

MINUTES JANUARY 6<sup>th</sup>, 2020 WORK SESSION

START: 7:32 PM

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 December 16<sup>th</sup>, 2019 *Sine Die* Meeting. A motion was made by Councilman Gianforte seconded by Councilman Nolan, all aye; no nays. Passed.

Councilman Garruzzo seconded by Councilman Visceglia, introduced Resolution 20-17 for Passage of the Consent Agenda.

Resolution:

- A. (see insertion)
- B. (see insertion)
- C. (see insertion)
- D. (see insertion)
- E. (see insertion)
- F. (see insertion)
- G. (see insertion)
- H. To renew the current agreement with the Brielle library association for the provision of library services
- I. To authorize the retainage of B&B Valuation Services for tax appeals on a “as needed” basis.
- J. To authorize the Administrator to issue Food Handler Permits and all non-statutory licenses for calendar 2020
- K. To authorize the renewal of the shared service agreement with the Brielle Elementary School for custodial services.

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

Councilman Visceglia seconded by Councilman Gorham introduced Resolution 20-18 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 6<sup>th</sup>, 2020, 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

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

Councilman Nolan advised that the Library had an awry of activities scheduled and they could be found on their website. Councilman Nolan wished everyone a Happy & Healthy 2020.

Councilman Garruzzo had no formal report, but he congratulated his colleague, Mayor Nicol, Councilmen Gianforte and Gorham on beginning their new terms of office.

Councilman Shaak, reminded the public that, on January 14<sup>th</sup>, the Annual Rabies Clinic would be held at the firehouse, weather permitting, for both dogs and cats.

Councilmen Gorham and Visceglia having no reports the meeting was opened to the public and there being no public comment, the meeting was adjourned on a motion by Councilman Gianforte, seconded by Councilman Nolan at 7:36 pm.

Approved: January 21<sup>st</sup>, 2020

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Thomas F. Nolan  
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 6<sup>th</sup> day of January 2020, 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 2020 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) 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 2020 Temporary Budget and shall be included in the 2020 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 6<sup>th</sup>, 2020.

Witness my hand and seal of the Borough of Brielle this 7<sup>th</sup> day of January 2020.

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Thomas F. Nolan  
Municipal Clerk

Resolution No: 20-17-B  
Date: January 6<sup>th</sup>, 2020

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 6<sup>th</sup> day of January 2020, that

1. Alan P. Hilla, Jr. & H2M Water is hereby retained by the Borough of Brielle as its Municipal Engineer for the fiscal year 2020 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 2020 Temporary Budget and shall be included in the 2020 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 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 6<sup>th</sup>, 2020.

Witness my hand and seal of the Borough of Brielle this 7<sup>th</sup> day of January 2020.

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Thomas F. Nolan  
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 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 6<sup>th</sup> day of January 2020, that

1. Robert A. Hulsart is hereby retained by the Borough of Brielle as its Auditor for the calendar year 2020 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) 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 2020 Temporary Budget and shall be included in the 2020 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(j) 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 6<sup>th</sup>, 2020.

Witness my hand and seal of the Borough of Brielle this 7<sup>th</sup> day of January 2020.

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Thomas F. Nolan  
Municipal Clerk



Resolution No: 20-17-D  
Date: January 6<sup>th</sup>, 2020

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)(i); and

WHEREAS, the Local Public Contracts Law, N.J.S.A.40A:11-5(1)(a)(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)(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**

I, Thomas Nolan, Clerk of the Borough of Brielle in the County of Monmouth, New Jersey do hereby certify that annexed hereto is a true and complete copy of a resolution adopted by the Borough Counsel of the Borough of Brielle at a duly convened meeting held on the 6<sup>th</sup> of January 2020. Said resolution has not been amended or repealed and remains in full force and effect on this date.

In Witness Whereof, I hereunto set my hand and affix the corporate seal of said Borough as of this 7<sup>th</sup> day of January 2020.

BOROUGH OF BRIELLE  
IN THE COUNTY OF  
MONMOUTH, NEW JERSEY

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Thomas F. Nolan  
Municipal Clerk

Resolution No: 20-17-E  
Date: January 6<sup>th</sup>, 2020

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 James W. Holzapfel and the firm of Citta, Holzapfel & Zabarsky, 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 6<sup>th</sup> day of January 2020, that

1. James W. Holzapfel and the firm of Citta, Holzapfel & Zabarsky, is hereby retained by the Borough of Brielle as its Labor Attorney for calendar year 2020 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:I 1-5(I)(a) 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. The estimates value of this annual contract is \$2,000.00 .
4. This contract is not subject to the provisions of N.J.S.A. 19:44A-20.5.
5. Funds for payment of this contract have been provided for in the 2020 Temporary Budget and shall be included in the 2020 Municipal Budget.
6. The Borough of Brielle Clerk shall cause the attached Notice to be published in the Coast Star.

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Thomas F. Nolan  
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 service of a Municipal Prosecutor; and

WHEREAS, the Borough of Brielle has retained the services of the firm of Citta, Holzapfel & Zabarsky 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 6<sup>th</sup> day of January 2020 that

1. The firm of Citta, Holzapfel & Zabarsky is hereby retained by the Borough of Brielle as its Municipal Prosecutor for calendar year 2020 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(I)(a) 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. The estimates value of this annual contract is \$25,000.00.
4. This contract is not subject to the provisions of N.J.S.A. 19:44A-20.5
5. Funds for payment of this contract have been provided for in the 2020 Temporary Budget and shall be included in the 2020 Municipal Budget.
6. The Borough of Brielle Clerk shall cause the attached Notice to be published in the Coast Star.

CERTIFICATION

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council at a meeting held on January 6<sup>th</sup>, 2019.

Witness my hand and seal of the Borough of Brielle this 7<sup>th</sup> day of January 2020.

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Thomas F. Nolan  
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 Public Defender; and

WHEREAS, the Borough of Brielle has retained the services of Timothy J. Wintrode, Esq. 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 6<sup>th</sup> day of January 2020, that

1. Timothy J. Wintrode, Esq., is hereby retained by the Borough of Brielle as its Public Defender for the calendar year 2020 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 Borough of Brielle Clerk shall cause the attached Notice to be published in the Coast Star.
6. Funds for payment of this contract have been provided for in the 2020 Temporary Budget and shall be included in the 2020 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.40A11-5(I)(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 6<sup>th</sup>, 2020.

Witness my hand and seal of the Borough of Brielle this 7<sup>th</sup> day of January 2020.

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Thomas F. Nolan  
Municipal Clerk

Resolution No: 20-17-I  
Date: January 6<sup>th</sup>, 2020

**Whereas,** the tax appeal process frequently requires the Borough to be represented in appeals that are heard by the State of New Jersey's Tax Court, and

**Whereas,** such appeals require the employment of an "expert" witness to testify as to the value of the properties in question, and

**Whereas,** throughout the year, the Borough solicits proposals from BRB Valuation & Consulting Services, and

**Whereas,** each proposal is unique to the individual property under consideration during the appeal process and a standard professional service contract is not deemed by the Governing Body to be an appropriate vehicle to meet this need.

**Now Therefore Be It Resolved,** that the Borough Administrator is authorized, in concurrence with the Borough Tax Assessor, to employ BRB Valuation as a professional service with each case and the amount required for provision of the specific service to be treated as a separate contract/proposal.

### **CERTIFICATION**

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council, at a meeting held on January 6<sup>th</sup>, 2020.

Witness my hand and seal of the Borough of Brielle this 7<sup>th</sup> day of January 2020.

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Thomas Nolan  
Municipal Clerk

Resolution No: 20-17-K  
Date: January 7<sup>th</sup>, 2019

**WHEREAS**, the Interlocal Services Agreement (N.J.S.A.40:B-1et.seq.) authorizes Municipalities and school boards to enter into agreements for the sharing of services, and **WHEREAS**, The Brielle Elementary School Board of Education and the Borough of Brielle wish to enter into such an agreement for their mutual benefit and to provide a more cost-effective expenditure of public funds, and

**WHEREAS**, it is the consensus opinion of both the Borough and the School Board of Education that the public can best be served if the Board assumes responsibility for custodial services of the Curtis House, Library and Borough Hall and that the Borough provide snow removal, lawn cutting and maintenance for the school grounds and athletic fields

**NOW, THEREFORE, BE IT RESOLVED**, Now Therefore Be It Resolved, that the Mayor and Council do hereby authorize the Superintendent and Business Administrator to execute an Interlocal Service Agreement with the Borough of Brielle and the Brielle Board of Education to begin the implementation of said agreement upon its execution by both parties,

Now Therefore Be It Further Agreed, as follows:

1. The Curtis House will be cleaned as needed approximately 3 hours per week 52 weeks/year. The Brielle Library will be cleaned approximately 6 hours per week 52 weeks/year. The Borough of Brielle will be charged custodial hourly rate for 2 hours per day.
2. The Curtis House floors will be waxed up to 2 times per year as needed.
3. The Borough of Brielle will salt and brine the school walkways and parking lots.
4. The Borough of Brielle will remove snow from the school grounds.
5. The Brielle School will share in potential future capital purchases by the Borough of Brielle with the equipment being owed and maintained by the Borough. The Brielle Board of Education will approve the amount of outlay prior to the purchase of such equipment by the Brielle Borough.
6. This shared agreement will be reviewed and approved by each party annually.

#### **CERTIFICATION**

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council, at a meeting held on January 6<sup>th</sup>, 2020.

Witness my hand and seal of the Borough of Brielle this 7<sup>th</sup> day of January 2020.

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Thomas Nolan  
Municipal Clerk