



AGENDA
Borough of Union Beach
Thursday, September 17, 2015, 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.**

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

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

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. Mascilak
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: September 17, 2015

Police Citations by Police Chief Ervin – Narcan Saves September 17, 2015 – Chief Ervin
25 year Plaque for Bruna Devino, Aders Tavern – September 17, 2015 – Councilwoman Roche - Confirmed

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

BACK TO THE REGULAR ORDER OF BUSINESS:

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

APPROVAL OF MINUTES OF THE MEETING OF: August 20, 2015 Meeting Minutes

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

PRESENTATION OF COMMUNICATIONS; PETITIONS, ETC.:

EMS Request for Town Wide Yard Sale – October 17 & 18

Bayshore Senior Center – Ruby Celebration – Donation Requested \$200.00

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

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

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

<u>Councilman Mascilak:</u>	<u>Health, Education, Drug Alliance, & Recreation</u>
<u>Councilman Wicki:</u>	<u>Finance, Personnel and Administration</u>
<u>Councilwoman Roche:</u>	<u>Emergency Svs. (Fire, OEM) American Legion & Seniors</u>
<u>Councilman Williams</u>	<u>Public Affairs, Library, Sp. Grants, Construction & Code Enforc.</u>
<u>Councilman Andreuzzi:</u>	<u>EMS, Public Works & Building and Grounds</u>
<u>Councilman Cocuzza</u>	<u>Public Safety (PD, Court) & Shared Services</u>

Additions to Administrator's Report to the Governing Body

MEETING OPEN FOR PUBLIC DISCUSSION: September 17, 2015 Meeting

Meeting opens for Public Discussion at _____ p.m.

Meeting closes for Public Discussion at _____ p.m.

NEW BUSINESS AND INTRODUCTION OF ORDINANCES:

PROPOSED ORDINANCE NO. 2015-228

AN ORDINANCE OF THE BOROUGH OF UNION BEACH, ESTABLISHING AN ABANDONED PROPERTY LIST AND DESIGNATING A PUBLIC OFFICER

WHEREAS, the Borough of Union Beach contains a number of vacant buildings that have been abandoned by their owners and that are in a state of disrepair and neglect; and

WHEREAS, these buildings, by virtue of their condition and their proximity to other buildings are diminishing the value of neighboring properties and have a negative effect on the quality of life of adjacent residents and property owners, increasing the risk of property damage through arson and vandalism and discouraging neighborhood stability and revitalization; and

WHEREAS, many buildings, or the land on which they are situated, can be used for productive purposes, which will further the revitalization of the Borough of Union Beach and improve its economics and social condition; and

WHEREAS, the Borough of Union Beach desires to use the powers granted local governments under the laws of the State of New Jersey to address the conditions created by these buildings, and further their reuse for productive purposes; and

WHEREAS, by creating an abandoned property list, as set forth in Section 36 of P.L. 1996, c.62 (C.55:19-55) as amended by section 28 of P.L. 2003, c.210, the municipality will better be able to address the conditions created by these buildings and further their reuse for productive purposes;

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF UNION BEACH as follows:

- (1) The Code Enforcement Officer or other official designated by the Borough Administrator is hereby directed to identify abandoned properties within the municipality, place said properties on an abandoned property list established as provided in Section 36 of P.L. 1996, c.62 (C.55:19-55), as amended by section 28 of P.L. 2003, c.210 and provide such notices and carry out such other tasks as are required to effectuate an abandoned property list as provided by law.
- (2) The abandoned property list shall apply to the Borough of Union Beach as a whole.
- (3) Robert Parsells, Code Enforcement Officer or other official designated by the Borough Administrator is hereby designated as the public officer for the purpose of carrying out the responsibilities established by this ordinance, and shall have all the responsibilities and powers as provided by law.
- (4) The public officer shall provide a report to the Mayor and Council every six months, with respect to the number and location of the properties on the abandoned property list, the status of those properties, and any action taken by the municipality or by any qualified rehabilitation entity designated by the Mayor and Council with respect to any property on the list or any other abandoned within the Borough of Union Beach.

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 all other sections of the ordinance remain in full force and effect; and

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

Ordinance No. 2015 - 228 was introduced on First Reading by: _____ Seconded by: _____.

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

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

RESOLUTIONS: September 17, 2015 MEETING:

RESOLUTION 2015-158 ADVERTISEMENT OF ORDINANCE NO. 2015- 227 IN THE ASBURY PARK PRESS FOR PUBLIC HEARING TO BE HELD ON OCTOBER 16, 2015:

Resolution Offered by: _____ Seconded by: _____

Roll Call Vote:

Mr. Mascilak _____ Mr. Wicki _____ Ms. Roche _____

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

RESOLUTION NO. 2015 - 159 : Resolution Requesting Approval of the Director of Local Government Services FOR THE FOLLOWING CHAPTER 159: Grant for Police Body Armor Replacement Fund \$1,765.27

Be it resolved by the Mayor and Council of the Borough of Union Beach, THAT

WHEREAS, N.J.S. 40A:4.87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County

or Municipality when such item shall have been made available by law, and the amount thereof was not determined at the time of the adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough of Union Beach has received a grant in the sum of \$1,765.27 original from the Robin Hood Foundation for Redistribute Reimbursement of Expenses and wishes to amend it's CY 2015 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Union Beach hereby requests that the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget of the CY 2015, in the sum of \$1,765.27.

Which is now available as a revenue from;

- Miscellaneous Revenue:
 - Special items of General Revenue anticipated with prior written consent of the Director of Local Government Services:
 - State and Federal Revenues off-set with Appropriations:
 - Grant for Police Body Armor Replacement Fund \$1,765.27**

Pursuant to the Provisions of Statute; and

BE IT FURTHER RESOLVED, that a like sum of \$1,765.27 be and the same is hereby appropriated under the caption of:

- General Appropriations:
 - (a) Operations excluded from "CAPS" State and Federal Programs off-set by Revenues:
 - Grant for Police Body Armor Replacement Fund**
 - Other Expenses

BE IT FURTHER RESOLVED, that the Borough Clerk be and she is hereby authorized and directed to forward two (2) certified copies of this Resolution to the Director of the Division of Local Government Services.

Resolution Offered by: _____ Seconded by:

Roll Call Vote:

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

RESOLUTION NO. 2015 - 160 : Resolution Requesting Approval of the Director of Local Government Services FOR THE FOLLOWING CHAPTER 159: Grant for Driving While Intoxicated Grant \$9,933.18

Be it resolved by the Mayor and Council of the Borough of Union Beach, THAT

WHEREAS, N.J.S. 40A:4.87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law, and the amount thereof was not determined at the time of the adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough of Union Beach has received a grant in the sum of \$9,933.18 from The Driving While Intoxicated Grant. and wishes to amend it's CY 2015 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Union Beach hereby requests that the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget of the CY 2015, in the sum of \$9,933.18.

Which is now available as a revenue from;

Miscellaneous Revenue:
Special items of General Revenue
anticipated with prior written
consent of the Director of Local Government Services:

State and Federal Revenues off-set with Appropriations:

Grant for Driving While Intoxicated Grant \$9,933.18

Pursuant to the Provisions of Statute; and

BE IT FURTHER RESOLVED, that a like sum of \$9,933.18 be and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations excluded from "CAPS"
State and Federal Programs off-set by Revenues:

Grant for Driving While Intoxicated Grant
Other Expenses

BE IT FURTHER RESOLVED, that the Borough Clerk be and she is hereby authorized and directed to forward two (2) certified copies of this Resolution to the Director of the Division of Local Government Services.

Resolution Offered by: _____ Seconded by:

Roll Call Vote:

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

RESOLUTION NO. 2015 - 161 : Resolution Requesting Approval of the Director of Local Government Services FOR THE FOLLOWING CHAPTER 159: Insertion of 159 Grant for New Jersey Natural Gas Post-Hurricane Sandy eco-friendly home reconstruction project \$2,500.00

Be it resolved by the Mayor and Council of the Borough of Union Beach, THAT

WHEREAS, N.J.S. 40A:4.87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law, and the amount thereof was not determined at the time of the adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough of Union Beach has received a grant in the sum of \$2,500.00 from the **Grant for New Jersey Natural Gas Post-Hurricane Sandy eco-friendly home reconstruction project.** and wishes to amend it's CY 2015 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Union Beach hereby requests that the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget of the CY 2015, in the sum of \$2,500.00

Which is now available as a revenue from;

Miscellaneous Revenue:
Special items of General Revenue
anticipated with prior written
consent of the Director of Local Government Services:

State and Federal Revenues off-set with Appropriations:

Grant for New Jersey Natural Gas Post-Hurricane Sandy eco friendly home reconstruction project.

Pursuant to the Provisions of Statute; and

BE IT FURTHER RESOLVED, that a like sum of \$2,500.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations excluded from "CAPS"
State and Federal Programs off-set by Revenues:

Grant for New Jersey Natural Gas Post-Hurricane Sandy eco friendly home reconstruction project.
Other Expenses

BE IT FURTHER RESOLVED, that the Borough Clerk be and she is hereby authorized and directed to forward two (2) certified copies of this Resolution to the Director of the Division of Local Government Services.

Resolution Offered by: _____ Seconded by:

Roll Call Vote:

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

RESOLUTION NO. 2015 - 160 : Resolution Requesting Approval of the Director of Local Government Services FOR THE FOLLOWING CHAPTER 159: Grant for Recycling Tonnage Grant \$8,359.17

Be it resolved by the Mayor and Council of the Borough of Union Beach, THAT

WHEREAS, N.J.S. 40A:4.87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law, and the amount thereof was not determined at the time of the adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough of Union Beach has received a grant in the sum of \$8,359.17 from Recycling Tonnage Grant.
and wishes to amend it's CY 2015 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Union Beach hereby requests that the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget of the CY 2015, in the sum of \$8,359.17

Which is now available as a revenue from;

Miscellaneous Revenue:
Special items of General Revenue
anticipated with prior written
consent of the Director of Local Government Services:

State and Federal Revenues off-set with Appropriations:

Recycling Tonnage Grant \$8,359.17

Pursuant to the Provisions of Statute; and

BE IT FURTHER RESOLVED, that a like sum of \$8,359.17 be and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations excluded from "CAPS"
State and Federal Programs off-set by Revenues:

Recycling Tonnage Grant
Other Expenses

BE IT FURTHER RESOLVED, that the Borough Clerk be and she is hereby authorized and directed to forward two (2) certified copies of this Resolution to the Director of the Division of Local Government Services.

Resolution Offered by: _____ Seconded by:

Roll Call Vote:

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

RESOLUTION 2015-163: AUTHORIZING ENGINEER TO PREPARE AND SUBMIT 2016 NEW JERSEY DOT GRANT

Be it Resolved, by the Governing Body of the Borough of Union Beach that;

The Borough Engineer, Edward G. Broberg of T&M Associates is hereby authorized to prepare and submit grant application for 2016 NJ DOT GRANT for project Harrison Avenue from Stone Road to Johnson Avenue.

Resolution Offered by: _____ Seconded by:

Roll Call Vote:

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

RESOLUTION 2015-164:

SUPPORT FOR NEW JERSEY SENATE BILL S2677 - AMENDING THE LAW CONCERNING COUNTY AND MUNICIPAL STREAM CLEANING ACTIVITIES

WHEREAS, the Borough of Union Beach, Monmouth County, continues to work with any and all State and Federal agencies to provide flood relief to its residents in an expeditious and cost-effective manner; and

WHEREAS, the current stream cleaning law restricts a county or municipal stream cleaning projects that include sediment removal to stream beds of 15 feet or less, in average width; and

WHEREAS, New Jersey State Senators Robert M. Gordon (District 38) and Paul A. Sarlo (District 36) have introduced Senate Bill S2677, which would amend the provisions of the current stream cleaning law, which allows a county or municipality, or a designated agency thereof, to undertake certain stream cleaning projects that include sediment removal; and

WHEREAS, under the provisions of Senate Bill S2677, the average width of a stream bed that would be allowed to be part of any stream cleaning project would be increased to 30 feet, as well as revising the provision in the law that limits the availability of the procedure set forth in the law to a county or municipal stream cleaning project that includes sediment removal to a stream corridor to be cleaned, cleared, or de-snagged of less than 500 feet in length;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Union Beach, County of Monmouth, State of New Jersey, hereby supports Senate Bill S2677 amending the law concerning county and municipal stream cleaning activities, and urges the New Jersey State Legislature to approve and pass the bill; and

BE IT FURTHER RESOLVED that a certified true copy of this resolution be forwarded to the members of the New Jersey Senate, the Governor and Lieutenant Governor of the State of New Jersey, the New Jersey State League of Municipalities, the Municipal Clerks Association of New Jersey, and all Monmouth County municipalities.

Resolution Offered by: _____ Seconded by:

Roll Call Vote:

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

APPROVAL OF VOUCHERS, AND PAYMENT OF BILLS:

RESOLUTION NO. 2015: 165 Offered by Councilman Wicki

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

Seconded by: _____

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

BUSINESS ADDED TO THE AGENDA OF THE MEETING OF SEPTEMBER 17, 2015:

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

1. Resolution 2015-166 :

Resolution authorizing the return of Performance Bond as recommended by Engineer to Union Beach Associates.

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

RESOLUTION NO. 2015-166:

RETURN OF PERFORMANCE BOND AS RECOMMENDED BY ENGINEER TO UNION BEACH ASSOCIATES AMOUNT UPON POSTING OF REQUIRED MAINTENANCE BOND IN THE AMOUNT OF \$7,107.12 FOR A PERIOD OF TWO YEARS

Whereas, the Borough Engineer has reported to the Governing Body that final inspection of the project, "Seventh and Spruce Streets" block 39, lots 24.01, 24.02 and 24.03 has been satisfactorily completed and does recommend the release of the "Performance Guarantee" held by the Borough of Union Beach, as follows:

Reduced Performance Bond	\$7, 484.40
Cash Bond 10%	831.60*

And;

Whereas, the Borough's Ordinance requires the posting of a "Maintenance Bond" upon release of the performance bond to run for a period of two (2) years from the date of the release of the performance bond, as follows:

- | | | |
|----|---|---|
| 1. | Maintenance Bond in the amount of (for a period of two years) | \$ 3,465.00 (either cash or a form of surety acceptable to the Borough) |
| 2. | Maintenance Bond Inspection Fees | \$ 231,00 |
| 3. | Outstanding Inspection Fees | \$ 6,072.67* |

*the remaining posted cash portion of the bond had been deducted from the outstanding inspection fees. And the applicant must post an additional \$6,072.67 for the remaining balance of outstanding inspection fees.

Now, Therefore Be It Resolved by the Governing Body of the Borough of Union Beach, that they do hereby authorize the release of the Performance Guarantee as stated herein, and:

Be it Further Resolved that a "Maintenance Bond" as enumerated herein, be posted with the Borough of Union Beach and any other fees, in accordance with the recommendations of the Borough Engineer, as stated in his letter of September 10, 2015.

Roll Call Vote: Mr. Mascilak _____ Mr. Wicki- absent, 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. Mascilak
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, Borough Clerk

ATTORNEY: PURPOSE:

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