



**BOROUGH OF UNION BEACH
COUNCIL MEETING
AGENDA
February 18, 2020, 7:30 P.M.
650 Poole Avenue, Union Beach, NJ**

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

ANNOUNCEMENT: By Mayor Cocuzza of the Emergency Fire Exits.

SALUTE TO THE FLAG: Mayor 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. Wicki
- Ms. Roche
- Mr. Cavallo
- Mr. Lewandowski
- Mr. Andreuzzi
- Ms. Woodruff

Also Present:

- Mayor Charles W. Cocuzza
- John T. Lane, Jr., Borough Attorney – Via Chime
- Robert M. Howard, Jr. Borough Administrator
- Anne Marie Friscia, Borough Clerk
- Carol Seney, Deputy Clerk

MOTION TO SET ASIDE THE REGULAR ORDER OF BUSINESS: February 18, 2021

Motion moved by _____, seconded by _____ voice vote.

MOTION TO RETURN TO THE REGULAR ORDER OF BUSINESS OF THE MEETING OF February 18, 2021

Motion moved by _____ seconded by: _____ voice vote.

PUBLIC HEARINGS ON ORDINANCES AND OTHER PUBLIC HEARINGS, ETC.:

MEETING OF FEBRUARY 18, 2021:

PUBLIC HEARING ORDINANCE NO. 2021-296:

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 January 27, 2021.

Clerk requests permission of Mayor Cocuzza 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. 2021-296:

AN ORDINANCE AMENDING CHAPTER XIX (ENVIRONMENTAL PROTECTION) OF THE GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH TO AMEND CERTAIN PROVISIONS REGARDING STORMWATER MANAGEMENT AND CONTROL.

BE IT ORDAINED by the Borough Council of the Borough of Union Beach, County of Monmouth, and State of New Jersey that Chapter XIX (Environmental Protection) of the General Ordinances of the Borough of Union Beach is hereby amended or supplemented as follows:

PURPOSE

The purpose of this ordinance is to amend or add certain definitions, general provisions, design standards and general zoning provisions to incorporate changes to clarify the requirement for Stormwater Management and Control as recommended by the New Jersey State Environmental Protection Agency.

Chapter XIX (Environmental Protection) of the General Ordinances of the Borough of Union Beach is hereby amended or supplemented in its entirety as follows:

PUBLIC HEARING ON ORDINANCE NO. 2021-296: MEETING OF FEBRUARY 18, 2021

MAYOR COCUZZA OPENS THE MEETING TO PUBLIC HEARING ON ORDINANCE NUMBER 2021-296 AT _____ P.M.

MAYOR COCUZZA DECLARES THE PUBLIC HEARING CLOSED ON ORDINANCE NO. 2021-296 AT _____ P.M.

RESOLUTION NO. 2021-40: AUTHORIZING FINAL ADOPTION OF ORDINANCE 2021-296 AND FURTHER AUTHORIZING CLERK TO ADVERTISE NOTICE OF FINAL ADOPTION OF ORDINANCE 2021-296 IN ASBURY PARK PRESS.

Paper: The Asbury Park Press, Issue of February , 2021

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mrs. Roche						
Mr. Cavallo						
Mr. Lewandowski						
Mr. Andreuzzi						
Mrs. Woodruff						

PUBLIC HEARING ORDINANCE NO. 2021-297:

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 January 27, 2021.

Clerk requests permission of Mayor Cocuzza 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. 2021-297:

AN ORDINANCE AMENDING CHAPTER XIII (LAND USE AND DEVELOPMENT REGULATIONS) OF THE GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH TO AMEND CERTAIN PROVISIONS REGARDING ACCESSORY BUILDINGS AND STRUCTURES.

BE IT ORDAINED by the Borough Council of the Borough of Union Beach, County of Monmouth, and State of New Jersey that Chapter XIII (Land Use and Development Regulations) of the General Ordinances of the Borough of Union Beach is hereby amended or supplemented as follows:

PURPOSE

The purpose of this ordinance is to amend or add certain definitions, general provisions, design standards and general zoning provisions to incorporate changes to clarify the requirement regarding decks, driveways and curb cuts as recommended by the Zoning Official.

Chapter XIII (Land Use and Development Regulations) of the General Ordinances of the Borough of Union Beach is hereby amended or supplemented as follows (new text is double underlined, text to be deleted is ~~struck through~~ and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):

SECTION 1

Chapter XIII (Land Use and Development Regulations), Section 13-5 (General Provisions), Subsection 13-5.8 (Accessory Buildings) shall be amended as follows:

13-5.8 Accessory Building and Structures.

Unless otherwise specified in this chapter, accessory buildings and Structures shall conform to the following regulations.

- a. An accessory building attached to a principal building shall comply in all respects with the yard requirements of this chapter for the principal building. Detached accessory buildings shall be located in

other than the front yard, and if located in a side or rear yard area, shall be set back as indicated in Section 13-10, Zoning District Regulations, for the specified distance, except that in the R-8 Residential Zone, storage sheds containing less than 100 square feet of floor area may be located not less than three feet from any side or rear lot line. Any storage shed having a floor area of 100 square feet or more shall be not less than five feet from any side or rear lot line.

b. through g

(No Change)

h. Any lot shall not contain more than ~~one~~ two accessory storage shed structures, in addition to a detached garage. The combined floor area of any two storage shed accessory structures shall be no more than 180 square feet.

i. through j

(No Change)

SECTION 2

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3

The Municipal Clerk is hereby directed, upon adoption of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S. 40:49-2.1.

SECTION 4

This Ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board.

PUBLIC HEARING ON ORDINANCE NO. 2021-297: MEETING OF FEBRUARY 18, 2021

MAYOR COCUZZA OPENS THE MEETING TO PUBLIC HEARING ON ORDINANCE NUMBER 2021-297 AT _____ P.M.

MAYOR COCUZZA DECLARES THE PUBLIC HEARING CLOSED ON ORDINANCE NO. 2021-297 AT _____ P.M.

RESOLUTION NO. 2021-41: AUTHORIZING FINAL ADOPTION OF ORDINANCE 2020-297 AND FURTHER AUTHORIZING CLERK TO ADVERTISE NOTICE OF FINAL ADOPTION OF ORDINANCE 2020-297 IN ASBURY PARK PRESS.

Paper: The Asbury Park Press, Issue of February , 2021

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mrs. Roche						
Mr. Cavallo						
Mr. Lewandowski						
Mr. Andreuzzi						
Mrs. Woodruff						

PRESENTATION OF COMMUNICATIONS; PETITIONS, ETC.

Application for a Volunteer Firefighter

Kyle R. Coughlin, 707 Spruce Street – Union Gardens Fire Department

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

Application for St Francis Feline Fellowship Raffle

Susan Brown, St. Francis Feline Fellowship – June 27, 2021 – Pending Police & State of NJ approval.

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

2021 Wreckers Licenses:

Dawns, Bill Wright, Aces Road Svc., Ronald Vitale-Executive Towing.

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

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Councilman Wicki

Finance, Personnel, Administration, Special Grants & Shared Services

Councilwoman Roche

Board of Education, American Legion & Public Affairs

Councilman Cavallo

Seniors, Library, Community Alliance & Health

Councilman Lewandowski

Public Safety, Court, OEM, Fire Dept., EMS

Councilman Andreuzzi

Public Works, Building and Grounds & Construction, Code Enforcement, Environmental & Planning Board

Councilwoman Woodruff

Recreation & UBSA

MEETING OPEN FOR PUBLIC DISCUSSION: February 18, 2021

Meeting opens for Public Discussion at _____ p.m.

Meeting closes for Public Discussion at _____ p.m.

UNFINISHED BUSINESS:

NEW BUSINESS AND INTRODUCTION OF ORDINANCES:

Proposed ORDINANCES: Meeting of February 18, 2021:

Ordinance 2021- 298 An Ordinance Amending “The Revised General Ordinances of the Borough of Union Beach, 1980 Amending Chapter II, Administration

(Please see attached changes to Chapter 2-7 Fire Department - also located in dropbox)

Ordinance No. 2021-298 was introduced on First Reading by _____ seconded by _____ and approved by the following Roll Call Vote:

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mrs. Roche						
Mr. Cavallo						
Mr. Lewandowski						
Mr. Andreuzzi						
Mrs. Woodruff						

PROPOSED RESOLUTION 2021-42 AUTHORIZING ADVERTISEMENT FOR PUBLIC HEARING ON ORDINANCE 2021-298

Paper: The Asbury Park Press, issue of February ____, 2021

Hearing Date: March 18, 2021

Time: Commencing at 7:30 pm

Place: Municipal Building, 650 Poole Avenue, Union Beach, NJ and via Chime

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mrs. Roche						
Mr. Cavallo						
Mr. Lewandowski						
Mr. Andreuzzi						
Mrs. Woodruff						

Bond Ordinance 2021-299- 2021 Capital Improvements

Ordinance No. 2021-298 was introduced on First Reading by _____ seconded by _____ and approved by the following Roll Call Vote:

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mrs. Roche						
Mr. Cavallo						
Mr. Lewandowski						
Mr. Andreuzzi						
Mrs. Woodruff						

PROPOSED RESOLUTION 2021-43: AUTHORIZING ADVERTISEMENT FOR PUBLIC HEARING ON BOND ORDINANCE 2021-299

Paper: The Asbury Park Press, issue of February ____, 2021

Hearing Date: March 18, 2021

Time: Commencing at 7:30 pm

Place: Municipal Building, 650 Poole Avenue, Union Beach, NJ and via Chime

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mrs. Roche						
Mr. Cavallo						
Mr. Lewandowski						
Mr. Andreuzzi						
Mrs. Woodruff						

RESOLUTIONS: Meeting of February 18, 2021

RESOLUTION 2021-44:

AUTHORIZING CHANGE ORDERS NO. 46 & 47 - 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. 46 & 47 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.....	\$	232,250.02
The Contract Sum prior to this Change Order was	\$	3,786,250.02
The Contract Sum will be changed by these Change Orders.....	\$	
	# 46	\$ 811.91
	# 47	\$1,530.38
 \$ (net)	2,342.29
The new Contract Sum including these Change Orders will be.....	\$	3,788,592.31

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. 46 & 47 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. Wicki						
Mrs. Roche						
Mr. Cavallo						
Mr. Lewandowski						
Mr. Andreuzzi						
Mrs. Woodruff						

RESOLUTION 2021 -45:

RESOLUTION AUTHORIZING THE COUNTY OF MONMOUTH MOSQUITO CONTROL DIVISION TO CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS WITHIN THE BOROUGH OF UNION BEACH

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the county; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the county of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designated "congested area," the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Borough of Union Beach is designated as a "congested area" by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations .

NOW, THEREFORE, be it resolved as follows:

1. The Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:
 - a. the County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies, and
 - b. such operations will be performed in compliance with applicable Federal and State regulations, and
 - c. the County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mrs. Roche						
Mr. Cavallo						
Mr. Lewandowski						
Mr. Andreuzzi						
Mrs. Woodruff						

RESOLUTION NO. 2021-46:

Resolution Authorizing the Extension of an Existing Contract for Legal Services

Whereas, by Resolution No. 2020-46 approved on January 16, 2020, the Borough of Union Beach authorized the retention of the law firm of DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C. to represent it in an appeal of a Tax Court of New Jersey decision; and

Whereas, the anticipated term of the contract was for a period of one year and for an amount not to exceed \$17,500.00; and

Whereas, due to the far-ranging implications of said Tax Court decision, the Borough went into the appeal with the belief that the County of Monmouth and municipalities within the County who may be adversely affected by the ruling would contribute financially to the cost of the appeal; and

Whereas, the Borough of Union Beach has exhausted the initial sum authorized for this legal matter; and

Whereas, the Borough is expecting receipt of additional funds as referenced above and wishes to utilize these funds and have the ability to use additional Borough funds if warranted, to continue with this appeal in the Superior Court of New Jersey, Appellate Division; and

Now Therefore Be It Resolved that the Mayor and Council of the Borough of Union Beach authorizes the extension of the anticipated term of the contract for one (1) additional year at an expense not to exceed an aggregate amount of \$55,000.00 without further authorization; and

Be It Further Resolved that the Borough transmit funds received from the County of Monmouth and municipalities to the above firm for payment of services performed as the funds are received.

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mrs. Roche						
Mr. Cavallo						
Mr. Lewandowski						
Mr. Andreuzzi						
Mrs. Woodruff						

RESOLUTION NO. 2021-47: RESOLUTION AMENDING 2021 TEMPORARY BUDGET

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

APPROVAL OF VOUCHERS AND PAYMENT OF BILLS:
RESOLUTION 2021-48:

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mrs. Roche						
Mr. Cavallo						
Mr. Lewandowski*						
Mr. Andreuzzi						
Mrs. Woodruff						

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

BUSINESS ADDED TO THE AGENDA OF THE MEETING OF FEBRUARY , 2021:

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

1. ORDINANCE NO. 2021-300

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH, 1980" AMENDING SECTION 2-8.2 & SECTION 2-8.5

2. RESOLUTION 2021-49: AUTHORIZING ADVERTISEMENT FOR PUBLIC HEARING ON ORDINANCE 2021-298

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

ORDINANCE NO. 2021-300:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH, 1980" AMENDING SECTION 2-8.2 & SECTION 2-8.5

WHEREAS, THE MAYOR AND BOROUGH HAVE DETERMINED THAT THE BOARD OF HEALTH CAN OPERATE MORE EFFICIENTLY WITH THE MAYOR AND COUNCIL MAKING CERTAIN APPOINTMENTS, AND,

WHEREAS, THE MAYOR AND BOROUGH COUNCIL HAVE DETERMINED THAT INASMUCH AS THE SERVICES OF REGISTRAR OR VITAL STATISTICS IS THE SUBJECT OF A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF KEYPORT

AND THAT THE DUTIES OF SANITARY INSPECTOR IS THE SUBJECT OF A SHARED SERVICES AGREEMENT WITH THE COUNTY OF MONMOUTH.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF UNION BEACH, COUNTY OF MONMOUTH, AND STATE OF NEW JERSEY THAT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH BE AS FOLLOWS:

SECTION I

2-8. LOCAL BOARD OF HEALTH. [Ord. #2]

§ 2-8.2. Composition.

The board of health of the borough shall consist of seven members, to be selected and appointed by the mayor and council. The mayor and council shall appoint a registrar of vital statistics, board secretary and such other officers, agents and assistants as necessary, in the opinion of the mayor and council.

§ 2-8.5. Organizational Meeting

Annually the board of health shall meet and organize and elect and appoint a presiding officer, establish rules for their government and pass ordinances, make rules and regulations in regard to the public health in the borough as directed by law.

ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE SHALL BE DEEMED REPEALED TO THE EXTENT OF SUCH INCONSISTENCY.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AFTER FINAL PASSAGE AND PUBLICATION AS REQUIRED BY LAW.

Ordinance No. 2021-300 was introduced on First Reading by _____ seconded by _____ and approved by the following Roll Call Vote:

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mrs. Roche						
Mr. Cavallo						
Mr. Lewandowski						
Mr. Andreuzzi						
Mrs. Woodruff						

PROPOSED RESOLUTION 2021-49: AUTHORIZING ADVERTISEMENT FOR PUBLIC HEARING ON ORDINANCE 2021-300

Paper: The Asbury Park Press, issue of February ____, 2021

Hearing Date: March 18, 2021

Time: Commencing at 7:30 pm

Place: Municipal Building, 650 Poole Avenue, Union Beach, NJ and via Chime

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mrs. Roche						
Mr. Cavallo						
Mr. Lewandowski						
Mr. Andreuzzi						
Mrs. Woodruff						

EXECUTIVE SESSION: RESOLUTION NO. 2021 : MEETING OF FEBRUARY ____, 2021,

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 OF CLOSED SESSION:



PROPOSED RESOLUTION 2021-: (if necessary)

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki						
Mrs. Roche						
Mr. Cavallo						
Mr. Lewandowski						
Mr. Andreuzzi						
Mrs. Woodruff						

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