



**BOROUGH OF UNION BEACH
AGENDA- MEETING
August 20, 2020, 7:30 P.M.
650 Poole Avenue, Union Beach, NJ**

CALL TO ORDER: Meeting called to order by Councilman Cocuzza at ____ p.m.

ANNOUNCEMENT: By Councilman Cocuzza of the Emergency Fire Exits.

SALUTE TO THE FLAG: Councilman Cocuzza

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." - change of meeting legal notice has been sent and run in the Asbury Park Press and Independent as to the teleconferencing of this meeting containing instructions for public participation.

ROLL CALL: Council Members

Mr. Cocuzza
Ms. Roche
Mr. Cavallo
Mr. Lewandowski
Mr. Andreuzzi
Ms. Woodruff

Also Present:

*Mayor Albin J. Wicki - absent
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: MEETING OF AUGUST 20, 2017 FOR THE PURPOSE OF;

1. Promotions of Officers, Union Beach Police Department

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

RESOLUTION NO. 2020-136:

A RESOLUTION PROMOTING

SHAWN T. GILKISON AND JOSEPH M. FRISCIA TO THE RANK OF SERGEANT

IN THE UNION BEACH POLICE DEPARTMENT

WHEREAS, one (1) vacancy exists in the position of Sergeant in the Union Beach Police Department, with a second vacancy to follow; and,

WHEREAS, the Mayor and Council of the Borough of Union Beach requested from the State of New Jersey, Civil Service Commission a new list of persons eligible to be promoted to the rank of Sergeant in the Union Beach Police Department; and,

WHEREAS, the State of New Jersey, Civil Service Commission conducted a test and provided a Certification List of Eligibles for Appointment dated July 27, 2020; and

WHEREAS, the Personnel Committee, after factoring in ranking on the Civil Service Commission Certification, along with Committee interviews and scoring, now recommend Shawn T. Gilkison and Joseph M. Friscia as being the best qualified overall candidates to be promoted to Sergeant.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Union Beach that Shawn T. Gilkison and Joseph M. Friscia are hereby promoted to Sergeant in order of seniority by length of service to the department effective as of August 20, 2020 and compensated in accordance with the current Salary Ordinance 2017-258.

BE IT FURTHER RESOLVED, that the Clerk is hereby authorized to forward the necessary forms to the State Civil Service Commission for said appointment and that a certified copy of this resolution be forwarded to Mr. Gilkison, Mr. Friscia and the Finance Department.

| | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|-----------------|-------|----------|------|------|--------|---------|
| Mr. Cocuzza | | | | | | |
| Ms. Roche | | | | | | |
| Mr. Cavallo | | | | | | |
| Mr. Lewandowski | | | | | | |
| Mr. Andreuzzi | | | | | | |
| Ms. Woodruff | | | | | | |

SERGEANT SHAWN GILKISON ADMINISTERED THE OATH OF OFFICE BY:

SERGEANT JOSEPH FRISCIA ADMINISTERED THE OATH OF OFFICE BY:

BACK TO THE REGULAR ORDER OF BUSINESS OF THE MEETING OF August 20, 2020

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

APPROVAL OF MINUTES OF THE MEETING OF: July 16,2020

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

PRESENTATION OF COMMUNICATIONS; PETITIONS, ETC.

Dates to Remember:

- August 28 – Newsletter submissions due for Oct. Nov. & Dec.
- Clean Communities Day – September 26
- October 24th – Clean Ocean Action Beach Sweeps

PUBLIC HEARINGS ON ORDINANCES AND OTHER PUBLIC HEARINGS, ETC.:
MEETING OF AUGUST 20, 2020:

2020 MUNICIPAL PURPOSES BUDGET AS AMENDED ADOPTION

PROCEDURE FOR BUDGET AMENDMENT PUBLIC HEARING

Acting Mayor: The meeting will come to order.
The Clerk will call the roll.

Clerk: (Calls roll and then announces number of members of Governing Body present. Majority vote of full membership required).

Clerk: Mayor, this is the time for the public hearing on the Municipal Budget Amendment for 2020. The amendment was advertised, as required, on August 15, 2020, together with notice of hearing for this time.

Printed copies have been made available to the public and published on the Borough’s Website and Municipal Bulletin Board as is customary. A supply is here for anyone desiring a copy.

Acting Mayor: Anyone who has not secured a copy of the Budget Amendment may now do so.
(Pause: Indicate person issuing or location allowing time for picking up copies).

Acting Mayor Resumes: Before opening this hearing I wish to outline the procedure. Each person desiring to be heard will rise and give his or her name and address before speaking. I will recognize one speaker at a time, in order of rising, as nearly as I can determine and will recognize anyone who has teleconferenced into this meeting.

Address all questions to the Chair; where necessary they will be referred to individual members of the Borough Council, Municipal Officials or our advisors.

Questions must be confined solely to the municipal budget amendment before us; school or county matters are not proper subjects of this hearing and cannot be discussed or answered here tonight.

I now declare open the public hearing on the Municipal Budget Amendment for 2020.

(When questions appear to have been exhausted):

Acting Mayor: Observing no further applicants from the floor, I will entertain a motion to close the hearing.

A Member: Mayor, I move that the hearing be closed.

Another Member: I second the motion.

Acting Mayor: (Puts motion, followed by roll call).

TO ADOPT

A Member: Mayor, I request that the Clerk be instructed to read the adopting resolution Section 2.

Acting Mayor: The Clerk will read the resolution.

Clerk:

(Reads Section 2).

SECTION 2 - UPON ADOPTION FOR YEAR 2020

RESOLUTION

Be it Resolved by the COUNCIL MEMBERS of the BOROUGH
of UNION BEACH, County of MONMOUTH that the budget hereinbefore set forth is hereby
adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 7,628,437.59 (Item 2 below) for municipal purposes, and
- (b) \$ - (Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
- (c) \$ - (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in
Type II School Districts only (N.J.S.A. 18A:9-3) and certification to the County Board of Taxation of
the following summary of general revenues and appropriations.
- (d) \$ - (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) \$ - (Item 5 Below) Minimum Library Tax

RECORDED VOTE
(Insert last name)

| | | | | | |
|------|--|------|--|-----------|--|
| Ayes | | Nays | | Abstained | |
| | | | | Absent | |

SUMMARY OF REVENUES

| | | | |
|---|--------|----|---------------|
| 1. General Revenues | | | |
| Surplus Anticipated | 08-100 | \$ | 877,000.00 |
| Miscellaneous Revenues Anticipated | 13-099 | \$ | 2,118,533.29 |
| Receipts from Delinquent Taxes | 15-499 | \$ | 385,000.00 |
| 2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11) | 07-190 | \$ | 7,628,437.59 |
| 3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY: | | | |
| Item 6, Sheet 42 | 07-195 | \$ | - |
| Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14) | 07-191 | \$ | - |
| TOTAL AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY | | \$ | - |
| 4. To Be Added TO THE CERTIFICATE FOR THE AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY: | | | |
| Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14) | 07-191 | | |
| 5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY TAX | | | |
| | 07-192 | \$ | - |
| Total Revenues | 13-299 | \$ | 11,008,970.88 |

SUMMARY OF APPROPRIATIONS

| | | |
|---|--------|------------------|
| 5. GENERAL APPROPRIATIONS: | XXXXXX | XXXXXXXXXXXXXX |
| Within "CAPS" | XXXXXX | XXXXXXXXXXXXXX |
| (a & b) Operations Including Contingent | 34-201 | \$ 7,569,991.00 |
| (e) Deferred Charges and Statutory Expenditures - Municipal | 34-209 | \$ 974,226.00 |
| (g) Cash Deficit | 46-885 | \$ - |
| Excluded from "CAPS" | XXXXXX | XXXXXXXXXXXXXX |
| (a) Operations - Total Operations Excluded from "CAPS" | 34-305 | \$ 220,801.97 |
| (c) Capital Improvements | 44-999 | \$ 389,500.00 |
| (d) Municipal Debt Service | 45-999 | \$ 1,384,697.22 |
| (e) Deferred Charges - Municipal | 46-999 | \$ - |
| (f) Judgments | 37-480 | \$ - |
| (n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40:48-17.1 & 17.3) | 29-405 | \$ - |
| (g) Cash Deficit | 46-885 | \$ - |
| (k) For Local District School Purposes | 29-410 | \$ - |
| (m) Reserve for Uncollected Taxes | 50-899 | \$ 469,754.69 |
| 6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICT ONLY (N.J.S.A. 40A:4-13) | 07-195 | |
| Total Appropriations | 34-499 | \$ 11,008,970.88 |

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 20th day of August, 2020. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2020 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this 20th day of August, 2020, boroughclerk@unionbeachnj.gov, Clerk
Signature

Sheet 42

Member: I offer the foregoing resolution and move its adoption.

Another Member: I second the motion.

Acting Mayor: The Clerk will call the roll.

| | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|-----------------|-------|----------|------|------|--------|---------|
| Mr. Cocuzza | | | | | | |
| Ms. Roche | | | | | | |
| Mr. Cavallo | | | | | | |
| Mr. Lewandowski | | | | | | |
| Mr. Andreuzzi | | | | | | |
| Ms. Woodruff | | | | | | |

Acting Mayor: The resolution is adopted.

ORDINANCE NO. 2020-293:

The Clerk presented affidavit of publication showing that the ordinance was duly advertised in accordance with law in the Asbury Park Press in the issue of July 22, 2020.

Mayor Wicki directs the Clerk to read the Ordinance by Title only, advising that said Ordinance was posted on the Bulletin Board at the Municipal Building and on the Borough's Website 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.

Ordinance No. 2020-293:

**AN ORDINANCE REVISING AND AMENDING AN ORDINANCE ENTITLED
"THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH, 1980,
CHAPTER VIII – MUNICIPAL PARKING LOTS"**

BE IT ORDAINED by the Borough Council of the Borough of Union Beach, County of Monmouth, and State of New Jersey that Chapter VIII "Municipal Parking Lots" of the General Ordinance of the Borough of Union Beach is hereby amended or supplemented as follows:

PURPOSE

The Purpose of this Ordinance is to Amend or Supplement the Revised General Ordinances of the Borough of Union Beach, Chapter VIII, Municipal Parking Lots; specifically Section 8-1a. and Section 8-1b. are amended to read as follows:

8-1a. The two (2) municipal parking lots adjacent to the beachfront shall be designated as "Beachfront East" and Beachfront West". Each of the permitted parking spaces within these lots shall be designated with a number.

8-1b. Parking in these lots shall be permitted on a first-come, first serve basis. The hourly fee shall be determined by a Resolution of the Governing Body of the Borough of Union Beach and must be deposited by electronic payment, bill or coin in the appropriately marked electronic parking meter. The fee must be paid immediately after the vehicle was parked and it must be deposited into the electronic parking meter designating the correct number of that parking space.

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 passage and final adoption in accordance with law.

PUBLIC HEARING ON ORDINANCE NO. 2020-293: MEETING OF AUGUST 20, 2020

MAYOR WICKI OPENS THE MEETING TO PUBLIC HEARING ON ORDINANCE NUMBER 2020-293 AT _____ P.M.

MAYOR WICKI DECLARES THE PUBLIC HEARING CLOSED ON ORDINANCE NO. 2020-293 AT _____ P.M.

RESOLUTION NO. 2020-137: AUTHORIZING FINAL ADOPTION OF ORDINANCE 2020-293 AND FURTHER AUTHORIZING CLERK TO ADVERTISE NOTICE OF FINAL ADOPTION OF ORDINANCE 2020-293 IN ASBURY PARK PRESS.

Paper: The Asbury Park Press, Issue of August , 2020

| | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|-----------------|--------------|-----------------|-------------|-------------|---------------|----------------|
| Mr. Cocuzza | | | | | | |
| Mrs. Roche | | | | | | |
| Mr. Cavallo | | | | | | |
| Mr. Lewandowski | | | | | | |
| Mr. Andreuzzi | | | | | | |
| Mrs. Woodruff | | | | | | |

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Councilman Cocuzza
Councilwoman Roche
Councilman Cavallo
Councilman Lewandowski
Councilman Andreuzzi

Councilwoman Woodruff

Finance, Personnel, Administration, Code Enforcement
Emergency Svcs. (Fire, OEM) Education & American Legion
Health, Seniors, Community Alliance, Library
Public Safety, Shared Services, Court
Public Works, Building and Grounds & Construction, EMS, Environmental
Public Affairs, Special Grants, Recreation

Robert M. Howard, Borough Administrator

NEW BUSINESS AND INTRODUCTION OF ORDINANCES:

MEETING OPEN FOR PUBLIC DISCUSSION: August 20, 2020 Meeting

Meeting opens for Public Discussion at _____ p.m.

Meeting closes for Public Discussion at _____ p.m.

RESOLUTIONS: Meeting of August 20, 2020

RESOLUTION 2020-138:

RESOLUTION AMENDING RESOLUTION NO. 2020-29:

Shared Service Agreement with Keyport

Mayor Wicki announces that he nominates, and with the advice and consent of the Council, appoints the following persons as Registrar and Deputy Registrar with a term expiring on December 31, 2020:

**Michele Clark, Deputy Registrar – (Part-Time)
Donna Purcell, Registrar – Keyport (Part Time)**

WHEREAS, the Borough of Keyport and the Borough of Union Beach wish to encourage inter-Municipal cooperation and planning in the purchase, utilization and exhaustion of common resources such as bulk purchasing, contracted/shared services, equipment usage and storage; and

WHEREAS, Keyport and Union Beach are prepared to enter into such an agreement at the current time; and

WHEREAS, N.J.S.A. 40A:5-1 et. seq. the Shared Services and Consolidation Act, provides a mechanism for making such contracts between public agencies.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Union Beach that an agreement for shared services between the Borough of Union Beach and the Borough of Keyport to furnish Registrar and Deputy Registrar of Vital Statistics services, for the year 2020, at the annual sum of \$5,150.00, payment to be made by August 1, 2020, be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that the Mayor be and he is hereby authorized to execute said agreement, attested to by the Borough Clerk on behalf of the Borough of Union Beach.

| | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|-----------------|-------|----------|------|------|--------|---------|
| Mr. Cocuzza | | | | | | |
| Mrs. Roche | | | | | | |
| Mr. Cavallo | | | | | | |
| Mr. Lewandowski | | | | | | |
| Mr. Andreuzzi | | | | | | |
| Mrs. Woodruff | | | | | | |

RESOLUTION 2020 – 139:

Resolution Authorizing the award of a Contract to Vaider Network Solutions, LLC for Information Technology Services in the Union Beach Police Department and Further Authorizing Borough Administrator to Endorse Contract.

Be it Resolved by the Governing Body of the Borough of Union Beach, that Borough Administrator, Robert M. Howard, Jr. is hereby authorized to sign a one-year (1) contract commencing June 1, 2020 through May 31, 2021 in the amount of \$15,000.00 with Vaider Network Solutions, LLC 1747 Raleigh Ct. E., 144A, Ocean, NJ 07712 for Information Technology Services for the Union Beach Police Department as outlined in contract annexed to this Resolution.

Be it Further Resolved, that the Clerk is authorized to issue copy of the signed contract to both the Finance and the Police Departments.

| | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|-----------------|-------|----------|------|------|--------|---------|
| Mr. Cocuzza | | | | | | |
| Mrs. Roche | | | | | | |
| Mr. Cavallo | | | | | | |
| Mr. Lewandowski | | | | | | |
| Mr. Andreuzzi | | | | | | |
| Mrs. Woodruff | | | | | | |

RESOLUTION 2020-140:

Resolution of the Borough of Union Beach, County of Monmouth, State of New Jersey Appointing a Temporary Per-Hour Consultant in the Construction Office

Whereas, the Borough of Union Beach is presently in need of a Temporary Consultant in the Construction Office to assist in training staff members on the NJDCA Software Program MPASS; and

Whereas, the Borough has received a recommendation from its Construction Official for such services not to exceed ten (10) hours per week effective July 13, 2020 and terminating August 28, 2020; and

Whereas, it is further recommended and Mayor and Council desires to appoint Margaret Moniz as such Consultant at an hourly rate of \$24.18;

Now, Therefore, Be it Resolved by the Mayor and Council of the Borough of Union Beach, County of Monmouth, State of New Jersey, as follows:

1. That Margaret Moniz is hereby appointed as a Consultant (Temporary) to the Construction Office effective on July 13, 2020 at an hourly rate of \$24.18 terminating on August 28, 2020 and not to exceed ten (10) hours per week.
2. That a certified copy of this resolution be forwarded to the Borough’s Finance Department and Construction Official.

| | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|-----------------|--------------|-----------------|-------------|-------------|---------------|----------------|
| Mr. Cocuzza | | | | | | |
| Mrs. Roche | | | | | | |
| Mr. Cavallo | | | | | | |
| Mr. Lewandowski | | | | | | |
| Mr. Andreuzzi | | | | | | |
| Mrs. Woodruff | | | | | | |

RESOLUTION 2020-141:

Resolution Revising the Hourly Fee to Park in Municipal Parking Lots at the Beachfront

Whereas, under Chapter VIII of the General Ordinances of the Borough of Union Beach, the Borough has designated two (2) municipal parking lots adjacent to the beachfront as “Beachfront East” and “Beachfront West”; and

Whereas, within Section 8-1b. of said Chapter VIII of the General Ordinances of the Borough of Union Beach, an hourly fee for parking in these lots was promulgated; and

Whereas, by Ordinance No. 2020-293 adopted on August 20, 2020, the above mentioned, Section 8-1b. was amended to allow revisions in the hourly fee for parking by Resolution of the Governing Body; and

Whereas, the Governing Body of the Borough of Union Beach wishes to amend the hourly fee for parking as shown in the said Section 8-1b.

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Union Beach, County of Monmouth, State of New Jersey as follows:

1. The hourly fee for parking in the two (2) municipal parking lots designated under Section 8-1a. of Chapter VIII of the General Ordinances of the Borough of Union Beach shall be two dollars (\$2.00).
2. The effective date of said revised hourly parking fee is May 1, 2021 or such date as the beachfront parking meters are put in operation for the 2021 season, whichever occurs first.
3. That a certified copy of this resolution be forwarded to the Borough’s Police Department and Finance Department.

| | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|-----------------|--------------|-----------------|-------------|-------------|---------------|----------------|
| Mr. Cocuzza | | | | | | |
| Mrs. Roche | | | | | | |
| Mr. Cavallo | | | | | | |
| Mr. Lewandowski | | | | | | |
| Mr. Andreuzzi | | | | | | |
| Mrs. Woodruff | | | | | | |

RESOLUTION NO. 2020-142:

AUTHORIZING THE RENEWAL OF LIQUOR LICENSES FOR THE PERIOD JULY 1, 2020- JUNE 30, 2021.

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, 2020 and ending June 30, 2021** 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: |
|---|--|
| 1350-33-002-002 MUN. LIC. C-2 (CONSUMPTION) | ANCHOR INN, INC. T/A ANCHOR INN 215 FLORENCE AVE. |
| 1350-33-010-010 MUN. LIC. C-9 (CONSUMPTION) | JAKEABOB'S BAY, INC. T/A JAKEABOB'S BAY 525 FRONT STREET UNION BEACH, NJ 07735 |
| 1350-44-013-006 MUN. LIC. D-1 (DISTRIBUTION) | SUN PETRO, INC. T/A KELLERS LIQUOR STORE 610 FLORENCE AVE. |
| 1350-44-004-004 MUN. LIC. D-2 (DISTRIBUTION) | SWETA, INC. T/A CORNER LIQUORS STORE 510 UNION AVE. |
| 1350-33-001-005 MUN. LIC. C-1 (CONSUMPTION) | BRUNA AND COMPANY INC. T/A ADERS TAVERN LLC 1321 FLORENCE AVE. UNION BEACH, NJ 07735 |
| 1350-31-015-002 MUN. LIC. C-2 (CLUB LICENSE) | UNION BEACH POST 321, THE AMERICAN LEGION DEPT OF NJ 524 FRONT STREET UNION BEACH, NJ 07735 |
| 1350-33-005-006 MUN. LIC C-2 (CONSUMPTION) | PIERO'S RESTAURANT T/A TRE BELLE FIGLIE, LLC 1411 STATE HIGHWAY 36 |
| 1350-33-011-009 MUN. LIC C-2 (CONSUMPTION) | OLDE DOWLINGS UB 2 LLC T/A DOWLINGS IRISH PUB AND RESTAURANT 910 UNION AVENUE UNION BEACH, NJ 07735 |
| 1350-33-012-010 MUN. LIC C-2 (CONSUMPTION) (POCKETED) | FLAT CREEK BAR & GRILL, LLC 40 FIRST AVENUE ATLANTIC HIGHLANDS, NJ 07716 |

| | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|-----------------|--------------|-----------------|-------------|-------------|---------------|----------------|
| Mr. Cocuzza | | | | | | |
| Mrs. Roche | | | | | | |
| Mr. Cavallo | | | | | | |
| Mr. Lewandowski | | | | | | |
| Mr. Andreuzzi | | | | | | |
| Mrs. Woodruff | | | | | | |

RESOLUTION NO. 2020-143:

RESOLUTION AUTHORIZING A REFUNDS FOR PAYMENTS OF SOLAR PERMITS

Whereas, the following payments were collected from Vivint Solar Developers, LLC, 1800 W. Ashton Blvd., Lehi, UT 84043 for solar permit payments for installation of Rooftop Residential PV Solar Systems, for the following properties:

| PERMIT NO. | AMOUNT PAID | ADDRESS | BLOCK LOT | REFUND DUE* | DATE PYMT REC. |
|-------------------|--------------------|----------------|------------------|--------------------|-----------------------|
|-------------------|--------------------|----------------|------------------|--------------------|-----------------------|

*(LESS DCA FEES AND PLAN REVIEW)

| | | | | | |
|-----------|----------|------------------|--------|----------|--------------------|
| #19-00137 | \$467.00 | 536 CLARK AVE | 172/4 | \$350.00 | July 3, 2019 |
| #19-00227 | \$475.00 | 812 ST. JOHN AVE | 89/2 | \$356.25 | September 30, 2019 |
| #19-00174 | \$475.00 | 9 DONNELLY | 127/13 | \$356.25 | August 6, 2019 |

Whereas, said payments were received and recorded in the records of the Borough of Union Beach on the above dates listed; and

Whereas, the solar project was cancelled by the homeowners; and

Whereas, letters were received requesting a refund for the permit fees submitted; and

Whereas, Timothy Davis, Department Head Construction/Code for the Borough of Union Beach, has made application to the Finance Officer to grant a refunds listed above to Vivint Solar Developers, LLC, 1800 W. Ashton Blvd., Lehi, UT which is the balance after DCA State Training Fees and Plan Review costs have been deducted for each project.

Now, Therefore, Be it Resolved, by Mayor and Council of the Borough of Union Beach, that in accordance with the recommendations of the Construction Official, refunds are hereby authorized to Vivint Solar Developers, LLC, 1800 W. Ashton Blvd., Lehi, UT 84043 as indicated above.

Be it Further Resolved, that the records of the Construction and Finance Departments be adjusted accordingly.

| | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|-----------------|-------|----------|------|------|--------|---------|
| Mr. Cocuzza | | | | | | |
| Mrs. Roche | | | | | | |
| Mr. Cavallo | | | | | | |
| Mr. Lewandowski | | | | | | |
| Mr. Andreuzzi | | | | | | |
| Mrs. Woodruff | | | | | | |

RESOLUTION NO. 2020-144:

RESOLUTION AUTHORIZING A REFUNDS FOR PAYMENTS OF VACANT PROPERTY REGISTRATION

Whereas, the following payments were collected from Northsight Management, 8901 E. Mountain View Road, Suite 100, Scottsdale, AZ 85258, for a Vacant Property Registration for 302 Arlington Avenue, made in error to Union Beach instead of Jersey City:

| PERMIT NO. | AMOUNT PAID | ADDRESS | BLOCK LOT | REFUND DUE* | DATE PYMT REC. |
|------------|-------------|---------|-----------|-------------|----------------|
|------------|-------------|---------|-----------|-------------|----------------|

*(LESS DCA FEES AND PLAN REVIEW)

| | | | | | |
|-----------|------------|---------------------------------------|--|------------|---------------|
| #12020-18 | \$1,500.00 | 302 ARLINGTON AVE- <u>JERSEY CITY</u> | | \$1,500.00 | March 3, 2020 |
|-----------|------------|---------------------------------------|--|------------|---------------|

Whereas, said payments were received and recorded in the records of the Borough of Union Beach on the above dates listed; and

Whereas, said payment mistakenly made for an address located in Jersey City; and

Whereas, letters were received requesting a refund for the permit fees submitted; and

Whereas, Amado Bencosme. Code Enforcement Officer, for the Borough of Union Beach, has made application to the Finance Officer to grant a refunds listed above to Northsight Management, 8901 E. Mountain View Road, Suite 100, Scottsdale, AZ 85258

Now, Therefore, Be it Resolved, by Mayor and Council of the Borough of Union Beach, that in accordance with the recommendations of the Code Enforcement Officer, refunds are hereby authorized to Northsight Management, 8901 E. Mountain View Road, Suite 100, Scottsdale, AZ 85258, as indicated above.

Be it Further Resolved, that the records of the Construction/Code and Finance Departments be adjusted accordingly.

| | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|-----------------|-------|----------|------|------|--------|---------|
| Mr. Cocuzza | | | | | | |
| Mrs. Roche | | | | | | |
| Mr. Cavallo | | | | | | |
| Mr. Lewandowski | | | | | | |
| Mr. Andreuzzi | | | | | | |
| Mrs. Woodruff | | | | | | |

RESOLUTION NO. 2020-145:

RESOLUTION AUTHORIZING A REFUND IN THE AMOUNT OF \$1,310.00 FOR PAYMENT OF CONSTRUCTION PERMITS

#19-00242 AND #19-00243

801 LORILLARD AVENUE, UNION BEACH, BLOCK 217, LOT 18

Whereas, a payment in the amount of \$873.00 was collected from Thomas Degnan of C&C Air, Heat and Plumbing, 109 Summit Avenue, Belford, NJ 07718 for a construction permit #19-00242 and a payment in the amount of \$702.00 was also collected from Mr. Degnan for a construction permit #19-00243 for 801 Lorillard Avenue, in the Borough of Union Beach, and

Whereas, said payments in the amount of \$873.00 and \$702.00 were received and recorded in the records of the Borough of Union Beach on August 25, 2019; and

Whereas, the Construction Project was cancelled by the homeowner.

Whereas, a letter dated July 17, 2020 was received requesting a refund for the permit fees submitted; and

Whereas, Timothy Davis, Department Head Construction/Code for the Borough of Union Beach, has made application to the Finance Officer to grant a refund of \$1,310.00 to Thomas Degnan of C&C Air, Heat and Plumbing, 109 Summit Avenue, Belford, NJ which is the balance after DCA State Training Fees and Plan Review costs have been deducted.

Now, Therefore, Be it Resolved, by Mayor and Council of the Borough of Union Beach, that in accordance with the recommendations of the Construction Official, a refund in the total amount \$1,310.00 is hereby authorized to Thomas Degnan of C&C Air, Heat and Plumbing, 109 Summit Avenue, Belford, NJ 07718.

Be it Further Resolved, that the records of the Construction and Finance Departments be adjusted accordingly.

| | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|-----------------|--------------|-----------------|-------------|-------------|---------------|----------------|
| Mr. Cocuzza | | | | | | |
| Mrs. Roche | | | | | | |
| Mr. Cavallo | | | | | | |
| Mr. Lewandowski | | | | | | |
| Mr. Andreuzzi | | | | | | |
| Mrs. Woodruff | | | | | | |

RESOLUTION 2020-146:

Resolution Authorizing Addendum Number 10 to AIA Document B101-2087 Standard Form of Agreement Between Owner and Architect

This addendum to AIA Document B101-2007 Standard Form of Agreement Between Owner and Architect (“Addendum”) is entered into this 20th day of August, 2020 by and between the Borough of Union Beach (“Owner”), with offices located at 650 Poole Avenue, Union Beach, New Jersey 07735, and The Goldstein Partnership (Architect”), with offices located at 515 Valley Street, Suite 110, Maplewood, New Jersey 07040.

WHEREAS, the Owner and Architect entered into an AIA Document B101-2007 Standard Form of Agreement Between Owner and Architect (“Agreement”) for the Architect to provide professional services in connection with the Renovations & Addition to the Union Beach Municipal Building project (“Project”); and

WHEREAS, the Agreement contemplates that additional and/or extended services might be required of the Architect; and

WHEREAS, as a result of the Project Contractors’ delays and failures; the Architect has provided extended services beyond those required by the Agreement; and

WHEREAS, the Owner agrees that the extended services are required due to the fault of the Contractors; and

WHEREAS, the Architect will submit an invoice in the amount of \$2,533.00 for its extended services between February 1, 2020 and July 31, 2020; and

WHEREAS, the Owner reviewed the invoice and determined that the time spent is reasonable and the amounts invoiced are consistent with the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, conditions and agreements contained herein and in the Agreement, the Owner and Architect desire to amend the Agreement as follows:

1. The above recitals are incorporated herein by reference.
2. The Architect’s fees for the Project shall be increased in the amount of \$2,533.00 which amount shall be invoiced in accordance with the terms and conditions of the Agreement.

3. The Contract Sum for the construction of the project as set forth in the Owner/Prior Contractor Agreement shall be reduced in the amount of \$2,533.00. The Architect shall prepare the necessary documents to reduce the Contract Sum and/or back charge the Contractor and/or include in claim against the Surety the fees for the Architect's extended services.
4. All other terms and conditions of the Agreement remain in full force and effect and shall apply to the services set forth in the Proposal.

| | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|-----------------|-------|----------|------|------|--------|---------|
| Mr. Cocuzza | | | | | | |
| Mrs. Roche | | | | | | |
| Mr. Cavallo | | | | | | |
| Mr. Lewandowski | | | | | | |
| Mr. Andreuzzi | | | | | | |
| Mrs. Woodruff | | | | | | |

RESOLUTION 2020-147:

AUTHORIZING CHANGE ORDERS NO. 36, 37, 38, 39 & 40 - COMPLETION CONTRACT, ADDITIONS & RENOVATIONS, UNION BEACH MUNICIPAL BUILDING

Whereas, the Borough of Union Beach in the County of Monmouth, State of New Jersey, has on June 20, 2019, authorized the awarding of a contract to H&S Construction & Mechanical, Inc., 721 Bayway Avenue, Elizabeth, NJ 07202, and

Whereas, the Mayor and Council authorize Change Order Nos. 36, 37, 38, 39, & 40 to the contract awarded to H&S Construction & Mechanical, Inc.

| | | |
|--|----|---------------|
| The original Contract Sum..... | \$ | 3, 554,000.00 |
| Net change by previously authorized Change Orders..... | \$ | 203,233.50 |
| The Contract Sum prior to this Change Order was | \$ | 3,757,233.50 |
| The Contract Sum will be changed by these Change Orders..... | \$ | |

| | | |
|------|------------------|----------------------|
| # 36 | \$1,996.90 | |
| # 37 | \$ 438.64 | |
| # 38 | \$4,000.55 | |
| # 39 | \$8,034.60 | |
| # 40 | \$1,448.98 | \$ (net) \$15,919.67 |

The new Contract Sum including these Change Orders will be..... \$ 3,773,153.17

And,

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, that the Mayor and Council hereby authorize the issuance of Change Order Nos. 36, 37, 38, 39 & 40 to the contract with H&S Construction & Mechanical, Inc., and

Be It Further Resolved that the Mayor is hereby authorized to sign said Change Orders on behalf of the Borough.

Be It Further Resolved that a certified copy of this resolution be forwarded to the Borough Administrator and Finance Department.

| | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|-----------------|-------|----------|------|------|--------|---------|
| Mr. Cocuzza | | | | | | |
| Mrs. Roche | | | | | | |
| Mr. Cavallo | | | | | | |
| Mr. Lewandowski | | | | | | |
| Mr. Andreuzzi | | | | | | |
| Mrs. Woodruff | | | | | | |

RESOLUTION 2020-148:

Resolution Authorizing Addendum Number 11 to AIA Document B101-2007 Standard Form of Agreement Between Owner and Architect

This addendum to AIA Document B101-2007 Standard Form of Agreement Between Owner and Architect ("Addendum") is entered into this 18th day of July, 2019 by and between the Borough of Union Beach ("Owner"), with offices located at 650 Poole Avenue, Union Beach, New Jersey 07735, and The Goldstein Partnership (Architect"), with offices located at 515 Valley Street, Suite 110, Maplewood, New Jersey 07040.

WHEREAS, the Owner and Architect entered into an AIA Document B101-2007 Standard Form of Agreement Between Owner and Architect ("Agreement") for the Architect to provide professional services in connection with the Renovations & Addition to the Union Beach Municipal Building project ("Project"); and

WHEREAS, the Agreement contemplates that additional and/or extended services might be required of the Architect; and

WHEREAS, as a result of the Project Contractor's delays and failures; the Architect has and will provide extended services beyond those required by the Agreement in order to complete the project under the new Completion Contract; and

WHEREAS, the Owner agrees that the extended services are required due to the fault of the Contractors; and

WHEREAS, the Architect submitted a proposal for extended additional services in the amount of \$18,750 for its anticipated services for completion of the project through December 15,2020; and

WHEREAS, the Owner reviewed the proposal and determined that IT is reasonable and the amounts proposed are consistent with the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, conditions and agreements contained herein and in the Agreement, the Owner and Architect desire to amend the Agreement as follows:

1. The above recitals are incorporated herein by reference.
2. The Architect's fees for the Project shall be increased in the amount of \$18,750.00 which amount shall be invoiced in accordance with the terms and conditions of the Agreement.
3. The Contract Sum for the construction of the project as set forth in the Owner/Contractor Agreement shall be reduced by all or a substantial portion of the above amount after same has been determined after consultation with the Owner's legal representatives. The Architect shall prepare the necessary documents to reduce the Contract Sum and/or back charge the Contractor and/or include in claim against the Surety the fees for the Architect's extended services.
4. All other terms and conditions of the Agreement remain in full force and effect and shall apply to the services set forth in the Proposal.

| | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|-----------------|-------|----------|------|------|--------|---------|
| Mr. Cocuzza | | | | | | |
| Mrs. Roche | | | | | | |
| Mr. Cavallo | | | | | | |
| Mr. Lewandowski | | | | | | |
| Mr. Andreuzzi | | | | | | |
| Mrs. Woodruff | | | | | | |

RESOLUTION NO. 2019-149:

RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 AND FINAL – BUILDING DEMOLITION, 308 BROADWAY

WHEREAS, the Borough of Union Beach in the County of Monmouth, State of New Jersey, has on May 27, 2020 authorized the awarding of a contract to **Frank Lurch Demolition Co., LLC, 515 Main Street, Avon By The Sea, NJ 07717**; and

WHEREAS, the Mayor and Council authorize Payment Certificate No. 2 and Final to the contract awarded to **Frank Lurch Demolition Co., LLC** in the amount of:

| | |
|--|--------------|
| Original Contract Price: | \$ 26,900.00 |
| Total Reductions | 0 |
| Total Extras No. 1 | 3,200.00 |
| Total Supplementary this Change Order | 3,250.00 |
| Net Change in the Contract: | \$ 6,450.00 |
| Revised Contract Price | \$33,350.00 |
| Previous Payments | \$30,100.00 |
| Total Amount Due this Certificate No. 2and Final | \$ 3,250.00 |

Total Amount Due for Payment Certificate No. 2 & final \$3,250.00 Previous Payments \$30,100.00; and,

WHEREAS, this proposed Change Order No. 2 will result in the net sum of change orders for this project to be in excess of the 20% limit for change orders which is allowed under the Local Public Contracts Law N.J.S.A. 40A:11-1; and

WHEREAS, THE REGULATIONS (N.J.A.C. 5:30-11.9) OF THE State of New Jersey Department of Community Affairs permits change orders in excess of 20% as long as the following is present:

- 1) a written certification by the contractor containing the following:
 - i) an explanation of the factual circumstances which necessitate issuance of the changer order;
 - ii) a statement indicating why these circumstances could not have been foreseen;
 - iii) a statement indicating why issuance of the change order would be in the best interests of the Borough and would not constitute an abuse of these rules;

Appointments to Planning Board:

Planning Board Representatives:

CLASS IV

Laurette Wade (unexpired term of John Moniz) (Four Year Term) December 31, 2022

Alternate NO. 1 Laura Hallam (unexpired term of Laurette Wade) (Two Year Term) December 31, 2021

Alternate No. 2 Mike Murray (unexpired term of Laura Hallam) (Two Year Term) December 31, 2021

*Be it Resolved, by the Borough Council of the Borough of Union Beach that the above Class III and Alternate No. 1 and Alternate No. 2 Member Appointments, as made by the Mayor, be and the same is hereby confirmed.

| | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|-----------------|-------|----------|------|------|--------|---------|
| Mr. Cocuzza | | | | | | |
| Mrs. Roche | | | | | | |
| Mr. Cavallo | | | | | | |
| Mr. Lewandowski | | | | | | |
| Mr. Andreuzzi | | | | | | |
| Mrs. Woodruff | | | | | | |

**APPROVAL OF VOUCHERS AND PAYMENT OF BILLS:
RESOLUTION 2020-152:**

| | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|-----------------|-------|----------|------|------|--------|---------|
| Mr. Cocuzza | | | | | | |
| Mrs. Roche | | | | | | |
| Mr. Cavallo | | | | | | |
| Mr. Lewandowski | | | | | | |
| Mr. Andreuzzi | | | | | | |
| Mrs. Woodruff | | | | | | |

*Councilman Lewandowski abstains on _____ Fire Department Vouchers/Purchase Orders. **Councilman Cocuzza abstains on _____ Board of Education and Monmouth County Vouchers/Purchase Orders.

BUSINESS ADDED TO THE AGENDA OF THE MEETING OF AUGUST 20, 2020:

Councilman Cocuzza calls for a **Motion to Add:** Introduction of the Following Business to the Agenda:

1. RESOLUTION NO. 2020-153:

Motion to add business to Agenda moved by _____ seconded by _____, voice vote.

PROPOSED RESOLUTION 2020-153 :

| | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|-----------------|-------|----------|------|------|--------|---------|
| Mr. Cocuzza | | | | | | |
| Mrs. Roche | | | | | | |
| Mr. Cavallo | | | | | | |
| Mr. Lewandowski | | | | | | |
| Mr. Andreuzzi | | | | | | |
| Mrs. Woodruff | | | | | | |

EXECUTIVE SESSION: RESOLUTION NO. 2020 -: MEETING OF
(if necessary)

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

Also Present:

ATTORNEY: PURPOSE:



PROPOSED RESOLUTION 2020-: (if necessary)

| | Moved | Seconded | Ayes | Nays | Absent | Abstain |
|-----------------|--------------|-----------------|-------------|-------------|---------------|----------------|
| Mr. Cocuzza | | | | | | |
| Mrs. Roche | | | | | | |
| Mr. Cavallo | | | | | | |
| Mr. Lewandowski | | | | | | |
| Mr. Andreuzzi | | | | | | |
| Mrs. Woodruff | | | | | | |

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

RESPECTFULLY SUBMITTED BY: _____
 Anne Marie Friscia, RMC