



**BOROUGH OF UNION BEACH
AGENDA
COUNCIL MEETING
April 15, 2021, 7:30 P.M.
650 Poole Avenue, Union Beach, NJ**

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

ANNOUNCEMENT: By Mayor Cocuzza of the Emergency Fire Exits.

SALUTE TO THE FLAG: Mayor Cocuzza

SUNSHINE LAW NOTICE: Announced by Borough Clerk

Adequate notice has been given to the public and press on the date, time and place of this meeting, in accordance with P.L 1975, chapter 231, "open public meetings act." - change of meeting legal notice has been sent and run in the Asbury Park Press and Independent as to the teleconferencing of this meeting containing instructions for public participation.

ROLL CALL: Council Members

- Mr. Wicki
- Ms. Roche
- Mr. Cavallo
- Mr. Lewandowski
- Mr. Andreuzzi
- Ms. Woodruff

Also Present:

- Mayor Charles W. Cocuzza
- John T. Lane, Jr., Borough Attorney
- Robert M. Howard, Jr. Borough Administrator
- Anne Marie Friscia, Borough Clerk

MOTION TO RETURN TO THE REGULAR ORDER OF BUSINESS OF THE MEETNG OF April 8, 2021

Motion moved by _____ seconded by: _____ voice vote.

MOTION TO SET ASIDE THE REGULAR ORDER OF BUSINESS: April 15, 2021

Plaque presentation to Mr. Nascimento – OEM Retirement – **invitation to be sent**

Motion moved by _____, seconded by _____ voice vote.

MOTION TO RETURN TO THE REGULAR ORDER OF BUSINESS OF THE MEETNG OF April 15, 2021

Motion moved by _____ seconded by: _____ voice vote.

**PUBLIC HEARINGS ON ORDINANCES AND OTHER PUBLIC HEARINGS, ETC.:
MEETING OF APRIL 15, 2021:**

PUBLIC HEARING ORDINANCE NO. 2021-301:

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 March 26, 2021.

Clerk requests permission of Mayor Cocuzza to read the Ordinance by Title only, advising that said Ordinance was posted on the Bulletin Board at the Municipal Building and on the Borough's Website at least one week in advance of this Public Meeting, and that copies of said Ordinance were made available to the General Public upon request.

ORDINANCE # 2021-301

**CALENDAR YEAR 2021
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Governing Body of the Borough of Union Beach in the County of Monmouth finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Governing Body hereby determines that a 3.5 % increase in the budget for said year, amounting to \$213,605.43 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Union Beach in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Borough of Union Beach shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$299,047.60 and that the CY 2021 municipal budget for the Borough of Union Beach be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

PUBLIC HEARING ON ORDINANCE NO. 2021-301:

MAYOR COCUZZA OPENS THE MEETING TO PUBLIC HEARING ON ORDINANCE NUMBER 2021-301 AT _____ P.M.

MAYOR COCUZZA DECLARES THE PUBLIC HEARING CLOSED ON ORDINANCE NO. 2021-301 AT _____ P.M.

RESOLUTION NO. 2021- 75: AUTHORIZING FINAL ADOPTION OF ORDINANCE 2021-301 AND FURTHER AUTHORIZING CLERK TO ADVERTISE NOTICE OF FINAL ADOPTION OF ORDINANCE 2021-301 IN ASBURY PARK PRESS.

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

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

BOROUGH OF UNION BEACH

SUGGESTED PROCEDURE FOR BUDGET HEARING ON THE BUDGET AND TAX RESOLUTION

Clerk: Mayor, this is the time fixed for the public hearing on the 2021 Municipal Budget. The Budget was approved by the Governing Body on March 18, 2021, was advertised as required by law on March 25, 2021, together with notice of hearing for this time and teleconference instructions.

Clerk: Mayor, I have a Resolution regarding the Reading of the Budget by Title Only.

RESOLUTION NO. 2021- 76: Budget Resolution Authorizing non-reading of Budget in full:

Clerk: (READS FULL RESOLUTION REGARDING NONREADING OF BUDGET.)

Whereas, NJSA 40a:4-8 as amended provides that the Budget shall be read in full at the public hearing or that it may be read by its title only if:

- 1, At least one week prior to the date of the hearing a complete copy of the approved Budget:

- (a) Shall be made available for public inspection in the free public library, if any, of the municipality and in the free county libraries or regional libraries located in the municipality or, if no county libraries or regional libraries are located in the municipality, the county or regional library of the county in which the municipality is located, and the public officer delegated responsibility of delivering copies of the approved budget to such library shall forward to the governing body an attestation that each such delivery was made, and
- (b) Is made available to each person requesting the same during said week and during the public hearing.

Now, therefore be it Resolved, by the Governing Body of the Borough of Union Beach that it is hereby declared that the conditions of NJSA 40A:4-8, as amended set for the in subsections 1 (a) and 1 (b) have been met and therefore the Budget for the Calendar Year 2021 shall be read by title only.

Member: [redacted] I offer the foregoing resolution and move its adoption.

Another Member: [redacted] I second the motion. Roll call vote:

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

Mayor: Resolution is adopted.

Mayor Before opening this hearing, I wish to outline the procedure. Each person desiring to be heard will give his or her name and address. I will recognize one speaker at a time, in order of requesting to speak, as nearly as I can determine in person and teleconferenced.

Address all questions to the Chair; where necessary they will be referred to individual members of the Governing Body or Municipal Officials.

Questions must be confined solely to the Municipal Budget before us; School or County matters are not proper subjects of this hearing and cannot be discussed or answered here tonight.

I now declare open the public hearing on the 2021 Municipal Budget.

Mayor: Observing no further speakers, I will entertain a motion to close the hearing.

A Member: [redacted] Mayor, I request that the Clerk be instructed to read Section 2, the adopting resolution for the Budget.

Mayor: The Clerk will read the resolution.

Clerk: (Reads Section 2).

Same Member: [redacted] I offer the foregoing resolution and move its adoption.

Another Member: [redacted] I second the motion.

Mayor: (Puts motion to a vote followed by roll call.)

Mayor: The 2021 Municipal Budget Resolution is adopted.

PRESENTATION OF COMMUNICATIONS; PETITIONS, ETC. MEETING OF APRIL 8, 2021

Keyport Yearbook – Full page \$275.00

Application for Vendor Hawker License – Mr. Softee – Mobile License

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

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Councilman Wicki

Finance, Personnel, Administration, Special Grants & Shared Services

Councilwoman Roche

Board of Education, American Legion & Public Affairs

Councilman Cavallo

Seniors, Library, Community Alliance & Health

Councilman Lewandowski

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

MEETING OPEN FOR PUBLIC DISCUSSION: April 15, 2021

Meeting opens for Public Discussion at _____ p.m.

Meeting closes for Public Discussion at _____ p.m.

UNFINISHED BUSINESS:

NEW BUSINESS AND INTRODUCTION OF ORDINANCES:

ORDINANCES: Meeting of April 15, 2021:

RESOLUTIONS: APRIL 15, 2021

RESOLUTION NO. 2021-77:

Authorizing Permanent and Temporary Utility Easement Conveyances to the County of Monmouth to facilitate the Reconstruction of Bridge R-5 over Chingarora Creek at County Road Florence Avenue

Whereas, the County of Monmouth is preparing to replace Bridge R-5 over Chingarora Creek along Florence Avenue in Union Beach; and

Whereas, the Borough of Union Beach owns land immediately adjacent to Bridge R-5 along both the Easterly and Westerly lines of Florence Avenue; and

Whereas, the County of Monmouth, in order to complete the project, has requested from the Borough of Union Beach conveyances of permanent and temporary easements along the easterly and westerly lines of Florence Avenue; and

Whereas, the Borough of Union Beach wishes to assist the County of Monmouth and facilitate the reconstruction of the said Bridge R-5.

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 documents affecting Lots 1 & 2 in Block 101 on the Borough Tax Map and affecting Lot 3 Block 103 on said Tax Map and the Borough Clerk is authorized to attest to the execution of said documents.

Be It Further Resolved that this approval is subject to receipt and review of documents by the Borough Administrator and Borough Attorney as to substance and form.

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

RESOLUTION 2021 - 78:

AUTHORIZING CHANGE ORDERS NO. 53 & 54 - 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. 53 & 54 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.....	\$	244,086.79
The Contract Sum prior to these Change Orders was	\$	3,798,086.79
The Contract Sum will be changed by these Change Orders.....	\$	

53 \$ 2,512.86

54 315.00
 \$ (net) 2,827.86

The new Contract Sum including these Change Orders will be..... \$ 3,800,914.65

And,
Whereas, the Chief Financial Officer has certified in writing hereon that funds are available and the Municipal Attorney has reviewed the certification of the Chief Financial Officer and is satisfied that said certification is in proper form;

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Union Beach, in the County of Monmouth, State of New Jersey, that the Mayor and Council hereby authorize the issuance of Change Order Nos. 53 & 54 to the contract with H&S Construction & Mechanical, Inc., and

Be It Further Resolved that the Mayor is hereby authorized to sign said Change Orders on behalf of the Borough.

Be It Further Resolved that a certified copy of this resolution be forwarded to the Borough Administrator and Finance Department.

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

RESOLUTION 2021 - 79:

Resolution Authorizing the Cancellation of a Special Emergency Appropriations to Fund in the amount of \$235,000

WHEREAS, the Borough of Union Beach, in the County of Monmouth and State of New Jersey that the Borough adopted Ordinance Number 2020-295 on December 17, 2020 appropriating \$235,000 attributable to any operating deficit directly attributable to COVID-19.

WHEREAS, the Borough did not require the financial assistance to offset the operating deficit attributable to COVID-19,

WHEREAS, that the Special Emergency Appropriation in the amount of \$235,000 be cancelled as of April 15, 2021.

NOW THEREFORE BE IT RESOLVED that the Mayor and Borough Council of the Borough of Union Beach, County of Monmouth does hereby cancel the Special Emergency Appropriation in the amount of \$235,000 as of April 15, 2021.

That a copy of this resolution be sent to the Director of the Division of Local Government Services.

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

RESOLUTION NO. 2021-80 :

A Resolution Requesting Permission for the Dedicated by Rider for Uniform Fire Safety Act Penalty Moneys Required by (N.J.S. 52:27D-192 et seq.)

WHEREAS, permission is required of the Director of the Division of Local Government Serviced for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, N.J.S. 52:27D-192 et seq. provides for receipt of Uniform Fire Safety Act Penalty Moneys by the Municipality to provide for the operating costs to administer this act, and

WHEREAS, N.J.S.A.40a:4-39 provides the dedicated revenues anticipated from the Uniform Fire Safety Act Penalty Moneys are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

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

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures for the Uniform Fire Safety Act Penalty Moneys per N.J.S.A. 40A:4-39.
2. The Clerk of the Borough of Union Beach, County of Monmouth is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

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

RESOLUTION NO. 2021-81:

A Resolution Requesting Permission for the Dedicated by Rider for Outside Employment of Off-Duty Municipal Officers Required by (LFN 2000-14)

WHEREAS, permission is required of the Director of the Division of Local Government Serviced for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, LFN 2000-14 provides for receipt of Outside Employment of Off-Duty Municipal Officers by the Municipality to provide for the operating costs to administer this act, and

WHEREAS, N.J.S.A.40a:4-39 provides the dedicated revenues anticipated from the Outside Employment of Off-Duty Municipal Officers are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

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

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures for Outside Employment of Off-Duty Municipal Officers as per N.J.S.A. 40A:4-39.
2. The Clerk of the Borough of Union Beach, County of Monmouth is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

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

RESOLUTION NO. 2021-82:

AUTHORIZING INTRACOUNTY MUTUAL AID AND ASSISTANCE AGREEMENT BETWEEN PARTICIPATING UNITS.

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et. Seq., (“Act”) provides that any local governmental unit may enter into a contract with any other local governmental unit to provide or receive any service that each local unit is empowered to provide or receive within its own jurisdiction; and

WHEREAS, mutual aid and assistance agreements between municipalities, counties, law enforcement agencies, police, emergency medical service, fire departments, fire companies, or EMS Organizations and fire departments situated in fire districts operated by a Board of Fire Commissioners, are permitted pursuant to N.J.S.A. 40A: 14-26 and 40A: 14-156.1; and

WHEREAS, the President in Homeland Security Directive (HSPD-5), directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (“NIMS”), which would provide a consistent nationwide approach to Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, “The New Jersey Civilian Defense and Disaster Control Act” App.A9-33 et. seq., provides for the health, safety and welfare of the people of the State of New Jersey during any emergency by centralizing control of all civilian activities having to do with such emergency giving the Governor control over the resources of each and every political subdivision to cope with any condition that shall arise out of such emergency; and

WHEREAS, The Director of the Division of Fire Safety in the Department of Community Affairs promulgated rules in accordance

with the “Fire Service Resource Emergency Deployment Act,” N.J.A.C. 52:14E-11 et. seq., commonly referred to as the “Fire Service Resource Emergency Deployment Regulations” N.J.A.C. 5:75A et. seq.; and

WHEREAS, the Mayor and Council of the Borough of Union Beach deem it to be in the best interests of the Borough of Union Beach to enter into Mutual Aid and Assistance Agreements with governmental entities throughout Monmouth County and all of their departments, authorities, boards, commissions and other functions under the auspices of each participating governmental entity including but not limited to, law enforcement, public works, emergency medical services, emergency management, human services, hazardous materials response units technical or special operations teams, Community Emergency Response Team (“CERT”) members, Medical Reserve Corps (“MRC”) members or other volunteers and other jurisdictions defined “local governments” in the Homeland Security Act of 2002; and

WHEREAS, N.J.S.A. 40A: 14-26 AND 156.1 et seq. has authorized interjurisdictional mutual aid; and

WHEREAS, the Mayor and Council of the Borough of Union Beach and the Participating Units recognize the benefit of entering into an Agreement for mutual aid and assistance with each other to protect against loss, damage or destruction by fire, civil unrest, hazardous material, major criminal or emergency events, natural and man-made disaster or catastrophe and to address those situations when additional aid and assistance is needed to protect the best interests of the persons and property of each individual jurisdiction;

NOW, THEREFORE, BE IT RESOLVED that the Intra-County Mutual Aid and Assistance Agreements between the Borough of Union Beach and Participating Units be and are hereby accepted; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are authorized to execute the Intra-County Mutual Aid and Assistance Agreements once they have been authorized and executed by each Participating Unit; and

BE IT FURTHER RESOLVED that the Borough Clerk forward a certified true copy of this resolution to the Monmouth County Sheriff; Office of Emergency Management Coordinator; and Police Department, Department of Public Works, Fire Department and Emergency Medical Services.

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

RESOLUTION 2021-83:

Resolution Authorizing The signing of the Memorandum of Understanding between the Borough of Union Beach, the Union Beach Police Department and the Union Beach Board of Education for the purpose of assignment of a Security Officer.

Be it Resolved, that the Mayor is hereby authorized to execute said contracts, attested to by the Borough Clerk, on behalf of the Borough of Union Beach after review of Borough Attorney of such documentation.

(Said Contracts are on file at the Borough Clerk’s Office and annexed to the Resolution)

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

RESOLUTION 2021-84:

RESOLUTION ADOPTING THE MONMOUTH COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

WHEREAS, the **Borough of Union Beach**, NJ, has experienced natural hazards that result in public safety hazards and damages to private and public property and;

WHEREAS, the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offer the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risks and;

WHEREAS, the New Jersey Office of Emergency Management has provided federal mitigation funds to support development of an updated mitigation plan and;

Whereas, a Multi-Jurisdictional Hazard Mitigation Plan has been developed by the County Office of Emergency Management and Mitigation Planning Committee and;

Whereas, the Multi-Jurisdictional Hazard Mitigation Plan includes a prioritized list of mitigation actions including activities that, over time will help minimize and reduce safety threats and damage to private and public property and;

WHYEREAS, the draft plan was provided to each participating jurisdiction through a website hosted by Michael Baker International, the contracted vendor assisting with the planning process. Links were links also posted on the Emergency Management and Division of Planning websites so as to introduce the planning concept and to solicit questions and comments and to present the Plan and request comments, as required by law and;

NOW, THEREFORE BE IT RESOLVED by the **Borough of Union Beach**:

1. The Monmouth County Multi-Jurisdictional Hazard Mitigation Plan, as submitted on June 23, 2020 by the Monmouth County Office of Emergency Management to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency and subsequently approved by both agencies on August 27, 2020, be and is hereby adopted as an official plan of the County or Monmouth; with the required yearly updates and minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. The **Borough of Union Beach** departments identified in the Plan are hereby directed to further pursue potential or suggested implementation of the recommended high priority activities that are assigned to their departments.
3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the **Borough of Union Beach**, and this resolution shall not be interpreted so an to mandate any such appropriation.
4. The **Borough of Union Beach** Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the New Jersey Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date agree upon by all stakeholders.

BE IT FURTHER RESOLVED that the **Borough Clerk**, forward a certified true copy of this resolution to the Monmouth County Office of Emergency Management Coordinator and the Union Beach Coordinator.

PASSED by the **Mayor and Council** of the **Borough of Union Beach** on this 15th day of **April** 2021.

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

RESOLUTION NO. 2021-85:

**RESOLUTION COMPUTING 2021 RESERVE FOR UNCOLLECTED TAXES
PURSUANT TO N.J.S.A. 40A:4-41c(2)**

WHEREAS, N.J.S.A. 40A:4-41c(2), enacted into law (P.L. 2010, c. 56), provides alternate methods of calculating the Reserve for Uncollected Taxes, and

WHEREAS, one method under N.J.S.A. 40A:4-41c(2) permits the Governing Body of any municipality in which the amount of tax reductions resulting from tax appeal judgments of the County Tax Board pursuant to R.S. 54:3-21 et seq., or the State Tax Court pursuant to R.S. 54:48-1 et seq., result in tax reductions in the preceding fiscal year, may elect to calculate the current year reserve for uncollected taxes by reducing the certified tax levy of the prior year by the amount of the tax levy adjustment resulting from those judgments. Election of this choice shall be made by resolution, approved by a majority vote of the full membership of the governing body prior to the adoption of the annual budget pursuant to N.J.S.A. 40A:4-5; and

WHEREAS, the Borough of Union Beach’s Adjusted Tax Levy in 2020 was \$16,584,830.98; and

WHEREAS, during 2020 the Borough of Union Beach’s Tax Levy was reduced by \$5,147.32 in 2020 tax appeals; and

WHEREAS, the Borough of Union Beach has determined that it is advantageous for the Borough of union Beach to utilize the method under N.J.S.A. 40A:4-41(c)(2),

NOW, THEREFORE BE IT RESOLVED BY THE Governing Body of the Borough of Union Beach, New Jersey, that by a majority vote of the full membership of the Governing Body of the Borough of Union Beach, approves that the maximum percentage to be used for the reserve for uncollected taxes in the 2021 budget is 97.62% based on N.J.S.A. 40A:4-41c(2); and

BE IT FURTHER RESOLVED, that the Director of the Division of Local Government Services in the Department of Community Affairs, be and is hereby requested to give his written consent to allow the Borough of Union Beach to compute the Reserve for Uncollected Taxes pursuant to the provisions of N.J.S.A. 40A:4-41c(2).

BE IT FURTHER RESOLVED, that the Borough Clerk shall file two (2) certified copies of this resolution with the Director of the Division of Local Government Services.

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

RESOLUTION NO. 2021- 86:
APPROVAL OF VOUCHERS AND PAYMENT OF BILLS:

	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 APRIL __, 2021:

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

- 1. RESOLUTION NO. 2021-68:** Resolution Authorizing the Mayor to enter into Memorandum of Agreement and Contract Agreement on behalf of the Governing Body with the Union Beach PBA.
- 2. RESOLUTION NO. 2021-87:** Resolution Authorizing contracts with certain approved state contract vendors for contracting units pursuant to N.J.S.A. 40a:11-12a
- 3. RESOLUTION NO. 2021-88:** Resolution Authorizing and directing the Borough Attorney to institute condemnation proceedings to acquire the necessary property interests in Block 1 lots, 2, 3&4, 5,6, 7&8, 9 & 10, Block 251, Lot 2.01 pursuant to the eminent domain act N.J.S.A. for the storm damage reduction project in the Borough of Union Beach

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

RESOLUTION NO. 2021-68:

Resolution Authorizing the Mayor to enter into Memorandum of Agreement and Contract Agreement on behalf of the Governing Body with the Union Beach PBA.

Whereas, the Employment Agreement between the Borough of Union Beach and the PBA Local 291 expired on December 31, 2019, and;

Whereas, meaningful negotiations taking place since that time have resulted in a March 4, 2021 Memorandum of Agreement (MOA) between the parties for the period from January 1, 2020 through December 31, 2023, and;

Whereas, the Governing Body wishes to approve said MOA and authorize the Mayor to execute said MOA on their behalf, and;

Whereas, the Governing Body also wishes to authorize the Mayor to execute said Contract Agreement drawn in accordance with the provisions of said MOA when completed.

Now, therefore, Be It Resolved, by the Mayor and Council of the Borough of Union Beach that the said MOA is approved and the Mayor is hereby authorized to sign the March 4, 2021 “Borough of Union Beach and PBA Local 291 2020-2023 Memorandum of Agreement”, and;

Be it Further Resolved, that the Mayor is hereby authorized to sign the 2020-2023 Contract Agreement drawn in accordance with the MOA, when completed.

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

RESOLUTION NO. 2021-87:

RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS FOR CONTRACTING UNITS PURSUANT TO N.J.S.A. 40A:11-12a

Whereas, the Borough of Union Beach, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

Whereas, the Borough of Union beach has the need on a timely basis to purchase goods or services utilizing State contracts; and

Whereas, the Borough of Union Beach intends to enter into contracts with Rubberecycle through this resolution and properly executed contracts, which shall be subject to all conditions applicable to the current State contracts;

Now, Therefore, Be It Resolved, that the Borough of Union Beach authorizes to purchase certain goods or services from Rubberecycle pursuant to all conditions of the individual State contracts; and

Be It Further Resolved, that the governing body of the Borough of Union Beach pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

Be It Further Resolved, that the Borough of Union Beach enter into a contract with Rubberecycle under State Contract Number T0103 Park and Playground Equipment.

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

RESOLUTION NO. 2021-88:

RESOLUTION AUTHORIZING AND DIRECTING THE BOROUGH ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS TO ACQUIRE THE NECESSARY PROPERTY INTERESTS IN BLOCK 1 LOTS 2, 3&4, 5, 6, 7 & 8, 9, & 10 BLOCK 251 LOT 2.01 PURSUANT TO THE EMINENT DOMAIN ACT N.J.S.A.FOR THE STORM DAMAGE REDUCTION PROJECT IN THE BOROUGH OF UNION BEACH

WHEREAS, the Borough of Union Beach has entered into an agreement with the State of New Jersey (hereinafter the State) and the United States Army Corps of Engineers (hereinafter the USACE) to construct a Storm Damage Reduction Project in the Borough of Union Beach; and

WHEREAS, the Eminent Domain Act (hereinafter the EDA) empowers municipalities to acquire any property interests in real property and other personal property and interests in real property to facilitate the plan as designed by the USACE; and

WHEREAS, the Borough has provided certain property owners with an appraisal and written offer to acquire the necessary easements upon certain properties by Certified Mail and has waited in excess of 14 days since delivery of said appraisals and offers and the property owners have not accepted the offers, or rejected them in writing nor have they conveyed any *bona fide* counter-demands. The Borough Council has determined that it has engaged in *bona fide* negotiations and must now proceed to acquire these interests through condemnation.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Union Beach that the Borough Attorney be and is hereby authorized and directed to file Verified Complaints for Condemnation against the record owners and all other interested persons for the following properties to acquire easements to erect the Storm Damage Reduction Project, Phase I:

- 1) BLOCK 1, LOT 2
- 2) BLOCK 14, LOTS 3 & 4
- 3) BLOCK 1, LOT 5
- 4) BLOCK 1, LOT 6
- 5) BLOCK 1, LOTS 7 & 8
- 6) BLOCK 1, LOT 9
- 7) BLOCK 1, LOT 10
- 8) BLOCK 251, LOT 2.01.

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

POINT OF ORDER: MAYOR COCUZZA ANNOUNCES THAT HE WISHES TO APPOINT THE FOLLOWING PERSON(S) TO THE UNION BEACH RECREATION COMMISSION

Union Beach Recreation Commission

NOTE: Mayor’s Appointments, without confirmation of the Borough Council:

Mayor Cocuzza announces that he is appointing the following named persons as members of the Recreation Commission to serve the unexpired term of Sue Costello expiring on December 31, 2024 upon completion of background check by the Union Beach Police Department:

Alternate 2

Ms. Antoinette Cea -Lopes

To serve the unexpired term of Sue Costello

December 31, 2024

EXECUTIVE SESSION: RESOLUTION NO. 2021 : MEETING OF APRIL , 2021.

Be it Resolved, by the Governing Body of the Borough of Union Beach that;
The Governing Body retire into Closed Session for the exclusion of public subject matter of discussion under N.J.S.A 10:4-12 (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 _____ seconded by _____ and approved by unanimous voice vote.

The Governing Body retired into executive session for a matter of _____ at _____ **p.m.**

RECONVENE MEETING: ____ pm

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

ROLL CALL: Council Members

Also Present:

ATTORNEY: PURPOSE OF CLOSED SESSION:

PROPOSED RESOLUTION 2021-: (if necessary)

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

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