



AGENDA
Borough of Union Beach
Thursday, June 20, 2019 – 7:30 p.m.
650 Poole Avenue, Union Beach, NJ

CALL TO ORDER: Meeting called to order by Mayor Smith at ____ p.m.

ANNOUNCEMENT: By Mayor Smith of the Emergency Fire Exits.

SALUTE TO THE FLAG: Mayor Smith

SUNSHINE LAW NOTICE: Announced by Borough 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. Wicki
Ms. Roche
Mr. Cavallo
Mr. Lewandowski
Mr. Andreuzzi
Mr. Cocuzza

Also Present:
Mayor Paul J. Smith, Jr.
John T. Lane, Jr., Borough Attorney
Robert M. Howard, Jr. Borough Administrator
Anne Marie Friscia, Borough Clerk
Carol Seney, Deputy Clerk

SET ASIDE THE REGULAR ORDER OF BUSINESS:

Motion to Set aside the regular order of business for the purpose of

Introduction of prospective owners of Olde Dowlings Irish Pub, 910 Union Avenue June 20, 2019 Meeting.

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

BACK TO THE REGULAR ORDER OF BUSINESS:

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

APPROVAL OF MINUTES OF THE MEETING OF: May 16, 2019

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

PRESENTATION OF COMMUNICATIONS; PETITIONS, ETC.:

Request for a Social Affairs Permit for the American Legion 7/20 5pm – 11 p.m.– Live Entertainment (sketch shows downstairs stage)

Request for Two Extension of Premise Licenses for BBQ parties Aders Tavern
1 – 11 p.m. June 29th and July 27th.

2019-06-08 Knights of Columbus #3402 – Fundraiser – 8th Annual Breast Cancer Awareness – September 21st Event Basket Auction – Request for Donation.

2019-06-31 Vendor License Application for Approval – Additional Background Investigation approved by UBPB – Vendor License (prior deficiencies regarding insurance now cleared) – Mr. Softee

2019-06-32 Request for Street Closing – June 23rd from 1-8 p.m. for Graduation. 914 Lorillard Avenue.

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

Dates to Remember:

June 22ND – UB 5K

June 29th and 30th – EMS Town Wide Yard Sale

June 29th – 12-4 p.m. - PBA Day at Memorial School

July 11th – 11-1 p.m. - Touch a Truck – Recreational Camp Program – Memorial School

PUBLIC HEARINGS ON ORDINANCES AND OTHER PUBLIC HEARINGS, ETC.: none

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

<u>Councilman Wicki</u>	<u>Finance, Personnel, Administration & Code Enforcement</u>
<u>Councilwoman Roche</u>	<u>Emergency Svs. (Fire, OEM) Library & American Legion</u>
<u>Councilman Cavallo</u>	<u>Public Affairs, Seniors, Court & Special Grants</u>
<u>Councilman Lewandowski</u>	<u>Health, Education, Recreation & Drug Alliance</u>
<u>Councilman Andreuzzi:</u>	<u>EMS, Public Works & Building and Grounds & Construction</u>
<u>Councilman Cocuzza</u>	<u>Public Safety (PD) & Shared Services</u>

NEW BUSINESS AND INTRODUCTION OF ORDINANCES: none

MEETING OPEN FOR PUBLIC DISCUSSION: June 20, 2019 Meeting

Meeting opens for Public Discussion at ____ p.m.

Meeting closes for Public Discussion at ____ p.m.

RESOLUTIONS: Meeting of June 20, 2019

- (Proposed)Resolution Awarding the Bid for Municipal Building – if received/favorable by meeting date.

RESOLUTION 2019-108 :

AUTHORIZING THE RENEWAL OF LIQUOR LICENSES FOR THE PERIOD JULY 1, 2019- JUNE 30, 2020.

Be it Resolved, by the Mayor and Council of the Borough of Union Beach that Alcoholic Beverage Licenses be issued to the persons; associations and corporations set forth below for the premises indicated for the license period: **July 1, 2019 and ending June 30, 2020** for which Tax Certificates have been received from the State Division of Taxation for each of the Licensees listed, and;

Be it further resolved, that the Municipal Clerk is hereby authorized and directed to sign and deliver the license certificates to the following licensees:

License No.	Name and Address of Licensee:
1350-33-011-008 MUN. LIC C-2 (CONSUMPTION)	TAYLOR GLORIA, LLC T/A STEVIE G'S UNION HOUSE 910 UNION AVENUE UNION BEACH, NJ 07735

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Ms. Roche						
Mr. Cavallo						
Mr. Lewandowski						
Mr. Andreuzzi						
Mr. Cocuzza						

Resolution 2019-109:

ALCOHOLIC BEVERAGE RESOLUTION - PERSON-TO-PERSON TRANSFER

WHEREAS, an application has been filed for a person-to-person transfer of Plenary Retail Consumption License 1350-33-011-008, heretofore issued to Taylor Gloria, LLC for premises located at 910 Union Avenue, Union Beach; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Union Beach does hereby approve, effective June 20, 2019, the transfer of the aforesaid Plenary Retail Consumption License to Olde Dowlings UB 2, LLC (T/A Dowling's Irish Pub & Restaurant), 910 Union Avenue, Union Beach NJ 07735 and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Olde Dowlings UB 2, LLC, effective June 20, 2019." and forward a certified copy of this Resolution to the Director of the New Jersey Division of Alcoholic Beverage Control.

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Ms. Roche						
Mr. Cavallo						
Mr. Lewandowski						
Mr. Andreuzzi						
Mr. Cocuzza						

RESOLUTION NO. 2019-110:

A RESOLUTION OF THE BOROUGH OF UNION BEACH ADOPTING THE AMERICANS WITH DISABILITIES ACT (ADA) GRIEVANCE PROCEDURES

WHEREAS, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and

WHEREAS, in compliance with Title II of the ADA the Borough of Union Beach shall adopt a grievance procedure for resolving complaints alleging violation of Title II of the ADA; and

WHEREAS, in compliance with Title II of the ADA the Borough of Union Beach shall publish notice to the public regarding the ADA;

WHEREAS, in compliance with Title II of the ADA the Borough of Union Beach shall post the ADA coordinator's name, office address, and telephone number along with the ADA Notice and ADA grievance procedure on its website.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Union Beach, New Jersey:

The Notice under the Americans with Disabilities Act, a copy of which is attached hereto, is adopted as the Borough of Union Beach Notice under the Americans with Disabilities Act. The Borough of Union Beach Grievance Procedure under the Americans with Disabilities Act, a copy of which is attached hereto, is adopted as the grievance procedure for addressing complaints alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the Borough of Union Beach.

In compliance with Federal and State laws as set forth above, the Mayor and Council resolves to post the required information regarding the Notice under the Americans with Disabilities Act and Borough of Union Beach Grievance Procedure under the Americans with Disabilities Act on its website and at such other locations as may be determined from time to time.

**BOROUGH OF UNION BEACH
NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT**

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the Borough of Union Beach will not discriminate against qualified individuals on the basis of disability in its services, programs, or activities.

Employment: The Borough of Union Beach does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: The Borough of Union Beach will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Borough of Union Beach's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The Borough of Union Beach will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the Borough of Union Beach offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Borough of Union Beach, should contact the office of the ADA Coordinator or Borough Administrator as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Borough of Union Beach to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service or activity of the Borough of Union Beach is not accessible to persons with disabilities should be directed to:

Timothy Perrella
650 Poole Avenue
Union Beach, NJ 07735
(732)264-2277

The Borough of Union Beach will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

**BOROUGH OF UNION BEACH
Grievance Procedure under
The Americans with Disabilities Act**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Borough of Union Beach. The Borough of Union Beach's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interview or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Timothy Perrella
Representative to the National Organization
of Disabilities
650 Poole Avenue
Union Beach, NJ 07735

OR

Robert M. Howard, Jr.
Borough Administrator
650 Poole Avenue
Union Beach, NJ 07735
(732)264-2277

Within 15 calendar days after the receipt of the complaint, Mr. Perrella or Mr. Howard will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Mr. Perrella or Mr. Howard will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Borough of Union Beach and offer options for substantive resolution of the complaint.

If the response by Mr. Perrella or Mr. Howard does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the County Commissioner or his/her designee.

Within 15 calendar days after the receipt of the appeal, the County Commissioner or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the County Commissioner or his/her designee will respond in writing, and where appropriate in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by Mr. Perrella or Mr. Howard, appeals to the County Commissioner or his/her designee, and responses from these two offices will be retained by the Borough of Union Beach for at least three years.

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Ms. Roche						
Mr. Cavallo						
Mr. Lewandowski						
Mr. Andreuzzi						
Mr. Cocuzza						

RESOLUTION 2019-110:

Resolution Authorizing the Signing of Amendment to the Collective Negotiations Agreement between The Borough of Union Beach and PBA Local No. 291 Covering the Period from January 1, 2016 to December 31, 2019

Whereas, the Borough of Union Beach and PBA Local No. 291 are parties to a collective negotiations Agreement (CNA) covering the period from January 1, 2016 to December 31, 2019;

Whereas, the parties have agreed to amend said collective negotiations agreement to add "Section 3. Definition of Seniority" to Article VII of the CNA, with all other terms and conditions of the CNA remaining in full force and effect;

Now, Therefore, Be It Resolved that said amendment is hereby approved and the Mayor is hereby authorized to sign the amendment on behalf of the Governing Body;

Be It Further Resolved that the Clerk is hereby authorized to attest to same and supply copy to Police Administration and PBA Local No. 291.

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Ms. Roche						
Mr. Cavallo						
Mr. Lewandowski						
Mr. Andreuzzi						
Mr. Cocuzza						

RESOLUTION NO. 2019-111:

Resolution Authorizing The Setting Of The Rate, Administrative Fee And Vehicle Use Fee Pursuant To Section 2-6.14, Special Duty Assignments, Subsection “e” Of The Revised General Ordinances Of The Borough Of Union Beach.

Whereas, the Revised General Ordinances of the Borough of Union Beach, 1980, provide that the Council is to set forth by resolution the charges for services provided by police personnel on special duty assignments from independent contractors;

Now Therefore be it Resolved by the Mayor and Council of the Borough of Union Beach that pursuant to the Revised General Ordinances of the Borough of Union Beach, 1980 Chapter II, Administration, Section 2-6, Police Department Subsection 2-6.14, Special Duty Assignments, Paragraph “e” the following charges are hereby established for all officers, regardless of rank, who perform Special Duty Assignments for independent contractors, effective October 1, 2019:

COMPONENTS OF HOURLY RATE

Officer Rate of Pay	\$70.00	Per Hour Per Officer Assigned
Administrative Fee to the borough of Union Beach	\$12.00	Per Hour Per Officer Assigned
Vehicle Use Fee to the Borough of Union Beach	\$ 8.00	Per Hour Per Officer Assigned
Total Hourly Rate	\$90.00	

To be paid to the Chief Financial Officer/Treasurer for deposit in Special Duty Police Trust Fund.

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Ms. Roche						
Mr. Cavallo						
Mr. Lewandowski						
Mr. Andreuzzi						
Mr. Cocuzza						

RESOLUTION NO. 2019 -112: INSERTION OF 159 GRANTS TO BUDGET

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 \$5,500.00 from the Distracted Driving Statewide Crackdown Program and wishes to amend it's CY 2019 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 2019, in the sum of \$5,500.00.

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:

Distracted Driving Statewide Crackdown Grant
Pursuant to the Provisions of Statute; and

BE IT FURTHER RESOLVED, that a like sum of \$5,500.00 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:

Distracted Driving Statewide Crackdown Grant
Salaries and Wages

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.

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Ms. Roche						
Mr. Cavallo						
Mr. Lewandowski						
Mr. Andreuzzi						
Mr. Cocuzza						

RESOLUTION NO. 2019 -113:

Memorializing July 3. 2019 Independence Day Fireworks Celebration at Beachfront

Whereas, the Recreation Commission have requested from the Borough of Union Beach permission to hold an annual Independence Day Celebration on July 3, 2019 (Rain date July 5, 2019) including a fireworks display to commemorate Independence Day; and

Whereas, the Recreation Commission has submitted all contracts, insurance and Fire Prevention Information to all parties; and

Now, Therefore, Be It Resolved by the Governing Body of the Borough of Union Beach, Union Beach, New Jersey, that permission is hereby granted to the Recreation Commission to hold the Independence Day Celebration at the beachfront on July 3, 2019 (July 5, 2019), subject to compliance with the requirements of Borough Officials, including but not limited to the Chief of Police, Director of Fire Prevention and Monmouth County Parks Department, Monmouth County Board of Health; and,

Be It Further Resolved, that the Director of Public works issue said Activity Permit for this event if required and copy of this Resolution be sent along to Monmouth Joint Insurance Fund.

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Ms. Roche						
Mr. Cavallo						
Mr. Lewandowski						
Mr. Andreuzzi						
Mr. Cocuzza						

RESOLUTION 2019-114:

JUNE 20, 2019

Resolution in Support of Path to Progress Recommendations made by New Jersey Economic and Fiscal Policy Workgroup

Whereas, New Jersey faces a daunting fiscal crisis; and

Whereas, for two decades, while county and municipal governments made the proper pension payments, New Jersey Governors from both parties severely underfunded the pension system for teachers and State Government workers; and

Whereas, while local government pension systems are funded at the national average, the State's underfunded liability for pensions and retiree health benefits now tops \$150 billion – four times the size of the State budget; and

Whereas, actuaries project the State will have to increase its pension contribution from \$3.2 billion to this year's budget to \$6.7 billion to reach the Actuarially Required Contribution (ARC) by FY 2023; and

Whereas, health care costs continue to rise, and New jersey and its Local Governments cannot sustain the unparalleled platinum-level benefits that they provide to their employees and

Whereas, the state has held municipal aid flat, moved the Energy Tax Receipts out of the Property Tax Relief Fund, and with the sunseting of Chapter 78 relief and the 2% arbitration cap; and

Whereas the State must bring pension and health care costs under control in order to hold down property taxes.

Now Therefore be It Resolved, that the Borough of Union Beach expresses its support for the Pension and Health Benefit recommendations of the Path to Progress report issued by the New Jersey Economic and Fiscal Policy Workgroup; and

Be It Further Resolved, that a copy of this Resolution is forwarded to Assembly Representatives Amy Handlin, Serena DiMaso and State Senator Declan O'Scanlon, Senate president Sweeney, Assembly Speaker Coughlin, Senator Paul Sarlo, Senator Steve Oroho, Assembly Majority Leader Greenwald, Assemblywoman Eliana Pintor-Marin, Senator Tony Bucco, Senator Troy Singleton, Senator Dawn Addiego, the Governor of State of New Jersey, the New Jersey Association of Counties, and the New Jersey League of Municipalities.

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Ms. Roche						
Mr. Cavallo						
Mr. Lewandowski						
Mr. Andreuzzi						
Mr. Cocuzza						

RESOLUTION 2019-115:

JUNE 20, 2019

Resolution Authorizing Promotions in the Union Beach Public Works Department

Whereas, it has been determined that promotions are warranted in the Public Works Department; and

Whereas, the Borough of Union Beach has requested from the State of New Jersey, Civil Service Commission lists of persons eligible to be promoted to the positions of:

- a) Heavy Equipment Operator
- b) Senior Maintenance Repairer
- c) Laborer 2; and,

Whereas, the State of New Jersey, Civil Service Commission has not yet provided to the Borough of Union Beach said certification lists providing the names of those eligible persons; and

Whereas, the Mayor and Council of the Borough of Union Beach at the recommendation of the Director of Public Works and the Governing Body's Public Works Committee wish to provisionally appoint the following individuals to the noted positions effective on the given dates; and

Now Therefore be It Resolved, by the Governing Body of the Borough of Union Beach that the following individuals are promoted, provisionally, to the stated positions with effective dates, as shown:

- | | |
|--------------------|--|
| 1) ROBERT M. KELLY | HEAVY EQUIPMENT OPERATOR
Effective January 1, 2018 |
| 2) THOMAS S. BROWN | SENIOR MAINTENANCE REPAIRER
Effective January 1, 2018 |

3) DANIEL T. MILLER

LABORER 2
Effective January 1, 2019

4) HERBERT PUMAREJO, III

LABORER 2
Effective January 1, 2019

and must comply with all aspects of Civil Service Regulations for future consideration of permanent status to the positions; and

Be It Further Resolved that stated positions are at a salary authorized in the Collective Bargaining Agreement with Local Union 641, Merchandise Local and adopted by Borough Ordinance NO. 2018-271.

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Ms. Roche						
Mr. Cavallo						
Mr. Lewandowski						
Mr. Andreuzzi						
Mr. Cocuzza						

APPROVAL OF VOUCHERS AND PAYMENT OF BILLS:
PROPOSED RESOLUTION NO. 2019-116:

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki	X					
Ms. Roche						
Mr. Cavallo						
Mr. Lewandowski						
Mr. Andreuzzi						
Mr. Cocuzza						

*Councilman Lewandowski abstains on all Fire Department Vouchers/Purchase Orders.

**Councilman Cocuzza abstains on all Board of Education and Monmouth County Vouchers/Purchase Orders.

EXECUTIVE SESSION: RESOLUTION NO. 2019 -: MEETING OF JUNE 20, 2019

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
_____ 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 _____ at _____ p.m.

RECONVENE MEETING: ____ pm

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

ROLL CALL: Council Members

Mr. Wicki
Mrs. Roche
Mr. Cavallo
Mr. Lewandowski
Mr. Andreuzzi
Mr. Cocuzza

Also Present:

Mayor Paul J. Smith, Jr.
John T. Lane, Jr., Attorney
Robert M. Howard, Jr., Borough Administrator
Anne Marie Friscia, Borough Clerk
Carol Seney, Deputy Borough Clerk

ATTORNEY: PURPOSE:

PROPOSED RESOLUTION 2019-: (if necessary)

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Ms. Roche						
Mr. Cavallo						
Mr. Lewandowski						
Mr. Andreuzzi						
Mr. Cocuzza						

ADJOURNMENT: Motion moved by_____, seconded by_____ and approved by unanimous Voice Vote. ____ P.M.