

MINUTES JANUARY 3rd, 2023 ORGANIZATION MEETING START: 12:00 P.M.

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

ABSENT: NONE

The Clerk announced that Council Members Gianforte & Gorham had taken their oath of office.

Mayor Nicol opened the meeting in compliance with the Open Public Meetings Act followed by a silent prayer and a salute to the flag.

Mayor Nicol then advised that Robert's Rules of Order would be employed to determine all parliamentary questions not specifically provided for.

Mayor Nicol then opened the floor to nominations for Council-President.

Councilman Garruzzo nominated Councilman Shaak. The nomination was seconded by Councilman Gianforte. There being no further nomination, nominations were closed on a motion by Councilman Garruzzo seconded by Councilman Nolan.

Councilman Gianforte moved to elect Councilman Shaak as Council-President, the motion was seconded by Councilman Nolan, all ayes. None opposed.

Council-President Shaak then announced the 2023 Committee Assignments. The Clerk was directed to insert the roster into the minutes to formalize the 2023 committee assignments. (See insertion).

Mayor Nicol then announced the 2023 professional appointments:

| | |
|------------------|---|
| Borough Attorney | Montenegro, Thompson, Montenegro & Genz |
| Borough Engineer | Alan P. Hilla & H2M Engineering |
| Borough Auditor | Robert Hulsart Inc. |
| Bond Counsel | Meghan Clark & Gluckwalrath, LLC |
| Public Defender | (To be named) |
| Prosecutor | Citta, Holzapfel & Zabarsky |
| Labor Counsel | Citta, Holzapfel & Zabarsky |

The appointments were confirmed on a motion by Councilman Gianforte seconded by Councilman Garruzzo, all ayes. no nays. Passed

Mayor Nicol then announced that all professional appointments were subject to a professional service contract.

Councilman Gianforte seconded by Councilman Nolan, introduced Resolution 23-01 to appoint Mayor Thomas B. Nicol as Emergency Management Coordinator. Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all ayes; no nays. Passed.

Councilman Gianforte seconded by Councilman Gorham introduced Resolution 23-02 (see insertion). Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all ayes; no nays. Passed.

On a motion by Councilman Gianforte seconded by Councilman Visceglia, all tenured and non-annual appointments, now held by Borough employees were confirmed, all ayes.

On a motion by Councilman Garruzzo seconded by Councilman Nolan, the membership rosters of Brielle First Aid Squad and Brielle Fire Company No. 1 were confirmed; all ayes.

Mayor Nicol then announced the annual appointments:

| | |
|--|----------------------------|
| Borough Administrator | Thomas F. Nolan |
| Municipal Clerk | Carol Baran |
| Officer to Issue Certificates of Liability | Carol Baran |
| Relocation Officer | Carol Baran |
| Commissioner of Insurance | Thomas F. Nolan |
| Human Resources Director | Thomas F. Nolan |
| Borough Historian | James Ham |
| Public Agency Compliance Officer | Carol Baran |
| Representative to S.E.M.M.U.A. | Thomas F. Nolan |
| Fire Protection Official | Chris Willms |
| Code Enforcement Officer | Chris Willms |
| Zoning Officer | Elissa C. Commins |
| Conflict Zoning Officer | Alan P. Hilla |
| Conflict Engineers | Lindstrom, Dissiner & Carr |
| | Leon S. Avakian, Inc. |
| | Elissa Commins |
| | Kennedy Consulting, LLC |
| First Deputy Emergency Man. Coord. | Gary P. Olsen |
| Second Deputy Emergency Man. Coord. | Timothy A. Shaak |
| Police OPRA Coordinator | Tracy Rubino |
| Registrar/Board of Health | Tina McDermott |
| Deputy Registrar/Board of Health | Denise Murphy |
| Mercantile Officer | Carol Baran |

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|---|-------------------------------|
| Tax Collector | Tina McDermott |
| Water Sewer Rent Collector | Denise Murphy |
| Animal Control Official | Tina McDermott |
| Superintendent Public Works | Jeff Weiss |
| Recycling/Clean Communities Coordinator | Carol Baran |
| Assistant Rec/CC Coordinator | Jeffrey Weiss |
| Safety Coordinator | Carol Baran |
| Assistant Safety Coordinator | Jeffrey Weiss |
| Chief Financial Officer | John Antonides |
| Deputy Finance officer | Tina McDermott |
| General Financial Service Clerk | Denise Murphy |
| Representative to M.C.R.H.C. | Denise Murphy |
| Assistant Clerks Financial | Tina McDermott |
| Services | Karen S. Brisben |
| Asst. to the Administrator | Carol Baran |
| Deputy Clerk of Elections | Denise Murphy |
| Detective | (Appointed by the Chief) |
| DPW Working Foreman | Jeffrey Ely (Streets & Roads) |
| | Michael Burger (Water) |
| Water Plant Operator | Michael McArthur |

Councilman Shaak seconded by Councilman Visceglia introduced Resolution 23-03 to confirm the foregoing appointments. Vote: Councilman Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia all ayes; no nays. Passed

Mayor Nicol then announced the appointments to the various Boards & Commissions of the Borough for terms that expire on December 31st, 2023.

Planning Board

| | |
|-----------------------|-----------------------|
| Thomas B. Nicol | Member Class I (23) |
| Frank A. Garruzzo | Member Class II (23) |
| Karen Brisben | Member Class III (23) |
| Jay Jones | Member Class IV (26) |
| Stephanie Oakes-Firth | Member Class IV (26) |
| Amber Fernicola | Alternate #1 (24) |

Community Development Block Grant Committee

| | |
|----------------|-------------|
| Tracy Rubino | Member (23) |
| Timothy Shaak | Member (23) |
| Ann D. Scott | Member (23) |
| Darcy Garruzzo | Member (23) |
| Thomas Nolan | Member (23) |

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| Thomas Nolan | Member (23) |
| Carol Baran | Representative (23) |
| Adeline Schmidt | Alternate Representative (22) |

Board of Recreation

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|---------------------|------------------------------|
| Erin North | Associate (23) |
| Art Foreman | Associate (23) |
| Carol Baran | Corresponding Secretary (23) |
| Art Foreman | Alternate (23) |
| Tara Holly | Alternate (23) |
| Christina Baldasare | Alternate (23) |
| Dan Kalembe | Alternate (23) |
| Mike McBride | Alternate (23) |

Environmental Commission

| | |
|----------------|-------------|
| Robert Houseal | Member (25) |
| Thomas Mauro | Member (25) |

Shade Tree Commission

| | |
|----------------|----------------|
| Larry Rose | Member (24) |
| Bill Patterson | Alternate (24) |
| Ed Shinn | Alternate (24) |

The appointments were approved on a motion by Councilman Garruzzo seconded by Councilman Visceglia.

Mayor Nicol then entertained the re-organization resolutions as a consent agenda item.

Resolution 23-04 (see insertion)

Resolution 23-05 (see insertion)

Resolution 23-06 (see insertion)

Resolution 23-07 (see insertion)

Resolution 23-08 (see insertion)

Resolution 23-09 (see insertion)

Resolution 23-10 To authorize the Business Administrator, with the consent of the Mayor & Council Committee Chairman who has jurisdiction over the Department, to hire Temporary Part-Time Help on a “as needed” basis.

Resolution 23-11 (see insertion)

Resolution 23-12 To memorialize the extension of the sick time provisions of the Teamsters Contract to the non-union employees.

Resolution 23-13 To confirm the appointments of all Class I & Class II Special Police Officers for 2023.

Resolution 23-14 (see insertion)

Resolution 23-15 (see insertion)

Resolution 23-16 To designate certain employees as Deputy Custodians re: OPRA Requests.

Resolution 23-17 (see insertion)

Resolution 23-18 (see insertion)

Resolution 23-19 (see insertion)

Councilman Garruzzo seconded by Councilman Visceglia introduced resolutions 23-04 through 23-19. Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all ayes. No nays. Passed

Councilman Shaak seconded by Councilman Garruzzo introduced Resolution 23-21 to authorize the Mayor & Municipal Clerk to execute an agreement between the Borough of Brielle and the Brielle Public Works Union. Vote: Councilmen Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all ayes; no nays. Passed.

The Council Members had no formal report but each extended wishes for a Happy New Year.

There being no comments from the public and no written comments having been received by either mail or e-mail, the meeting was adjourned at 12:26 p.m. on a motion by Councilman Shaak seconded by Councilman Garruzzo.

Approved: January 9th, 2023

Carol Baran
Municipal Clerk

Council-President, Tim Shaak

2023 Council Committees

| | |
|----------------------------|--|
| Administration & Personnel | Chairman: Councilman Gorham Councilman Nolan Councilman Visceglia |
| Budget & Finance | Chairman: Councilman Visceglia Councilman Garruzzo Councilman Gorham |
| Public Safety | Chairman: Councilman Garruzzo Councilman Shaak Councilman Visceglia |
| Community Development | Chairman: Councilman Gianforte Councilman Garruzzo* Councilman Nolan |
| Public Works | Chairman: Councilman Shaak Councilman Gianforte Councilman Gorham |
| Public Resources | Chairman: Councilman Nolan Councilman Gianforte Councilman Shaak |

* Liaison to Planning Board.

Resolution No.: 23-2
Date: January 3rd, 2023

Be It Resolved that Carol Baran be appointed as the Borough of Brielle's Representative to the Monmouth County Community Development Program, and

Be It Further Resolved that Adeline Schmidt be appointed as Alternate Representative to the Monmouth County Community Development Program.

Vote: Garruzzo, Gianforte, Gorham, Nolan, Shaak & Visceglia; all ayes. No nays. None Abstained. Absent: None.

Certification

The foregoing is a true copy of a resolution passed by the Brielle Mayor & Council at their Organization Meeting held on January 3rd, 2023.

Witness my hand and seal of the Borough of Brielle this 4th day of January 2023.

Carol Baran
Municipal Clerk

Resolution No.: 23-4
Date: January 3rd, 2023

Be it resolved that each Monday night, of each month, in the calendar year 2023, with exceptions noted, be designated as meeting nights of the mayor and council of the borough of Brielle, with meetings to be held in the council chambers of the borough hall, 601 union lane, Brielle, new jersey, and

Be it further resolved that regular business meetings shall be scheduled for the 2nd and 4th Mondays at 7:00 p.m., except Monday holidays, when said meetings shall be on the Tuesday following the holiday, or proper 48-hour notice given, and

Be it further resolved that the work session shall be held on the 2nd and 4th Mondays of each month at 7:00 p.m., except Monday holidays, when said sessions shall be on the Tuesday following the holiday, said time being subject to a later starting time based on the volume of business and with 48-hour notice being given through dissemination of the agenda.

Be it further resolved that the public will not participate in the work session but may be present and listen. Public participation shall be permitted at the conclusion of the work session but shall be limited to those matters discussed at the work session. The public may, at regular meetings, participate at such time or times, as set forth on the agenda, for that particular meeting, or, with the permission of the presiding officer. 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, and

Be it further resolved that the annual notice schedule and "48-hour notice" be forwarded to the newspapers designated the official newspapers of the Borough of Brielle as set forth under Chapter 321, P.L. 1975 "open public meetings act", and

Be it further resolved, that in accordance with N.J.S.A. 10:4-9.3 of the Open Public Meetings Act, meetings may be held during declared emergencies by virtual means with public notice being provided via the internet, Facebook and posting such notice at borough hall.

Resolution No.:23-05

Whereas the efficient management of Borough affairs requires the establishment and/or maintenance of various bank accounts and procedures for handling funds,

Now therefore be it resolved, by the Governing Body of the Borough of Brielle as follows:

1. The following banks, or their successors, shall be designated depositories: Ocean

First Bank, local branches, New Jersey, Cash Management Fund, Two River Community Bank.

2. All existing accounts shall be continued subject to further resolution.
3. The Mayor, Business Administrator & Chief Finance Officer shall continue to be signatories on all accounts.
4. The Mayor & Council hereby adopt the annual cash management plan and shall adhere to the precepts of same. Said plan is on file in tile office of C.M.F.O.

Resolution No.: 23-6

Whereas N.J.S.A. 54:4-67, as amended, provides that a municipality may fix the interest rate to be charged for the delinquent payment of taxes of assessments and fix due dates.

Now therefore be it resolved, that a grace period not to exceed ten (10) days be permitted after each quarterly due date, February 1st, May 1st, August 1st & November 1st, and that the rate of eight (8) percent (%) per annum be charged on the first \$1,500.00 of the delinquency and eighteen (18) percent (%) per annum be charged on the amount in excess of \$1,500.00 with the delinquent interest rate retroactive to the aforesaid due dates for the year 2021.

Resolution No.: 23-7

Whereas the efficient management of Borough affairs requires the establishment and/or maintenance of a petty cash fund & a petty cash checking account, and change draws for the animal control in the amount of \$75.00 & general fund accounts, in the amount of \$50.00, and the water/sewer & tax accounts, in the amount of \$100.00,

Now therefore be it resolved that the Business Administrator is hereby authorized to establish a petty cash fund in the amount of \$150.00, as well as the aforementioned "change draws".

Resolution No.: 23-8

Be it Resolved that the following newspapers shall be designated as official newspapers for the Borough of Brielle for the year 2022.

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| Asbury Park Press | Neptune |
| Newark Star Ledger | Newark |
| The Coast Star | Manasquan |

Resolution No.: 23-9

Whereas N.J.S.A. 40a:5-17.1 authorizes the governing body to process without further action on their part, the cancellation of any property tax refund or delinquency of less than \$10.00, and

Whereas N.J.S.A. 54-5-19 authorizes the tax collector to collect all taxes, assessments, and other municipal charges that are delinquent, and to sell all municipal liens in the manner established by statute.

Now therefore be it resolved that Tina McDermott, in her capacity as municipal tax collector and/or the designated deputy collector, is hereby authorized to perform the aforementioned functions throughout calendar 2023.

Resolution No.:23-10

To authorize the Business Administrator, with the consent of the Mayor & Council Committee Chairman who has jurisdiction over the particular department, to hire temporary/part-time help on a "as needed" basis.

Resolution No.: 23-11

Date: January 3rd, 2023

Temporary Budget
Borough of Brielle

Whereas, N.J.S.A. 40a:4-19 of the revised Statutes of New Jersey provides that, when any contracts, commitments or payments are to be made prior to the adoption of the Municipal Budget, the Governing Body shall, by resolution, adopted prior to January 31st of the fiscal year, make appropriations for the period between the beginning of the fiscal year and the adoption of the budget, and

Whereas, the date of this resolution is prior to the first thirty-one days of January 2023, and

Whereas, one quarter (25%) of the total appropriations made in the 2023 municipal budget, excluding appropriations made for interest and debt redemption charges & capital improvement fund in said budget is the sum of \$2,892,083.15.

Now therefore be it resolved, that the following temporary appropriations (the aggregate amount of which does not exceed the amount shown in the preamble above), in the amount of \$2,670,080.00 be made and a certified copy of this resolution be transmitted to the chief finance officer for his records.

| Appropriations | Amount |
|----------------------------|-------------|
| General government | |
| Administrative & Executive | |
| Salaries & Wages | \$85,000.00 |
| Other expenses | \$16,500.00 |
| Emergency management | |
| Other expenses | \$750.00 |
| Assessment of taxes | |
| Salaries & Wages | \$10,000.00 |
| Other Expenses | \$2,500.00 |
| Collection of Taxes | |
| Salaries & Wages | \$32,000.00 |
| Other expenses | \$3,000.00 |
| Legal Services | \$45,000.00 |
| Borough Historian | \$150.00 |
| Municipal Court | |
| Salaries & Wages | \$12,500.00 |
| Municipal Prosecutor | \$6,500.00 |
| Engineering Services | \$25,000.00 |
| Buildings & Grounds | |
| Other Expenses | \$30,000.00 |
| Planning Board | |
| Salaries & Wages | \$2,500.00 |
| Other Expenses | \$5,000.00 |
| Financial Services | \$22,000.00 |
| Shade Tree Commission | |
| Other Expenses | \$2, 500.00 |
| Environmental Commission | |
| Other Expenses | \$500.00 |
| Mercantile Inspection | |
| Salaries & Wages | \$1,000.00 |

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|-----------------------------------|-----------------|
| Other Expenses | \$150.00 |
| Insurance | |
| Other insurance premiums | \$175,000.00 |
| Workman's compensation | |
| Group insurance | \$235,000.00 |
| Public Safety | |
| Fire Company | |
| Other Expenses | \$11,250.00 |
| Police | |
| Salaries & Wages | \$595,000.00 |
| Other Expenses | \$35,000.00 |
| Vehicle Purchase/Lease | \$30,000.00 |
| Sick Time Purchase Option | \$34,500.00 |
| Streets & Roads | |
| Salaries & Wages | \$132,500.00 |
| Other Expenses | \$25,000.00 |
| Street Lighting | (See Utilities) |
| Vehicle Maintenance | \$12,500.00 |
| Sanitation | |
| Garbage & Trash Removal | |
| Contractual | \$80,000.00 |
| Other trash expenses | \$90,000.00 |
| (Includes Recycling Other) | |
| Health & Welfare | |
| Board of Health | |
| Salaries & Wages | \$900.00 |
| Other Expenses | \$100.00 |
| Health Services Contractual | \$18,000.00 |
| Board of Recreation Commissioners | |
| Salaries & Wages | \$8,000.00 |
| Other expenses | \$8,750.00 |
| Municipal Land Use | \$6,500.00 |
| Aid To Library | \$45,000.00 |

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| Zoning Officer Salaries & Wages | \$6,500.00 |
| Dog Regulation Contractual | \$3,500.00 |
| Capital Improvements | |
| Capital Improvement Fund | \$5,000.00* |
| Statutory Expenditures | |
| Contribution To Social Security | \$100,000.00 |
| Debt Service | |
| Recycling Program | |
| Recycling Salaries & Wages | \$60,000.00 |
| Utilities | \$80,000.00 |
| Appropriations | |
| Water Utility Expenses | |
| Operating Expenses | |
| Salaries & Wages | \$75,000.00 |
| Other Expenses | \$55,000.00 |
| N.J.S.W.S.A. | \$52,000.00 |
| SMRSA | \$149,000.00 |
| SMRSA Infiltration/Inflow Remediation | \$30.00 |
| South East Monmouth M.U.A. | \$165,500.00 |
| Capital Outlay | \$5,000.00 |
| Group Insurance | \$5,500.00 |
| Contribution To Social Security | \$7,500.00 |
| Debt Service NJIT | \$280,500.00* |
| Total | \$2,883,080.00 |
| Less Exceptions \$ | 285,500.00 |
| Total | \$2,597,580.00 |
| Inter-Local Agreements | |
| Dispatch Services | \$20,000.00 |

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|--------------------------------------|----------------|
| Manasquan Municipal Court Interlocal | \$25,000.00 |
| Construction Code Services | \$10,000.00 |
| Fire Code Enforcement & Inspection | \$15,000.00 |
| Sea Girt/Water Utility Operations | \$25,000.00 |
| Total | \$2,670,080.00 |

Resolution No.: 23-12

To establish a criteria for reimbursement of sick time for eligible employees upon retirement.

Resolution No.: 23-13

Whereas, the efficient management of the Brielle police department requires that all special police officers, employed by the Borough of Brielle, be confirmed in their appointments for the calendar year 2023.

Now therefore be it resolved that all special police officers, class I and class II, are hereby confirmed in their positions.

Resolution No.: 23-14

Whereas, the Business Administrator is also the human services director & representative to the municipal insurance funds, and

Whereas, matters relating to personnel and the adjudication of insurance claims arise that do not rise to the level of consideration by the full governing body and do not require formal action.

Now therefore be it resolved that the business administrator, with the concurrence of the mayor and the chairman of the committee with jurisdiction in the area under consideration, may take appropriate steps to resolve such issues.

Resolution No.: 23-15

Be it resolved that the Brielle police department be authorized to participate in the LESO 1033 program re: surplus defense department items.

Resolution No.: 23-16

To designate certain employees as deputy custodians re: OPRA requests. Each department having a specific individual designated to provide the municipal clerk with any report required to comply with a specific OPRA request.

Resolution No: 23-17

RESOLUTION OF THE BOROUGH OF BRIELLE, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CONCERNING THE VOTING REQUIREMENTS FOR PASSAGE OF A RESOLUTION.

WHEREAS, pursuant to N.J.S.A. 40A:60-5(e), the voting requirements for passage of an ordinance, or appointment of a subordinate officer of the Borough, are specifically provided for in the statute; and

WHEREAS, there is no such statutory provision concerning the voting requirements for passage of a borough resolution; and

WHEREAS, the Governing Body has determined there is a need for a clear rule establishing the voting requirements for passage of a borough resolution for the purpose of clarity; and

WHEREAS, the past practice of the Governing Body has always been to require the affirmative vote of a majority of a quorum to pass a borough resolution; and

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Brielle hereby declares that the affirmative vote of a majority of a quorum is needed to pass a borough resolution, with the mayor only voting in the case of a tie.

Resolution No.: 23-18

To establish extension dates for the payment of tax and/or utility bills, without interest penalty, whenever the mailing of respective bills are delayed due to unforeseen circumstances.

Resolution No.; 23-19

To authorize the Borough Administrator or the Municipal Clerk to solicit bids for the provision of those goods or services itemized in any capital improvement ordinance or capital program.

To further authorize the Borough Administrator to approve any professional service contract associated with the provision of a professional service, provided that the cost thereof shall not exceed a 20% threshold as established by common practice. Said authority being limited to those projects that require engineering services in the preparation of plans and specifications and/or inspection fees.

The Administrator is further authorized to retain the professional services of any expert required to assist the Borough in answering any tax appeal or other municipal matter resulting from litigation.