

**BOROUGH OF OCEAN GATE**

**COUNCIL MEETING ADDENDUM**

**November 28, 2018**

**CONSENT AGENDA**

The items listed below are considered to be routine by the Borough of Ocean Gate and will be enacted by one motion. There will be no formal discussion of these items. If discussion is desired, this item will be removed from the Consent Agenda and will be considered separately.

Resolution 2018-186 Authorizing Performance Bond Release and Acceptance of Maintenance Bond

Resolution 2018- 187 Enacting a Civil Rights Policy

Motion: \_\_\_\_\_ Second: \_\_\_\_\_

Roll call vote: Kendrick, Nicastro, Serpica, Haug, Martinez, Cox

RESOLUTION 2018-186

**AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND  
AND ACCEPTANCE OF THE MAINTENANCE BOND FOR JAK  
CONSTRUCTION CORP. T/A DIAMOND CONSTRUCTION FOR  
THE 2017 CURB AND SIDEWALK RECONSTRUCTION AT  
OCEAN GATE AVENUE PROJECT**

**WHEREAS**, JAK Construction, Corp. t/a Diamond Construction (“Diamond Construction”) of 35 Beaverson Blvd, Suite 12C, Brick, New Jersey was awarded a contract with the Borough of Ocean Gate (“Borough”) in the amount of \$31,945.86 for the 2017 Curb and Sidewalk Reconstruction at Ocean Gate Avenue Project; and

**WHEREAS**, Change Order No. 1 has been submitted for approval by the Borough Council to decrease the contract amount by \$4,931.86 resulting in a contract price of \$27,014.00; and

**WHEREAS**, Diamond Construction had posted a bond to guarantee the Borough the proper performance of the required improvements for the project; and

**WHEREAS**, the Borough Engineer, Pamela Hilla, P.E., C.M.E., certified that the Project is complete and recommends the Performance Bond be released on receipt of 100% Maintenance Bond for a period two (2) years and that the final estimate in the amount of \$2,701.00 be approved for payment; and

**WHEREAS**, the Borough Solicitor, James J. Gluck, Esq., found the Maintenance Bond to be acceptable in legal form and content; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Ocean Gate, County of Ocean, State of New Jersey, at the foregoing Contractor's Performance bond be released on receipt of a proper Maintenance Bond of two (2) years, in the amount of 100% of the final contract amount upon acceptance of certain revisions to the Maintenance Bond by Diamond Construction and its surety, Bondex Insurance Company.

**BE IT FURTHER RESOLVED**, that the Municipal Clerk is hereby directed to return the Performance Bond to Diamond Construction.

**BE IT FURTHER RESOLVED**, that the work performed under this contract be accepted and that final payment in the amount of \$2,701.00 be paid to Diamond Construction.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution shall be forwarded to the following:

1. Mayor and Council;
2. Pamela Hilla, P.E., C.M.E.;
3. James J. Gluck, Esq.;
4. Diamond Construction;
5. Bondex Insurance Company; and
6. All other parties in interest.

**CERTIFICATION**

I, Ileana Vazquez-Gallipoli, Municipal Clerk of the Borough of Ocean Gate, County of Ocean, State of New Jersey, hereby certify that the foregoing resolution is a true and correct copy of a resolution adopted at a Council Meeting held on November 28, 2018.

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Ileana Vazquez-Gallipoli, RMC, CMR  
Municipal Clerk

RESOLUTION 2018-187

**ENACTING A CIVIL RIGHTS POLICY WITH RESPECT TO ALL  
OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE  
EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS,  
AND MEMBERS OF THE PUBLIC THAT COME INTO  
CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND  
VOLUNTEERS**

**WHEREAS**, it is the policy of Borough of Ocean Gate to treat the public, employees, prospective employees, appointees, volunteers, and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

**WHEREAS**, the governing body of Borough has determined that certain procedures need to be established to accomplish this policy.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Ocean Gate, County of Ocean, State of New Jersey, as follows:

1. No official, employee, appointee, or volunteer of the Borough by whatever title known, or any entity that is in any way a part of the Borough shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough's business or using the facilities or property of the Borough.
2. The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough to provide services that otherwise could be performed by the Borough.
3. Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.
4. The Municipal Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

5. No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.
6. The Municipal Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.
7. The Municipal Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.
8. At least annually, the Municipal Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough's web site.
9. This resolution shall take effect immediately.
10. A copy of this resolution shall be published in the official newspaper of the Borough in order for the public to be made aware of this policy and the Borough's commitment to the implementation and enforcement of this policy.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution shall be forwarded to the following:

1. Mayor and Council
2. James J. Gluck, Esq.
3. All other parties interest.

#### **CERTIFICATION**

I, Ileana Vazquez-Gallipoli, Municipal Clerk of the Borough of Ocean Gate, County of Ocean, State of New Jersey, hereby certify that the foregoing resolution is a true and correct copy of a resolution adopted at a Council Meeting held on November 28, 2018.

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Ileana Vazquez-Gallipoli, RMC, CMR  
Municipal Clerk