

MINUTES June 8th, 2020

START: 6:00 PM

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

ABSENT: NONE

Mayor Nicol announced that this was a virtual meeting and is being recorded. The Mayor read the compliance statement and the Administrator advised that the Public Works Committee had met with the Borough Engineers to finalize the recommendation for the award of the Old Bridge Road Elevated Water Tower Project and they endorse passage of Resolution 20-55-B. There being no public comment, the Regular Council Meeting was opened in compliance with the Open Public Meetings Act. Mayor Nicol asked for a roll call.

Mayor Nicol then asked for a motion to approve the Minutes of the May 26th Regular Meeting. A motion was made by Councilman Shaak seconded by Councilman Gorham, all aye, no nays. Passed.

Councilman Garruzzo seconded by Councilman Visceglia introduced Resolution 20-55 for Passage of the Consent Agenda.

Resolution:

- A. (see insertion)
- B. (see insertion)
- C. (see insertion)
- D. (see insertion)
- E. To appoint Chris Willms as Code Enforcement Officer and to accept with regret the Resignation of James F. Langenberger after thirty-one years of service.

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

Councilman Visceglia seconded by Councilman Gorham introduced Resolution 20-56 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 June 8th 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 report. Councilman Gianforte, councilman Nolan and councilman Garruzzo had no report.

Councilman Shaak thanked James Langenberger for his years of service to the Borough, adding

that he left “big shoes” to fill.

Councilman Shaak also cited an upcoming meeting with Joe Ettore, the County Engineer to discuss the Green Avenue Bridge project. The project was now slated to be completed by June 19th, but the date was tentative and given the adverse impact the project was having on local traffic, Councilman Shaak felt that a meeting was in order.

Councilman Gorham and Visceglia having no reports, the meeting was opened to the public. There being no public comment, the meeting was adjourned on a motion by Councilman Gianforte seconded by Councilman Gorham at 6:06 pm.

Approved: June 22nd, 2020

Thomas F. Nolan
Municipal Clerk

Resolution No.: 20-55-A
Date: June 8th, 2020

**BOROUGH OF BRIELLE CERTIFICATION OF REQUEST FOR EMERGENCY
PURCHASES TO BE FILED WITH THE BOROUGH ADMINISTRATOR & CERTIFIED
PURCHASING AGENT**

The undersigned Department Head certifies as follows:

1. An emergency condition exists in the Public Works Department.
2. This condition constitutes an emergency affecting the immediate health, safety or welfare of the public.
3. The nature of the condition is as follows:

HVAC system and leaking Boiler required immediate repair. Work included labor and material to install Nine (9) B&G #67 air vents w/1/8" isolation valves in place of existing eroded valves for attic area fan/coil units.

4. It is necessary to invoke N.J.S.A. 40a:11-6 in order to obtain the immediate delivery of the materials, supplies or performance of the service described in the attached requisition (see attached). The estimated cost of furnishing the materials, supplies or services is
5. It is requested that a Purchase Order be issued without public advertisement for bids, pursuant to the above cited statute.
6. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Thomas Nolan
Business Administrator

Department Head

CERTIFICATION

I, Thomas F. Nolan do hereby certify that the foregoing is a true copy of a resolution adopted by the Governing Body of the Borough of Brielle at a meeting held on the 8th day of June 2020.

In Witness Whereof, I have hereunder set my hand and official seal of the municipality this 9th day of June 2020.

Thomas F. Nolan
Municipal Clerk

Resolution of the Borough of Brielle

Whereas, the Borough of Brielle did solicit bids for the construction of an Elevated Water Tank in December 2019 and no bids were received, and

Whereas, the Borough of Brielle did re-bid the Old Bridge Road Elevated Storage Tank with a date for the receipt of bids of February 28th, 2020, and

Whereas, no bids were received on that date and the Borough, and there was no governmental entity that could offer contract terms, in compliance with Local Public Contracts Law began negotiations for a contractor to erect the Old Bridge Elevated Storage Tank, and

Whereas, two contractors expressed interest in the job, Landmark Structures and J.F. Kiley Construction Company, and

Whereas, the bid specifications were revised as follows:

1. Paint instructions and system specifications were clarified.
2. Note 13 on Plan Sheet T 1.0 was deleted in its entirety.
3. Sixty (60) calendar days were added to the contract for a new Substantial Completion period of four hundred and twenty days (420).

and,

Whereas, the following additions were made:

1. Upgrade 36w personnel access door to 48" with stiffened opening.

and,

Whereas, the terms and conditions of the proposed contract do not differ substantially from the terms and conditions of the February 28th bid, and

Whereas, as a result of the negotiations it was determined that J.F. Kiely Construction Company and its subcontractor CBI should be awarded the contract at a price of \$3,479,675.00.

Now Therefore Be It Resolved, that a contract be awarded to J.F. Kiely Construction Company For the construction of an Elevated Water Tank at the Old bridge Road location. This contract award shall be considered to be pending in nature, until such time as a receipt of Authorization to Award is received from the New Jersey Infrastructure Bank.

Moved By: Councilman Garruzzo

Seconded By: Councilman Visceglia

Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak and Visceglia; all aye No Nays.

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Thomas F. Nolan
Municipal Clerk

Resolution of the Borough of Brielle

Whereas, Executive Order 150 permits food or beverage establishments to offer outdoor service subject to the requirement that all areas designated are in conformance with applicable Local, State and Federal regulations, and

Whereas, the Governing Body of the Borough of Brielle wishes to permit food or beverage establishments situated within the corporate boundaries of the municipality to avail themselves of the privilege afforded by the Executive Order, and

Whereas, it remains incumbent upon the Mayor & Council of the Borough of Brielle to establish a protocol for the issuance of permits to allow food and beverage establishments to take advantage of the opportunity provided by Executive Order #150.

Now Therefore Be It Resolved, that food and beverage establishments located within the boundaries of the Borough of Brielle may make application to the Municipal Clerk to obtain a Permit subject to the following municipal requirements:

1. Submission of a conceptual plan or a survey or site plan that depicts the existing condition and what is proposed. The submission shall include parking, seating areas, pedestrian and vehicle access, along with the status of existing and proposed exterior lighting. The applicant's submission shall also indicate a safe manner of ingress and egress to and from any building or structure.
2. All such proposed plans or surveys must be approved by the Chief of Police, Fire Official, Zoning Officer and Borough Administrator.
3. The number of additional outdoor seats may not exceed fifty (50%) percent of the current indoor occupancy as posted by the Fire Official of the Borough of Brielle. The applicant must provide a sketch of the proposed outdoor seating area indicating all tables and chairs.
4. The applicant shall provide a detailed description of any tents, canopies, or umbrellas that they intend to utilize as part of the outdoor seating arrangement.
5. The permitted hours of operation for outdoor dining are 7:00am to 10:30pm, seven days a week. Applicants shall comply with all existing Borough Ordinances, including but not limited to "Noise" and "Nuisance" provisions. In addition, all existing handicapped parking spaces shall be maintained.
6. The applicant, by virtue of making application, affirms that he/she shall be in full compliance with all provisions of the Executive Order #150, Executive Directive No. 20-014 as promulgated by Judith Persichilli, Commissioner of the State of New Jersey Department of Health and, if the food and beverage establishment is the holder of a liquor license, the provisions of SR 2020-10 "Special Ruling Establishing Temporary Covid 19 Permit to Expand Licensed Premises", and all ordinances and regulations of the Borough of Brielle as may be amended from time to time.
7. The applicant shall also provide proof of liability insurance to cover the area of outdoor use.
8. No live bands are permitted without prior written approval from the Borough.
9. The permit shall expire on November 30th, 2020 or at such time as the Governor of the State of New Jersey authorizes the resumption of indoor dining, whichever event comes first.

The fee for said permit shall be \$100.00 to cover a portion of the costs incurred by the Borough of Brielle for the permit review.

Moved By: Councilman Garruzzo

Seconded By: Councilman Visceglia

Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak and Visceglia; all aye No Nays.

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Thomas F. Nolan
Municipal Clerk

Resolution No.: 20-55-D
Date: June 8th, 2020

**BOROUGH OF BRIELLE CERTIFICATION OF REQUEST FOR EMERGENCY
PURCHASES TO BE FILED WITH THE BOROUGH ADMINISTRATOR & CERTIFIED
PURCHASING AGENT**

The undersigned Department Head certifies as follows:

4. An emergency condition exists in the Public Works Department.
5. This condition constitutes an emergency affecting the immediate health, safety or welfare of the public.
6. The nature of the condition is as follows:

Collapsing drainage inlet on Cole Drive located on a borough easement on private property that is threatening to undermine a deck and landscaped yard. Engineer inspected on June 4th, 2020 and found that the condition was a hazard and required immediate action.

7. It is necessary to invoke N.J.S.A. 40a:11-6 in order to obtain the immediate delivery of the materials, supplies or performance of the service described in the attached requisition (see attached). The estimated cost of furnishing the materials, supplies or services is
8. It is requested that a Purchase Order be issued without public advertisement for bids, pursuant to the above cited statute.
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