

BOROUGH OF OCEAN GATE

COUNCIL MEETING AGENDA

July 1, 2020

CALL TO ORDER:

SUNSHINE STATEMENT: Notice of this meeting was advertised in the Asbury Park Press issue of April 25, 2020 and posted in the Municipal Office Building, Adrian Hall and the Ocean Gate Post Office.

SALUTE TO THE FLAG AND MOMENT OF SILENCE

ROLL CALL: Mayor Kennedy, Council President Kendrick, Councilwoman Nicastro, Councilman Haug, Councilman Martinez, Councilwoman Padham-Iaria, Councilman Livingston.

PRIVILEGE OF THE FLOOR LIMITED TO 3 MINUTES (AGENDA OR NON-AGENDA)

Report of James Gluck, Municipal Attorney

REPORT OF MAYOR KENNEDY

CORRESPONDENCE

REPORTS OF COUNCIL

Council President Kendrick
Councilwoman Nicastro
Councilman Haug
Councilman Martinez
Councilwoman Padham-Iaria
Councilman Livingston

ORDINANCE 634-20 AN ORDINANCE OF THE BOROUGH OF OCEAN GATE, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE BOROUGH OF OCEAN GATE AND APPROPRIATING \$687,210 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$451,449.50 IN BONDS OR NOTES OF THE BOROUGH OF OCEAN GATE TO FINANCE THE SAME

Motion to open public hearing for ord. 634-20: _____ Second: _____
Roll call vote: Kendrick, Nicastro, Haug, Martinez, Padham-Iaria, Livingston

Motion to close public hearing for ord. 634-20: _____ Second: _____
Roll call vote: Kendrick, Nicastro, Haug, Martinez, Padham-Iaria, Livingston

Motion to adopt ord. 634-20: _____ Second: _____
Roll call vote: Kendrick, Nicastro, Haug, Martinez, Padham-Iaria, Livingston

PRIVILEGE OF THE FLOOR LIMITED TO 3 MINUTES (AGENDA ITEMS ONLY):

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.

Motion: _____ Second: _____
Roll call vote: Kendrick, Nicastro, Haug, Martinez, Padham-Iaria, Livingston

- RESOLUTION 2020-121 Authorizing the World's Largest Yard Sale
- RESOLUTION 2020-122 Authorizing Ocean Gate Day
- RESOLUTION 2020-123 Approval to submit a grant application/2021 Bike Path
- RESOLUTION 2020-124 Authorization to Expunge Water Charges
- RESOLUTION 2020-125 Awarding 2020 DOT Bike Path Reconstruction
- RESOLUTION 2020-126 Awarding 2020 Tennis Court Reconstruction
- RESOLUTION 2020-127 Authorizing Shared Services Agreement/OG School
- RESOLUTION 2020-128 Payment of Bills

Motion to adjourn:

Motion: _____ Second: _____
Roll call vote: Kendrick, Nicastro, Haug, Martinez, Padham-Iaria, Livingston

RESOLUTION 2020-121

**AUTHORIZING THE WORLD'S LARGEST YARD SALE,
AND ESTABLISHING REGULATIONS FOR SAME**

WHEREAS, the Borough Council of the Borough of Ocean Gate has approved the Ocean Gate Recreation Committee's sponsorship of the World's Largest Yard Sale to be held throughout the Borough on Saturday, August 1, 2020, between the hours of 8:00 a.m. and 4:00 p.m Rain Date August 2, 2020.; and

WHEREAS, it is the desire of the Governing Body of the Borough of Ocean Gate to establish certain regulations regarding the World's Largest Yard Sale,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Ocean Gate that the following regulations are hereby established in connection with said Yard Sale to be held on August 1, 2020.


1. Only Ocean Gate businesses are permitted to set up sidewalk displays along Ocean Gate Avenue.
2. No outside vendors will be permitted to set up a display at the Yard Sale.
3. The usual fee of \$5.00 per household is hereby waived, and participation in said yard sale on August 1, 2020 will not be counted in the two allowable yard sales per year.
4. Be it also resolved that parking regulations pertaining to the use of parking decals in the municipal parking lots on Anglesea, E. Bayview and Wildwood Avenues shall be waived between the hours of 8:00 a.m. to 5:00 p.m. **ALL PARKING METER REGULATIONS WILL BE ENFORCED.**

BE IT ALSO RESOLVED, that the Municipal Clerk is hereby directed to forward certified copies of this resolution to the following:

1. Police Chief Mike Kuchta
2. Fred Ebenau, Chief Financial Officer

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 regular Council Meeting held on July 1, 2020.


Ileana Vazquez-Gallipoli, ~~RM~~, CMR
Municipal Clerk

RESOLUTION 2020-122

AUTHORIZING OCEAN GATE DAY 2020
AND ESTABLISHING REGULATIONS FOR SAME

WHEREAS, the Borough Council of the Borough of Ocean Gate has approved the Ocean Gate Recreation Committee's sponsorship of Ocean Gate Day 2020 to be held throughout the Borough on Saturday, August 15, 2020, Rain date Sunday, August 16, 2020 between the hours of 8:00 a.m. and 10:00 p.m.; and

WHEREAS, it is the desire of the Governing Body of the Borough of Ocean Gate to establish certain regulations regarding the Celebration,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Ocean Gate that the following regulations are hereby established in connection with Ocean Gate Day 2020 to be held on August 15, 2020 Rain date August 16, 2020.

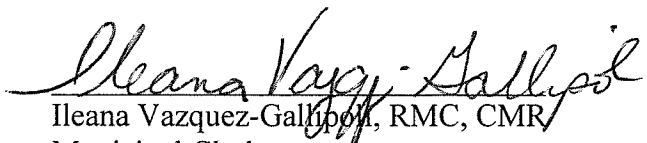
1. Be it resolved that parking regulations pertaining to the use of parking decals in the municipal parking lots on Anglesea, and E. Bayview Avenues shall be waived during the hours of 8:00 a.m. and 11:00 p.m.

BE IT ALSO RESOLVED, that the Municipal Clerk is hereby directed to forward certified copies of this resolution to the following:

1. Police Chief Mike Kuchta
2. Fred Ebenau, Chief Financial Officer

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 regular Council Meeting held on July 1, 2020.


Ileana Vazquez-Gallipoli, RMC, CMR
Municipal Clerk

Borough of Ocean Gate
Resolution No. 2020-123

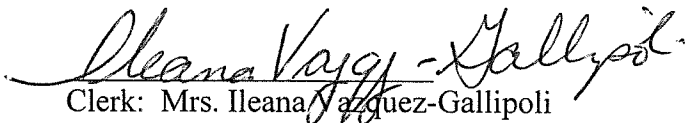
Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Curbing and Bike Path Reconstruction project.

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Ocean Gate formally approves the grant application for the above stated project.

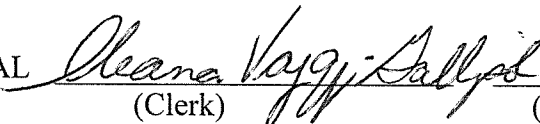
BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2021-Curbing and Bike Path Reconstruction-00192 to the New Jersey Department of Transportation on behalf of the Borough of Ocean Gate.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Ocean Gate 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 1 day of July , 2020.


Clerk: Mrs. Ileana Vazquez-Gallipoli

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 
(Clerk) _____ (Presiding Officer)

RESOLUTION 2020-124

AUTHORIZATION TO EXPUNGE WATER CHARGES

WHEREAS, in accordance with the terms of the executed release issued on behalf of Wesley Romberger, owner of 541 and 545 Barnegat Avenue \$5,500 was issued to the Borough of Ocean Gate for water charges due through May 20, 2020; and

WHEREAS, in accordance with the terms of above-mentioned release the remaining balances are to be expunged;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Ocean Gate, County of Ocean, State of New Jersey, that the Tax Collector is hereby authorized to expunge the following water charges for 2020;

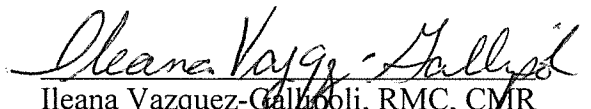
<u>Account No.</u>	<u>Name</u>	<u>Amount to be expunged</u>
60-2896	541 Barnegat Ave.	\$ 565.90
60-2898	545 Barnegat Ave.	\$ 409.18

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

- 1) Elizabeth V. Barger, Tax/Utility Collector

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 July 1, 2020.


Ileana Vazquez-Gallipoli, RMC, CMR
Municipal Clerk

RESOLUTION 2020-125

**AWARDING A CONTRACT TO EARLE ASPHALT COMPANY
FOR 2020 NJDOT EAST ARVERNE AVENUE BIKE PATH
PROJECT**

WHEREAS, the Borough of Ocean Gate (hereinafter the “Borough”), County of Ocean, State of New Jersey, advertised for bids in accordance with Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., for the 2020 NJDOT East Arverne Avenue Bike Path Project; and

WHEREAS, five (5) bids were received and opened by the Borough on June 24, 2020; and

WHEREAS, Earle Asphalt Company, P.O. Box 556, Farmingdale, New Jersey 07727, submitted the low Base Bid plus two Alternate Bids in the amount of \$209,313.13; and

WHEREAS, four (4) other bids were received that ranged from \$227,789.38 to \$284,346.00; and

WHEREAS, the Borough Attorney and Municipal Engineer reviewed the bids and determined that Earle Asphalt Company, P.O. Box 556, Farmingdale, New Jersey 07727, submitted the lowest responsible bid in accordance with the solicitation; and

WHEREAS, the Borough Chief Financial Officer provided a copy of the certification of available funds to the Borough Council; and

WHEREAS, the Borough Council reviewed the certification of available funds and recommendations made by the Borough Attorney and Municipal Engineer on said bid; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Ocean Gate, County of Ocean, State of New Jersey, that the contract for the 2020 NJDOT East Arverne Avenue Bike Path Project is hereby awarded to Earle Asphalt Company as the lowest responsible bid in the amount of \$209,313.13.

BE IT FURTHER RESOLVED, that award of this contract is to be allocated from Capital Improvement Fund and Department of Transportation Grant: and

BE IT FURTHER RESOLVED, that the maximum dollar value for this project is \$209,313.13; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are authorized and directed to execute a contract and any required supplemental documents on behalf of the Borough of Ocean Gate; and

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby authorized and directed to immediately return the certified checks or bids of the following unsuccessful bidders:

1. Johnson Baran Corp.; and
2. S. Batata Construction, Inc.;

and, upon receipt of a fully executed contract and any other required documents, the return of the certified checks or bids bonds to:

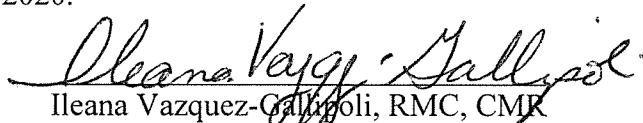
1. Earle Asphalt Company;
2. Seacoast Construction, Inc.; and
3. Shore Top Construction Corp.

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., Borough Attorney;
3. Alan B. Dittenhoffer, PE, PP, CME, Municipal Engineer;
4. Earle Asphalt Company;
5. Seacoast Construction, Inc.;
6. Shore Top Construction Corp.
7. Johnson Baran Corp.;
8. S. Batata Construction, Inc.; and

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 July 1, 2020.


Ileana Vazquez-Gallipoli, RMC, CMR
Municipal Clerk

RESOLUTION 2020-126

AWARDING A CONTRACT TO SHORE TOP CONSTRUCTION CORPORATION FOR TENNIS COURT RECONSTRUCTION EAST ATLANTIC AVENUE PROJECT

WHEREAS, the Borough of Ocean Gate (hereinafter the “Borough”), County of Ocean, State of New Jersey, advertised for bids in accordance with Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., for the Tennis Court Reconstruction – East Atlantic Avenue Project; and

WHEREAS, two (2) bids were received and opened by the Borough on June 30, 2020; and

WHEREAS, Shore Top Construction Corporation, 390 Toms River Road, Jackson, New Jersey 08527, submitted the low bid in the amount of \$185,110.00; and

WHEREAS, one other bid was received in the amount of \$251,611.00; and

WHEREAS, the Borough Attorney and Municipal Engineer reviewed the bids and determined that Shore Top Construction Corporation, 390 Toms River Road, Jackson, New Jersey 08527, submitted the lowest responsible bid in accordance with the solicitation; and

WHEREAS, the Borough Chief Financial Officer provided a copy of the certification of available funds to the Borough Council; and

WHEREAS, the Borough Council reviewed the certification of available funds and recommendations made by the Borough Attorney and Municipal Engineer on said bid; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Ocean Gate, County of Ocean, State of New Jersey, that the contract for the Tennis Court Reconstruction – East Atlantic Avenue Project is hereby awarded to Shore Top Construction Corporation, 390 Toms River Road, Jackson, New Jersey 08527, as the lowest responsible bid in the amount of \$185,110.00.

BE IT FURTHER RESOLVED, that award of this contract is to be allocated from Capital Improvement Fund; and

BE IT FURTHER RESOLVED, that the maximum dollar value for this project is \$185,110.00; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are authorized and directed to execute a contract and any required supplemental documents on behalf of the Borough of Ocean Gate; and

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby authorized, upon receipt of fully executed contract and any other required documents, to return the certified checks or bid bonds of the following bidders:

1. Shore Top Construction Corporation; and
2. Viviano Construction, LLC;

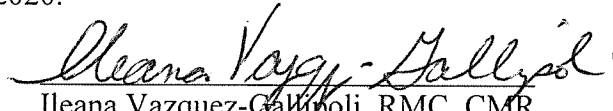
BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the following:

1. Mayor and Council;
2. James J. Gluck, Esq., Borough Attorney;
3. Alan B. Dittenhoffer, PE, PP, CME, Municipal Engineer;
4. Shore Top Construction Corporation;
5. Viviano Construction, LLC; and
6. All other parties interest.

CERTIFICATION

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 July 1, 2020.


Ileana Vazquez-Gallipoli, RMC, CMR
Municipal Clerk

RESOLUTION 2020-127

**RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN
THE BOROUGH OF OCEAN GATE AND THE OCEAN GATE BOARD OF
EDUCATION**

WHEREAS, the Borough of Ocean Gate (“Borough”) and the Ocean Gate Board of Education (“Board”) are both Municipal Entities (collectively the “Entities”) serving the residents and taxpayers of their respective communities; and

WHEREAS, the Borough and Board previously were parties to an agreement dated October 17, 2018, which outlined various terms, conditions, responsibilities, and obligations in regard to the Board’s use of Borough Police Officer as a part-time School Resource Officer (“SRO”); and

WHEREAS, there was no formal written extension of the agreement, but the Borough continued to provide the Board with a SRO; and

WHEREAS, the parties now wish to enter into and memorialize a new agreement; and

WHEREAS, it is deemed in the best interest of the public for these Entities to share such equipment, resources, and expertise in order to perform tasks in the most cost effective way possible for the taxpayers; and

WHEREAS, the Uniform Shared Services and Consolidation Agreement Act, N.J.S.A. 40A:65-1 et seq. permits municipalities to enter into agreements for shared services;

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. The Mayor is hereby authorized to execute and the Municipal Clerk to attest to a Shared Services Agreement, which shall be attached hereto and made a part hereof, between the Borough of Ocean Gate and the Ocean Gate Board of Education.

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

1. Mayor and Council;
2. Ocean Gate Board of Education;
3. James J. Gluck, Esq.;
4. Christopher M. Supsie, Esq.; and
5. 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 July 1, 2020.


Ileana Vazquez-Gallipoli, RMC, CMR
Municipal Clerk

RESOLUTION 2020-128

AUTHORIZATION FOR PAYMENT OF BILLS

WHEREAS, the Borough Council has carefully examined all vouchers presented to the Borough for payment of claims; and

WHEREAS, after due consideration of said vouchers, the Borough Council has approved the payment of same; and

WHEREAS, the Chief Financial Officer has certified that the bill list has been audited and is in order for payment and funds totaling \$554,945.31 available in the respective accounts as set forth below;

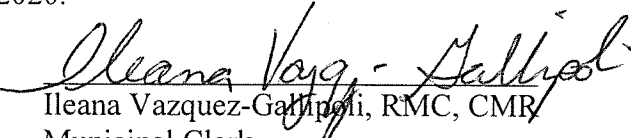
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Ocean Gate, County of Ocean, as follows:

1. The said approved 2020 vouchers amounting to the sum of \$554,945.31 and the same are hereby authorized to be paid on July 1, 2020.

BE IT FURTHER RESOLVED, that the Municipal Clerk be, and is hereby directed to file the bill list in the Municipal Clerk's Office.

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 July 1, 2020.


Ileana Vazquez-Gallipoli, RMC, CMB
Municipal Clerk

RESOLUTION 2020-129

ESTABLISHING JUVENILE CURFEW DURING EMERGENCY

WHEREAS, the Borough has legitimate concerns about the influx of new visitors as it would limit the Borough's ability to protect the public health, welfare, and safety during the COVID-19 pandemic; and

WHEREAS, continued social distancing and efforts to limit close interaction by and among the public, as well as the Borough employees, to fullest extent practical and feasible is of paramount importance; and

WHEREAS, prior events established that juveniles had been accessing the beaches during the evening and night hours in a manner that violates the aforesaid social distancing requirements, requirements which are absolutely required in order to protect the public health, welfare, and safety during this public health crisis; and

WHEREAS, in order to protect the public health, welfare, and safety, as well as to protect the Borough employees, the Borough has elected to establish a Borough-wide curfew applicable to juveniles not accompanied by their parents or legal guardians, as provided herein;

NOW, THEREFORE, in accordance with the aforesaid laws and recitals, which are incorporated herein by reference, it is promulgated and declared that until further Order of the Borough that:

1. Effective immediately and except as provided herein, all persons seventeen (17) and under shall not be permitted outside upon a public street, avenue, boulevard, place, walkway, alley, park, or any public area or unimproved private property located in the Borough after 9:00 p.m. and until 7:00 a.m. the following.
2. Persons under seventeen (17) may be permitted outside in any public areas set forth above after 9:00 m. and until 7:00 a.m. the following day, provided they are accompanied by their parent or legal guardian.
3. The Emergency Management Coordinator, the Borough Police Department, and the Borough lifeguards shall be charged with the enforcement of the terms of this Order; and
4. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50, and the Borough Ordinances.

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. Police Chief Michael Kuchta;
4. Tom Fitzgerald, OEM Coordinator;
5. John Serpica, Deputy OEM Coordinator;
6. Robert Vassallo, Deputy OEM Coordinator; and
7. 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 July 1, 2020.

Ileana Vazquez-Gallipoli, RMC, CMR
Municipal Clerk

RESOLUTION 2020-130

**HIRING SEASONAL EMPLOYEE – ADULT BEACH
SUPERVISOR**

WHEREAS, the following person have completed an employment application for the position of Adult Beach Supervisor in the Borough of Ocean Gate; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Ocean Gate, County of Ocean, State of New Jersey, that the hiring of the following seasonal employee is hereby approved effective July 1, 2020.

<u>POSITION</u>	<u>NAME</u>	<u>HOURLY RATE OF PAY</u>
Adult Beach Supervisor	Lou Purcaro	\$13.50

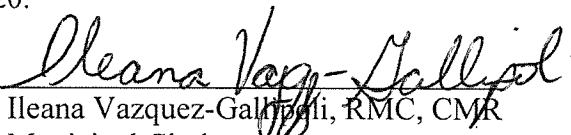
BE IT FURTHER RESOLVED, that the foregoing seasonal employee is not entitled to benefits, sick time, or vacation time.

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

1. Mayor and Council;
2. Personnel File; and
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 July 1, 2020.


Ileana Vazquez-Gallipoli, RMC, CMR
Municipal Clerk

