

MINUTES FEBRUARY 10<sup>th</sup>, 2020 WORK SESSION

START: 7:30 PM

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

ABSENT: COUNCILMEN NOLAN, SHAAK & VISCEGLIA

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.

There being no questions from Council or the Public the work session was adjourned at 7:31pm on a motion by Councilman Gianforte seconded by Councilman Gorham.

MINUTES FEBRUARY 10<sup>th</sup>, 2020

START: 7:33 PM

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

ABSENT: COUNCILMEN NOLAN, SHAAK & VISCEGLIA

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 January 21<sup>st</sup> Regular Meeting. A motion was made by Councilman Garruzzo seconded by Councilman Gianforte, all aye; no nays. Passed.

Councilman Garruzzo seconded by Councilman Gianforte, introduced Resolution 20-21 for Passage of the Consent Agenda.

Resolution:

- A. (see insertion)
- B. (see insertion)
- C. To accept a proposal from H2M for the preparation of bid specifications and contract administration for Improvements to Union Lane Phase II and III.
- D. (see insertion)
- E. (see insertion)
- F. (see insertion)
- G. (see insertion)

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

Councilman Garruzzo seconded by Councilman Gianforte introduced Resolution 20-22 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 21<sup>st</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: all aye. No nays. Passed (Note: For purposes of this meeting, Councilman Gianforte was appointed to the Finance Committee)

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

Councilman Garruzzo and seconded by Councilman Gianforte introduced resolution 20-23 for passage on introduction and first reading. Vote: Councilmen Garruzzo, Gianforte, Gorham; all aye. No nays. Passed.

Councilman Garruzzo and seconded by Councilman Gianforte introduced resolution 20-24 to authorize publication in the Coast Star for a hearing to be held on February 24<sup>th</sup>, at 7:30pm at Borough Hall. Vote: Garruzzo, Gianforte & Gorham; all aye. No nays. Passed.

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

Councilman Gianforte not having a report the Chair recognized Councilman Garruzzo.

Councilman Garruzzo announced the Police have applied for the 2020 “U Drive, You Text, You Pay” Distracted Driving Crackdown Grant, that takes place each April 6<sup>th</sup> through 13<sup>th</sup>, 2020. The Department participates in these programs annually and residents are urged to put down their phones and drive safely.

In response to several complaints concerning parking in the municipal lot during School Dismissal, Chief Olsen is reminding residents to park only in designated parking stalls and not haphazardly in non-designated areas.

The Police Watchdog Program has had a positive response and many residents have advised the Department of their active personnel security systems. This program enhances the Police’s ability to review surveillance footage regarding an investigation or incident. Residents can participate via the Department website [www.briellepd.org](http://www.briellepd.org) or they can contact the department directly.

The meeting was adjourned on a motion by Councilman Gianforte seconded by Councilman Gorham at 7:38 pm.

Approved: February 24<sup>th</sup>, 2020

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Thomas F. Nolan  
Municipal Clerk

Resolution No.: 20-21-A  
Date: February 10<sup>th</sup>, 2020

BE IT RESOLVED, by the Governing Body of the Borough of Brielle that it hereby authorizes the emergent services of to repair the HVAC System in the Police Headquarters. Located in the Borough Hall, 601 Union Lane, Brielle, New Jersey, at a cost not to exceed \$11,200.00.

Moved By: Councilman Garruzzo

Seconded By: Councilman Gianforte

Vote: Councilmen Garruzzo, Gianforte and Gorham: All Aye. No Nays.

None Abstained.

Absent: Councilmen Nolan Shaak and Visceglia

#### **CERTIFICATION**

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council, at a meeting held on February 10<sup>th</sup>, 2020.

Witness my hand and seal of the Borough of Brielle this 11<sup>th</sup> day of February 2020.

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Thomas Nolan  
Municipal Clerk

Resolution No.: 20-21-B

Date: February 10<sup>th</sup>, 2020

**Resolution Commemorating The Centennial Of The Ratification Of The 19<sup>th</sup> Amendment**

Whereas, the year Two Thousand and Twenty marks the 100<sup>th</sup> Anniversary of the ratification of the 19<sup>th</sup> Amendment of the United States Constitution; and

Whereas, women fought for the right to vote for more than a century and persevered in the face of resistance; and

Whereas, many New Jersey women advocated for the right to vote; and

Whereas, Monmouth County was the home to many suffragists both male and female, and suffrage rallies and events occurred within Monmouth County's borders; and

Whereas, February 9, 2020 will mark the centennial of the New Jersey ratification of the 19<sup>th</sup> Amendment; and

Whereas, August 26, 2020 will mark the nationwide centennial of the 19<sup>th</sup> Amendment officially becoming part of the United States Constitution, after the required number of states had ratified; and

Whereas, daughters, granddaughters, and great-granddaughters of the women who fought so hard to vote have been making their voices heard at the polls for nearly 100 years; and

Whereas, women are running for office and currently in elected office in large numbers in Monmouth County, follow in the footsteps of these great suffragists; and

Whereas, there are currently over 200,000 women registered to vote in Monmouth County, New Jersey; and

Whereas, all government entities on the local, state and national level should commemorate and recognize this historic milestone and reaffirm its commitment to empowering and uplifting the voices of women.

NOW, therefore be it resolved that the Mayor and Township Committee/Borough Council of the Borough of Brielle, County of Monmouth, State of New Jersey, do hereby

(1) celebrate and recognize the 100<sup>th</sup> Anniversary of the passage and ratification of the 19<sup>th</sup> Amendment to the United States Constitution providing for women's suffrage; and

(2) honor the role of the ratification of the 19<sup>th</sup> Amendment in promoting the core values of our democracy as set forth in the Constitution of the United States; and

(3) reaffirm our desire to continue strengthening democratic participation and to inspire future generations to cherish and preserve the historic precedent established by the 19<sup>th</sup> Amendment.

**CERTIFICATION**

The foregoing is a true copy of a resolution adopted at a meeting of the Brielle Mayor & Council held on Monday, February 10<sup>th</sup>, 2020.

Witness my hand and seal of the Borough of Brielle this 11<sup>th</sup> day of February 2020.

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Thomas F. Nolan  
Municipal Clerk

Resolution No.: 20-21-D  
Date: February 10<sup>th</sup>, 2020

Be It Resolved, by the Governing Body of the Borough of Brielle that the Mayor and Municipal Clerk are hereby authorized to execute a 'SHARED SERVICE AGREEMENT FOR THE PROVISION OF EMERGENCY DISPATCH SERVICES BY THE COUNTY OF MONMOUTH, THROUGH THE MONMOUTH COUNTY SHERIFF'S OFFICE, COMMUNICATIONS DIVISION'.

Moved By: Councilman Garruzzo

Seconded By: Councilman Gianforte

Vote: Councilmen Garruzzo, Gianforte and Gorham: All Aye. No Nays.

None Abstained.

Absent: Councilmen Nolan Shaak and Visceglia

### **CERTIFICATION**

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council, at a meeting held on February 10<sup>th</sup>, 2020.

Witness my hand and seal of the Borough of Brielle this 11<sup>th</sup> day of February 2020.

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Thomas Nolan  
Municipal Clerk

Resolution No.: 20-21-E  
Date: February 10<sup>th</sup>, 2020

Be it resolved, by the Governing Body of the Borough of Brielle that the Mayor and Municipal Clerk are hereby authorized to execute a "Class "A" Recyclables Purchase and Sales Agreement" with Atlantic Coast Fibers.

Moved By: Councilman Garruzzo

Seconded By: Councilman Gianforte

Vote: Councilmen Garruzzo, Gianforte and Gorham: All Aye. No Nays.

None Abstained.

Absent: Councilmen Nolan Shaak and Visceglia

### **CERTIFICATION**

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council, at a meeting held on February 10<sup>th</sup>, 2020.

Witness my hand and seal of the Borough of Brielle this 11<sup>th</sup> day of February 2020.

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Thomas Nolan  
Municipal Clerk

Resolution No.: 20-21-F  
Date: February 10<sup>th</sup>, 2020

Resolution Calling for Study Commission to Review the Open Public Records Act

WHEREAS, The Borough of Brielle strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

WHEREAS, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

WHEREAS, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

WHEREAS, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

WHEREAS, The Borough of Brielle has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

WHEREAS, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

WHEREAS, The Borough of Brielle received and responded to 118 OPRA requests in 2017, 97 OPRA requests in 2018, and to date has received and responded to 169 OPRA requests as of September 1, 2019; and

WHEREAS, The Borough of Brielle municipal staff has spent approximately 200 hours responding to OPRA requests received in 2019 to date, and a yearly average of approximately 160 hours since 2017; and

WHEREAS, due to the often conflicting case law and Government Record Council decisions, as well as the unique characteristics of OPRA request, the Borough of Brielle must often times rely on the municipal attorney to review certain OPRA requests, resulting in additional fees of approximately \$1,850.00 in response to OPRA requests in 2017, \$1600.00 in response to OPRA requests in 2018, and currently has spent \$1200.00 in response to OPRA requests in 2019; and



WHEREAS, Multiple requests for Planning Board and Liquor License files for a single litigious property; and

WHEREAS, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever increasing cost to taxpayers; and

WHEREAS, as the current law approaches its twentieth (20th) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform.

NOW, THEREFORE BE IT RESOLVED that the governing body of The Borough of Brielle appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission's findings to perform a comprehensive reform of OPRA; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Assembly Representatives Thomson, Kean, Senator Singer, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of the State of New Jersey, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

### **CERTIFICATION**

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council, at a meeting held on February 10<sup>th</sup>, 2020.

Witness my hand and seal of the Borough of Brielle this 11<sup>th</sup> day of February 2020.

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Thomas Nolan  
Municipal Clerk