



AGENDA
Borough of Union Beach
Thursday, January 21, 2016- 8:00 p.m.
Municipal Building- 650 Poole Ave.
Union Beach, NJ

CALL TO ORDER: Meeting called to order by Mayor Paul J. Smith, Jr. at _____ **P.M.**

ANNOUNCEMENT: By Mayor Paul J. Smith, Jr. of the Emergency Fire Exits.

SALUTE TO THE FLAG: Mayor Paul J. Smith, Jr.

SUNSHINE LAW NOTICE: Announced by Clerk

Adequate notice has been given to the public and press on the date, time and place of this meeting, in accordance with P.L 1975, chapter 231, "open public meetings act."

ROLL CALL: Council Members

Mr. Perrella
Mr. Wicki
Ms. Roche
Mr. Williams
Mr. Andreuzzi
Mr. Cocuzza

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

SET ASIDE THE REGULAR ORDER OF BUSINESS: - January 21, 2016 Mtg.

1. Oath of Office Administered to Bart Sutton, BRSA Representative

Motion moved by _____, seconded by _____ and approved by voice vote to set aside meeting of

BACK TO THE REGULAR ORDER OF BUSINESS: January 21, 2016 Mtg.

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

APPROVAL OF MINUTES OF THE MEETING OF:

December 17, 2015 Council Meeting, January 3, 2016 Reorganizational Meeting

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

PRESENTATION OF COMMUNICATIONS; PETITIONS, ETC.:

PUBLIC HEARINGS ON ORDINANCES AND OTHER PUBLIC HEARINGS, ETC.:
REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Councilman Perrella

Councilman Wicki:

Councilwoman Roche:

Councilman Williams

Councilman Andreuzzi:

Councilman Cocuzza

Health, Education, Drug Alliance, & Recreation

Finance, Personnel, Administration & Code Enforcement

Emergency Svs. (Fire, OEM) American Legion & Seniors

Public Affairs, Library & Sp. Grants

EMS, Public Works & Building and Grounds & Construction

Public Safety (PD, Court) & Shared Services

MEETING OPEN FOR PUBLIC DISCUSSION: January 21, 2016 Meeting

Meeting opens for Public Discussion at ____ p.m.

Meeting closes for Public Discussion at ____ p.m.

NEW BUSINESS AND INTRODUCTION OF ORDINANCES: (none)

**ORDINANCE NO. 2016- 229 AN ORDINANCE REVISING AND AMENDING AN ORDINANCE
ENTITLED "THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH, 1980,"
CHAPTER X, BUILDING AND HOUSING**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF UNION BEACH that Chapter X, Building and Housing Regulations of the Borough of Union Beach is hereby amended as follows:

10-1.1 Enforcing Agency Established.

a. There is hereby established in the borough a State Uniform Construction Code enforcing agency to be known as Union Beach Code Enforcement Bureau, consisting of a construction official, building subcode official, plumbing subcode official, electrical subcode official, fire subcode officials, and such other subcode officials for such additional subcodes as the Commissioner of the Department of Community Affairs, State of New Jersey, shall hereafter adopt as

part of the State Uniform Construction Code and the International Code Council, Building subcode of 2015, Plumbing subcode of 2015, Fire subcode of 2015 and the Electrical subcode of 2014. The construction official shall be the chief administrator of the enforcing agency. Any reorganization of positions, or the opening of lines of authority between dispersed personnel in different agencies, is reserved to the mayor and council.

10-2. INTERNATIONAL CODE COUNCIL PROPERTY MAINTENANCE CODE, 2015

10-2.1 Adoption of International Code Council Property Maintenance Code, 2015. A certain document, three (3) copies of which are on file in the office of the Borough Clerk of the Borough of Union Beach, being marked and designated as the *International Code Council Property Maintenance Code, 2015* edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Union Beach, in the State of New Jersey, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said International Code Council Property Maintenance on file in the office of the Borough of Union Beach are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in section 3 of this ordinance.

10-2.2 Repealer and Saving Clause. The former subsections 10-2.1 and 10-2.3 adopting and amending "The International Code Council Property Maintenance Code, First Edition, 2015," and former subsections 10-2.2, 10-2.4 and 10-2.5 be and the same hereby are repealed. Nothing in this section or in the International Code Council Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this subsection; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this section.

10-2.4 Requirement for a Certificate of Occupancy. No owner or person in any capacity shall occupy or cause, let, allow, permit or suffer to be occupied by any person any vacant dwelling or dwelling unit, nor shall any person, owner, or any agent, servant or employee lease or occupy or cause to be let or occupied and vacant dwelling or dwelling unit unless a certificate of occupancy certifying that the dwelling unit is fit for human habitation as set forth in this ordinance, shall first be obtained from the code official.

a. The code official shall cause to be prepared appropriate application forms for such certificate of occupancy which forms shall be available to applicants at the office of the code enforcement officer.

b. The code official shall cause to be prepared appropriate forms of the certificate of occupancy.

c. For a single family residence a fee of seventy-five (\$75.00) dollars to cover the cost of the application and of the first inspection and any reinspection to confirm the correction of violations, deficiencies or other noncompliances prior to the issuance of the certificate of occupancy. If a third inspection is required because the applicant failed to correct all of the violations, deficiencies or other noncompliances an additional fee of fifty (\$50.00) dollars shall be charged prior to the issuance of the certificate of occupancy. An additional fee of fifty (\$50.00) dollars shall be charged for each reinspection required thereafter to ensure compliance with the code prior to the issuance of the certificate of occupancy. All fees shall be paid by the applicant to the Borough of Union Beach at the time the application is filed and prior to each required reinspection and shall not be refundable.

d. For a commercial building or multi-family dwelling with more than one apartment a fee of one hundred and twenty-five (\$125.00) dollars to cover the cost of the application and of the first inspection and any reinspection to confirm the correction of violations, deficiencies or other noncompliances prior to the issuance of the certificate of occupancy. If a third inspection is required because the applicant failed to correct all of the violations, deficiencies or other noncompliances an additional fee of one hundred (\$100.00) dollars shall be charged prior to the issuance of the certificate of occupancy. An additional fee of one hundred (\$100.00) dollars shall be charged for each reinspection required thereafter to ensure compliance with the code prior to the issuance of the certificate of occupancy. All fees shall be paid by the applicant to the Borough of Union Beach at the time the application is filed and prior to each required reinspection and shall not be refundable.

10-2.5 Designation of Enforcement Authority. The code enforcement officer shall be deemed the code official empowered to and responsible for the enforcement of all of the provisions of this ordinance and the *International Code Council Property Maintenance Code, 2015* edition, adopted by this ordinance. The titles "code official" and "code enforcement officer" as they appear in these Revised General Ordinances and the *International Code Council Property Maintenance Code, 2015* edition, shall be deemed interchangeable references to the same officials or officers of the Borough of Union Beach.

10-2.6 Violations and Penalties. Any person who shall violate a provision of this code shall, upon conviction thereof, be subject to a fine of not less than one hundred (\$100.00) dollars nor more than two thousand (\$2,000.00)

dollars for each offense or may be imprisoned in the county jail or another place of imprisonment or confinement for a term not exceeding ninety (90) days or a period of community service not exceeding ninety (90) days, or both.

Each day that a violation continues after due notice has been served shall be deemed a separate offense.

If the violation is of a provision of any housing, building or zoning code and the Code Enforcement Bureau official or other code enforcement officer chooses to impose a fine in an amount greater than one thousand two hundred and fifty (\$1,250.00) dollars, the owner or agent or contractor or other person having control of the building or premises shall have a period of not less than thirty (30) days in which the owner, agent or contractor shall be afforded the opportunity to cure or abate the condition constituting the violation. Subsequent to the expiration of the 30 day period a fine greater than \$1,250 may be imposed if a court of competent jurisdiction has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

BE IT FURTHER ORDAINED, that if any provision, paragraph, section or subsection of this chapter be found unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions of this chapter shall remain in full force and effect and shall have continuing validity; and

BE IT FURTHER ORDAINED, that this ordinance shall take effect immediately upon final adoption in accordance with law.

Ordinance No. 2016-229 was introduced on First Reading by: _____ Seconded by: _____.

Roll Call Vote: Mr. Perrella _____ Mr. Wicki _____ Ms. Roche _____

Mr. Williams _____ Mr. Andreuzzi _____ Mr. Cocuzza _____

RESOLUTIONS: January 17, 2016 Meeting

RESOLUTION 2016-34 ADVERTISEMENT OF ORDINANCE NO. 2016-229 IN THE ASBURY PARK PRESS FOR PUBLIC HEARING TO BE HELD ON FEBRUARY 18, 2016

Resolution Offered by: _____ Seconded by: _____

Roll Call Vote:

Mr. Perrella _____ Mr. Wicki _____ Ms. Roche _____

Mr. Williams _____ Mr. Andreuzzi _____ Mr. Cocuzza _____

PROPOSED RESOLUTIONS: January 21, 2016 MEETING:

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WHEREAS, pursuant to N.J.S.A. 40A:4-19 the Borough Council of the Borough of Union Beach adopted Resolution #2015-195 and to provide temporary funds for the period from Jan. 1, 2016 until the adoption of the Operating Budget for the Borough of Union Beach, New Jersey; and

WHEREAS, additional appropriations will be required from January 21, 2016 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

(A) Operations - within "CAPS":

General Government

Tax Collector:

Other Expenses 1,200.00

Insurance:

Group Insurance 50,000.00

Emergency Management Services:

Other Expenses 500.00

Aid to Volunteer Companies:

Other Expenses 30,000.00

First Aid:

Other Equipment 1,200.00

Bayshore Youth:

Other Expenses 2,800.00

Reverse 911 6,010.00

Total Operations (Item 8 (A))

Within "CAPS" 91,710.00

Municipal Purposes within "CAPS"

91,710.00

Total General Appropriations

\$91,710.00

2. This action shall take effect January 21, 2016.

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.

Roll Call Vote:

Mr. Perrella _____ Mr. Wicki _____ Ms. Roche _____

Mr. Williams _____ Mr. Andreuzzi _____ Mr. Cocuzza _____

RESOLUTION NO. 2016-36: Authorizing Mayor to execute contracts with Professionals appointed at the Re-Organization meeting of the Governing Body held on January 3, 2016.

Be it Resolved by the Mayor and Council of the Borough of Union Beach; that in accordance with the appointment of the following professionals at the Re-Organization meeting of the Governing Body Held on January 3, 2016, that the Governing Body enter into Professional Contract Agreements for the year 2016, as follows:

A) Municipal Borough Attorney:
John T. Lane, Jr., Esq.
P.O. Box 1377, Wall, NJ 07719

B) Municipal Auditor:
Robert A. Hulsart, CPA/RMA
Firm: Robert A. Hulsart and Co.
2807 Hurley Pond Road, Wall, NJ

C) Bond Counsel
Peter Carton, Esq.
Gibbons P.C.
One Riverfront Plaza
Newark NJ 07101

D) Special Labor Counsel
Patrick J. McNamara
Scarinci & Hollenbeck LLC
1100 Valley Brook Avenue
Lyndhurst, NJ 07071

E) Financial Advisors
George W. Huss, CPA/RMA
Andy Zabiega
Firm: Samuel Klein & Co.
550 Broad Street
Newark, NJ 07102

And;

Be it further Resolved, that the Mayor be and he is hereby authorized to execute said contracts, attested to by the Borough Clerk, on behalf of the Borough of Union Beach.

Resolution Offered by: _____ Seconded by:

Roll Call Vote:

Mr. Perrella _____ Mr. Wicki _____ Ms. Roche _____
Mr. Williams _____ Mr. Andreuzzi _____ Mr. Cocuzza _____

RESOLUTION NO. 2016-37: Authorizing Mayor to execute contract for the year 2016 with the Union Beach EMS.

Be it Resolved the by Governing Body, that the Mayor is hereby authorized to sign an Annual Contract with The Union Beach Emergency Medical Services (EMS) for the year 2016 in the amount of \$40,000 and clothing allowance of \$2,000.00

BE IT FURTHER RESOLVED, that the Finance Office is hereby authorized to make payment to the Union Beach Emergency Services.

Resolution Offered by: _____ Seconded by:

Roll Call Vote:

Mr. Perrella _____ Mr. Wicki _____ Ms. Roche _____
Mr. Williams _____ Mr. Andreuzzi _____ Mr. Cocuzza _____

RESOLUTION NO. 2016-38:

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.

Resolution Offered by: _____ Seconded by:

Roll Call Vote:

Mr. Perrella _____ Mr. Wicki _____ Ms. Roche _____
Mr. Williams _____ Mr. Andreuzzi _____ Mr. Cocuzza _____

RESOLUTION NO. 2016-39:

Resolution Authorizing Memorial School Soccer Championship Jacket Donation in Amount of \$292.00

Whereas, the Governing Body has received a request from Coach Sean Atland, of the Memorial School Boys Soccer Team, requesting the Borough's support to fund a portion of the balance for Championship Jackets for members of the winning team; and,

Whereas, the Governing Body has discussed this request and would like to make such a donation to the Memorial School fundraising effort for these jackets; and,

Now, Therefore, Be It Resolved by the Governing Body of the Borough of Union Beach, Union Beach, New Jersey, that permission is hereby granted for the Treasurer to issue a check in the amount of \$292.00 to cover the remaining cost of the Memorial School Boys Soccer Championship jackets

Be It Further Resolved, that the Clerk will contact the school and make arrangements for issuance.

Resolution Offered by: _____ Seconded by:

Roll Call Vote:

Mr. Perrella _____ Mr. Wicki _____ Ms. Roche _____
Mr. Williams _____ Mr. Andreuzzi _____ Mr. Cocuzza _____

RESOLUTION NO. 2016-40:

**RESOLUTION CONDEMNING ACTS OF TERRORISM IN THE UNITED STATES
AND ABROAD**

WHEREAS, on January 7, 2015, armed terrorists violently attacked the offices of the French newspaper Charlie Hebdo in Paris, killing 12 people and injuring at least 11 others; and

WHEREAS, on January 9, 2015, another terrorist perpetrated an anti-Semitic attack on a kosher supermarket, killing four of 19 hostages before French police stormed the building and rescued the surviving hostages; and

WHEREAS, on February 15, 2015, terrorists attacked civilians during a free speech forum at a Copenhagen cafe; and

WHEREAS, on May 3, 2015, two terrorists were stopped by police in Garland, Texas before they could attack a gathering of 200 people; and

WHEREAS, on August 21, 2015, United States Air Force Airman First Class Spencer Stone, Oregon Army National Guard Specialist Aleksander Skarlatos, college student Anthony Sadler, and others selflessly risked their lives and forcibly subdued a terrorist on a train in France carrying more than 500 passengers; and

WHEREAS, on November 13, 2015, terrorists attacked thousands of civilians at various venues in Paris, killing and wounding hundreds of innocent civilians without any provocation; and

WHEREAS, on December 2, 2015, a husband and wife terrorist team killed 14 people and wounded dozens of others before they were killed by police in San Bernardino, California; and

WHEREAS, this unfortunately non-exhaustive list of attacks having taken place abroad and in the United States in 2015 by terrorists seeking to threaten and intimidate the American way of life and freedoms enjoyed by all peace loving people must be condemned while we stand in solidarity with those killed and impacted by these tragedies; and

WHEREAS, the people of the Republic of France have always expressed solidarity with the people of the United States, including following the terrorist attacks of September 11, 2001, which claimed the lives of thousands of innocent civilians in the United States; and

WHEREAS, the Universal Declaration of Human Rights, adopted by the United Nations General Assembly on December 10, 1948, holds that "everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Union Beach in the County of Monmouth, State of New Jersey that the Borough:

1. stands in solidarity with our French and other allies and renew our common support for democracy and freedom, including freedom of the press and freedom of religion;
2. condemns the brutal attacks committed by terrorists home and abroad through shootings, hostage-taking, and suicide bombings of innocent civilian targets;
3. expresses its heartfelt condolences and deepest sympathies for the victims and family members of those attacked; and

4. pledges to assist in pursuing justice against those involved in any manner possible while taking all necessary and appropriate actions to prevent such future attacks locally and elsewhere when such assistance can be provided.

Resolution Offered by: _____ Seconded by:

Roll Call Vote:

Mr. Perrella _____ Mr. Wicki _____ Ms. Roche _____
Mr. Williams _____ Mr. Andreuzzi _____ Mr. Cocuzza _____

RESOLUTION NO. 2016-41: Authorizing Administrator to proceed with quotes for office space upgrade including security for the Court Administration Office.

Whereas, the need for quotes for the purpose of Municipal Office Space upgrades including security for the Court Administration Office are required; and
Whereas, the Governing Body of the Borough of Union Beach hereby authorize the Borough Administrator to obtain such quotes for the needed upgrades;
Now therefore be it resolved, that the Borough Administrator will obtain such quotes and present results of quotes to the Governing Body for review.

Resolution Offered by: _____ Seconded by:

Roll Call Vote:

Mr. Perrella _____ Mr. Wicki _____ Ms. Roche _____
Mr. Williams _____ Mr. Andreuzzi _____ Mr. Cocuzza _____

APPROVAL OF VOUCHERS, AND PAYMENT OF BILLS:

PROPOSED RESOLUTION NO. 2016-42: Offered by Councilman Wicki

Approval of Vouchers/Purchase Orders /Add on List
And Payment of Bills:

Seconded by: _____

Roll Call Vote: Mr. Perrella _____ Mr. Wicki _____ *Ms. Roche _____
Mr. Williams _____ Mr. Andreuzzi _____ **Mr. Cocuzza _____

*Ms. Roche abstains on voucher no. **16-00032**

** Mr. Cocuzza abstains on all Board of Education and Monmouth County Vouchers

BUSINESS ADDED TO THE AGENDA OF THE MEETING OF JANUARY 21, 2016:

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

1. Resolution 2016-43 :

Resolution authorizing a donation in the amount of \$500 for the Police Unity Tour, P.O. Box 528 Florham Park, NJ

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

RESOLUTION NO. 2016-43

Authorizing A donation in the amount of \$500 for the Police Unity Tour, P.O. Box 528, Florham Park, NJ

WHEREAS, Police Officer, Matthew Gajewski and Police Officer Sean Smith have agreed to represent the Borough of Union Beach Police Department in the Police Unity Tour; and

WHEREAS, Police Officer, Matthew Gajewski and Police Officer Sean Smith will ride in memory of Fallen Illinois State Trooper, Kyle Deathridge, who volunteered for service during Hurricane Sandy to aid the Residents of the Borough of Union Beach; and

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body does hereby approve the donation of \$500 to Honor the Memory of Fallen State Trooper, Kyle Deathridge and authorize the Chief Financial Officer to prepare said checks in the amount of \$250.00 each and present to Police Officer Matthew Gajewski and Police Officer Sean Smith with our thanks.

Resolution Offered by: _____ Seconded by:

Roll Call Vote:

Mr. Perrella _____ Mr. Wicki _____ Ms. Roche _____
Mr. Williams _____ Mr. Andreuzzi _____ Mr. Cocuzza _____

EXECUTIVE SESSION: RESOLUTION NO. 2015-: (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 (b) _____ . 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.**

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

RECONVENE MEETING: at _____ p.m.

ROLL CALL: Council Members

Mr. Perrella
Mr. Wicki
Ms. Roche
Mr. Williams
Mr. Andreuzzi
Mr. Cocuzza

Also Present:

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

ATTORNEY: PURPOSE: _____

ADJOURNMENT: _____ p.m. Motion moved by _____, seconded by _____ and approved by unanimous Voice Vote.