



**BOROUGH OF UNION BEACH
MINUTES – AGENDA MEETING
December 10, 2020 for Council Meeting
650 Poole Avenue, Union Beach, NJ**

CALL TO ORDER: Meeting called to order by Mayor Albin Wicki at 7:30 p.m.

ANNOUNCEMENT: By Mayor Wicki of the Emergency Fire Exits.

SALUTE TO THE FLAG: Mayor Wicki

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
Bernard M. Reilly, Special Counsel
Robert M. Howard, Jr. Borough Administrator
Dennis Dayback, Borough Engineer
Anne Marie Friscia, Borough Clerk
Carol Seney, Deputy Clerk

Family and Friends of Elected Officials

MOTION TO SET ASIDE THE REGULAR ORDER OF BUSINESS: December 10, 2020

Purpose: Administering Oath of Office to Elected Officials:

Mayor Charles W. Cocuzza
Councilwoman Eileen Woodruff

Motion moved by Councilman Lewandowski, seconded by Councilman Cavallo approved by unanimous voice vote.

Mayor Wicki calls for the Certificate of Election from the Monmouth County Clerk's Office.

Clerk presents Certificate from the Monmouth County Clerk of elections of Charles W. Cocuzza on 11/3/2020 to fill the remaining three (3) years of the unexpired term of Mayor and for the election of Eileen Woodruff on the same date to fill the remaining one (1) year of unexpired seat on the Borough Council.

Mayor Wicki calls up Charles W. Cocuzza to be sworn in as Mayor and seated.

Mayor Charles W. Cocuzza is Administered Oath of Office by James Cocuzza.

Presentation of Congratulations and Appreciation by Chief Michael Woodrow and the Union Beach Police Department.

Mayor Cocuzza thanks the Union Beach Police Department this presentation means a lot to him. He has learned a lot during his 11 years as liaison to the Union Beach Police Department and it has been a great journey.

Mayor Cocuzza calls Eileen Woodruff to be sworn in and seated.

Mrs. Eileen Woodruff is administered Oath of Office as Councilwoman by Mayor Charles W. Cocuzza.

APPROPRIATE REMARKS: By Mayor Charles W. Cocuzza

Mayor Cocuzza thanks all for coming tonight, thank you to the Police Department and to the Chief. He thanks the Police Department for all they do for us. We really appreciate it. There are so many people to thank and he does not want to forget anyone. We have been very blessed, even in these difficult times, to have so many wonderful people around us. Mayor Smith always told us "You are only as good as those around you." and with that being the case, we know that we are going to be ok because we do have a great team around us and Union Beach is a beautiful place and is full of wonderful people who live here, raise their families here, work here. We are very grateful and even though we are in very difficult times now, we do have a ton of good times ahead. We just have to remain positive and keep thinking in that order. Things will get better!

Mayor Cocuzza thanks his father, his mother for always being there. Grandma, of course, without grandma nothing happens. He thanks his children, Anthony, Kaitlyn and Madison who keep him going every day. They are the reason he loves doing what he does. Last, but certainly not least, he thanks his wife Angela – he doesn't know how she does what she does! She is nicknamed the "saint" around here – she works so hard for the community. She does a wonderful job with the girls and his family. If not for her, he certainly would not be sitting here. He owes it all to her. He could tell her he loves her a million times, but he just wants her to know how much he appreciates her.

James Cocuzza states he married Angela and so did Charlie.

APPROPRIATE REMARKS: By Councilwoman Woodruff

Councilwoman Woodruff thanks the Borough of Union Beach for this great honor of being named a Councilwoman. She is really looking forward to this next year and seeing what is to come. She promises to do the best she can and she appreciates all the faith everyone has put in her. She thanks her husband Rick and her children, Colin, Liam and Kiera and to all her friends and family that have really supported her this last couple of months and given her advice and shown her their love.

MOTION TO RETURN TO THE REGULAR ORDER OF BUSINESS OF THE MEETING OF DECEMBER 10, 2020:

Motion moved by Councilwoman Roche, seconded by Councilman Andreuzzi and approved by unanimous voice vote.

Mayor Cocuzza advises that now that he has been sworn in as Mayor, his Council Seat is vacant and he would ask that the first order of business be to fill the seat. Mayor Cocuzza advises that he has furnished a formal letter to the Clerk resigning his position as Councilman of the Borough of Union Beach, having accepted the Mayoral seat, on this date effective December 10, 2020

Motion to accept the letter of resignation from Councilman Cocuzza by Councilman Andreuzzi, seconded by Councilwoman Woodruff and approved by the following roll call vote:

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

Clerk advises Mayor Cocuzza that a letter has been received from Mr. Albert Lewandowski, Republican Municipal Chairman, advising that he is submitting the name of Albin J. Wicki to fill the vacancy for the remaining one (1) year of now Mayor Charles W. Cocuzza's term on the Borough Council and has been submitted to all Councilmembers via the dropbox and email.

Motion by Councilman Lewandowski to accept the name of Albin J. Wicki to fill the vacancy (one (1) year unexpired term of Councilman Cocuzza - seconded by Councilwoman Roche and approved by the following roll call vote:

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

RESOLUTION NO. 2020-198:

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

The appointment of Albin J. Wicki as Councilman of the Borough of Union Beach, to fill the vacancy caused by the resignation of Councilman Charles W. Cocuzza, for his unexpired term, expiring December 31, 2021, be and the same is hereby approved and confirmed.

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

Mayor Cocuzza to call forth Albin J. Wicki to take the Oath of Office. Mr. Wicki is administered the oath of office by Mayor Charles W. Cocuzza.

Mr. Wicki takes his seat at the Council table and is welcomed back and wished a Happy Birthday by all.

Appropriate Remarks by Councilman Wicki.

Councilman Wicki takes a moment to say thank you for all the support from Anne Marie, Carol, Bob and John Lane, Bernie Reilly and from all the Council for the time he served as Mayor. He could not have done it without all of their help and support and he really appreciates it. He appreciates the trust of the Committee to have him come back and sit on Council again. He thanks all and looks forward to being back.

Resolution Appointing Council President for the remainder of 2020.

RESOLUTION NO. 2020-199:

Council President Appointment

NOTE: To be Selected by a Member of the Borough Council.

Councilman Louis Andreuzzi , Offers the name of:
Councilman Albin J. Wicki

As President of the Council for the remainder of the year 2020

Whereas, it is necessary that a member of the Borough Council be elected President of said Borough Council for the remainder of the year 2020, to fulfill the duties of the Mayor during his absence. Now, therefore, be it resolved, by the Borough Council that

Albin J. Wicki

A member of said Borough Council, be elected President of the Borough Council for the remainder of the year 2020.

Motion moved by Councilman Louis Andreuzzi, seconded by Councilman Anthony Cavallo and approved by voice vote.

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

Councilman Wicki is administered the Oath of Office as Council President for the remainder of the year 2020.

POINT OF ORDER: Mayor Cocuzza also announces that his election to Mayor also designates him as the Class I member of the Planning Board and he wishes Councilman Anthony Cavallo to remain as the Mayor’s Designee during the Mayor’s Official Tenure for the Planning Board – the Planning Board Attorney has requested a Resolution. (Both need to be sworn in as members of the Planning Board as the Board meets on Monday, December 14th.)

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

MEETING OF DECEMBER 17, 2020

Ordinance 2020-295:

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 November 28, 2020.

Mayor Cocuzza 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 AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$235,000, OR SUCH OTHER AMOUNT CERTIFIED BY THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES, FOR THE PURPOSES SET FORTH IN N.J.S.A. 40A:4-53(L) AND/OR N.J.S.A. 40A:4-53(M), IN AND BY THE BOROUGH OF UNION BEACH, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED BY THE TOWN COUNCIL OF THE BOROUGH OF UNION BEACH, IN THE COUNTY OF MONMOUTH, NEW JERSEY AS FOLLOWS:

Section 1. The Borough of Union Beach, in the County of Monmouth, New Jersey (the "Borough") hereby appropriates an aggregate amount of \$235,000 to provide for (i) the immediate preparation, response, recovery, and restoration of public services during such time as a public health emergency, pursuant to the "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.), declared in response to COVID-19 remains in effect, in the amount of \$0, pursuant to N.J.S.A. 40A:4-53(l) and (ii) a deficit in operations experienced by the Borough during fiscal year 2020, in which a public health emergency pursuant to the "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.), or a state of emergency, pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.), or both, has been declared by the Governor in response to COVID 19, in the amount of \$235,000, pursuant to N.J.S.A. 40A:4-53(m). The appropriation authorized hereby shall be in the individual and aggregate amounts set forth herein or such other amounts as certified by the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey (the "Director").

Section 2. The Borough shall apply for any financial assistance that may be available to the Borough from the federal government, the State of New Jersey, and other sources to offset any operating deficit directly attributable to COVID-19, and any such financial assistance obtained by the Borough shall be utilized to offset any operating deficit.

Section 3. A copy of this ordinance as finally adopted shall be filed with the Director.

Section 4. This ordinance shall take effect upon the latter of (i) the date determined by applicable law or (ii) the earlier of (a) the date the Director approves in writing the application submitted by the Chief Financial Officer of the Borough for approval of the special emergency authorized hereby (the "Application") and (b) the date that is 45 days (or the first business day following such 45th day, if applicable) following the date the Chief Financial Officer submits the Application to the Director.

PUBLIC HEARING ON ORDINANCE NO. 2020-295 : MEETING OF DECEMBER 17, 2020:

MAYOR COCUZZA OPENS THE MEETING TO PUBLIC HEARING ON ORDINANCE NUMBER 2020-295 AT _____ P.M.

MAYOR COCUZZA DECLARES THE PUBLIC HEARING CLOSED ON ORDINANCE NO. 2020-295 AT _____ P.M.

PROPOSED RESOLUTION NO. 2020-202: AUTHORIZING FINAL ADOPTION OF ORDINANCE 2020-295 AND FURTHER AUTHORIZING CLERK TO ADVERTISE NOTICE OF ADOPTION IN ASBURY PARK PRESS

Paper: The Asbury Park Press, Issue of December __, 2020.

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

APPROVAL OF MINUTES OF THE MEETING OF: November 23, 2020 Minutes in Dropbox.

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

PRESENTATION OF COMMUNICATIONS; PETITIONS, ETC.

Application for Tab-tronics Machine American Legion – Forwarded to PD for background checks.
Winter Newsletter – Any additions? Changes? Send to Mary Mancini, DPW.

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

CORRESPONDENCE PACKAGE NO. 1 – DECEMBER 2020 MEETING

- 2020-12-01 Letter of Resignation of Councilman Charles W. Cocuzza effective date 12/10/2020
- 2020-12-02 Letter of Republican Committee Chairman Albert Lewandowski dated 12/2020. Re: Submission of candidates to fill vacancy of unexpired term (one year) created by resignation of Councilman Cocuzza
- 2020-12-03 CAFRA Permit Application for Jake-a-Bobs – 525 Front Street (full scale drawing in Clerk’s Office)

MR. LEWANDOWSKI ASKS FOR CLARIFICATION AS TO WHERE QUESTIONS ON THIS CAFRA PERMIT SHOULD BE DIRECTED. ENGINEER RESPONDES THAT ALL INFORMATION IS ON THE COVER LETTER AND IT IS THE DEP. THE MATTER IS BETWEEN THE APPLICANT AND THE STATE OF NJ. ISSUES SHOULD BE DIRECTED IN WRITING TO THE STATE AS PER THEY NOTIFICATION THEY RECEIVED.

- 2020-12-04 Thank you note from Smith (Sean) Family
- 2020-12-05 Thank you note from Sharon Smith
- 2020-12-06 MEL JIF 2021 Budget
- 2020-12-07 NJ DOT Letter awarding Grant for 2021 Municipal Aid Program – Reconstruction of Prospect Avenue \$375,000.
- 2020-12-08 Monmouth County Resolution Urging the State Legislature to allow counties and municipalities to regulate the sale and use of marijuana within their borders.
- 2020-12-09 Township of Long Hill Resolution Demanding that the New Jersey State Legislature accept its responsibility to administer the provisions of the Affordable Housing Act and stay further action until such times s it has promulgated rules governing its implementation.
- 2020-12-10 Letter from MVC requesting more information regarding a JUNK title for trailer on Florence Ave.(only one trailer denial letter received)
- 2020-12-11 Coronavirus Update from Congressman Frank Pallone

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

<u>Councilman Wicki</u>	<u>Finance, Personnel, Administration, Code Enforcement</u>
<u>Councilwoman Roche</u>	<u>REQUESTS ONE CLOSED SESSION ITEM FOR TONIGHT.</u>
<u>Councilman Cavallo</u>	<u>Emergency Svs. (Fire, OEM) Education & American Legion</u>
<u>Councilman Lewandowski</u>	<u>OEM VEHICLE REQUEST. – NEW BUSINESS.</u>
<u>Councilman Andreuzzi</u>	<u>Health, Seniors, Community Alliance, Library</u>
<u>Councilwoman Woodruff</u>	<u>Public Safety, Shared Services, Court</u>
	<u>Public Works, Building and Grounds & Construction, EMS, Environmental</u>
	<u>Public Affairs, Special Grants, Recreation</u>

Robert M. Howard, Borough Administrator - Nothing to add.
Dennis Dayback / Ed Broberg, Borough Engineer - Engineer discusses his project status report

1. Army Corp. Now working with the state to get release of the appraisals so that we can start negotiations with property owners. Hoping that happens quickly and we can get this project underway. Plans are done they have pushed the bid date now to September. We just need to secure easements. John Lane was working on that and Bob and Dennis are going to discuss this matter.
2. Turf Maint plan bids expected Dec 16. – if favorable hopes to award on December 17th. He added a few things to the specs like ballfields with a lot of weeds on the infield areas.

Spray has been done but they don't come back to pull the weeds. The spec now says spray and return to pull the weeds in the infield areas as well as the warning track. He has also added issues from the goal mouths being worn out on the soccer fields every season. We do not have enough time in between seasons to get the grass to grow. He has added new sod to be placed in the goal mouths every fall. This will allow for that grass to take for the next spring season. This year's contract he has one time only the main field that the goal mouths be done in the spring of this year – every year after that in the fall. He also has that if we have other areas on the field that get worn out that sod can be replaced as well. The Borough Hall plantings and landscaped areas will be addressed by weeding in the spring and late summer and in the spring they will supplement the mulch that is around the building now. Just at Borough Hall so it is always nice and neat. These three changes are in the contract and we will be receiving bids on Dec. 16th and he hopes if all is well to award at the next meeting.

3. Ocean/Lorillard projects are complete – we are in DOT close out.
4. 9th Street we are awaiting for the release of the HUD funds, CDBG money. We have to get that done early spring of next year because we are up for another project that we will discuss early January.
5. Monmouth County Open Space- we have not heard anything on our application.
6. 2021 DOT Application – we received good news for Prospect Avenue – we have a \$375,000 grant for the reconstruction of Prospect Avenue.- this is the entire length. It will not cover all the expenses but it is a decent grant. It is one of the largest to be given out this year. We have been very successful with our DOT grants.
7. Solid Waste Recycling – as everyone knows we received bids and we will be discussing the bid negotiation in closed session tonight.
8. Our redevelopment plans –our planning studies/ redevelopment of Cervino's – that site is going to make a submission to the Planning Board. We are moving on that. The buildings are down. This even makes a difference. It is almost cleaned up. We are supposed to be meeting with the potential developer of the Florence Avenue/Front Street site – Ciglia Transmission site – they will be meeting in Early January with the Planning Committee.
9. There has not been any movement on the PW's

Councilman Lewandowski asks if Dennis has gotten a chance to look at the leaking water on Florence Avenue by GPU. He did look at it and it is a pipe that is coming out of the wetland area. He does not know where it is coming from. It is not coming from the JCP&L site. It looks like there is a drain in the wetlands area. This was an issue a few years ago and we referred it to JCP&L. Dennis went back as far as he could. Mr. Lewandowski states that this is an issue for us if it freezes every year. Dennis Dayback states also an issue in the past was where the water was coming out into Broadway.

MEETING OPEN FOR PUBLIC DISCUSSION: December 10, 2020 Meeting

Meeting opens for Public Discussion at 8:11 p.m.

With no one appearing to be heard, Mayor Cocuzza closes meeting for Public Discussion at 8:11 p.m.

UNFINISHED BUSINESS:

NEW BUSINESS AND INTRODUCTION OF ORDINANCES: OEM new vehicle – they will keep the one the Police have given them 2006 which is outfitted. Hazlet vehicle to be given to Code Enforcer. Centerville title to be turned over to the Town. It is in parking lot. Paperwork to be dropped off. Hazlet is fine with donation nothing else needed. Await certificate of ownership. Clerk to prepare Resolution to accept the donation. Hazlet vehicle to go to Made You Look to have decals removed and set up decals and then we will send the black truck down and have them put the Union Beach decal on the black truck on the door, and on back construction/ code enforcement. Bob Howard would like to be a part of the signage language approval.

Proposed ORDINANCES: Meeting of December 17, 2020: None

PROPOSED RESOLUTIONS: December 17, 2020

- Resolution Authorizing Return of Zoning Application Fee in amount of \$100 to Habitat for Humanity, 45 South Street, Freehold, NJ
- 2020 Budget Transfer Resolution – (FINANCE)
- 2021 temporary budget appropriations - - (FINANCE)
- 2021 temporary sewer utility budget appropriations – (FINANCE)
- Award of Turf Maintenance Contract – 3 year if bids are favorable – (ENGINEER)
- Award of Solid Waste Contract – 5 year if bids are favorable – (ENGINEER)
- Resolution Authorizing Addendum Number 13 to AIA Document Between Owner and Architect
- Resolution for final payment and explanation of the contract costs in excess of 20% of contract. (ENGINEER)
- Authorizing Change Order No. 1 & Final- 2020 Capital Improvement Program (ENGINEER)

PROPOSED RESOLUTIONS: Meeting of December 17, 2020

PROPOSED RESOLUTION NO. 2020-203:

RESOLUTION AUTHORIZING A REFUND FOR PAYMENT OF A ZONING APPLICATION

Whereas, the following payment was collected from Habitat for Humanity, 45 South Street, Freehold, NJ for zoning permit payment application for 430 Aumack Avenue, Block 165, Lot 4.01

						DATE REC.
<u>PERMIT NO.</u>	<u>AMOUNT PAID</u>	<u>ADDRESS</u>	<u>BLOCK LOT</u>		<u>REFUND DUE</u>	<u>CHECK #</u>
#3002	\$100.00	430 Aumack Ave	165	4.01	\$100.00	11/19/2020 #9657

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

Whereas, it was unknown by applicant that the property was subject to a previous court decision under Monmouth County Superior Court of New Jersey Docket No. Mon-L-2630-01; and

Whereas, an application for bulk variances to construct a single-family dwelling on the subject property was previously denied by the Planning Board and upheld by the courts for reasons outlined in the court’s decision; and

Whereas, Robert M. Howard, Jr., Borough Administrator, for the Borough of Union Beach, has made application to the Finance Officer to grant a refund listed above to Habitat for Humanity, 45 South Street, Freehold, NJ in the amount of \$100.00;

Now, Therefore, Be it Resolved, by Mayor and Council of the Borough of Union Beach, that in accordance with the recommendations of the Borough Administrator, a refund is hereby authorized to Habitat for Humanity 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. Wicki						
Mrs. Roche						
Mr. Cavallo						
Mr. Lewandowski						
Mr. Andreuzzi						
Mrs. Woodruff						

PROPOSED RESOLUTION NO. 2020- 204:

AUTHORIZING CHANGE ORDERS NO. 41, 44 & 45 - 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. 41, 44 & 45 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.....	\$	222,491.27	The Contract Sum
prior to this Change Order was	\$	3,776,491.27	
The Contract Sum will be changed by these Change Orders.....	\$		

PROPOSED RESOLUTION NO. 2020-206:

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 AND FINAL – BOROUGH HALL ASBESTOS ABATEMENT

WHEREAS, the Borough of Union Beach in the County of Monmouth, State of New Jersey, has on August 21, 2020 authorized the awarding of a contract to **Lilich Corporation, 606 McBride Avenue, Little Falls, NJ 07424**; and

WHEREAS, the Mayor and Council authorize Payment Certificate No. 3 and Final to the contract awarded to **Lilich Corporation**, in the amount of:

Original Contract Price:		\$23,300.00
Total Reductions		0
Total Extras No. 1		10,460.00
Net Change in the Contract:	\$	\$10,460.00
Revised Contract Price		\$33,760.00
Previous Payments		\$23,300.00
Total Amount Due this Certificate No. 2 and Final		\$10,460.00

Total Amount Due for Payment Certificate No. 3 & final \$10,460.00 Previous Payments \$23,300.00; and,

WHEREAS, this proposed Change Order No. 1 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;
 - iv) if the nature of the change order is technical, the certification shall include a certified statement from contractor’s appropriate expert, explaining in detail the factual circumstances which necessitate the issuance of the change order;
- 2) a request from the chief executive officer, in this case the Borough Engineer, or his designee, to the governing body requesting the change order and explaining why this change order may be allowed pursuant to this provision; 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, does hereby authorize Change Order No. 1 and Final in the amount of \$10,460.00 and issuance of Payment Certificate No. 3 and final for the contract with **Lilich Corporation** in the amount of \$10,460.00 and

BE IT FURTHER RESOLVED that the Mayor is authorized to sign said Payment Certificate on behalf of the Borough and the Borough Clerk is hereby authorized to publish a notice of this action in the Asbury Park Press indicating the additional amount to be expended, the original contract price, the nature of the original and additional work authorized by the within resolution and why it is necessary to expend the additional funds; and

BE IT FURTHER RESOLVED that the Clerk shall report this action to the Division of Local Government Affairs of the Department of Community Affairs of the State of New Jersey in its annual audit.

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

PROPOSED RESOLUTION 2020 -207 :

AUTHORIZING CHANGE ORDER NO. 1 & FINAL- 2020 CAPITAL IMPROVEMENT PROGRAM

WHEREAS, the Borough of Union Beach in the County of Monmouth, State of New Jersey, has on May 21, 2020, authorized the awarding of a contract to **Jads Construction Co., P.O. Box 513, South River, NJ 08882**; and,

WHEREAS, the Mayor and Council authorize Change Order No. 1 and Final to the contract awarded to **Jads Construction Co., P.O. Box 513, South River, NJ 08882** the amount of:

Original Contract Price:	\$879,635.69
Total Reductions	- \$101,830.34
Total Extras this Change Order	\$ 53,296.50
Total Supplementary This C.O	\$ 19,804.28
Net Change This C.O. (Reduction)	- \$ 28,729.57
Previous Change Orders	\$ 0
Revised Contract Price of	\$850,906.12
Net Change in the Contract:	- \$28,729.57

Total Amount Due for Payment Certificate No. 3 & final \$112,906.41- Previous Payments \$737,945.72; 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, does hereby authorize the issuance of Change Order No. 1 & Final and Payment Certificate 3 and Final to the contract with **Jads Construction Co., P.O. Box 513, South River, NJ 08882**; and,

BE IT FURTHER RESOLVED that the Mayor is authorized to sign said Change Order on behalf of the Borough.

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

PROPOSED RESOLUTION 2020-208: TRANSFER OF FUNDS – 2020 BUDGET

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

PROPOSED RESOLUTION 2020-209: TEMPORARY MUNICIPAL BUDGET

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

PROPOSED RESOLUTION 2020-210: TEMPORARY MUNICIPAL SEWER UTILITY BUDGET

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

APPROVAL OF VOUCHERS AND PAYMENT OF BILLS: Dropbox

PROPOSED RESOLUTION 2020-211:

	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 DECEMBER , 2020:

Mayor Cocuzza 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						
Mrs. Roche						
Mr. Cavallo						
Mr. Lewandowski						
Mr. Andreuzzi						
Mrs. Woodruff						

EXECUTIVE SESSION: RESOLUTION NO. 2020 -201: MEETING OF DECEMBER 10,

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 (Garbage Contract Negotiations) 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 Councilman Lewandowski, seconded by Councilwoman Woodruff and approved by unanimous voice vote.

The Governing Body retired into executive session for a matter of discussion of the Garbage Contract Negotiation at 8:24 pm

RECONVENE MEETING: 9:29 pm

Motion to reconvene meeting moved by Councilman Lewandowski, seconded by Councilwoman Woodruff and approved by unanimous voice vote.

ROLL CALL: Council Members

Also Present:

ATTORNEY: PURPOSE OF CLOSED SESSION: Discussion of solid waste contract negotiation.

No action.

PROPOSED RESOLUTION 2020-: (if necessary)

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

Administrator discusses that in January he would like to have the Chapter 2-7 Ordinance ready for introduction. He has been working on it and will have it sent to the Fire Department as a draft for all to approve, including the Commissioners so it can be introduced next month.

ADJOURNMENT: Motion moved by Councilman Cavallo, seconded by Councilwoman Woodruff_ and approved by unanimous Voice Vote. 9:30 P.M.

Respectfully Submitted by: _____
Anne Marie Friscia, RMC