



Agenda
Borough of Union Beach
Thursday, October 16, 2014, 8:00 p.m.
Council Meeting Room, Municipal Building
650 Poole Avenue, Union Beach, NJ

CALL TO ORDER: Meeting called to order by Mayor Paul J. Smith, Jr. at _____ **P.M.**

SALUTE TO THE FLAG: Mayor Paul J. Smith, Jr.

ANNOUNCEMENT: By Mayor Paul J. Smith, Jr. of the Emergency Fire Exits.

SUNSHINE LAW NOTICE: Announced by Clerk.

Adequate notice has been given to the public and press on the date, time and place of this meeting, in accordance with P.L. 1975, chapter 231, "open public meetings act."

ROLL CALL: Council Members

Mr. Mascilak
Mr. Wicki
Ms. Roche
Mr. Williams
Mr. Andreuzzi
Mr. Cocuzza

Also Present:

Mayor Paul J. Smith, Jr.
John t. Lane, Jr., Attorney
Jennifer Maier, Borough Administrator
Anne Marie Friscia, Municipal Clerk

SET ASIDE THE REGULAR ORDER OF BUSINESS:

1. Poet Gwyneth Green
2. Presentation of Citations to Police Department Officers/Staff – Chief Woolley

BACK TO THE REGULAR ORDER OF BUSINESS:

Motion moved by _____, seconded by _____ and approved by voice vote.

APPROVAL OF MINUTES OF THE MEETING OF: September 18, 2014 and September 30, 2014 Meetings

Motion moved by _____, seconded by _____ and approved by voice vote.

PRESENTATION OF COMMUNICATIONS; PETITIONS, ETC.: none

Motion moved by _____, seconded by _____ and approved by voice vote.

HEARINGS ON ORDINANCES AND OTHER PUBLIC HEARINGS, ETC.:

Ordinance No. 2014-214 :

**AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH, 1980,"
CHAPTER III, POLICE REGULATIONS, SECTION 3-9.13, RATES TO BE
CHARGED BY WRECKERS, a & b TO BE DELETED**

*THE CLERK PRESENTS AFFIDAVIT OF PUBLICATION SHOWING THAT THE ORDINANCE WAS
DULY ADVERTISED IN THE ASBURY PARK PRESS, ON SEPTEMBER 24, 2014 IN ACCORDANCE WITH LAW.*

*MAYOR SMITH DIRECTS THE CLERK TO READ THE ORDINANCE BY TITLE ONLY, ADVISING THAT SAID
ORDINANCE WAS POSTED ON THE BULLETIN BOARD AT THE MUNICIPAL BUILDING AT LEAST ONE WEEK IN
ADVANCE OF THIS PUBLIC MEETING, AND THAT COPIES OF SAID ORDINANCE WERE MADE AVAILABLE TO THE
GENERAL PUBLIC UPON REQUEST.*

Public Hearing on Ordinance No. 2014-214:

Mayor Smith opens the Meeting to the Public Hearing on Ordinance No. 2014-214 at _____ p.m.

Mayor Smith closes the Meeting to the Public Hearing on Ordinance No. 2014-214 at _____ p.m.

RESOLUTION NO 2014-172: *Authorizing Final Adoption of Ordinance No. 2014-214,*
Be it Resolved, by the Mayor and Council of the Borough of Union Beach that;

Ordinance No. 2014-214 :

**AN ORDINANCE REVISING AND AMENDING AN ORDINANCE ENTITLED "THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF UNION BEACH, 1980," CHAPTER X, BUILDING AND HOUSING**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF UNION BEACH THAT BY THE MAYOR AND COUNCIL OF THE BOROUGH OF UNION BEACH that Chapter X, Building and Housing Regulations of the Borough of Union Beach is hereby amended as follows:

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF UNION BEACH that Chapter III, Police Regulations, Section 3-9.13, a. Maximum Rates:, has been superseded by Chapter III, Police Regulations, Section 3-9.17. Therefore, Chapter III, Police Regulations, Section 3-9.13 be and is hereby deleted.

BE IT FURTHER ORDAINED, that if any provision, paragraph, section or subsection of this chapter be found unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions of this chapter shall remain in full force and effect and shall have continuing validity; and

BE IT FURTHER ORDAINED, that all other sections of the ordinance remain in full force and effect; and

BE IT FURTHER ORDAINED, that this ordinance shall take effect immediately upon final adoption in accordance with law.

Be passed and adopted as an Ordinance of the Borough of Union Beach and;

Be it further resolved, that the Clerk be and she is hereby authorized to advertise notice of final passage on the foregoing Ordinances in the Asbury Park Press in the issue of October 30, 2014..

Resolution Offered by: _____ Seconded by: _____

Roll Call Vote: Mr. Mascilak _____ Mr. Wicki _____ Ms. Roche _____

Mr. Williams _____ Mr. Andreuzzi _____ Mr. Cocuzza _____

Ordinance No. 2014-216 :

AN ORDINANCE REVISING AND AMENDING AN ORDINANCE ENTITLED “THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH, 1980,” CHAPTER X, BUILDING AND HOUSING

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF UNION BEACH THAT BY THE MAYOR AND COUNCIL OF THE BOROUGH OF UNION BEACH that Chapter X, Building and Housing Regulations of the Borough of Union Beach is hereby amended as follows:

THE CLERK PRESENTS AFFIDAVIT OF PUBLICATION SHOWING THAT THE ORDINANCE WAS DULY ADVERTISED IN THE ASBURY PARK PRESS, ON SEPTEMBER 24, 2014 IN ACCORDANCE WITH LAW.

MAYOR SMITH DIRECTS THE CLERK TO READ THE ORDINANCE BY TITLE ONLY, ADVISING THAT SAID ORDINANCE WAS POSTED ON THE BULLETIN BOARD AT THE MUNICIPAL BUILDING AT LEAST ONE WEEK IN ADVANCE OF THIS PUBLIC MEETING, AND THAT COPIES OF SAID ORDINANCE WERE MADE AVAILABLE TO THE GENERAL PUBLIC UPON REQUEST.

Public Hearing on Ordinance No. 2014-216:

Mayor Smith opens the Meeting to the Public Hearing on Ordinance No. 2014-216 at _____ p.m.

Mayor Smith closes the Meeting to the Public Hearing on Ordinance No. 2014-216 at _____ p.m.

RESOLUTION NO 2014-173: Authorizing Final Adoption of Ordinance No. 2014-216,

Be it Resolved, by the Mayor and Council of the Borough of Union Beach that;

Ordinance No. 2014-216 :

AN ORDINANCE REVISING AND AMENDING AN ORDINANCE ENTITLED “THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH, 1980,” CHAPTER X, BUILDING AND HOUSING

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF UNION BEACH THAT BY THE MAYOR AND COUNCIL OF THE BOROUGH OF UNION BEACH that Chapter X, Building and Housing Regulations of the Borough of Union Beach is hereby amended as follows:

SECTIONS TO BE AMENDED: ALL ADDITIONAL SECTIONS TO REMAIN UNCHANGED.

10-10.3 REGISTRATION:

a. Each and every rental unit shall hereafter be registered with the Enforcing Agency on forms which shall be provided for that purpose and which shall be obtained from the office of the Enforcing Agency. The initial registration of each rental unit within the Borough of Union Beach shall take place on or before January 31, 2015.

b. No rental unit shall hereafter be rented unless the rental unit is registered in accordance with this Ordinance.

c. Registration shall be renewed annually, whether the unit is vacant or occupied and at time of certificate of occupancy when ownership or occupancy changes.

d. If a tenant vacates a rental unit and it remains vacant either due to repairs, renovation, code enforcement or any other reason, the owner shall notify the Enforcing Agency that the unit is vacant.

e. Registration pursuant to this Ordinance does not constitute an approval for the use and occupancy of said rental unit. A certificate of occupancy is also required for each unit.

10-10.12 FEES:

At the time of the filing of the registration form the owner or agent of the owner must pay a registration fee of \$100.00 per rental unit, but not to exceed \$5000.00 per rental facility or apartment complex. If the owner of the property is a senior citizen (age 65 years or older) who resides in a unit located on the property and rents out the remaining units, and would otherwise qualify under N.J.S.A. 54:4-8.41 for property tax deductions, there shall be no fee. After the annual registration, the fee for an amended registration in the same year is \$50.00 per rental unit, not to exceed \$2000.00 per calendar year per rental facility or apartment complex.

10-10.16 PENALTIES:

a. Any person who violates any provision of this Ordinance shall, upon conviction in the Municipal Court or such other Court having jurisdiction, be liable to a fine not exceeding \$1,500.00 or imprisonment for a term not exceeding 90 days, or by a period of community service not exceeding 90 days.

b. The minimum penalty that shall be imposed for a violation of this Ordinance is a fine of \$250.00 each day that a violation occurs shall be deemed a separate and distinct violation.

c. Any person convicted of violating any provision of this Ordinance within one year of the date of a previous violation, which resulted in a conviction, shall be sentenced to an additional fine or other penalty as a repeat offender. The additional fine imposed by the Court for a repeat offense shall not be less than the minimum fine or exceed the maximum fine permitted by this Ordinance, but shall be calculated separately from the fine imposed for the violation of the Ordinance.

BE IT FURTHER ORDAINED, that if any provision, paragraph, section or subsection of this chapter be found unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions of this chapter shall remain in full force and effect and shall have continuing validity; and

BE IT FURTHER ORDAINED, that this ordinance shall take effect immediately upon final adoption in accordance with law.

Be passed and adopted as an Ordinance of the Borough of Union Beach and;

Be it further resolved, that the Clerk be and she is hereby authorized to advertise notice of final passage on the foregoing Ordinances in the Asbury Park Press in the issue of October 30, 2014..

Resolution Offered by: _____ Seconded by: _____

Roll Call Vote: Mr. Mascilak _____ Mr. Wicki _____ Ms. Roche _____

Mr. Williams _____ Mr. Andreuzzi _____ Mr. Cocuzza _____

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

| | |
|---|--|
| <u>Councilman Mascilak:</u> | <u>Library, Drug Alliance, EMS and Seniors</u> |
| <u>Councilman Wicki:</u> | <u>Finance, Personnel and Administration</u> |
| <u>Councilwoman Roche:</u> | <u>Public Works & Building and Grounds</u> |
| <u>Councilman Williams</u> | <u>Public Safety & Health (OEM,PD, Fire & Court</u> |
| <u>Councilman Andreuzzi:</u> | <u>Education, Recreation and Special Grants</u> |
| <u>Councilman Cocuzza</u> | <u>Public Affairs, Shared Services, Construction & Code Enforcement</u> |
| <u>Borough Administrators Report</u> | <u>Jennifer Maier</u> |

MEETING OPEN FOR PUBLIC DISCUSSION:

Meeting opens for Public Discussion at _____ p.m.

Meeting closes for Public Discussion at _____ p.m.

NEW BUSINESS AND INTRODUCTION OF ORDINANCES OCTOBER 16, 2014 MEETING:

ORDINANCES:

Ordinance No. 2014-215:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH, 1980," CHAPTER III, POICE REGULATIONS, SECTION 7-3.3, Schedule I, NO PARKING

WHEREAS, The Mayor and Council have received a recommendation from the Chief Police based upon a report from the Traffic Safety Officer to improve the safety of the children during periods of dropping-off and picking-up that parking should be eliminated on the eastside of Wilson Avenue from Scholer Drive to Morningside Avenue.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF UNION BEACH, as follows:

Chapter VII, Traffic, Section 7-7.3, Schedule I, No Parking Between the Hours of 7:30 a.m. and 3:30 p.m. when school is in Session. Be and is hereby amended to include the following:

| <u>Name of Street</u> | <u>Sides</u> | <u>Location</u> | <u>Hrs.</u> |
|-----------------------|--------------|--------------------------------------|--|
| Wilson | East | From Scholer Drive To Morningside | 7:30-3:30 When school is in Session. |

BE IT FURTHER ORDAINED, that this ordinance shall take effect immediately upon final adoption in accordance with law.

Ordinance No. 2014-215 was introduced on First Reading by: _____ Seconded by: _____.

Roll Call Vote: Mr. Mascilak _____ Mr. Wicki _____ Ms. Roche _____

Mr. Williams _____ Mr. Andreuzzi _____ Mr. Cocuzza _____

Ordinance No. 2014-217:

AN ORDINANCE REVISING AND AMENDING AN ORDINANCE ENTITLED “THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH, 1980,” CHAPTER X, BUILDING AND HOUSING

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF UNION BEACH that Chapter X, Building and Housing Regulations of the Borough of Union Beach is hereby amended as follows:

10-1.3 Construction Fee Schedule

c. Fee schedule

1. Construction fee schedule

(a) Building subcode fee

(13) Satellite Dish / Solar Panels

- [a] \$.00135 training fee per one thousand (\$1,000.00) dollars of cost of work.
- [b] **Twenty-five (\$25.00)** dollars per one thousand (\$1,000.00) dollars of cost of work.
- [c] Minimum fee - \$100.00, **Maximum fee - \$800.00**

(b) Plumbing subcode fees.

(5) Fixtures

- [w] **Hot water solar panels and hot water roof systems** \$75

BE IT FURTHER ORDAINED, that if any provision, paragraph, section or subsection of this chapter be found unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions of this chapter shall remain in full force and effect and shall have continuing validity; and

BE IT FURTHER ORDAINED, that this ordinance shall take effect immediately upon final adoption in accordance with law.

Ordinance No. 2014-217 was introduced on First Reading by: _____ Seconded by: _____.

Roll Call Vote: Mr. Mascilak _____ Mr. Wicki _____ Ms. Roche _____

Mr. Williams _____ Mr. Andreuzzi _____ Mr. Cocuzza _____

Ordinance No. 2014-218:

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN
PROPERTY OWNED BY THE BOROUGH OF UNION BEACH
TO CONTIGUOUS PROPERTY OWNERS AS AUTHORIZED
BY N.J.S.A 40A:12-13.**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF UNION BEACH AS FOLLOWS:

SECTION 1: IT IS HEREBY ESTABLISHED THAT THE FOLLOWING DESCRIBED PROPERTY, OWNED BY THE BOROUGH OF UNION BEACH, SHALL BE DECLARED SURPLUS PROPERTY.

SECTION 2: THE FOLLOWING PERSON HAS SUBMITTED A BID AND HAS PROVIDED PROOF THT THEY ARE THE SOLE CONTIGUOUS PROPERTY OWNER WISHING TO PURCHAE THIS LOT. THE TAX ASSESSOR HAS DETERMINED THAT THIS AMOUNT IS THE FAIR MARKET VALURE OF THIS LOT. THIS PROPERTY IS NOT A BUILDABLE LOT.

| <u>BIDDER</u> | <u>BLOCK & LOT</u> | <u>SIZE</u> | <u>PRICE</u> |
|-----------------------|-------------------------------|--------------------|---------------------|
| Robert & Paula Pyburn | Block 7, Lot 12.01 | 100' X 8' | \$800 |

SECTION 4: IT IS THEREUPON ORDAINED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF UNION BEACH, THAT THE BOROUGH OF UNION BEACH CONVEY THE ABOVE PROPERTY TO THE BIDDER FOR THE SUM LISTED.

SECTION 5: THE SUBJECT PROPERTY SHALL BE CONSIDERED MERGED WITH LOT 13 TO CREATE ONE TRACT FOR THE PURPOSE OF ZONING AND MAY NOT BE SUBDIVIDED EXCEPT IN COMPLETE AND FULL COMPLIANCE WITH THE LAND USE AND DEVELOPMENT REGULATIONS OF THE BOROUGH OF UNION BEACH, WITHOUT ANY VARIANCES, AND A RESTRICTIVE COVENANT SHALL BE PLACED IN THE DEED FROM THE BOROUGH TO THE BIDDER, WHICH COVENANT SHALL RUN WITH THE LAND IN PERPETUITY.

SECTION 5: THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS ADOPTION.

Ordinance No. 2014-218 was introduced on First Reading by: _____ Seconded by: _____.

Roll Call Vote: Mr. Mascilak _____ Mr. Wicki _____ Ms. Roche _____

Mr. Williams _____ Mr. Andreuzzi _____ Mr. Cocuzza _____

RESOLUTIONS: OCTOBER 16, 2014 MEETING:

RESOLUTION NO. 2014-174: AUTHORIZING ADVERTISEMENT FOR PUBLIC HEARINGS ON ORDINANCE NUMBERS

2014-215, 2014-217 and 2014-218

Paper: The Asbury Park Press,

Hearing Date: Thursday, October 30, 2014

Time: Commencing at 8:00 p.m.

Place: Municipal Building, 650 Poole Avenue, Union Beach, NJ

Resolution Offered by: _____ Seconded by: _____

Roll Call Vote:

Mr. Mascilak _____ Mr. Wicki _____ Ms. Roche _____

Mr. Williams _____ Mr. Andreuzzi _____ Mr. Cocuzza _____

RESOLUTION NO. 2014-175 AUTHORIZING THE AWARD OF CONTRACT FOR A DOUBLE SIDED LED ADVERTISING SIGNAGE BOARD TO BE LOCATED AT RT. 36 BLOCK 248, LOT 8 FOR A PERIOD OF A 20 YEAR LEASE

Whereas, bids were received and opened in public on Thursday, October 2, 2014 at 10 a.m. at the Municipal Building, 650 Poole Avenue, Union Beach, New Jersey, for the project **“Outdoor Double Sided LED Advertising Sign” Block 248, lot 8** and;

Whereas, Borough Administrator has recommended the award of the bid to the sole bidder, CBS Sign Company, 185 US Highway 46, Fairfield, NJ 07004 as follows:

| <u>BIDDER:</u> | <u>BASE BID</u> |
|--|---|
| CBS Outdoor | \$20,000 or 20% of the Annual Gross Advertising Proceeds for The signboard, whichever is greater. per year for 20 years |
| 185 US Highway 46 Fairfield, NJ 07004 | |

Now, Therefore, be it Resolved, by the Mayor and Council of the Borough of Union Beach, that the contract for the project **“Outdoor Double Sided LED Advertising Sign” Block 248, lot 8** in accordance with the recommendations of the Borough Administrator, Jennifer Maier, be awarded to CBS Outdoor on their base bid of \$20,000 or 20% of the Gross Advertising Proceeds Annually, whichever is greater.

Be it Further Resolved, that said award be subject to the approval of the Borough Attorney, John T. Lane, Jr., Esq.,

Be it also resolved, that the Mayor is authorized to sign said contract on behalf of the Governing Body of the Borough of Union Beach and Clerk is hereby authorized to attest to same.

Resolution Offered by: _____ Seconded by: _____

Roll Call Vote: Mr. Mascilak _____ Mr. Wicki _____ Ms. Roche _____

Mr. Williams _____ Mr. Andreuzzi _____ Mr. Cocuzza _____

RESOLUTION NO. 2014 –176: ADOPTING 2013 LOSAP

Be it Resolved by Mayor and Council of the Borough of Union Beach, that

WHEREAS, the Voters of the Borough of Union Beach approved a public question establishing the creation of a Length of Service Awards Program (LOSAP) on November 4, 2003,

WHEREAS, each year the participating companies must submit a list of eligible personnel in order to received credits for under the plan,

WHEREAS, the Borough of Union Beach has received and verified the aforementioned list and hereby directs the Chief Financial Officer to deposit the appropriate amounts into each participants account,

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF UNION BEACH, hereby approves the attached list for participation into the Borough’s LOSAP as of December 31, 2013.

Resolution Offered by: _____ Seconded by: _____

Roll Call Vote: Mr. Mascilak _____ Mr. Wicki _____ Ms. Roche _____

Mr. Williams _____ Mr. Andreuzzi _____ Mr. Cocuzza _____

RESOLUTION NO. 2014-177: AUTHORIZING REDUCTION IN THE PERFORMANCE BOND FOR KALIAN COMPANIES, SEVENTH & SPRUCE STREETS, BLOCK 39, LOTS 24.01, 24.02 AND 24.03 AS RECOMMENDED BY THE ENGINEER.

Whereas, the Borough Engineer, Edward G. Broberg, P.E. of T&M Associates, Middletown, New Jersey has reported to the Governing Body, by letter dated September 22, 2014, that in conjunction with the referenced project, “Seventh and Spruce Streets, Block 39, Lots 24.01, 24.02 and 24.03” and as per the applicant’s recent request for the reduction of the Performance Bond/Letter of Credit posted with the Borough for said project, the Borough Engineer, after inspection, has recommended in accordance with the Planning and Development Regulations, that 90% of said guarantee be reduced to \$7,484.40, and 10% of said guarantee be reduced to \$831.60 and that the excess cash portion of the Bond be returned to the Applicant, Kalian Companies, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved and provided that thirty percent (30%) of the original amount posted by retained.

Now, Therefore, Be It Resolved, by the Mayor and Council of the Borough of Union Beach, that in accordance with the Engineer’s recommendations that the reduction of the performance bond filed with the borough, in conjunction with said project, as herein before stated, is hereby approved; and

Be it Further Resolved, that the Chief Financial Officer is hereby authorized and directed to release the excess cash portion of the Bond posted with the Borough, to the Applicant in the amount of \$1,940.40.

Resolution Offered by: _____ Seconded by: _____

Roll Call Vote: Mr. Mascilak _____ Mr. Wicki _____ Ms. Roche _____

Mr. Williams _____ Mr. Andreuzzi _____ Mr. Cocuzza _____

RESOLUTION NO. 2014-178: AUTHORIZING THE PERFORMANCE BOND FOR AURORA FOR THE PROJECT AMERICAN LEGION AS RECOMMENDED BY THE ENGINEER. (if received by Aurora Environmental prior to Meeting date of October 16.

WHEREAS, the Borough Engineer in his Letter dated October 2, 2014, has prepared a “Performance Guarantee” estimate for the referenced project:

American Legion Post 321
524/532 Front Street, Block 21, Lots 7&8
Borough of Union Beach

WHEREAS, according to Borough Ordinance the applicant is required to post ten (10) percent (%) **\$8,978.00** of the total Performance Guarantee plus the inspection fee of **\$3,750.00** in cash, the remaining ninety (90) percent (%) **\$80,978.00** of the performance guarantee may be posted in a form of surety acceptable to the Borough , and;

WHEREAS, the Borough Attorney has examined said surety bond, and copy of Engineer's letter of **October 2, 2014**, advising the applicant of the amount required to pay the Borough as a proper inspection testing and administrative fee and has determined that it is in correct form, content and execution, and,

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body does hereby approve said surety bond as recommended by the Borough Attorney, and does hereby authorize the Mayor to execute said surety bond; and,

BE IT FURTHER RESOLVED, that the Clerk is hereby authorized to collect from the applicant the proper fee or fees payable to the Borough of Union Beach, in accordance with the Engineer's Certificate

Resolution Offered by: _____ Seconded by: _____

Roll Call Vote: Mr. Mascilak _____ Mr. Wicki _____ Ms. Roche _____

Mr. Williams _____ Mr. Andreuzzi _____ Mr. Cocuzza _____

RESOLUTION NO. 2014- 179: AUTHORIZING THE PROJECT CLOSEOUT AND FINAL CHANGE ORDER FOR THE SHOREFRONT AS RECOMMENDED BY THE ENGINEER.

Authorizing Change Order No. 3 and Final for the Rehabilitation of the Waterfront Promenade Project

WHEREAS, the Borough of Union Beach in the County of Monmouth, State of New Jersey, had on June 6, 2013, authorized the awarding of a contract to Precise Construction, Inc. 1016 Highway 33, Freehold, NJ 07728, and;

WHEREAS, the Mayor and Council authorize Change Order No. 3 and Final to the contract awarded to Precise Construction, Inc.: as a result of unforeseen and unanticipated conditions:

WHEREAS, the Chief Financial Officer has certified in writing hereon that funds are available and the Municipal Attorney has reviewed the certification of the Chief Financial Officer and is satisfied that said certification is in proper form;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Union Beach, in the County of Monmouth, State of New Jersey, does hereby authorize the issuance of Change Order No. 3 and Final to the contract with Precise Construction, Inc.

BE IT FURTHER RESOLVED that the Finance Committee be and he is authorized to sign said Change Order on behalf of the Borough.

T&M ASSOCIATES
CONSULTING & MUNICIPAL ENGINEERS
ELEVEN TINDALE ROAD
MIDDLETOWN, NEW JERSEY 07748

SHEET NO. 1 OF 2
PROJECT NO.
UBCH-02600

CHANGE ORDER NO. 3 & FINAL

DATE: October 9, 2014
PROJECT: Rehabilitation of the Waterfront Promenade
OWNER: Borough of Union Beach
CONTRACTOR: Precise Construction, Inc.

| DESCRIPTION OF CHANGE: | |
|------------------------|---|
| REDUCTIONS: | Various items are reduced to reflect as-built quantities. |
| EXTRA: | Various items are increased to reflect as-built quantities. |
| SUPPLEMENTARY: | S-13 Temporary Safety Fence Fourth of July 2013 |

APPROVAL RECOMMENDED:
[Signature]
EDWARD G. BROBERG, P.E.

ACCEPTED:
[Signature]
CONTRACTOR:
Precise Construction, Inc.

OWNER'S APPROVALS:

NOTE: All work to be done according to Contract Specifications.

| SEE ATTACHED DETAIL | ADDITIONAL | REDUCTION |
|----------------------------------|--------------|--------------|
| A. TOTAL REDUCTIONS THIS C.O. | XXXXXXXXXXXX | \$105,811.41 |
| B. TOTAL EXTRAS THIS C.O. | \$33,676.50 | XXXXXXXXXXXX |
| C. TOTAL SUPPLEMENTARY THIS C.O. | \$5,600.00 | XXXXXXXXXXXX |
| TOTALS THIS C.O. | \$39,276.50 | \$105,811.41 |
| NET CHANGE THIS CHANGE ORDER | | \$66,534.91 |
| PREVIOUS CHANGE ORDERS | \$155,260.00 | \$12,283.00 |
| TOTAL CHANGE ORDERS TO DATE | \$194,536.50 | \$118,094.41 |
| NET CHANGE IN CONTRACT | \$76,442.10 | |

| | |
|-----------------------------|----------------|
| ORIGINAL CONTRACT BID PRICE | \$1,137,077.50 |
| CHANGE ORDERS TO DATE | \$76,442.10 |
| REVISED CONTRACT PRICE | \$1,213,519.60 |

Resolution Offered by: _____ Seconded by: _____

Roll Call Vote: Mr. Mascilak _____ Mr. Wicki _____ Ms. Roche _____

Mr. Williams _____ Mr. Andreuzzi _____ Mr. Cocuzza _____

RESOLUTION NO. 2014 –180: AUTHORIZING FIRE DEPARTMENT VEHICLE AND AGREEMENT TO BE SIGNED BY MAYOR AND FIRE CHIEF AS REQUIRED BY INSURANCE CARRIER.

BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF UNION BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, THAT:

THE AGREEMENT WITH THE UNION BEACH BOARD OF FIRE COMMISSIONERS OF THE UNION BEACH FIRE DEPARTMENT AND THE BOROUGH OF UNION BEACH WHEREBY BOTH PARTIES AGREE:

THAT THE PURCHASE BY THE BOROUGH OF UNION BEACH OF ONE 2013 CHEVY TAHOE SSV FIRE RESPONSE VEHICLE TO BE UTILIZED BY THE UNION BEACH FIRE CHIEF, WILL REMAIN WITH THE UNION BEACH FIRE DEPARTMENT FOR A PERIOD OF FIVE (5) YEARS FROM THE DATE OF PURCHASE OF SAID VEHICLE. DATE OF ACCEPTANCE AND DELIVERY OF SAID VEHICLE BEING SEPT. 29, 2014.

IS HEREBY APPROVED; AND

BE IT FURTHER RESOLVED THAT THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE, SAID AGREEMENT ON BEHALF OF THE BOROUGH OF UNION BEACH, ATTESTED TO BY THE MUNICIPAL CLERK

Resolution Offered by: _____ Seconded by: _____

Roll Call Vote: Mr. Mascilak _____ Mr. Wicki _____ Ms. Roche _____

Mr. Williams _____ Mr. Andreuzzi _____ Mr. Cocuzza _____

RESOLUTION NO. 2014 –181: AUTHORIZING MUNICIPAL OFFICIALS ATTENDANCE AT NEW JERSEY LEAGUE OF MUNICIPALITIES CONVENTION NOVEMBER 18-21ST.

Whereas, the Governing Body and Other Borough Officials attend the State League of Municipalities Convention in Atlantic City each year, and;

Whereas, the State League of Municipalities' Convention this year commences on November 18th, 2014 through November 21st, 2014 in Atlantic City, New Jersey, and;

Whereas, Convention expenses for all Borough Officials for the year 2014, attending the state League of Municipalities Convention, is as follows:

\$85.00 per Night +taxes applicable – Lodging – 3 nights - Convention Badge Fees \$65.00 per Official

Now, therefore, be it resolved, that the Governing Body does hereby approve Convention expenses for all Borough Officials and Department Heads wishing to attend said convention as follows:

Resolution Offered by: _____ Seconded by: _____

Roll Call Vote: Mr. Mascilak _____ Mr. Wicki _____ Ms. Roche _____

Mr. Williams _____ Mr. Andreuzzi _____ Mr. Cocuzza _____

RESOLUTION NO. 2014 –182: AUTHORIZING ENGINEER TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NJDOT FOR ARLINGTON AVENUE

NOW, THEREFORE, BE IT RESOLVED THAT COUNCIL OF Union Beach formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2015-Arlington Avneue-00430 to the New Jersey Department of Transportation on behalf of the Borough of Union Beach.

BE IT FURTHER RESOLVED that the mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Union Beach and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution Offered by: _____ Seconded by: _____

Roll Call Vote: Mr. Mascilak _____ Mr. Wicki _____ Ms. Roche _____

Mr. Williams _____ Mr. Andreuzzi _____ Mr. Cocuzza _____

RESOLUTION NO. 2014 –183: AUTHORIZING ENGINEER AND BOROUGH ADMINISTRATOR TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE CDBG (NDR) RESILIENCY GRANT

NOW, THEREFORE, BE IT RESOLVED THAT COUNCIL OF Union Beach approve the Borough Administrator and the Borough Engineer to prepare and submit the above captioned grant on behalf of the Borough of Union Beach.

BE IT FURTHER RESOLVED that the mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Union Beach and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution Offered by: _____ Seconded by: _____

Roll Call Vote: Mr. Mascilak _____ Mr. Wicki _____ Ms. Roche _____

Mr. Williams _____ Mr. Andreuzzi _____ Mr. Cocuzza _____

RESOLUTION NO. 2014 – 184: AUTHORIZING SALE OF MUNICIPAL SURPLUS PROPERTY (VEHICLES/EQUIPMENT) AND AUTHORIZING THE CLERK TO ADVERTISE FOR SUCH SALE.

Authorizing Disposal of Surplus Property

WHEREAS, the Borough of Union Beach is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Governing Body of the Borough of Union Beach are desirous of selling said surplus property in an “as is” condition without express or implied warranties.

NOW THEREFORE, be it RESOLVED by the Borough and Council of the Borough of Union Beach, County of Monmouth, as follows:

(1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Commissioners of the Fire District.

(2) The sale will be conducted online and the address of the auction site is govdeals.com.

(3) The sale is being conducted pursuant to Local Finance Notice 2008-9.

(4) A list of the surplus property to be sold is as follows:

(5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(6) The Borough of Union Beach reserves the right to accept or reject any bid submitted.

- 1997 BOBCAT Model 763 Serial no. 512221792
- 1986 Ford E-350 Econoline XL Former Ambulance
- 1995 Ford F-800 – Dump Truck
- 1989 Ford F-800 - Dump Truck
- Ingram MFG Co 4-6 Ton Roller
- 2001 Ford Crown Victoria – PD Car 14
- 2006 Ford Crown Victoria – Code Enforcement Car
- 2004 Dodge Durango K-9 Unit
- 1987 Motorcycle – PD Kawasaki

Resolution was offered by Councilman Wicki, Seconded by Councilman Cocuzza and approved by the following roll call vote:

Resolution Offered by: _____ Seconded by: _____

Roll Call Vote: Mr. Mascilak _____ Mr. Wicki _____ Ms. Roche _____

Mr. Williams _____ Mr. Andreuzzi _____ Mr. Cocuzza _____

RESOLUTION NO. 2014-185: FIXED ASSET POLICY:

Whereas, as the Governing Body of the Borough of Union Beach is responsible for setting fiscal and management policies, for making financial decisions, and for setting guidelines that govern the financial practices and procedures that Borough Officials and employees follow; and,

Whereas, the Borough's Auditor recommends that the town establish a policy on fixed asset management;

Now, Therefore, Be It Resolved, that the Borough of Union Beach hereby adopt a "Fixed Asset Policy" for all Fixed Assets having a purchase price above \$5,000.00 to be prepared by the Borough Administrator for approval of the Governing Body with made a part hereof;

Be It Further Resolved, that the Borough Administrator is authorized to purchase Asset Management Tags needed to track the fixed assets and enter all such assets into the Edmunds Software System, subject to available funds in the budget.

Resolution Offered by: _____ Seconded by: _____

Roll Call Vote: Mr. Mascilak _____ Mr. Wicki _____ Ms. Roche _____

Mr. Williams _____ Mr. Andreuzzi _____ Mr. Cocuzza _____

APPROVAL OF VOUCHERS, AND PAYMENT OF BILLS:

RESOLUTION NO. 2014-186 : Offered by Councilman Wicki

Approval of Vouchers/Purchase Orders /Add on List
And Payment of Bills:

Seconded by: _____

Roll Call Vote: Mr. Mascilak _____ Mr. Wicki _____ *Ms. Roche _____

Mr. Williams _____ Mr. Andreuzzi _____ **Mr. Cocuzza _____

*Ms. Roche abstains on P.O. Number

**Mr. Cocuzza abstains on all Board of Education Vouchers

BUSINESS ADDED TO THE AGENDA OF THE MEETING OF OCTOBER 16, 2014:

Mayor Smith calls for a **Motion to Add:** Introduction of the Following Business to the Agenda:

1. Resolution 2014-187 :

Purpose: Insertion of item of revenue in the sum of \$280,000.00 from the State of New Jersey Post Sandy Planning Assistance Grants.

Motion moved by _____, seconded by _____ and approved by voice vote.

RESOLUTION NO. 2014-187:

Be it resolved by the Mayor and Council of the Borough of Union Beach, THAT

WHEREAS, N.J.S. 40A:4.87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law, and the amount thereof was not determined at the time of the adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough of Union Beach has received a grant in the sum of \$280,000.00 from the State of New Jersey for Post Sandy Planning Assistance Grants and wishes to amend it's CY 2014 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Union Beach hereby requests that the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget of the CY 2014, in the sum of \$280,000.00

Which is now available as a revenue from;

Miscellaneous Revenue:
Special items of General Revenue
anticipated with prior written

consent of the Director of Local Government Services:

State and Federal Revenues off-set with Appropriations:

Post Sandy Planning Assistance Grants

Pursuant to the Provisions of Statute; and

BE IT FURTHER RESOLVED, that a like sum of \$280,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations excluded from "CAPS"
State and Federal Programs off-set by Revenues:

Post Sandy Planning Assistance Grants
Other Expenses

BE IT FURTHER RESOLVED, that the Borough Clerk be and she is hereby authorized and directed to forward two (2) certified copies of this Resolution to the Director of the Division of Local Government Services.

Roll Call Vote: Mr. Mascilak _____ Mr. Wicki _____ Ms. Roche _____

Mr. Williams _____ Mr. Andreuzzi _____ Mr. Cocuzza _____

EXECUTIVE SESSION: (if necessary) RESOLUTION NO. 2014-188:

(Possible discussion of negotiation update)

EXECUTIVE SESSION

Be it Resolved, by the Governing Body of the Borough of Union Beach that;

The Governing Body retire into Closed Session for the exclusion of public subject matter of discussion under N.J.S.A 10:4-12 (b), Labor Negotiation Update

Same to be determined by the Governing Body as to the time when and the circumstances under which the closed session discussion of the Governing Body can be made public.

Motion moved by _____, seconded by _____ and approved by unanimous voice vote. The Governing Body retired into executive session for a matter of: Labor Negotiation Update, at _____ **p.m.**

RECONVENE MEETING:

Motion to reconvene meeting moved by _____, seconded by _____ and approved by unanimous voice vote.

ATTORNEY: PURPOSE:

ROLL CALL: Council Members

Mr. Mascilak
Mr. Wicki
Ms. Roche
Mr. Williams
Mr. Andreuzzi
Mr. Cocuzza

Also Present:

Mayor Paul J. Smith, Jr.
John t. Lane, Jr., Attorney
Jennifer Maier, Borough Administrator
Anne Marie Friscia, Municipal Clerk

ACTION: Motion to add Ordinance Introduction to the Agenda of

Possible Introduction of Ordinance 2014-219:

An Ordinance Entitled: An Ordinance Amending Ordinance No. 2011-,176 entitled, "An Ordinance Fixing the Salaries, Wages and Other Emoluments of the Employees of the Borough of Union Beach, in the County of Monmouth and State of New Jersey Pursuant to a Collective Bargaining Contract with Teamster's Local No. 641, for the calendar years 2011, 2012 and 2013"

Purpose: Fixing Salaries Wages and other Emoluments for the Employees of the Borough of Union Beach pursuant to a Collective Bargaining Agreement with Teamsters Local No. 641 for the Calendar years 2014, 2015 and 2016.

Ordinance No. 2014-219 was introduced on First Reading by:_____ Seconded by:_____.

Roll Call Vote: Mr. Mascilak_____ Mr. Wicki_____ Ms. Roche_____

Mr. Williams _____ Mr. Andreuzzi_____ Mr. Cocuzza _____

ADJOURNMENT:

Motion moved by_____, seconded by_____ and approved by unanimous Voice Vote.
Mayor Smith declares the meeting adjourned at _____ p.m.