



BOROUGH OF UNION BEACH
AGENDA
Council Meeting
May 21, 2020, 7:30 P.M.
650 Poole Avenue, Union Beach, NJ

CALL TO ORDER: Meeting called to order by Council President Albin Wicki at ____ p.m.

ANNOUNCEMENT: By Council President Wicki of the Emergency Fire Exits.

SALUTE TO THE FLAG: Council President Wicki

MOMENT OF SILENCE: To honor Mayor Paul J. 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." - 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. Cavallo
 Ms. Roche
 Mr. Lewandowski
 Mr. Andreuzzi
 Mr. Cocuzza
 Mr. Wicki

Also Present:

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: May 21, 2020

Motion to Set aside the regular order of business for the purpose of filling the vacancy of Mayor of the Borough of Union Beach until such time as a successor is duly elected at the General Election of November 3, 2020.

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

COUNCIL PRESIDENT WICKI INQUIRES AS TO WHETHER OR NOT ANY NAMES OF CANDIDATES WERE RECEIVED BY THE REPUBLICAN MUNICIPAL COMMITTEE TO FILL THE VACANCY OF MAYOR?

RESPONSE OF CLERK: NO NAMES HAVE BEEN RECEIVED FROM THE REPUBLICAN MUNICIPAL COMMITTEE.

AS NO LIST OF THREE NAMES WAS RECEIVED FROM THE REPUBLICAN MUNICIPAL COMMITTEE, COUNCIL PRESIDENT WICKI CALLS FOR NOMINATIONS BY BOROUGH COUNCIL TO FILL THE VACANCY OF MAYOR:

NOMINATIONS:

COUNCILMEMBER: _____ NOMINATES: _____, AS MAYOR OF THE BOROUGH OF UNION BEACH TO FILL THE VACANCY OF MAYOR PAUL J. SMITH, JR. UNTIL SUCH TIME AS A SUCCESSOR IS DULY ELECTED AT THE GENERAL ELECTION OF NOVEMBER 3, 2020.

SECONDED BY: _____

COUNCIL PRESIDENT WICKI CALLS FOR ANY ADDITIONAL NOMINATIONS: _____ (OR)

AS NO ADDITIONAL NOMINATIONS WERE RECEIVED, COUNCIL PRESIDENT WICKI, CALLS FOR A MOTION TO CLOSE THE NOMINATIONS, MOTION BY _____ SECONDED BY: _____ VOICE VOTE:

COUNCIL PRESIDENT WICKI CALLS FOR A ROLL CALL VOTE ON THE QUESTION TO APPOINT _____ AS MAYOR OF THE BOROUGH OF UNION BEACH UNTIL SUCH TIME AS A SUCCESSOR IS DULY ELECTED AT THE GENERAL ELECTION OF NOVEMBER 3, 2020.

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

RESOLUTION APPOINTING _____ TO FILL VACANCY

CREATED BY DEATH OF MAYOR PAUL J. SMITH, JR.

WHEREAS, due to the death of Mayor Paul J. Smith, Jr. on April 30, 2020, a vacancy for the position of Mayor of Union Beach has occurred; and

WHEREAS, the municipal committee of the political party (Republican) shall present within 15 (fifteen days) to the Borough Council the names of three candidates for the selection of a successor, until a successor is duly elected at the General Election of November 3, 2020; and

WHEREAS, within 30 (thirty days) of the occurrence, the Governing Body must fill the vacancy of Mayor Paul J. Smith, Jr. whose term expires on December 31, 2023 by appointment (N.J.S.A. 40A:16-11) for a period until such time a successor is duly elected at the General election of November 3, 2020; and

WHEREAS, the Republican Organization of the Borough of Union Beach has not submitted any names of candidates;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough Union Beach, County of Monmouth, that Albin J. Wicki be appointed to the position of Mayor of the Borough of Union Beach until such time as a successor is duly elected at the General Election of November 3, 2020; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the following:

1. Shaun Golden Monmouth County Republican Committee Chairman
2. Kenneth Connors, Democratic Organization Municipal Chairman

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

OATH OF OFFICE ADMINISTERED TO NEWLY APPOINTED MAYOR:

Borough Attorney, John T. Lane, Jr. Administers the Oath of Office.

COMMENTS BY APPOINTED MAYOR:

BACK TO THE REGULAR ORDER OF BUSINESS OF THE MEETING OF May 21, 2020

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

APPROVAL OF MINUTES OF THE MEETING OF: March 19, 2020 & April 16, 2020 (In Dropbox May 2020 Meeting Folder). Motion moved by _____, seconded by _____ and approved by voice vote.

PRESENTATION OF COMMUNICATIONS; PETITIONS, ETC.:

Application of Volunteer Firefighter, Parrish J. Molony, 539 Ocean Ave, Union Beach to the Union Beach Fire Department

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

Dates to Remember:

- June 10th RBR Senior Awards 6:30 pm – AWAITING MORE INFO
- June 16th Keyport Senior – 6:00 p.m - CREATING VIDEO OF AWARD PRESENTATION
- June 27 - 5K – VIRTUAL 5K – Awaiting Info from A. Maresco
- May 27th – Planning Board Meeting – via teleconference
- July 7th – Primary Date – By Mail or Provisional Voting (subject to change)
- October 24th – Clean Ocean Action Beach Sweeps
- Curb Painting sign ups for Kawianis Fund Raiser – Awaiting start dates

PUBLIC HEARINGS ON ORDINANCES AND OTHER PUBLIC HEARINGS, ETC.:
MEETING OF MAY 21, 2020: ENGINEER RECOMMENDED TO CARRY THIS ORDINANCE DUE TO COMMENTS/RECOMMENDATIONS PLANNING BOARD MAY HAVE.

MOTION TO CARRY ORDINANCE 2020-290 PUBLIC HEARING AND FINAL ADOPTION WITHOUT FURTHER NOTICE TO THE PUBLIC TO NEXT MEETING OF JUNE 18, 2020.

BY: _____ SECOND _____ VOICE VOTE:

Ordinance # 2020-290

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED “ THE REVISED GENERAL ORDINANCES OF BOROUGH OF UNION BEACH , 1980,” CHAPTER XIII, SECTION 10.2” ZONING MAP”, TO RE-ZONE BLOCKS 251 LOTS 3 AND 4.01 AS SHOWN ON THE BOROUGH TAX MAPS (ALSO KNOWN AS THE BAYSHORE REGIONAL SEWERAGE AUTHORITY AND MONMOUTH COUNTY OUTFALL AUTHORITY) FROM R-8 RESIDENTIAL TO M-2 INDUSTRIAL

2020 MUNICIPAL PURPOSES BUDGET ADOPTION - IF WE GET APPROVAL FROM THE STATE.

Statement by Clerk:

The Budget was approved by the Governing Body on March 19, 2020 was advertised as required by law on March 26, 2020 public hearing was held at the advertised time of April 16, 2020 however the Budget Resolution was not adopted due to further review by the DLGS.....

Adoption of the CY 2020 Budget Clerk Reads Section: page41&42 Budget Resolution 2020-70:

| 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 | \$ 1,964,053.23 |
| Receipts from Delinquent Taxes | | 15-499 | \$ 385,000.00 |
| 2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSED (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 | \$ 10,854,490.82 |
| Sheet 41 | | | |

| 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 | \$ 143,801.97 |
| (c) Capital Improvements | | | 44-999 | \$ 389,500.00 |
| (d) Municipal Debt Service | | | 45-999 | \$ 1,307,217.16 |
| (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 | \$ 10,854,490.82 |
| 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 16th day of April, 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 16th day of April, 2020, _____, Clerk | | | | |
| Signature | | | | |
| Sheet 42 | | | | |

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

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Councilman Wicki
Councilwoman Roche
Councilman Cavallo
Councilman Lewandowski
Councilman Andreuzzi
Councilman Cocuzza

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

NEW BUSINESS AND INTRODUCTION OF ORDINANCES:

ORDINANCES: Meeting of May 21, 2020:

ORDINANCE 2020-291

AN ORDINANCE AMENDING SECTION XIII (LAND USE AND DEVELOPMENT REGULATIONS) OF THE GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH TO AMEND CERTAIN PROVISIONS REGARDING GRADE CHANGES FOR INDIVIDUAL BUILDING LOTS.

BE IT ORDAINED by the Borough Council of the Borough of Union Beach, County of Monmouth, and State of New Jersey that Section 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 Clearing and Grading of Building lots 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 13-5.31 (Clearing and Grading) shall be amended as follows:

13-5.31 Clearing and Grading

For individual building lots, no fill ~~in excess of 100 cubic yards~~ shall be placed on any property within the Borough of Union Beach, nor shall any soil be removed from any property within the Borough of Union Beach without the prior approval of the borough. Approval of a site plan or subdivision showing such filling or removal or approval of a grading plan upon the advice of the borough engineer and/or planning board shall constitute such approval of the borough.

Where soil removal or fill ~~exceeds 100 cubic yards~~ changes the existing grade of the property, a grading plan will be required for review and approval upon advice of the borough engineer. The proposed grading shall be in a manner so as to permit the continued flow of natural drainage and shall not cause surface water to be blocked or dammed to create ponding either on the subject property upon which such is located or on any adjacent lots.

Prior to issuance of a final certificate of occupancy, an as-built grading plan will be required for review and approval by the borough engineer. The as-built plan shall show the existing grade prior to the removal or fill, as well as the completed grading.

Unless otherwise permitted by a municipal agency, the construction official or his designee, grading plans and/or accompanying information submitted must conform to the following minimum standards:

- a. *through k* (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.

RESOLUTION NO. 2020-98: AUTHORIZING INTRODUCTION OF ORDINANCE 2020-291 AND FURTHER AUTHORIZING CLERK TO ADVERTISE NOTICE OF PENDING ORDINANCE 2020-291 IN ASBURY PARK PRESS FOR PUBLIC HEARING TO BE HELD ON JUNE 18, 2020.

Paper: The Asbury Park Press.

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

**ORDINANCE 2020-292:
AN ORDINANCE AMENDING SECTION 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 Section 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. through i

(No Change)

- j. Unroofed decks and/or raised patios which do not rise above the height of the first floor level may extend up to five (5) feet into the side yard setback; up to ten (10) feet into the front yard setback; and located not less than ten (10) feet from any rear yard lot line. At grade patios shall conform to the accessory structure setbacks as set forth in Section 13-10.3A Schedule A (Schedule of Area, Yard, Setback and Height Requirements) of this chapter.

SECTION 2

Chapter XIII (Land Use and Development Regulations), Section 13-5 (General Provisions), Subsection 13-5.33 (Parking, Garages and Driveways) shall be added as follows:

13-5.33 Parking, Garages and Driveways

- a. A private garage accessory to a principal residential building is permitted in any residential zone
- b. No part of any garage shall be used for residential purposes.

The term “residential purposes” used in this subsection is broadly construed as including all normal residential use, excluding only accessory uses such as storage, utilities, mechanical equipment, parking, workshops, property maintenance activities, garden support facilities.

- c. One (1) driveway and one (1) curb cut shall be permitted for lots with less than 100 feet of frontage the R-8 Residential Zone district. Lots with greater than 100 feet of frontage shall have no more than two (2) single driveway curb cuts having a maximum twelve (12) foot width in the R-8 Zone district.
- d. Driveways in the R-8 Zone district shall be set a minimum of two (2) foot from adjacent property lines unless adjacent property owners enter into an agreement for maintaining a joint driveway.
- e. Driveways in the R-8 Zone district shall have a minimum width of nine (9) feet.
- f. Driveway shall have a maximum width of the greater of the width of the garage door plus 2 feet or 12 feet, whichever is greater.

- g. Off street overnight parking shall be permitted only in garages or in driveways. No overnight parking may take place on lawn areas or other portions of the lot not intended for parking. All areas properly used for parking shall be defined and included in lot coverage.
- h. Residential driveways and parking areas shall not occupy more than 40% of the front yard in the R-8 Zone district.

SECTION 3

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 4

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 5

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

RESOLUTION NO. 2020-99: AUTHORIZING INTRODUCTION OF ORDINANCE 2020-292 AND FURTHER AUTHORIZING CLERK TO ADVERTISE NOTICE OF PENDING ORDINANCE 2020-292 IN ASBURY PARK PRESS FOR PUBLIC HEARING TO BE HELD ON JUNE 18, 2020.

Paper: The Asbury Park Press.

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

MEETING OPEN FOR PUBLIC DISCUSSION: May 21, 2020 Meeting & Teleconference Public:

Meeting opens for Public Discussion at _____ p.m.
 Meeting closes for Public Discussion at _____ p.m.

Questions Submitted by Public for Response:

RESOLUTIONS: Meeting of May 21, 2020

RESOLUTION 2020- 100:

AWARD OF THE BID FOR BUILDING DEMOLITION 308 BROADWAY, UNOIN BEACH

Whereas, bids were received and opened in public on Thursday, May 7, 2020 at 10 a.m. at the Municipal Building, 650 Poole Avenue, Union Beach, New Jersey, for the project “**Building Demolition 308 Broadway**” and;

Whereas, in letter dated May 11, 2020 from the Borough Engineer, Edward G. Broberg P.E. of T&M Associates, Middletown, New Jersey recommending award of bid to: Frank Lurch Demolition, 515 Main Street, Avon by the Sea, NJ 07717 (low bidder) as follows:

| <u>BIDDER:</u> | <u>BASE BID</u> |
|----------------------------------------------------------------------|------------------------|
| Frank Lurch Demolition 515 Main Street, Avon by the Sea, NJ 07717 | \$26,900.00 |

Now, Therefore, be it Resolved, by the Mayor and Council of the Borough of Union Beach, that the contract for the project “308 Broadway Demolition” be awarded to Frank Lurch Demolition, 515 Main Street, Avon by the Sea, NJ 07717 on their low base bid of \$26,900 for the project, in accordance with the recommendations of the Borough Engineer, Edward G. Broberg, P.E. of T&M Associates, Middletown, New Jersey, and:

Be it Further Resolved, that said award be subject to funds being available; the approval of the Borough Attorney, John T. Lane, Jr., Esq., and the New Jersey Dept. of Labor, Office of Wage and Hour Compliance.

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.

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

RESOLUTION 2020-101:

AWARD OF THE BID FOR THE 2020 CAPITAL IMPROVEMENT PROGRAM

Whereas, bids were received and opened in public on Wednesday, May 6, 2020 at 11 a.m. at the Municipal Building, 650 Poole Avenue, Union Beach, New Jersey, for the project “2020 Capital Improvement Program” and;

Whereas, in letter dated May 11, 2020, from the Borough Engineer, Edward G. Broberg P.E. of T&M Associates, Middletown, New Jersey recommending award of bid to: Jads Construction Co.,40 Jeffrie Avenue, South River, NJ 08882 (low bidder) as follows:

| <u>BIDDER:</u> | <u>BASE BID</u> |
|-------------------------------------------------------------------|------------------------|
| Jads Construction Co. 40 Jeffrie Avenue, South River, NJ 08882 | \$879,635.69 |

Now, Therefore, be it Resolved, by the Mayor and Council of the Borough of Union Beach, that the contract for the project “2020 Capital Improvement Program” be awarded to Jads Construction Co.,40 Jeffrie Avenue, South River, NJ 08882 on their low base bid of \$879,635.69 for the project, “2020 Capital Improvement Program” in accordance with the recommendations of the Borough Engineer, Edward G. Broberg, P.E. of T&M Associates, Middletown, New Jersey, and:

Be it Further Resolved, that said award be subject to funds being available; the approval of the Borough Attorney, John T. Lane, Jr., Esq., and the New Jersey Dept. of Labor, Office of Wage and Hour Compliance.

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.

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

RESOLUTION NO. 2020-102:

Resolution Approving Electronic Tax Sale Pursuant to NJSA 54:5-19.1

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for Electronic Tax Sales, and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct Electronic Tax Sales, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the Borough of Union Beach wishes to participate in an electronic tax sale to be held on October 9, 2020.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of **the Borough of Union Beach**, New Jersey, that **the Tax Collector, Désirée Durkin**, is hereby authorized to participate in the electronic tax sale program and submit same to the Director of the Division of Local Government Services if necessary.

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

RESOLUTION NO. 2020-103:

Resolution of the Borough of Union Beach, County of Monmouth, State of New Jersey, authorizing the Tax Collector to discharge interest with respect to certain real estate taxes due for the 2020 – 2nd quarter

Whereas, Governor Murphy has declared a State of Emergency and lockdown of the state due to the COVID-19 Pandemic; and,

Whereas, the COVID-19 Pandemic has caused substantial economic disruption for many taxpayers throughout the state; and

Whereas, property taxpayers throughout the borough may be suffering from one or more financial hardships caused by or related to the COVID-19 Pandemic, including, but not limited to a substantial loss of or drop in income and additional expenses such as those relating to necessary healthcare; and

Whereas, as a result of the circumstances aforesaid, the Borough, in accordance with Governor Murphy’s directive pursuant to N.J.S.A. App.A:9-47, will extend the grace period for the 2020 second quarter taxes to June 1, 2020,

Whereas, there shall be an additional grace period, and as authorized by N.J.S.A. 54:4-67, said extension will need to be approved,

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

1. That the Tax Collector be and is hereby authorized to discharge interest which has or will accrue on this installment of unpaid real property taxes as of May 1, 2020, on condition that such installment be paid by June 1, 2020.
2. That the Borough Clerk shall forward a certified copy of this resolution to the Tax Collector and also to the County of Monmouth.

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

RESOLUTION NO. 2020-104: (If no adoption of 2020 Budget)

BOROUGH OF UNION BEACH

EMERGENCY RESOLUTION

N.J.S.A. 40A:4-20 (TEMPORARY APPROPRIATIONS)

WHEREAS, pursuant to N.J.S.A. 40A:4-19 the Borough Council of the Borough of Union Beach adopted Resolution #2019-210, #2020-56, #2020-71 and #2020-95 to provide temporary funds for the period from January 1, 2020 until the adoption of the Operating Budget for the Borough of Union Beach, New Jersey; and

WHEREAS, additional appropriations will be required from May 21, 2020 until the adoption of the budget; and

WHEREAS, N.J.S.A. 40A:4-20 provides that the governing body by a two-third vote may make temporary emergency appropriations for any purpose for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF UNION BEACH, NEW JERSEY, that:

1. The governing body by a two-third vote of its full membership hereby amends its temporary budget by making the following emergency temporary appropriations:

CURRENT FUND

Operations - within "CAPS":

GENERAL GOVERNMENT

Administrative and Executive:

Salary and wages:

Governing Body \$ 6,000.00

Borough Clerk Office 35,000.00

Administrator's Office 20,000.00

Other Expenses 15,000.00

Tax Assessor:

Other Expenses 1,400.00

Planning and Zoning:

Salaries and Wages 3,000.00

Construction Code:

Salaries and Wages 40,000.00

Other Expenses 2,500.00

Code Enforcement:

Salaries and Wages \$ 7,500.00

Insurance:

Liability Insurance 80,000.00

Workers' Compensation 116,581.00

Police:

Salaries and Wages 227,341.31

Fire:

Hydrant Services 35,000.00

Borough Prosecutor:

Salaries and Wages 10,000.00

Road Repair and Maintenance:

Salaries and Wages 180,000.00

Other Expenses 9,000.00

Public Building and Grounds:

Other Expenses 38,000.00

Board of Health:

Salaries and Wages 10,000.00

Parks and Playgrounds:

Other Expenses 9,000.00

Municipal Court:

Salaries and Wages 15,000.00

Public Defender:

Salaries and Wages 1,200.00

Social Security System

80,000.00

Total Operations (Item 8 (A))

Within "CAPS" 941,522.31

Municipal Purposes within "CAPS"

941,522.31

| | |
|--------------------------------------------|----------------------|
| Operations Excluded from "CAPS" | |
| Green Trust Loan Program: | |
| Loan Repayments for Principal and Interest | <u>30,000.00</u> |
| Total Operations Excluded from "CAPS" | <u>30,000.00</u> |
| Total General Appropriations | <u>\$ 971,522.31</u> |

2. This action shall take effect May 21, 2020.

3. A copy of this resolution shall be immediately filed with the Director of Local Government Services by the Borough Clerk of the Borough of Union Beach.

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

RESOLUTION 2020-105:

AUTHORIZING THE TAX COLLECTOR TO PROCESS THIRD QUARTER "ESTIMATED" TAX BILLS, DUE AUGUST 1, 2020

WHEREAS, in light of the disruption caused by the coronavirus outbreak, the State has delayed the adoption of the State Fiscal Year 2021 Budget to September 30, 2020; and

WHEREAS, the Division of Local Government Services (DLGS) cannot certify State Aid allocations to municipal budgets until State Aid Appropriations are known; and

WHEREAS, the DLGS cannot approve municipal budgets and the County Board of Taxation cannot certify taxes until long after the June 30, 2020 deadline to process third quarter tax bills due August 1, 2020; and

WHEREAS, without an adopted 2020 Municipal Budget and without a 2020 Certified Tax Rate, the Tax Collector cannot process the final 2020 Tax Levy; and

WHEREAS, the DLGS "strongly recommends" under Local Finance Notice 2020-07 "that municipalities prepare to issue estimated property tax bills for 2020;" and

WHEREAS, the Tax Collector, in consultation with the Chief Financial Officer, computed and certified an estimated Tax Levy necessary to bill third quarter taxes due August 1, 2020 of **\$ 16,198,437.59**

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of The Borough of Union Beach, County of Monmouth, State of New Jersey, that the Tax Collector is hereby authorized and directed to process estimated tax bills for the third quarterly installment of 2020 taxes;

BE IT FURTHER RESOLVED that, the third quarterly installment of 2020 taxes shall not be subject to interest until the later of August 10, 2020 or the twenty-fifth (25) calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

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

RESOLUTION 2020-106:

Authorizing Grant of Right of Entry Over Borough Owned Properties to the United States of America for Survey and Exploration Purposes Relative to the Union Beach Hurricane and Storm Damage Reduction Project.

Whereas, the United States Army Corps of Engineering (USAC) is in the preliminary stages of the aforesaid project and requires access to Borough owned properties for the above stated purposes; and

Whereas, the United States Army Corps of Engineering (USAC) in order to move forward with the project, has requested from the Borough of Union Beach a Grant of Right of Entry over Borough owned properties; and

Whereas the Borough of Union Beach wishes to assist the United States Army Corps of Engineering (USAC) and facilitate the beginning of construction on this most important project;

Therefore Be It Resolved by the Borough Council of the Borough of Union Beach that the Mayor of Union Beach is authorized to execute the aforesaid document and the Borough Clerk is authorized to attest to the execution of said document.

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

RESOLUTION 2020-107:

Authorizing the Recycling Coordinator, Steven Higgins, to apply for the 2019 Tonnage Grant.

WHEREAS, THE MANDATORY SOURCE SEPARATION AND RECYCLING ACT, P.L. 1987, C. 102, HAS ESTABLISHED A RECYCLING FUND FROM WHICH TONNAGE GRANT MAY BE MADE TO MUNICIPALITIES IN ORDER TO ENCOURAGE LOCAL SOURCE SEPARATION AND RECYCLING PROGRAMS; AND

WHEREAS, IT IS THE INTENT AND THE SPIRIT OF THE MANDATORY SOURCE SEPARATION AND RECYCLING ACT TO USE THE TONNAGE GRANTS TO DEVELOP NEW MUNICIPAL RECYCLING PROGRAMS AND TO CONTINUE AND TO EXPAND EXISTING PROGRAMS; AND

WHEREAS, THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION HAS PROMULGATED RECYCLING REGULATIONS TO IMPLEMENT THE MANDATORY SOURCE SEPARATION AND RECYCLING ACT; AND

WHEREAS, THE RECYCLING REGULATIONS IMPOSE ON MUNICIPALITIES CERTAIN REQUIREMENTS AS A CONDITION FOR APPLYING FOR TONNAGE GRANTS, INCLUDING BUT NOT LIMITED TO, MAKING AND KEEPING ACCURATE VERIFIABLE RECORDS OF MATERIALS COLLECTED AND CLAIMED BY THE MUNICIPALITY; AND

WHEREAS, A RESOLUTION AUTHORIZING THIS MUNICIPALITY TO APPLY FOR THE 2019 RECYCLING TONNAGE GRANT, WILL MEMORIALIZE THE COMMITMENT OF THIS MUNICIPALITY TO RECYCLING AND TO INDICATE THE ASSENT OF THE MAYOR AND COUNCIL OF THE BOROUGH OF UNION BEACH TO THE EFFORTS UNDERTAKEN BY THE MUNICIPALITY AND THE REQUIREMENTS CONTAINED IN THE RECYCLING ACT AND RECYCLING REGULATIONS; AND

WHEREAS, SUCH A RESOLUTION SHOULD DESIGNATE THE INDIVIDUAL AUTHORIZED TO ENSURE THAT THE APPLICATION IS PROPERLY COMPLETED AND TIMELY FILED.

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF UNION BEACH, THAT THE BOROUGH OF UNION BEACH HEREBY ENDORSES THE SUBMISSION OF THE RECYCLING TONNAGE GRANT APPLICATION AND DESIGNATES THE RECYCLING COORDINATOR, STEVEN HIGGINS, TO ENSURE THAT THE APPLICATION IS PROPERLY FILED; AND

BE IT FURTHER RESOLVED, THAT THE MONIES RECEIVED FROM THE RECYCLING TONNAGE GRANT BE DEPOSITED IN A DEDICATED RECYCLING TRUST FUND TO BE USED SOLELY FOR THE PURPOSE OF RECYCLING.

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

PROPOSED RESOLUTION 2020-108: (to be provided by Borough Admin.)

AUTHORIZING CHANGE ORDER NO. 33- 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 No. 33 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..... \$ _____

The Contract Sum prior to this Change Order was \$ _____

The Contract Sum will be changed by these Change Orders..... \$ _____

33 \$ _____\$ (net) _____

The new Contract Sum including this Change Order will be..... \$ _____

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 No. 33 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 | | | | | | |
| Ms. Roche | | | | | | |
| Mr. Cavallo | | | | | | |
| Mr. Lewandowski | | | | | | |
| Mr. Andreuzzi | | | | | | |
| Mr. Cocuzza | | | | | | |

APPROVAL OF VOUCHERS AND PAYMENT OF BILLS:
RESOLUTION NO. 2020-109:

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

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

PROCLAMATION FOR POLICE AND PEACE OFFICER WEEK

National Police Week: May 10-16th, 2020 & Peace Officers Memorial Day: May 15, 2020

WHEREAS, Since the beginning of law enforcement within the State, hundreds of police officers have made the ultimate sacrifice while in the line of duty and

WHEREAS, These officers risk their lives every day to protect our communities and their bravery and selfless services shall not be overlooked by a grateful nation and

WHEREAS, Across the United States, the week of May 10th through 16th 2020 will be recognized as "National Police Week"; and

WHEREAS, The first "National Peace Officers' Memorial Day" was held on May 15, 1982, following a proclamation signed by President John F. Kennedy on October 1, 1961. and has continued to be observed annually in memory of those police officers who made the ultimate sacrifice in the line of duty; and

WHEREAS, That the Senate honor the memory of the hundreds- of police officers who have given their lives in the line of duty in this State; and

NOW, THEREFORE BE IT RESOLVED, The Council President of the Borough of Union Beach does hereby acknowledge **May 10th through May 16th, 2020 as National Police Week, and May 15, 2020 as Peace Officers Memorial Day** in the Borough of Union Beach.

PROCLAMATION FOR PUBLIC WORKS WEEK – MAY 17-23, 2020

Whereas, public works services provided in our community are an integral part of our citizens' everyday lives; and

Whereas, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, and solid waste collection; and

Whereas, the health, safety and comfort of this community greatly depends on these facilities and services; and

Whereas, the quality and effectiveness of these facilities, as well as their planning, design, and construction, are vitally dependent upon the efforts and skill of public works officials; and

Whereas, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform,

Now, therefore, I, Albin J. Wicki, Council President of the Borough of Union Beach do hereby proclaim the week of May 17 to May 23, 2020 as

"National Public Works Week"

in The Borough of Union Beach and I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

BUSINESS ADDED TO THE AGENDA OF THE MEETING OF MAY 21, 2020:

Council President Wicki calls for a **Motion to Add:** Introduction of the Following Business to the Agenda:

1. RESOLUTION NO. 2020-:

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

PROPOSED RESOLUTION 2020- :

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

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. 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.