



**BOROUGH OF UNION BEACH  
AGENDA  
Council Meeting  
June 17, 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
- Carol Seney, Deputy Clerk -

**MOTION TO SET ASIDE THE REGULAR ORDER OF BUSINESS: June 17, 2021 MEETNG**

Motion moved by \_\_\_\_\_, seconded by \_\_\_\_\_ voice vote.

**MOTION TO RETURN TO THE REGULAR ORDER OF BUSINESS OF THE MEETNG OF June 17, 2021**

Motion moved by \_\_\_\_\_ seconded by: \_\_\_\_\_ voice vote.

**PUBLIC HEARINGS ON ORDINANCES AND OTHER PUBLIC HEARINGS, ETC.:  
MEETING OF JUNE 17, 2021:**

**PUBLIC HEARING ORDINANCE NO. 2021-302:**

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 June 2, 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 NO. 2021-302:**

**AN ORDINANCE BY THE BOROUGH OF UNION BEACH IN COUNTY OF  
MONMOUTH, NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF  
CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND  
AMENDING CHAPTER 13 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF  
UNION BEACH, 1980**

**WHEREAS**, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

**WHEREAS**, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

**WHEREAS**, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

**WHEREAS**, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

**WHEREAS**, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

**WHEREAS**, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

**WHEREAS**, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

**WHEREAS**, the Borough Council of the Borough of Union Beach has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on Borough of Union Beach in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Borough of Union Beach’s residents and members of the public who visit, travel, or conduct business in Borough of Union Beach, to amend Borough of Union Beach’s zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of Borough of Union Beach; and

**WHEREAS**, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local

Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act’s 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

**NOW THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Union Beach, in the County of Monmouth, State of New Jersey, as follows:

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in Borough of Union Beach, except for the delivery of cannabis items and related supplies by a delivery service. This prohibition shall also apply in those parts of Borough of Union Beach under the jurisdiction and authority of the Monmouth County Bayshore Outfall Authority (MCBOA) and Bayshore Regional Sewerage Authority (BRSA) notwithstanding any State law to the contrary.

2. Chapter 13 of the The Revised General Ordinances of the Borough of Union Beach, 1980 is hereby amended by adding:

**§ 13-9.17a Prohibited Uses. [Ord. No. 2021-302]**

All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service.

3. Any article, section, paragraph, subsection, clause, or other provision of The Revised General Ordinances of the Borough of Union Beach, 1980 inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

5. This ordinance shall take effect upon its passage and publication and filing with the County of Monmouth Planning Board, and as otherwise provided for by law.

**PUBLIC HEARING ON ORDINANCE NO. 2021-302:**

MAYOR COCUZZA OPENS THE MEETING TO PUBLIC HEARING ON ORDINANCE NUMBER 2021-302 AT \_\_\_\_\_ P.M.

MAYOR COCUZZA DECLARES THE PUBLIC HEARING CLOSED ON ORDINANCE NO. 2021-302 AT \_\_\_\_\_ P.M.

**RESOLUTION 2021- 111:** AUTHORIZING FINAL ADOPTION OF ORDINANCE 2021-302 AND AUTHORIZING CLERK TO ADVERTISE FINAL ADOPTION OF ORDINANCE 2021-302:

Paper: The Asbury Park Press, issue of June \_\_\_, 2021

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

**Bond Ordinance 2021- 303:**

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 June 2, 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.

**BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$103,000 FOR IMPROVEMENTS TO THE MUNICIPAL BUILDING AND CONSTRUCTION OF AN ADDITION TO THE MUNICIPAL BUILDING WITH RESPECT TO THE SEWER UTILITY FOR AND BY THE BOROUGH OF UNION BEACH, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$103,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.**

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF UNION BEACH, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Union Beach, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$103,000. No down payment is required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law") as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this ordinance.

SECTION 2:

In order to finance the cost of the Improvements, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$103,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$103,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued is for improvements to the Municipal Building and construction of an addition to the Municipal Building, with respect to the sewer utility, including the acquisition of furnishings, including all structures and appurtenances, work and materials necessary therefor or incidental thereto, as shown on and in accordance with plans and specifications therefor on file with the Borough Clerk (supplements Bond Ordinance #2017-253 and 2019- 283)

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$103,000.

(c) The estimated cost of the Improvements is \$103,000 which amount represents the initial appropriation made by the Borough.

SECTION 4.

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance

is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

#### SECTION 5:

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

#### SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 29.375 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$103,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$20,600 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

#### SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

#### SECTION 8:

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

#### SECTION 9:

The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event

that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$103,000.

SECTION 11.

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**PUBLIC HEARING ON ORDINANCE NO. 2021-303:**

MAYOR COCUZZA OPENS THE MEETING TO PUBLIC HEARING ON BOND ORDINANCE NUMBER 2021-303 AT \_\_\_\_\_ P.M.

MAYOR COCUZZA DECLARES THE PUBLIC HEARING CLOSED ON BOND ORDINANCE NO. 2021-303 AT \_\_\_\_\_ P.M.

**RESOLUTION 2021-112:** AUTHORIZING FINAL ADOPTION OF BOND ORDINANCE 2021-303 AND AUTHORIZING CLERK TO ADVERTISE FINAL ADOPTION OF BOND ORDINANCE 2021-303:

Paper: The Asbury Park Press, issue of June \_\_\_, 2021

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

**Bond Ordinance 2021- 304:**

**\*\*Clerk announces that she did receive a Supplemental Debt Statement from the Chief Financial Officer for the following Bond Ordinance and it is on file in her office along with the CFO certification of down payment.**

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 June 2, 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.

**BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$309,000 FOR IMPROVEMENTS TO THE MUNICIPAL BUILDING AND CONSTRUCTION OF AN ADDITION TO THE MUNICIPAL BUILDING FOR AND BY THE BOROUGH OF UNION BEACH, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$293,550 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION**

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF UNION BEACH, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the “Improvements”) are hereby authorized to be undertaken by the Borough of Union Beach, New Jersey (the “Borough”) as general improvements. For the said Improvements there is hereby appropriated the amount of \$309,000, such sum includes the sum of \$15,450 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title

40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

#### SECTION 2:

In order to finance the cost of the Improvements not covered by the application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$293,550 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$293,550 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

#### SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued is for improvements to the Municipal Building and construction of an addition to the Municipal Building, including the acquisition of furnishings, including all structures and appurtenances, work and materials necessary therefor or incidental thereto, as shown on and in accordance with plans and specifications therefor on file with the Borough Clerk (supplements Bond Ordinance #2017-52 and Bond Ordinance 2019-281).

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$293,550.

(c) The estimated cost of the Improvements is \$309,000 which amount represents the initial appropriation made by the Borough.

#### SECTION 4.

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

#### SECTION 5:

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

#### SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 29.375 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$293,550 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$61,800 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds or grant monies received for the purpose described in Section 3 of this Ordinance shall be used for financing said Improvement by application thereof either to direct payment of the cost of said Improvement or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvement shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$293,550.

SECTION 11:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**PUBLIC HEARING ON ORDINANCE NO. 2021-304:**

MAYOR COCUZZA OPENS THE MEETING TO PUBLIC HEARING ON BOND ORDINANCE NUMBER 2021-304 AT \_\_\_\_\_ P.M.

MAYOR COCUZZA DECLARES THE PUBLIC HEARING CLOSED ON BOND ORDINANCE NO. 2021-304 AT \_\_\_\_\_ P.M.



**RESOLUTION 2021-113:** AUTHORIZING FINAL ADOPTION OF BOND ORDINANCE 2021-304 AND AUTHORIZING CLERK TO ADVERTISE FINAL ADOPTION OF BOND ORDINANCE 2021-304:

Paper: The Asbury Park Press, issue of June \_\_\_\_, 2021

|                 | 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: May 27, 2021**

Motion moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and approved by voice vote.

**PRESENTATION OF COMMUNICATIONS; PETITIONS, ETC. MEETING OF JUNE 17, 2021**

Approval of Volunteer Firefighter Garry Coleman – 214 Broadway – to Union Gardens Fire Co.

Motion moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and approved by voice vote.

GRADUATIONS: KEYPORT AWARDS WED JUNE 23<sup>RD</sup> 7:00 TO 8:30 – GRADUATION DATE: MEMORIAL SCHOOL GRADUATION DATE: JUNE 22<sup>ND</sup> RAINDATE JUNE 23<sup>RD</sup>. – 6 pm

UB 5K – June 26<sup>th</sup>  
 Community Alliance – Spring Fling – Scholer Park - June 26<sup>th</sup>  
 July 3<sup>rd</sup> Fireworks (Rain date July 5<sup>th</sup>)  
 Summer Recreation Program -

**REPORTS OF COMMITTEES AND DEPARTMENT HEADS:**

- |                               |  |
|-------------------------------|--|
| <u>Councilman Wicki</u>       | <u>Finance, Personnel, Administration, Special Grants &amp; Shared Services</u>                                    |
| <u>Councilwoman Roche</u>     | <u>Board of Education, American Legion &amp; Public Affairs</u>  |
| <u>Councilman Cavallo</u>     | <u>Seniors, Library, Community Alliance &amp; Health</u>   |
| <u>Councilman Lewandowski</u> | <u>Public Safety, Court, OEM, Fire Dept., EMS</u>  |
| <u>Councilman Andreuzzi</u>   | <u>Public Works, Building and Grounds &amp; Construction, Code Enforcement, Environmental &amp; Planning Board</u> |
| <u>Councilwoman Woodruff</u>  | <u>Recreation &amp; UBSA</u>   |

**MEETING OPEN FOR PUBLIC DISCUSSION: June 17, 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 June 17, 2021:**

**RESOLUTIONS: MAY 27, 2021**

**RESOLUTION NO. 2021-114: JUNE 17, 2021**

*AUTHORIZING THE RENEWAL OF LIQUOR LICENSES FOR THE PERIOD JULY 1, 2021- JUNE 30, 2022.*

Be it Resolved, by the Mayor and Council of the Borough of Union Beach that Alcoholic Beverage Licenses be issued to the persons; associations and corporations set forth below for the premises indicated for the license period: **July 1, 2021 and ending June 30, 2022** for which Tax Certificates have been received from the State Division of Taxation for each of the Licensees listed, and;

Be it further resolved, that the Municipal Clerk is hereby authorized and directed to sign and deliver the license certificates to the following licensees:

**License No.**

**Name and Address of Licensee:**

1350-33-005-006  
MUN. LIC C-2  
(CONSUMPTION)

PIERO'S RESTAURANT  
T/A TRE BELLE FIGLIE, LLC  
1411 STATE HIGHWAY 36  
UNION BEACH, NJ 07735

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

**RESOLUTION NO. 2021-115:**

**JUNE 17, 2021**

**Whereas**, the Borough of Union Beach, having a need for a Consulting Expert for litigation on the Municipal Building Addition/Renovation Project, authorized the engagement of Capital Project Management, Inc. by Resolution 2021-32 on January 21, 2021; and

**Whereas**, said resolution limited the expenditures for said services to an amount “not to exceed \$20,000.00”; and

**Whereas**, it has become necessary to revise this amount to “not to exceed \$40,000.00” and Borough Administration acknowledges and confirms the necessity for said revision.

**Now Therefore Be It Resolved** that the Mayor and Council of the Borough of Union Beach authorizes the increase of the amount of these services to “not to exceed \$40,000.00” without further authorization by the Mayor and Council; and

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

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

**RESOLUTION NO. 2021-116:**

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey, Department of Transportation for the Reconstruction of Seagate Avenue Project.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of Union Beach formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2022-Reconstruction of Seagate Avenue-00130 to the New Jersey Department of Transportation on behalf of the Borough of Union Beach.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Union Beach and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council On this 17th day of June 2021.

\_\_\_\_\_  
Anne Marie Friscia, RMC

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

My signature and the Clerk’s seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above

\_\_\_\_\_

ATTEST and AFFIX SEAL \_\_\_\_\_

Charles W. Cocuzza, Mayor

Anne Marie Friscia, RMC

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

**RESOLUTION NO. 2021-117:**

*Authorizing Ed Broberg, Engineer of T&M Associates to Contact Monmouth County Engineering for the Purpose of Discussion of Possible Union Avenue Flood Prevention Project.*

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

The Mayor and Council hereby authorize the Borough Engineer, Edward G. Broberg, P.E. of T & M Associates, 11 Tindall Road, Middletown, NJ to contact Monmouth County Engineering to discuss possible Flood Prevention project on Union Avenue on behalf of the Borough of Union Beach for the project:

**Union Avenue Flood Prevention**

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

**RESOLUTION NO. 2021-118:**

**MONMOUTH COUNTY BOARD OF CHOSEN FREEHOLDERS OPEN SPACE TRUST FUND ENABLING RESOLUTION FOR DEVELOPMENT OF SCHOLER PARK -**

**WHEREAS**, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

**WHEREAS**, the Governing Body of the Borough of Union Beach desires to obtain County Open Space Trust Funds in the amount of \$112,500.00 to fund Scholer Park Improvements located at Spruce Street and Prospect Avenue (Block 152, Lots 1, 2, 3, 3.01, 11, 12, 13, Block 26, Lot 2, Block 33, Lot 1, Block 34, Lot 1, Block 35, Lot 1, Block 23, Lot 10, Block 24, Lots 6 and 6.01, Block 25, Lot 6.01, Block 27, Lot 1, Block 30, Lot 1, Block 31, Lot 1, Block 32, Lot 1 of the Official Tax Map of the Borough of Union Beach). Development will include installation of a pedestrian walkway and lighting.

**WHEREAS**, the total cost of the project including all matching funds is \$225,000.00 and

**WHEREAS**, the Borough of Union Beach is the owner of and controls the project site.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH OF UNION BEACH THAT:**

1. Edward G. Broberg, PE, Borough Engineer or his successor is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and
2. The Borough of Union Beach is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted there to, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Edward G. Broberg, PE, Borough Engineer or his successor is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds.  
This resolution shall take effect immediately.

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

**RESOLUTION NO. 2021-119:**

**APPROVAL OF VOUCHERS AND PAYMENT OF BILLS: Dropbox**

|                  | 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 JUNE , 2021:**

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

**1. RESOLUTION NO. 2021-:**

**Motion to add business to Agenda** moved by \_\_\_\_\_ seconded by \_\_\_\_\_, voice vote.

**PROPOSED RESOLUTION 2021- :**

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

**EXECUTIVE SESSION: RESOLUTION NO. 2021 : MEETING OF JUNE 17, 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.