenue
- B. To authorize the redemption of Tax Title Certificate #18-00001, Block 43.01, Lot 5, Premium Refund \$67,500.00 Tax Sale Redemption \$34,212.47. Aggregate Amount \$101,712.47.
- C. To declare an Emergency re: Replacement of boiler at Borough Hall.
- D. To authorize the Administrator, in conjunction with the Borough Attorney and Engineer to resolve an issue re: Municipal Easement 623 Oceanview Road.

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

Councilman Visceglia seconded by Councilman Shaak introduced Resolution 19-82 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 November 12th, 2019, as reviewed by the Finance Committee and as listed on the Resolution and the Computer Bill List amended thereto. Vote: Council Members Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia: all aye. No nays. Passed

Mayor Nicol then announced that the time had arrived for the introduction and passage on first reading of "AN ORDINANCE TO AMEND ORDINANCE NO. 1081 "AN ORDINANCE FIXING THE SALARIES & COMPENSATIONS OF THE VARIOUS OFFICERS AND EMPLOYEES OF THE BOROUGH OF BRIELLE".

Councilman Garruzzo seconded by Councilman Nolan introduced Resolution 19-83 for passage on introduction and first reading of the foregoing ordinance. Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all aye. No nays. Passed.

Councilman Garruzzo seconded by Councilman Nolan introduced resolution 19-84 to authorize publication in the Coast Star for a hearing to be held on December 16th, 2019 at 7:30pm at Borough Hall. Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all aye. No nays. Passed.

Mayor Nicol then announced that the time had arrived for the introduction and passage on first reading of 'AN ORDINANCE TO AMEND CHAPTER FIFTEEN OF THE CODE OF THE BOROUGH OF BRIELLE ENTITLED "WATER/SEWER"

Councilman Garruzzo seconded by Councilman Gianforte introduced Resolution 18-85 for passage on introduction and first reading of the foregoing ordinance. Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all aye. No nays. Passed.

Councilman Garruzzo seconded by Councilman Nolan introduced Resolution 19-86 to authorize publication in the Coast Star for a hearing to be held on December 16th, 2019 at 7:30 pm at Borough Hall. Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all aye. No nays. Passed.

The Mayor then called for committee reports and recognized Councilman Gianforte who had no formal report.

Councilman Nolan advised that the Board of Recreation would conduct the annual Christmas Tree Lighting on December 8th. Santa Claus and hot chocolate would add to the festivities.

Councilman Garruzzo reminded the public the drivers should celebrate responsibility and always employ a designated driver when consuming alcoholic beverage. Extra patrols would be enforcing the law throughout the holiday season.

Recently, the Police investigated a number of thefts from motor vehicles. Residents were urged to always keep their vehicles locked. Incidents of theft can be prevented by removing all valuables from the vehicle, ensuring that the vehicle is locked and removing key fobs from the vehicle.

Councilman Shaak reminded the public that leaves, and brush had to be kept separated. The Borough was currently picking up leaves, brush collection would resume after the end of leaf season in mid-December. Mixed piles could not be collected as they damage the leaf machine. If the "claw" is used to collect mixed piles the entire load is treated as brush and must be disposed at a higher disposal rate which is not in the interest of our taxpayers.

Councilman Gorham & Councilman Visceglia having no reports, the meeting was opened to the public.

The Chair recognized Ms. Virginia Lofton, 407 South Street, who inquired about the Salary Ordinance. The Administrator explained that the ordinance was being posted for a public hearing on December 16th. The ordinance would appear in the Coast Star and on the web and municipal bulletin board. The ordinance established salary ranges that all employees fell within. The actual salaries to be paid would appear in the salary resolution that would be passed on December 16th. All salaries were public information and could be accessed through the Payroll Department.

Ms. Lofton then voiced an on-going concern over the Borough's failure to advise the public of when pesticides or other treatments were to be applied at Brielle Park, nor were the components of the materials published as the Council had promised. Councilman Shaak believed that the treatments were part of a four-step program used by Chem-Lawn and were not harmful, but he did not know their composition offhand. The information would be provided to Ms. Lofton.

Ms. Lofton then produced a photograph of the pet waste container on Brielle Avenue that was overflowing and posing a threat to the environment and a health hazard.

Council was at a loss as to why the bin had not emptied, but they would see that DPW addressed it. A discussion ensued primarily between Ms. Lofton and Councilman Shaak as to the efficacy of maintaining the receptacles. Councilman Shaak and the majority of Council felt they should be removed, and residents should convey the pet waste home and dispose of it in their own trash.

Ms. Lofton felt that the containers were necessary and should be maintained as many residents walked their pets for some distance and it was not efficient to carry the waste around during an extended walk. If the receptacles were emptied in a timely manner, there would not be an issue.

Ms. Conchita Alvarez, 612 Brielle Avenue, was aghast at the condition at the Brielle Avenue container and asked why DPW had not attended to it. Children were at risk as it was a health issue.

Ms. Alvarez had only recently noticed the condition of the container and was surprised when Ms. Lofton noted she had brought this matter before Council back in June. She agreed with Ms. Lofton that the containers should remain as a convenience to the public, but collection should be regularized.

The consensus of Council was to remove them and make disposal the pet owners' responsibility.

There being no further public comment, Councilman Shaak seconded by Councilman Visceglia, introduced Resolution 19-87.

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 November 25th, 2019, 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: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all aye. No nays. Passed.

The Executive Session began at 7:50 p.m. and ended at 8:16 p.m. The session was adjourned on a motion by Councilman Gianforte seconded by Councilman Visceglia.

Councilman Garruzzo seconded by Councilman Nolan introduced resolution 19-88 to authorize the Borough Attorney to proceed with the litigation as discussed in the executive session.

There being no further comments, the meeting was closed on a motion by Councilman Gianforte seconded by Councilman Nolan at 8:17 pm.

Approved: December 16th, 2019

Thomas F. Nolan
Municipal Clerk.