

MINUTES - REGULAR MEETING
May 13, 2020

NOTICE IS HEREBY GIVEN THAT THE BOROUGH COUNCIL MEETING SCHEDULED FOR MAY 13, 2020 WILL BE A VIRTUAL MEETING; THE MEETING WILL COMMENCE AT 7:00 PM. PLEASE USE THE FOLLOWING INFORMATION TO LOG IN TO THE MEETING:

Join Zoom Meeting
<https://us02web.zoom.us/j/86729819363>

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The Virtual Regular Meeting of the Borough of Sea Girt Council was called to order by Mayor F. Ken Farrell at 7:00 PM on Wednesday, May 13, 2020. Mayor Farrell asked for a moment of silence to think of the first responders whom are serving communities; after which he led those participating in the Pledge of Allegiance.

This meeting is called pursuant to the provisions of the Open Public Meetings Act, C.231, P.L.1975: adequate notice of this meeting has been given by posting a notice on the Borough's website and official bulletin board and by transmitting a copy of the Notice to the Borough's two official newspapers, *The Asbury Park Press* and *The Coast Star* as required by law.

ROLL CALL:

	Present	Absent
Mayor Farrell	X	
Councilman Clemmensen	X	
Councilman Mastrorilli	X	
Councilman Begley	X	
Council President Fetzer	X	
Councilwoman Giegerich	X	
Councilwoman Anthony	X	

MINUTES

- **Resolution No. 84-2020:** Approve Minutes, April 22, 2020 Virtual Regular Meeting

UPON MOTION of Councilwoman Giegerich, seconded by Councilman Mastrorilli, carried, that the Minutes of the rescheduled Virtual Regular Meeting held April 22, 2020 be and the same are hereby approved.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Mastrorilli	X			
Councilman Begley	X			
Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

OPEN DISCUSSION:

Councilwoman Anthony commented that there were two groups , both practicing social distancing, who conducted a clean-up of debris along the water's edge of The Terrace; she thanked the DPW staff for their help along with Dr. and Mrs. Godek and their son Alex; Dr. and Mrs. Flynn and their family; Dr. & Mrs. Rose and their family; Michael Anthony, Alex Fatenko, Parker Stansbury, Tyler Pereira, Declan Grieg, James Harmstead and Nick Rice. She also stated that she is concerned with pedestrians and joggers using Borough roads instead of using the sidewalks or crosswalks and urged them to exercise caution and be aware of their surroundings.

Mayor Farrell concurred with Councilwoman Anthony's remarks. He also noted that he was contacted by various people regarding the restriction on rentals; he asked Council members how they feel about lifting the moratorium, noting that the rentals that he is referring to are not group rentals but are mostly families. Councilwoman Giegerich stated that Spring Lake is lifting their moratorium effective June 1. Council President Fetzer stated that the plan is to review on May 31st based on feedback from OEM and the Public Safety Committee and should be considered in relation to its impact with beach opening.

Councilman Begley thanked Tim Harmon for his tireless efforts and noted residents appreciate hearing updates from him directly; he thanked Captain Macko and Chief Davenport for their communications as well.

Tim Harmon commented that he is in constant communication with the Public Safety Committee and Mayor Farrell regarding emergency operations, noting that there may be an amendment to the existing plan as soon as tomorrow. He read the amended declaration that now includes opening more entrances to the boardwalk but the boardwalk itself is to remain closed; swimming is prohibited; beachfront curfew is dawn to dusk; no daily badges will be sold; no badges will be available for pick up over the Memorial Day weekend; the 50% parking restriction on Ocean Avenue will remain in effect as this is consistent with county restrictions; the parking ban lifted; additional traffic limitations may be added; the moratorium on short term rentals will be reviewed on May 31st; possibly revoked for June 1st.

Councilwoman Giegerich asked when beach bathing will be allowed; Tim Harmon advised that we do not; however, surfing is allowed.

Tim Harmon further commented that recreation facilities will remain closed in accordance with Emergency Executive Order 103; Edgemere and Crescent Parks are opened; recreation programs remain closed pending further guidance from the State; all special events have been canceled through June 15; he also noted that there is an element of personal responsibility that is key going forward, that is, if you are not comfortable being in a crowd, please stay home.

Council President Fetzer commented on an article in The Coast Star on parking and the ride-share zone and how the creation of the zone is now being characterized as a mistake. He stated that when the

ride share zone was created, it was done in conjunction with information provided by our Police Chief and Traffic Engineer and after discussion with the Council; the decision was not arbitrary or without a strong factual basis supporting it.

Councilwoman Giegerich noted the Library Wine and Cheese Celebration is canceled for this year; the Friends of the Library hope to resume the event next year.

Councilman Mastrorilli noted the Bike Path Committee chaired by Sue Blasi is working to get plans together; if you would like to volunteer with the Committee, please contact him or Sue Blasi. He also noted that residents have asked for weekly recycling year round. Mayor Farrell commented that he didn't see the need for it in the winter and it isn't a problem for everyone; backyard pickup is an onerous task.

Councilwoman Giegerich noted many families need it and suggested that an adjustment be made to the schedule.

OLD BUSINESS:

A. 2020 Municipal Budget – Public hearing/adoption

Mayor Farrell commented that since there was no snow last year; snow removal budget remained unspent; that the State has allowed the Snow Removal Trust Fund to be reallocated to COVID19 expenses as long as the Trust is reimbursed when emergency funds from FEMA or other sources becomes available.

- **Resolution No. 85-2020:** To authorize budget self-exam pursuant to *N.J.S.A. 40A:4-78b* and *N.J.A.C. 5:30-7.2* through 7.5,

UPON MOTION of Council President Fetzer, seconded by Councilman Begley, carried, that the following Resolution be and the same is hereby adopted:

WHEREAS, *N.J.S.A. 40A:4-78b* has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, *N.J.A.C. 5:30-7* was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to *N.J.A.C. 5:30-7.2* through 7.5, the Borough of Sea Girt has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2020 budget year.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Sea Girt that in accordance with *N.J.A.C. 5:30-7.6a* & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to *N.J.S.A. 40A:4-45.2* and appropriations for exceptions to limits on appropriations found at *N.J.S.A. 40A:4-45.3* et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and *N.J.A.C. 5:30-4* and *5:30-5*.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of *N.J.S.A. 40A:4-5* shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a certified copy of this Resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Mastrorilli	X			
Councilman Begley	X			
Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

- ° **Resolution No. 86-2020:** To amend 2020 Municipal Budget – Mayor Farrell read the Resolution to the public in its entirety.

UPON MOTION of Councilman Clemmensen, seconded by Councilman Begley, carried, that the following Resolution be and the same is hereby adopted:

WHEREAS, the local budget for the year 2020 was approved on April 22, 2020; and,

WHEREAS, the public hearing on said budget has been held as advertised; and,

WHEREAS, it is desired to amend the said approved budget.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Sea Girt, Monmouth County, that the following amendment to the approved budget of 2020 be made:

Current Fund Budget	FROM	TO
General Revenues:		
1. Surplus Anticipated	\$1,414,312.00	\$1,434,312.00
5. Sub-total General Revenues	\$2,222,428.21	\$2,242,428.21
7. Total General Revenues	\$7,213,819.21	\$7,233,819.21
8. General Appropriations:		
(A) Operations within CAPS		
Public Works, Salaries & Wages	\$ 710,000.00	\$ 730,000.00
Total Operations {Item 8(A)} within CAPS	\$4,815,051.00	\$4,835,051.00
Total Operations Including Contingent within CAPS	\$4,825,051.00	\$4,845,051.00
Detail: Salaries & Wages	\$2,673,485.00	\$2,693,485.00
(L) Subtotal General Appropriations – Items {(H-1) and (O)}	\$6,788,819.21	\$6,808,819.21
9. Total General Appropriations	\$7,213,819.21	\$7,233,819.21

BE IT FURTHER RESOLVED that three certified copies of this Resolution shall be filed in the Office of the Director of Local Government Services.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Mastrorilli	X			
Councilman Begley	X			
Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

- **Resolution No. 87-2020:** to adopt the 2020 Municipal Budget, as amended

UPON MOTION of Councilman Mastrorilli, seconded by Councilwoman Giegerich, carried, that the following resolution be adopted:

BE IT RESOLVED by the Borough Council of the Borough of Sea Girt, County of Monmouth, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$7,213,819.21 for municipal purposes.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to:

1. Division of Local Government Services
2. County Tax Administrator
3. Chief Financial Officer for his further action.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen				
Councilman Mastrorilli				
Councilman Begley				
Council President Fetzer				
Councilwoman Giegerich				
Councilwoman Anthony				

- A. **Ordinance No. 07-2020** – The Mayor read the said Ordinance by Title and advise of its publication in its entirety in The Asbury Park Press on May 16, 2020:

ORDINANCE NO. 07-2020

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER IV, PARAGRAPH 4-10 TAXIS, AUTOCABS AND VEHICLES HIRED FOR CARRYING PASSENGERS AND CHAPTER VII, TRAFFIC, PARAGRAPH 7-37 LOADING ZONE AND 7-38 TAXI STAND OF THE BOROUGH CODE OF THE BOROUGH OF SEA GIRT, MONMOUTH COUNTY

BE IT ORDAINED by the Borough Council of the Borough of Sea Girt as follows:

SECTION 1. Paragraph 4-10.9, Fees is hereby deleted in its entirety.

SECTION 2. Paragraph 4-10.19 Taxi Stands shall be amended as follows:

Paragraph 4-10.19 Taxi Stands/Ride Share Drop off or Pick up Zone.

A. No person shall sit, idle, park, or operate in a designated taxi stand/ride share zone for any other purpose except to pick up or discharge passengers. A designated taxi stand may be occupied by a taxi/autocab and driver licensed by the Borough and/or a registered ride share vehicle and driver in accordance with this section. No person shall leave any vehicle unoccupied in any designated taxi stand/ride share zone. The taxi stands/ride share drop off zone shall be utilized strictly for the discharge of passengers during hours as approved annually by the Borough Council. Therefore no taxi/ride share vehicle shall sit, idle or park in a taxi stand/ride share zone during those hours unless patrons are waiting for transportation. No taxi or ride share vehicle shall sit, idle or park in a taxi stand/ride share zone for longer than 10 minutes. A taxi stand/ride share zone shall allow a person the opportunity to find transportation services in an expeditious, unbiased, nondiscriminatory, and courteous manner.

B. Temporary Taxi Stand/Ride Share Drop off or Pick up Zone.

1. In the event of an emergency, or circumstance as described in subparagraph 2, the Chief of Police, or highest ranking police officer on duty in his absence, may designate, on a temporary basis not to exceed 24 hours after said emergency or circumstance arises, the location and size of any taxi stand/ride share drop off or pick up zone in accordance with State law.

2. The ranking or senior Borough Police Officer on duty may, in the event, the number of people at any location seeking transportation from taxi/autocabs or ride share vehicles creates or may create a safety concern and or may create a disturbance of the peace, may establish a temporary taxi stand/ride share zone at any public location, such temporary taxi stand ride share drop off or pick up zone to be designated by temporary traffic signs or other traffic devices identifying the Temporary Taxi Stand/Ride Share Drop off or Pick up Zone. The provisions of this section applicable to Taxi Stands/Ride Share Drop off or Pick up Zone shall be applicable to Temporary Taxi Stands/Ride Share Drop off or pick up Zone. (Ord. No. 13-2009 § 18; Ord. No. 17-2011 § 6)
3. In the event that a temporary alternate pick-up/drop off zone is designated consistent with subsection B(1) or (2), the Chief or ranking officer shall report said emergency or circumstance to the Mayor and Council, and the basis for said action no later than 24 hours after doing so.

SECTION 3. PARAGRAPH 7-37, LOADING ZONE is hereby revised as follows:

DELIVERY AND LOADING ZONE.

The location described in this section is hereby designated as the delivery Zone. No person shall park a vehicle in this location during the times indicated other than for the delivery of goods and materials. (Ord. No. 12-2018). During delivery, any delivery vehicle shall have its rear hazard warning flashers engaged (Ord. No. 15-2018), and at least two of its emergency warning triangles placed at the rear of said vehicle, on the east shoulder of First Avenue. Said vehicle shall be temporarily parked as far to the right as practicable so as not to obstruct traffic, but not on the adjacent sidewalk. The vehicle shall remain at this location for only so long as necessary to deliver its goods or materials. The time of deliveries and location are as follows:

Name of Street	Time	Side	Location
First Avenue	9:00 AM to 2:00 PM, Monday through Friday; 10:00 AM to 2:00 PM Saturday	East side	Beginning at a point 25 feet from the southern crosswalk at Beacon Boulevard south for a distance of 96 feet.

(Note: Minimum length for all loading zones is fifty (50) feet. No Loading Zone may be established in any area where it is prohibited to stand or park by statute. N.J.S.A. 39:4-138.)

SECTION 4. PARAGRAPH 7-38 TAXI PARKING is hereby amended and supplemented as follows:

7-38 TAXI PARKING/RIDE SHARE DROP-OFF AND PICK-UP ZONE

The locations described are hereby designated as Taxi Parking/Ride Share Drop off and Pick Up Zone. No vehicle other than a taxi or a registered ride share vehicle shall be permitted to occupy these locations during the times indicated. (Ord. No. 739 § h.; New; Ord. No. 06-2013)

<i>Name of Street</i>	<i>Side(s)</i>	<i>No. of Spaces</i>	<i>Location</i>	<i>Hours</i>
Beacon Boulevard			South side for a distance of 187 feet east from the east curb line of First Avenue	Between 3 p.m. and 12 a.m. Friday through Sunday, May 15 - September 15

SECTION 5. Conflicts with Prior Ordinances.

All ordinances or parts thereof in conflict or inconsistent with this ordinance are hereby repealed.

SECTION 6. When Effective.

This ordinance shall take effect twenty days after its adoption.

UPON MOTION of Councilwoman Anthony, seconded by Councilman Mastrorilli, carried, that the meeting be opened to the public for comments on the said Ordinance only.

Mr. Schwarz commented that at previous meeting, the Council stated that the ride share was going to exist within the confines of The Parker House Property, noting that the distance in the proposed Ordinance is not accurate and is misleading; it was stated that the ride share was going to end at the end of The Parker House property. He further stated that The Parker House should be forced to use their driveway and parking lot for their patrons. He commented that the proposed location of the ride-share zone on Beacon Boulevard represents a hazard to the families residing on the block.

Councilman Mastrorilli noted that the line of patrons should be inside the property and that he wants the Ordinance amended to end the ride-share zone at the easterly property line of the establishment; he did state that The Parker House is grandfathered as a use in the residential zone. Councilman Mastrorilli stated that the Borough is still looking to put some of the functions of the ride-share zone on First Avenue.

Councilman Begley agreed that it is his desire to keep ride share zone within The Parker House property and that he is also in favor of continuing to look at First Avenue as an option for the ride-share zone; he then asked for The Parker House Representative to be recognized.

Mr. Bruce Klein, Traffic Engineer with T&M Associates presented a plan (rendering attached to the Minutes) for consideration of a licensed taxi stand on the east side of First Avenue at The Parker House; this plan was vetted with the Public Safety Committee; plan was provided to the County for review; he provided some details as to how this area could be utilized during questioning by Attorney Bogan.

Mayor Farrell commented that his concern is with liability; if First Avenue is an option, then the owners of The Parker House should be personally responsible if there is an injury or accident as a result

of the use of First Avenue for the Zone. Councilman Clemmensen asked the Borough Attorney if the Borough is entitled to C.59 immunity under Tort Claim Act; Mr. Bogan responded it is. Mayor Farrell noted that the use of First Avenue for a ride-share zone is opposed by our Police Chief and traffic consultant, Dynamic Traffic.

Councilman Begley summarized that use of First Avenue loading zone is intended for the use of licensed taxis for the pickup of Parker House patrons. Parker House management can then control the crowds. Uber and Lyft pickups would stay at the new location in front of The Parker House on Beacon Boulevard if the taxi vans are moved to First Avenue. Mr. Klein responded that moving the taxi stand to First Avenue would open up space for ride share vehicles; barriers will be in place for crowd control; entrances will remain same. Councilman Begley asked Mr. Klein if necessary, would The Parker House consider opening their berm to widen the sidewalk on First Avenue; the concern is if the sidewalk is not wide enough to handle patrons waiting in line. Mr. Klein responded that it is an option if permanent solution is necessary.

John Jankowski stated that this plan will slow traffic on First Avenue and minimize the impact of patrons using the ride-share zone; he characterized it as a good step forward.

Eileen Devlin, Beacon Boulevard, commented that the corner of First Avenue and Beacon Boulevard is a hectic intersection on summer weekends; she noted she didn't think this plan would work today, with so many people using Uber and Lyft and not using taxis. She asked for clarification as to where the ride-share pick-ups would occur; Councilman Begley responded the taxi vans would be located on First Avenue and rideshare and taxi vans along Beacon Boulevard only in a combined pickup drop off zone; if First Avenue is utilized for vans, the ride-share vehicles could utilize the current pickup on Beacon Boulevard, ultimately having two pickup locations. Mrs. Devlin stated that she is concerned where the Uber and Lyft cars will be stationed while waiting for patrons and suggested using the school parking lot for a staging area. Councilman Mastrorilli stated that he thought The Parker House would have employees facilitating a line for patrons exiting to their ride pickup.

Catherine Metcalf, Ocean Avenue, asked Mr. Klein if anyone has discussed the specifics of the dispatch system to match the patron with their vehicle. Mr. Klein responded he was not involved with those particular conversations.

Nick Pellegrino, Genova, Burns Law Firm represents several residents, Mr. Lauzon, Mr. & Mrs. Manley and Ms. Kadimik. He identified the following objections to having this public hearing this evening including the lack of notice of the meeting/public hearing resulting in effectively limiting comments from the public; substantive concerns related to the ride share; no guidance on how this would operate; there are no details about how the taxi and Ubers would co-exist. He noted that the adoption of this Ordinance would continue the problems that are a detriment to the residents. He also noted that problems relating to The Parker House operations are not being addressed, they are just being moved.

Councilman Mastrorilli commented Mr. Pellegrino seems to be restricting the discourse, but we are trying to expand the discourse; dialogue is welcomed.

Borough Attorney Bogan intervened, noting adequate notice was giving per R.S.10:4-9.1; that notice of this meeting was posted on the Borough website as well as being sent to the Borough's two official newspapers. He further stated that the Borough has followed all procedures outlined by the Department of Community Affairs relating to using electronic platforms for meetings given the COVID19 Emergency Declaration and that proof that the Borough's compliance is evidenced by the extraordinary number of attendees participating in this zoom conference.

Greg Garber, Beacon Boulevard, commented that The Parker House has a 125' frontage on Beacon Boulevard and his property frontage is 75'; he noted that the traffic survey did not recommend using Beacon Boulevard and that he does not want the liability of The Parker House patrons on his property or on Beacon Boulevard. He further stated his concern for the safety of the children living near and at The Parker House, stating that more safety precautions are needed to avoid a disaster. He also commented that The Parker House must comply with permit requirements and finally, that he likes the idea of First Avenue ride share.

Rob Naso, Beacon Boulevard, asked how the new ride share space compared to the current ride share space; Mr. Klein responded he is not aware of that information. He asked where the Uber drivers will wait to pick up their rides; there are not enough spots for Uber drivers.

Catherine Metcalf, Ocean Avenue, responded to Mr. Naso, stating that the previous ride-share zone on Ocean Avenue was 125' long and that The Parker House has 125' of ride share space.

Mayor Farrell commented that the Borough does not have the physical infrastructure to handle the traffic brought to the area by the establishment noting that other neighbors will complain about the relocated traffic. Councilman Mastrorilli noted The Parker House occupancy is lower now than it was back in the 1990's.

Councilwoman Giegerich believes this will be better when taxi's move to First Avenue; County approval is necessary; plan should be tried and now is the time.

Tess Manley, Ocean Avenue, commented that there has been no formal occupancy approved for The Parker House over 1,264 individuals and that there is no written documentation to support changes that were made to the structure. She echoed Ms. Devlin's sentiments on holding people captive while waiting for Uber; Uber's will be everywhere; the Borough cannot let the Uber's terrorize neighborhoods.

Martin Minkowicz, Chicago Boulevard, agreed that now is the time to try a new ride-share location; that we elected this Council and the majority seems to agree to move the ride-share to Beacon Boulevard

There were no further comments from the public present, and **UPON MOTION** of Councilman Begley, seconded by Councilman Mastrorilli, carried, the public hearing was closed.

Councilman Begley requested that action on Ordinance No. 07-2020 be tabled for additional review until the next Council meeting scheduled for May 27th. **UPON MOTION** of Council President Fetzer, seconded by Councilwoman Anthony, carried that the motion to table Ordinance No. 07-2020 be and the same is hereby approved.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Mastrorilli	X			
Councilman Begley	X			
Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

NEW BUSINESS

- A. **Ordinance No. 08-2020** – introduction: The Mayor read the said Ordinance by Title:

ORDINANCE NO. 08-2020

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF SEA GIRT, CHAPTER II ENTITLED ADMINISTRATION, ARTICLE IV, DEPARTMENTS OF THE MUNICIPALITY, PARAGRAP 2-30 ENTITLED DEPARTMENT OF FINANCE TO ADD PARAGRAPH 2-30.4(e)(1), ADOPTING AND IMPLEMENTING THE BOROUGH OF SEA GIRT PURCHASING MANUAL

WHEREAS, The Qualified Purchasing Agent, under the authority of the Governing Body, is charged with the responsibility of assuring all purchases of goods and services and subsequent payments made through the Purchase Order process, are completed in compliance with the New Jersey Local Public Contracts Law (*N.J.S.A.40A:11-1 et seq.*); and,

WHEREAS the Borough of Sea Girt Purchasing Manual was created to outline the policies and procedures for procuring goods and services within the Borough of Sea Girt, under the New Jersey Public Contracts Law.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Sea Girt, in the County of Monmouth and State of New Jersey as follows:

SECTION 1. Paragraph 2-30.4(e)(1), to be titled “Purchasing Policy and Procedures” of the Borough of Sea Girt is hereby created, adopting and implementing the latest revision of the Borough of Sea Girt Purchasing Manual dated May 2020.

SECTION 2. These policies and procedures are applicable to all Municipal Departments, Constitutional Officers, and Officials (both elected and appointed) Agencies, Boards, Commissions, employees and volunteers which operate within the framework of the Borough of Sea Girt Municipal Budget.

SECTION 3. Conflicts with Prior Ordinances.

All ordinances or parts thereof in conflict or inconsistent with this ordinance are hereby repealed.

SECTION 4. When Effective.

This ordinance shall take effect twenty days after its final passage and publication as required by law.

UPON MOTION of Council President Fetzer, seconded by Councilman Clemmensen, carried, that the said Ordinance be and the same is hereby adopted on first reading, directing the Clerk to post and publish as required by law and setting the date of the public hearing as May 27, 2020.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Mastrorilli	X			
Councilman Begley	X			
Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

B. Resolution No. 88-2020: Extend grace period for 2nd Qtr. tax payments to June 1, 2020

UPON MOTION of Councilman Clemmensen, seconded by Councilwoman Giegerich, carried, that the following Resolution be and the same is hereby adopted:

WHEREAS, Governor Murphy issued Executive Order No. 103 (2020) because of the dangers posed by the COVID-19 virus which declared a Public Health Emergency and State of Emergency; and,

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, the Governor issued a series of Executive Orders pursuant to his authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act to protect the public health, safety and welfare against the emergency created by COVID-19, including Executive Orders No. 104-129 (2020) inclusive; and,

WHEREAS, pursuant to *N.J.S.A. 54:4-66(a)*, second quarter property taxes are due May 1, 2020 for residents of the Borough of Sea Girt, a calendar year municipality; and,

WHEREAS, pursuant to *N.J.S.A. 54:4-67(a)*, the Borough Council of Sea Girt has fixed the rate of interest to be charged for the nonpayment of taxes, assessments, or other municipal liens or charges, on or before the date that they would become delinquent and has provided that that no interest shall be charged if payment of any installment is made within the tenth calendar day following the date upon which the same became delinquent, thereby establishing a grace period running through May 11, 2020 for second quarter taxes in the Borough of Sea Girt; and,

WHEREAS, pursuant to Executive Order No. 130, the Borough Council of Sea Girt may adopt a resolution instituting a grace period concluding on a date no later than June 1, 2020 for the payment of second quarter property taxes due to the economic hardships caused by the COVID-19 crisis.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Girt that for the benefit of its residents, the grace period for the payment of second quarter property tax payments is hereby retroactively extended from May 11, 2020 to June 1, 2020 effective upon the adoption of this Resolution.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to the Borough of Sea Girt Tax Collector for her information and further action; and to the Director of the Division of Local Government Services pursuant to Executive Order No. 130.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Mastrorilli	X			
Councilman Begley	X			
Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

C. **Resolution No. 78-2020:** Professional Appointment, Water-Sewer Utility Engineer, H2M Associates, Inc.

UPON MOTION of Council President Fetzer, seconded by Councilman Begley, carried that the said matter be tabled until next Council meeting scheduled for May 27, 2020 for legal review of the proposed contract.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Mastrorilli	X			
Councilman Begley	X			
Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

D. **Resolution No. 89-2020:** Appoint Steven Nowacki as Class I SLEO, Sea Girt PD

UPON MOTION of Councilwoman Anthony, seconded by Council President Fetzer, carried, that the following Resolution be and the same is hereby adopted:

WHEREAS, the Borough of Sea Girt Police Department is in need of the services of a Class I Special Law Enforcement Officer to support its 2020 operations; and,

WHEREAS, the Chief of Police has reviewed the applications and references of qualified candidates, and recommends the appointment of Steven Nowacki to this position.

NOW, THEREFORE, BE IT RESOLVED that Steven Nowacki be appointed as Class I Special Law Enforcement Officers for the Borough of Sea Girt, at the hourly rate of \$12.00 per hour, effective immediately.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be supplied to Chief Davenport for his information and the Chief Financial Officer for his action.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Mastrorilli	X			
Councilman Begley	X			
Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

ADMINISTRATOR REPORTS

- **Coronavirus Update:**
 - Short-term rentals within the Borough are prohibited until further notice;
 - Governor extended Emergency Order to stay-at-home for another 30 days;
- **Beach/ Beach Badge Sales – the beach will open on May 23, 2020; badge sales are limited to season badges only and they must be purchased on-line through Community Pass**

by May 19 to access the beach over Memorial Day weekend; season badges ordered after May 19 will not be available until after Memorial Day; no badges (either season or daily) will be sold over the Memorial Day Weekend.

QPA REPORTS (of activity since previous Council Meeting): The Borough continues to purchase necessary personal protective equipment for our employees including masks, gloves, building and equipment sanitizers and other equipment from various vendors to ensure their safety during this on-going crisis.

COUNCIL REPORTS: Council President Fetzer had no report.

Councilman Clemmensen reported as follows:

- Beach Committee has been working very hard; beach preparation is on-going; lifeguard equipment, mats and all other equipment will be in place next week; there are 680 adult and 549 senior badges remaining.
- Due to the pandemic, Police Academies have been closed since the beginning of March; we will not have all our resources available for the start of the summer season.
- DPW have also been working hard; please give consideration to our staff with regard to using properly sized containers.
- The annual Lighthouse party is canceled; the Committee would appreciate annual members renewing their membership.

Councilman Mastrorilli reported the Recreation Commission is eager to re-open but will remain closed per Executive Order 107 & 133.

Councilman Begley reported as follows:

- The Borough employees are doing a great job; the Public Safety Committee is doing the best we can;
- Reviewed budget last week and will keep monitoring our operations.

Councilwoman Anthony reported as follows:

- Public Building and Grounds – two architects went through the municipal building with respect to the feasibility study RFP; receipt of bids was extended to June 15th;
 - Department of Health – only one active COVID19 case in Sea Girt;
 - Clean up along The Terrace looks great.
- Councilwoman Giegerich reminded residents to look on the library website for updates on offerings; SG Elementary School will have a virtual art show on May 21st.
- Mayor Farrell reported as follows:
- SMRSA report – the Borough flow is reduced: 3.14% this year;
 - 2015 – 3.94%;
 - 2010 – 4.40% - 28.6% reduction;
 - Investment in our infrastructure is paying dividends.

Resolution No. 90-2020: Payment of bills

BE IT RESOLVED, by the Borough Council of the Borough of Sea Girt that the bills be paid as appearing on the attached Bill List dated May 8, 2020 in the totals as follows:

CURRENT FUND	\$2,524,491.95
WATER/SEWER OPERATING FUND	\$ 21,774.58
BEACH OPERATING FUND	\$ 12,213.31
TRUST FUND	\$ 3,855.65
RECREATION TRUST FUND	\$ 39.82
DOG TRUST FUND	\$ 6.60
GENERAL CAPITAL	\$ 21,332.97
WATER CAPITAL FUND	\$ 160.04

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Mastroilli	X			
Councilman Begley	X			
Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

PUBLIC PARTICIPATION ON ANY SUBJECT (Comments limited to 7 minutes)

Eileen Devlin, Beacon Boulevard, commented that residents do not need weekly recycling; people use too many single-use plastic bottles and that they should conserve instead; we are a small town and we should do our own part. Councilwoman Anthony responded to Mrs. Devlin, stating that she has made many great environmental points, but added that this is America and people can drink from a plastic bottle if they choose; Mrs. Devlin noted that residents should do their part and bring recycled items to the recycling center.

Alan Zakin, Baltimore Boulevard, commented that legal bills are very high; asked the Council to consider having a Legal Risk Committee evaluate cases.

Carly Ringer commented a good job was done getting the word out but more people wanted to participate in the zoom meeting.

John Jankowski thanked everyone including the Police Department for their efforts.

There being no further comments from the public and by consensus, the public hearing was closed at 9:45 PM. Mayor Farrell advised that Council has matters to discuss in Executive Session, and requested a motion to adjourn for purposes of the discussion; he further noted that action may be taken by Council upon return to public session and that the public may remain in the virtual meeting until Council returns to public session. **UPON MOTION** of Council President Fetzer, seconded by Councilman Mastroilli, carried, that the following **Resolution No. 91-2020** be and the same is hereby adopted:

WHEREAS, Section 8 of the Open Public Meeting Act, N.J.S.A. 10:4-12 permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Sea Girt, County of Monmouth, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter(s) to be discussed is litigation, including, but not limited to:
 - a. Kenneth Hagel v. the Borough of Sea Girt Police Department and the Borough of Sea Girt (complaint against chief Davenport was dismissed on Summary Judgment)
 - b. Brian and Tess Manley, Denis Lauzon and Candice Kadimik v. the Borough of Sea Girt and the Avon Hotel Corp. t/a The Parker House;
 - c. 501 Washington Boulevard, LLC; 503 Washington Boulevard, LLC; Sitar Sea Girt, LLC; 900 Fifth Avenue, LLC; Sitco Sea Girt, LLC v. Borough of Sea Girt, Borough Council of Sea Girt, Sea Girt Planning Board;
 - d. Potential Litigation.
3. It is anticipated at this time that the subject matters will be made public, if and when, confidentiality is no longer necessary. Action may be taken upon return to public session.
4. This Resolution shall take effect immediately.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Mastrorilli	X			
Councilman Begley	X			
Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

The Council returned to public session at 10:55 PM. The Clerk announced that the Council had discussed litigation while in Executive Session. **UPON MOTION** of Councilwoman Giegerich, seconded by Councilman Begley, carried, that the following **Resolution No. 92-2020** be and the same is hereby adopted:

BE IT RESOLVED by the Borough Council of the Borough of Sea Girt that the Borough Attorney be and he is hereby directed to proceed to consolidate PBA issues as discussed in Executive Session.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Mastrorilli	X			
Councilman Begley	X			
Council President Fetzer	X			
Councilman Mulroy	X			
Councilwoman Anthony	X			

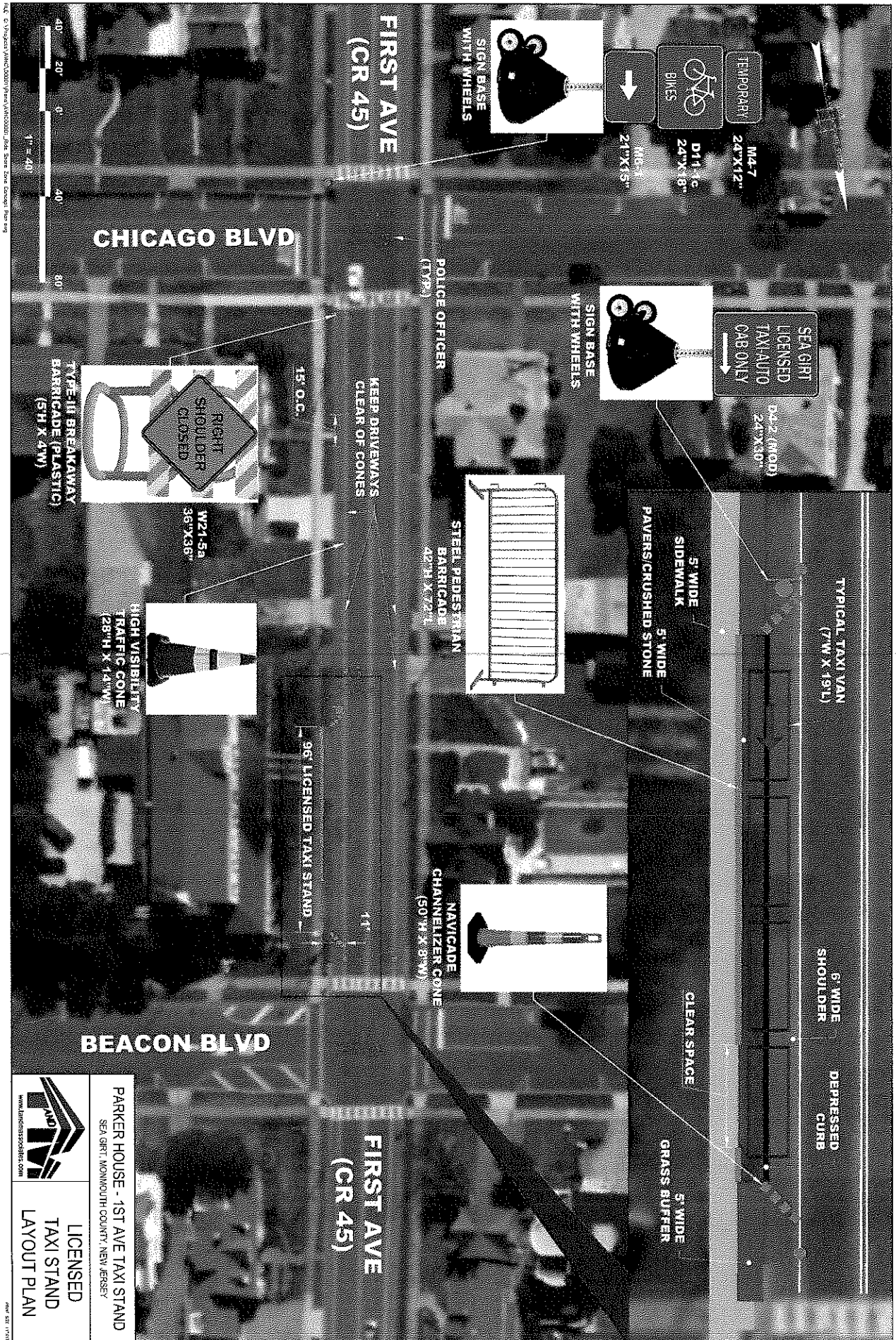
There being no further business, and **UPON MOTION** of Councilman Clemmensen, seconded by Councilman Begley, carried, that the meeting be finally and immediately adjourned at 11:00 PM.

Recorded Vote:

	Ayes	Nays	Absent	Abstain
Councilman Clemmensen	X			
Councilman Mastrorilli	X			
Councilman Begley	X			
Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

Lorraine P. Carafa

LORRAINE P. CARAFA, RMC



BOROUGH OF SEA GIRT

PURCHASING MANUAL



Lorraine P. Carafa
Administrator/Qualified Purchasing Agent

Issued May 2012
Revised April 2016
Revised May 2020

INTRODUCTION

The procedures in this manual, by authority of the Governing Body of Sea Girt, are applicable to all Municipal Departments, Constitutional Officers, Agencies, Boards, Commissions and other offices, which operate within the framework of the Borough of Sea Girt Budget.

The purpose of this manual is to outline the procedures, for procuring goods and services under the New Jersey Local Public Contracts Law. (*N.J.S.A.* 40A:11-1 et. seq.)

The Mission Statement of the Purchasing Department is: The Purchasing Department in the Borough of Sea Girt is charged with the responsibility of assuring all purchases of goods and services, and subsequent payments made through the Purchase Order process, are completed in compliance with the New Jersey Local Public Contracts Law (*N.J.S.A.* 40A:11-1 et. seq.)

All purchases of goods and/or services must have a basis of award as defined in the Local Public Contracts Law, *N.J.S.A.* 40A:11-1, et. seq. A basis of award is a: purchase less than \$25.00 which is petty cash; non-recurring purchase less than 15% of the Bid Threshold requires two quotes; purchases between \$17,500.00 to above the bid threshold require a formal process; i.e. Bid, RFP or RFQ for a Commodity that is exempt from formal written bid (not necessarily exempt from Pay to Play reform); Purchase via State Contract , Emergency Contract , Purchase via Federal Supply Schedule or GSA (SPECIFIC AUTHORIZATION) Purchase from an authorized Cooperative.

Recognizing that purchasing is the responsibility of the Qualified Purchasing Agent, employees, volunteers, departments, boards, committees and commissions are charged with following the established procedures for the requisitioning of materials, supplies, goods and services as set forth in this manual.

Goals and Objectives

The goal of the purchasing system is to ensure that the Borough is in compliance with the Local Public Contract Law, *N.J.S.A.* 40A:11-1, et seq., and adheres to generally accepted purchasing practices. In addition, the automated purchasing system is designed to make the processing of requisitions, purchase orders and payment to vendors simpler and faster thereby reducing administrative expenses. This is a decentralized purchasing system providing greater autonomy for departments.

- Ensure that departments are in compliance with the Local Public Contracts Law, *N.J.S.A.* 40A:11-1, et seq.
- Provide excellent customer service to all Borough departments to facilitate their ability to serve Borough residents.
- Seek and implement cost and resource saving purchasing strategies.
- Assist Departments in obtaining goods and services at the best possible price.
- Respond to departmental needs and questions in a timely fashion.
- Keep abreast of changes in the public contracts law and provide updated information and direction to all departments on an ongoing basis.
- Implement Procurement card program

This Manual shall guide the purchasing practices of the Borough of Sea Girt and serve as a reference for users.

Definitions

Aggregation

Defined by public contracts law as "the sum expended or to be expended (encumbered) for the provision or performance of any goods or services in connection with the same immediate purpose or task, or the furnishing of similar goods or services, during the same contract year through a contract awarded by a contracting agent."

Bid Threshold

The limit set forth by the State of New Jersey, which defines when the Borough must bid for items or services. The threshold allowed by the State of New Jersey Division of Local Government Services, effective July 1, 2019, is \$40,000.00. However, the bid threshold for a municipality without a pay-to-play ordinance remains at \$17,500.

Contract Year

The period of twelve (12) consecutive months following the award of a contract.

Exclusions

Exclusions refer to purchases that do not require quotes or bids. These exclusions are specifically listed in the Local Public Contracts Law. Please refer to Guideline for Purchasing for a detailed list.

Lowest Price

The least possible amount to be paid for goods or services that meet all requirements of a purchase request for a contracting agent.

Lowest Responsible Bidder or Vendor

The bidder or vendor (a) whose responses to a request for bids offer the lowest price and is responsive; and (b) who is responsible.

Procurement Card (P-Card)

A physical card, similar to a credit card that represents an account governed by the rules codified by *N.J.A.C. 5:30-9A* called "Disbursement without Vendor Certification"; it is an electronic procurement system incorporating access restrictions determined by the contracting unit in agreement with the issuer.

Purchase Order

Purchase Orders are the mechanism by which funds are encumbered (reserved) in the Department's budget and issued to a vendor to supply goods or perform services to the contracting unit that when fulfilled in accordance with the terms and conditions set forth will result in payment by the contracting unit.

Quote Threshold.

The department must receive three written quotes when the aggregate purchase **across** departments of an item or similar items exceeds 15% percent of the maximum bid threshold during a 12-month period. Because the Borough has a Qualified Purchasing

Agent on staff, our current bid threshold is 15% of that amount, or **\$6,000.00**, is the quote threshold.

Requisition Form

An internal document that is used to notify the Administration and Finance Department of items or services are need to be contracted for and establishes the quantity, cost, vendor and appropriation account(s) to be charged for the acquisition of the desired goods or services. It is originated by the requesting department and then is processed through the Borough's usual channels until approved and converted to a Purchase Order.

Ship to Address

A ship to address is the address associated with each department and delivery address.

State Contract

The state contract is a contract for which the State of New Jersey has received bids and allows municipalities to purchase the same items or services from the same vendors at the same price as the State without receiving bids themselves. Purchases made under a state contract are excluded from the bid threshold.

Using Department

The using department refers to the department that is requesting a purchase.

Voucher

- a. The voucher is a copy of a Purchase Order signed by the vendor and submitted with an invoice for goods or services when applying for payment; or
- b. A separate document for *non-recurring purchases less than \$750.00* that may be utilized with prior approval of the Administrator and Finance Office.

1. PURCHASING DIVISION OF FINANCE OFFICE RESPONSIBILITES:

The Qualified Purchasing Agent or in her absence, the Chief Financial Officer, is responsible for the proper functioning of the Purchasing Division and has the following responsibilities:

- A. To ensure the Borough's compliance with the Local Public Contracts Law by reviewing requisitions, requesting appropriate documentation from departments as required, and approving or denying requisitions.
- B. To answer questions regarding the automated purchasing system, Purchasing Manual and related procedures.
- C. To cooperate with department heads to ensure that purchases are as economical and efficient as possible under the applicable statutes.

D. To assist in the preparation of specifications, prepare advertisements, send out specifications, preside at bid openings, review bid results and recommendations for contract awards and prepare appropriate resolutions for contract awards.

E. To maintain and update as needed and as amended by law, a standard set of general specifications and instructions to bidders for procurement, proposals for professional services projects, construction contracts and to add them to the technical specifications provided by the Department for a complete specification package.

F. To assist departments in the preparation of detailed technical specifications.

G. To handle insurance and performance bond requirements for all bids.

H. To issue Contracts, Notices of Award and Notices to Proceed letters to vendors.

I. To maintain vendor lists and establish a list of approved state contract vendors.

J. To review payments and prepare necessary change order resolutions for each bid contract.

K. To assist departments when using a state contract, and to verify state contracts on an ongoing basis.

L. To establish and maintain a P-Card system of electronic procurement incorporating access restrictions determined by the contracting unit in accordance with an agreement with the issuer for the purchase of tangible supplies or non-tangible items under certain conditions.

2. DEPARTMENT RESPONSIBILITIES

Using departments within the Borough have the following responsibilities:

A. To read, review, and understand the Purchasing Manual and operate in compliance with the Local Public Contracts Law.

B. To inform the Finance Office on an annual basis which supervisors are granted permission to authorize Purchase Orders for the department.

C. To initiate Purchase Requisitions, providing the detailed information including vendor name and address, tax ID # and specific material or equipment to be purchased. No purchasing may be authorized with prior submission of a purchase requisition.

D. To prepare and or assist in the preparation of detailed technical specifications when the department must seek bids.

E. To confirm with the Qualified Purchasing Agent the source and amount of funding available on projects for which the department must seek bids.

F. To advise the Qualified Purchasing Agent which vendors are recommended to include in the bidding process.

G. To be present at bid openings pertaining to that department.

H. To review and analyze the bid packages pertaining to the department with the Qualified Purchasing Agent.

I. In consultation with the Qualified Purchasing Agent, make recommendations to the Borough Council for contract awards pertaining to the department.

J. The using department will become the contract administrator for all contracts pertaining to that department. The contract administrator is the responsible party in the Borough for ensuring that the successful bidder meets all performance standards and specifications once the contract has been awarded.

K. To answer any questions by the vendor regarding the payment process for purchases by the department. Once the department has forwarded a correct invoice, signed voucher and municipal certification to the Department of Finance, any questions regarding payment from the vendor shall be directed to the Department of Finance.

L. The using department head must notify the Finance Office in writing when he or she will be on vacation and who will be approving requisitions for the department in the department head's absence. Under no circumstances is anyone to share their password to allow another staff member to approve requisitions in their absence.

M. Follow the requirements of Fixed Assets Reporting for your department.

3. FINANCE DEPT. RESPONSIBILITIES

A. To review, approve and sign printed Purchase Orders after receipt of written (or electronic) purchase requisition to signify encumbrance of funds.

B. To handle the accounts payable process:

1. Receive completed paperwork (voucher signed by vendor and department head and proper invoice) from departments.
2. Review all vouchers and invoices making sure they are correct and ready for payment.
3. Enter any additional charges into the purchase order system, such as shipping, which were not on the original purchase order. If additional charges exceed \$100, submit paperwork to Qualified Purchasing Agent for authorization.

C. To enter blanket purchase orders in the Finance System and maintain a tracking mechanism.

4. WAYS TO MAKE A PURCHASE

A. Small purchases

A voucher may be utilized for these purchases *not to exceed \$750.00* without the need for a requisition providing that the Finance Office is notified, the Department Head approves and the required documentation is supplied to the Finance Office *within 48 hours of the purchase*.

B. Petty cash threshold

Items of up to \$75.00 dollars in value, one time purchases where possible, should be purchased with petty cash. This practice should be followed to reduce paperwork, provide a rapid purchase timeframe and save staff time and resources. Use of this option will be monitored to preclude departments from using petty cash to avoid the use of competitive price quotes.

C. Quotes

Whenever the Borough (across departments) spends 15% of the maximum bid threshold on item or services, written quotes must be obtained from three vendors, where possible. If quotes are not available and list of contacts made should be forwarded with the quote form. This list should include company name and phone number and indicate they did not respond.

This rule applies to purchases for the same or similar items during the last 12 months. For example, if \$6,000 worth of paint supplies were purchased in February by Buildings and Grounds and then in October the Utilities Department wanted to purchase \$2,000 worth of paint supplies, then the Utilities Department would need to receive three quotes. The \$2,000 expenditure would put the Borough over the \$6,000.00 quote threshold.

When seeking quotes, the following information must be obtained:

1. Vendor name
2. Vendor address
3. The vendor phone number
4. Name of person giving the quote
5. The price quote
6. Terms of sale (shipping costs, delivery date, etc.)
7. Detailed description of item ensuring comparable quotes.

Quote sheets, approved by department heads, are forwarded to the Purchasing Office for review. Incomplete information will delay the approval process. A brief description of item(s) being quote should be included on the quote form.

D. State contracts

When purchasing under a current state cooperative purchasing contract, it is not necessary to obtain competitive pricing. Please keep the following concepts in mind when using state contract:

1. The contract must be current (make sure it is not expired);
2. Make sure that the vendor has extended the contract to local governments;
3. Make sure the items you are purchasing are included in the state contract and that those items were awarded to the vendor of your choosing;
4. Determine to the best of your ability, whether the state contract price is advantageous to the Borough;
5. Reference the vendor's state contract number on the requisitions screen and other documentation; also include the commodity code referenced in the state contract if listed. Finally, forward a copy of the state contract if available with the corresponding requisition number on the top right hand side. This will save when the Purchasing Agent verifies these items.

The website which provides as listing of valid state contract is: www.state.nj.us/treasury/purchase/contracts.htm.

You must **notify** the Purchasing Agent of the need to utilize a state contract exceeding \$17,500 **before** submitting any requisitions to confirm the availability of funds. Purchases of this size must be approved by resolution. Upon approval of a resolution by the Borough Council, the department will be notified and a requisition may be entered on the system.

E. Competitive Contracting

Competitive contracting can be used in lieu of public bidding for the procurement of specialized goods and services, which exceed the bid threshold. The Qualified Purchasing Agent shall administer competitive contracting. The governing body must pass a resolution authorizing the use of competitive contracting each time it is used. The appropriate documentation for competitive contracting includes:

- 1) all contract requirements and information to enable free competition;
- 2) information necessary for potential bidders to submit a bid;
- 3) the methodology and ranking procedure by which all vendors will be evaluated.

Competitive contracting may only be used for the following goods and services:

- purchase or licensing of proprietary computer software designed for contracting unit purposes, which may include hardware intended for use with proprietary software.
- The hiring of a for-profit entity or not-for-profit entity incorporated under Title 15A of N.J. Statutes for the purpose of:
 - a) operation and management of a wastewater treatment system or water supply
 - b) operation, management or administration of recreation or social services facilities or programs
 - c) operation, management or administration of data processing services
- Homemaker-Home Health Services
- Laboratory Testing Services
- Emergency Medical Services
- Contracted Food Services
- Performance of Patient Care Services
- Goods or Services exempt from Bidding as per N.J.S.A. 40A:11-5

- Concessions
- Operation, Management or Administration of other Services with approval of Division of Local Government Services

F. Vendors with the same product as State Contract, but 10% less than State Contract.

If the Borough, in the process of soliciting at least three quotations, finds a vendor that is capable of providing an item as on state contract, and the price is at least 10% less than state contract, then the Borough may purchase the less expensive item from the non-state contract vendor through a process outlined by the Division of Local Government Services. The item to be purchased must be identified as the same brand, model and item number as that listed within a state contract and must be verified by the department and purchasing agent. Vendors must submit a written quote and description of the item to be purchased.

A copy of the purchase order, documentation identifying the price of materials, supplies or equipment under state contract and the state contract number **must** be filed with the Director of Local Government Services within five days of award. The Director will contact the municipality to acknowledge receipt and forward the material to the State Treasurer. This is a one-time approval process. This procedure must be repeated for additional purchases.

G. Public bidding

The competitive bidding requirement applies to any purchase, where the cost which, together with any other sums expended or to be expended for (1) the performance of any work, or service in connection with the same immediate project; or (2) the furnishing of similar materials or supplies during the same fiscal year, paid with or without public funds, exceeds the total sum of maximum bid threshold in that fiscal year. Every contract agreement, for whom the performance of any work or the furnishing or provision of any materials or supplies shall be awarded only by the Borough Council after public advertising for bids, has occurred. All purchases which exceeded the bid threshold must be fully executed by formal written contract or agreement (*N.J.S.A. 40A:11-4*).

1. The using department will send a request to the Purchasing Office for the purchase of an item or service and indicate the source and amount of the funding available and an estimate of the project cost.

2. Detailed technical specifications for all materials and services subject to public bidding will be prepared by the using department with the assistance (when needed) of the Purchasing Office. These specifications must be submitted to the Purchasing Office prior to the time period in which the materials or services are needed in order to allow the Qualified Purchasing Agent time to review the documents, insure compliance with the Local Public Contracts Law, and approve the specifications and to provide enough time for proper advertisement and bidding. Any specification drawn for the purposes of competitive bidding must be drafted in the manner to encourage free, open and competitive bidding. **Departments may not use a manufacturer's specifications for bidding.** If a consultant has provided the specification, the consultant is precluded from bidding and

shall be acknowledged in the specifications. Borough specifications MUST be generic in nature. If a brand name of equivalent is specified, the department MUST know of at least one equivalent that is available and the equivalent must be identifiable by some form of industry standard. This provision has been added to *N.J.S.A.* 40A:11 under recent amendments.

3. The Qualified Purchasing Agent will prepare all bid advertisements and specifications packages (with the assistance of any of the professionals employed by the Borough) and provide them to any vendors provided by the using department as well as to anyone who requests a package due to the advertisement. The Notice to Bidders is sent to the local newspaper and posted on the Sea Girt Borough website. *Bid documents* are not posted on the website and must be requested in writing.

4. Sealed bids will be opened and publicly read by the Qualified Purchasing Agent. The responsible department head shall also be present at the bid opening.

5. The using department head will review and analyze the bids, prepare a spreadsheet comparison of the bidders and their prices, and prepare a recommendation for an award of contracts to the Qualified Purchasing Agent in one of the following manner:

- a. If the low bidder meets the Borough's specifications, then the using department head shall outline in the memo to Administrator and Qualified Purchasing Agent that the low bidder meets the Borough's specifications and that the department is recommending an award of contract to the low bidder. The specific appropriation where the item is to be charged must also be included in the recommendation. The Qualified Purchasing Agent will report each award to the governing body at the next regularly scheduled Council Meeting.
- b. If the low bidder does not meet the Borough's specifications, then the using department must outline in writing to the Administrator and Qualified Purchasing Agent specifically why the low bidder is not in conformance with the Borough's specifications and include the recommendation that the award of the contract should be made to the next lowest bidder who meets the specifications.
- c. If no bids were received, the using department head and the Purchasing Office will re-advertise for the material or service.
- d. Rejection of Bids – A contracting unit may reject all bids for any of the following reasons:
 - 1) lowest bid substantially exceeds cost estimates for goods or services;
 - 2) lowest bid substantially exceeds contracting unit's appropriation for goods or services
 - 3) governing body of the contracting unit decides to abandon the project
 - 4) contracting unit wants to substantially revised the specifications for goods or services

- 5) purposes of provisions of *N.J.S.A.* 40A:11-2 are being violated
- 6) governing body of contracting unit decides to use state authorized contract pursuant to *N.J.S.A.* 40A:11-12.

e. If the Borough has advertised for bids on two occasions and

(1) has received no bids on both occasions, or

(2) the Borough Council has rejected such bids on two occasions because the using department has determined that they were not reasonable as to price, on the basis of estimates prepared for or by the using department prior to advertising therefor, or have not been independently arrived at in open competition, or

(3) on one occasion no bids were received pursuant to (1) and on one occasion all bids were rejected pursuant to (2), in whatever sequence; any such contract or agreement may then be negotiated and may be awarded upon adoption of the resolution by a two-thirds affirmative vote of the Borough Council; provided, however, that:

(1) a reasonable effort has been made by the using department and the same or equivalent material or service at a cost lower than the negotiated price, is not available from the agency or authority of the United States, the State of New Jersey, County of Monmouth, or municipality in close proximity to Sea Girt;

(2) The terms, conditions, restrictions and specifications set forth in the negotiated contract or agreement are not substantially different from those which were subject to competitive bidding;

(3) A minor amendment or modification of any of the terms, conditions, restrictions and specifications, which over the subject of competitive bidding shall be stated in a resolution awarding such contract or agreement; and

(4) If on the second occasion the bids received are rejected as unreasonable as to price, the department must notify each responsible bidder submitting bids on the second occasion, of the Borough's intention to negotiate, and afford each bidder a reasonable opportunity to negotiate, but the Borough Council shall not award such contract or agreement unless the negotiated price is lower than the lowest rejected bid price submitted on the second occasion by a reasonable and responsible bidder, is the lowest negotiated price offered by any responsible supplier, and is a reasonable price for such a item or service.

6. The Qualified Purchasing Agent shall prepare the resolution awarding the contract.

7. A Change Order is a properly prepared document authorized by the Borough Council by Resolution, which directs and authorizes a contractor, consultants or other vendor

performing work for or supplying materials and services pursuant to a contract to change the quantity or character of the work, service, or material to be performed, rendered or furnished, from that originally specified or estimated, and to correspondingly change the payment due.

General requirements for all Bid Change Orders:

- a. Each change order shall be in writing and shall be numbered consecutively (beginning with number one) and attached to the original purchase order or contract for each project.
- b. Change orders shall not be used to substantially change the quality or character of the items or work to be provided, inasmuch as such would have been a determining factor in the original bidding.
- c. The total number of change orders executed for a particular contract shall not cause the originally awarded contract price to be exceeded by more than 20 percent (20%). This 20% limitation shall not apply to emergency situations as described below.
- d. Before authorizing any change orders resulting in additional expenditures, the availability of funds shall be certified in writing by the Chief Financial Officer.
- e. A resolution is presented to the Borough Council for approval.

J. Procurement Card

Procurement cards may only be used when vendors require payment in advance for the delivery of certain goods or services that cannot be obtained from other sources at comparable price. The circumstances which qualify the use of a procurement card are as follows:

- An individual transaction shall not exceed 15% of the bid threshold
- Comparable pricing is not otherwise obtainable for goods and services to be available at the time and place required
- The Cost of purchases is comparable to costs available from other vendors who can provide the required goods and services in a timely manner
- Items are purchased in a transaction where vendor certification would not normally be readily available at the time of purchase
- The Vendor requires immediate payment AND the Purchasing Agent, or Borough Administrator has approved such use for a purchase from a particular vendor for a particular item
- Purchase is from a "big box" or other store that does not accept vouchers, purchase orders or checks
- On-line purchases for services when the vendor does not accept vouchers, purchase orders or checks
- Conference Registrations
- Subscriptions
- Hotel Reservations (room accommodations and reimbursable expenses like parking are acceptable uses. Room Service charges and incidentals are not acceptable uses.)
- Items purchased must be tangible supplies, parts or materials necessary for ongoing operation and function of the Municipality (i.e. office supplies, sanitary supplies)

I. Blanket Purchase Orders

A Blanket Purchase Order is used to encumber a lump sum of money for specific vendors where a department anticipates the need for a variety of items they will need to purchase.

Examples of these purchases types of blanket purchase orders are auto parts, hardware, etc. in addition, the blanket purchase orders should be used for bills where department knows what the item may be, but the charge each month varies. Examples of these types of blanket purchase orders are emergency repair parts, legal advertisements, electric service, etc.

The purpose of using a Blanket Purchase Orders is to make sure money is encumbered so that you will not have to process a separate purchase order for each low-cost item needed or for every spark plug. Blanket purchase orders allow for compliance with the encumbrance law and provide departmental flexibility in meeting their day-to-day needs.

Departments will need to estimate expenditures with vendors who would be appropriate for blanket purchase orders. Blanket purchase orders should be processed against the current budget year only. New blankets will be processed for each new budget year. Using department can process a blanket for the entire budget year, the quarter or per month depending upon their needs. **All departments must realize that they must still follow the procedure for quotes and bids if commodities purchased in a 12 month period exceeds either the quote or bid thresholds.** The total for bids and quotes is not based on one department's purchases; they are not separate from one another, but the cumulative total of the purchase of similar items across departments. Expenditures may not exceed the quote or bid threshold without the appropriate competitive price quotes or bidding.

Procedure for Blanket Purchase Orders

1. The first step in the process is to estimate how much you will spend with a particular vendor for (the year, quarter or month).
2. The next step is to prepare a requisition, indicating the general item category and whatever the requisition is for, such as auto parts, hardware, painting supplies, etc. When you can be more specific with regard to an item, please do so.
3. Once sent, the requisition is entered into the Finance System by the Finance Department. The department will be advised when this has been done, so they may give first approval in the same manner as everyday requisitions are approved. The department will receive a summary report of the Blanket Purchase Orders. This is not to be mailed to the vendor. The blanket PO is sent to the vendor for signature; once returned, the department provide the original to the Finance Office and will retain a copy for reference.
4. The Finance Office will prepare Special Payment Vouchers for each vendor who has a Blanket Purchase Order and provide them to the Department Head for use at the time of purchase.

H. Exceptions

Exceptions to public bidding are outlined in the Local Public Contracts Law, *N.J.S.A* 40A:11-5 and include the following:

1. Professional services, defined as:

Services rendered or performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training.

Professional services may also mean services rendered in the provision or performance of goods or services that are original and creative in character in a recognized field of artistic endeavor.

a. All Professional Services Contracts are SUBJECT TO PAY TO PLAY limitations.

2. Extraordinary, unspecifiable services are defined as follows and all the requirements must be satisfied in order for a particular service under this definition not to be subject to competitive bidding:

- a. Services, which are specialized and qualitative in nature;
- b. Services, which require expertise and extensive training;
- c. Services required to be performed by individuals who have a proven reputation in a particular field of endeavor;
- d. Services, which cannot be reasonably described by written specifications.

The application of this exception for extraordinary of unspecifiable services should be construed narrowly in favor of open competitive bidding wherever possible.

General requirements limiting the use of this exception are as follows:

- a. The assertion that the service can only be provided by a single contractor (sole source) is not sufficient to justify the avoidance of competitive bidding.
 - b. The fact that this service is in nature of the personal, human, social or training service contracts or includes with its descriptions such terms as “technical”, “management”, “consultant” or similar descriptions suggesting some special nature shall not in itself be sufficient to utilize this exception.
 - c. The services must be of such a qualitative nature that the performance of the services cannot be reasonably described by written specifications.
3. The performance of any work by employees of the contracting unit;
 4. The printing of legal briefs, records and appendices to be used in any legal proceedings in which the contracting unit may be a party;
 5. The furnishing of a tax map or maps for the contracting party;

6. The purchase of perishable foods as a subsistence supply;
7. The supplying of the products or the rendering of any service by a public utility, which is subject to the jurisdiction of the Board of Public utility commissioners, in accordance with tariffs and schedules for charges made, charged for exacted, filed with said board;
8. The acquisition, subject to prior approval of the Attorney General, of special equipment for confidential investigation;
9. The printing of bonds and documents necessary for the issuance and sale thereof by the contacting unit;
10. Equipment repair service if in the nature of an extraordinary, unspecifiable service and necessary parts furnished in connection with such service, which exception shall be in accordance with the requirements for extraordinary, unspecified services;
11. Publishing of legal notices in newspapers as required by law;
12. The acquisition of artifacts or other items of unique, intrinsic, artistic or historical character;
13. Those goods and services necessary or required to prepare and conduct an election;
14. Insurance, including the purchase of insurance coverage and consultant services, which exception shall be in accordance with the requirements for extraordinary and unspecifiable services;
15. The performance of any work by handicapped persons employed by sheltered workshops;
16. The provision of any service or the furnishing of materials including those of a commercial nature, attendant upon the operation of a restaurant by any nonprofit, duly incorporated, historical society at or on any historical preservation site;
17. Library and educational goods and services;
18. On-site inspections undertaken by private agencies pursuant to "State Uniform Construction Act" (P.L. 1975, c.217; C52:27D-119 et. seq.) and the regulation adopted thereto;
19. The marketing of recyclable materials recovered through a recycling program, or the marketing of any product initially produced or derived from solid-waste received at a resource recovery facility or recovery facility or recovered through a resource recovery program, including, but not limited to, refuse-derived fuel, compost material, methane gas, and other similar products.

20. Towing and storage contracts, which must be provided on a reasonable non-exclusionary and non-discriminatory basis.
21. The printing of municipal ordinances or other services necessitated by the revision or codification of municipal ordinances.
22. Expenses for travel and conferences;
23. The provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software, except that this provision cannot be used to acquire or upgrade non-proprietary hardware or up-grade non-proprietary software;
24. Purchases of goods and services at rates set by the Universal Service Fund administered by the Federal Communications Commission.

If a department feels that the item/service they are requesting to purchase is an exception to public bidding, they must consult with the Purchasing Agent and/or Administrator for that determination.

5. The Special Payment Voucher (SPV) can be processed in several ways:

- a. The department can take a SPV to the vendor when the items are picked up. Have the vendor sign a copy at the time and then it will not have to be mailed. The department will then write the information (date, items purchased, invoice number, etc.) regarding that purchase on the SPV and attach the invoice to it. The department head must review sign voucher with invoice and forward it to the Finance Office within 48 hours of the transaction. Vendors get paid much faster under this system.
- b. Departments can also use a blanket to make a purchase over the telephone since the money is already encumbered. Call the vendor and give the Purchase Order number when you place the order. A SPV shall be faxed or mailed to the vendor who will complete and sign the document and send it to the department with the invoice. When you receive the signed invoice back from the vendor, the department head should review and sign this and forward it to the Finance Office.

If the amount of the original blanket purchase order is expended during the budget year, the department may request that additional funds be encumbered for that blanket. They will do this by forwarding a requisition change order form (use the original requisition form and check off the change order box at the top of the page) to the Finance Office for the additional amount and referencing the original blanket Purchase Order number. On this request please include the original amount of the blanket requested, any prior change orders and the amount of the current change order.

G. Emergency Purchases-N.J.S.A. 40A: 11-6

An emergency is a situation that affects the public health, safety or welfare, and requires immediate delivery of the articles for the performance of the service. Such a purchase must be made in the following manner:

1. A written requisition for the performance of such work or labor, or the furnishing of materials, supplies or services is filed with the Qualified Purchasing Agent describing:
 - a. The nature of the emergency
 - b. The time of its occurrence
 - c. The need for invoking it in emergency purchase

and is to be completed by the Department Head in charge of the department wherein the emergency occurred. The Administrator and Qualified Purchasing Agent will authorize such emergency purchases under the bid threshold. Only the Borough Council is authorized to approve emergency purchases over the bid threshold.

2. Upon the furnishing of such work or labor, materials, supplies or services, the vendor shall be entitled to be paid. The department head must make sure sufficient funds exist in the proper line item in the annual budget to pay for any such emergency purchases.

The emergency purchasing procedures may not be used to avoid the competitive bidding process when the need for the articles or service could have been reasonably foreseen. It is not intended that "emergencies" be permitted to be created as a result of inadequate planning.

****** If the circumstances of the emergency do not allow the above procedures to be used, you may request a verbal approval from the Administrator or the Qualified Purchasing Agent in the Administrator's absence.

H. Confirming Orders

Confirming Orders are NOT ACCEPTABLE. If a true emergency exists the procedures for emergencies are outlined above.

5. PURCHASE AUTHORIZATIONS AND ENCUMBRANCE

Requisitions must be approved by the Using Department Head, Qualified Purchasing Agent and Finance Department. Sufficient funds must be encumbered prior to the Department ordering or authorizing a vendor to provide an item or service. Requisitions should not be viewed as encumbrances. An encumbrance exists when the request has been converted to a purchase order and approved.

A. The Electronic Requisition Process

The using department must fill out the following information on the requisitions screen:

1. Department number

2. Vendor name
3. Vendor number
4. Account number
5. Ship to Code
6. State contract number (if applicable)
7. Quantity
8. Unit of measure (received, gallons, cases, etc.)
9. Unit price
10. Description of material or service to be purchase. A separate item screen must be completed for each item purchased. Key information, such as a resolution number if applicable should be placed on the first line of the description field. Shipping credits/discounts must be listed as separate items.
11. Purchasing Authorization must be selected.

The requisitions screen must be completed in the full and released to the next approval point in the process (department staff to department head to Finance Office).

B. Purchase Orders

Once the department head and Qualified Purchasing Agent have approved requisitions, they will be printed by the Finance Office and will then become Purchase Orders.

Two copies of the printed Purchase Orders will be forwarded to the using department. The department head will review them for completeness and then place the order for the material or service by mailing both copies of the purchase order to the vendor, the vendor will retain one copy for their records and sign a copy and return to the using department. The copy signed by the vendor becomes the voucher. Any questions by the purchase should be directed to the using department.

C. Payment

Once the vendor has delivered the item or service and has returned the signed voucher with the proper invoice, the department head must sign the voucher under the municipal certification stating that the material or service has been received. The department attaches the invoice to the voucher that has been signed by the vendor and the department head and forwards them to Finance Office for payment processing.

D. PROCUREMENT CARD PROGRAM

Purchasing Cards or Electronic Transactions will not change or eliminate any provision of the Local Public Contract Laws and will be administered in accordance with the rules enumerated in *N.J.S.A. 40A:5-16(c)* notwithstanding the provisions of *N.J.S.A. 40A:5-16(a)* or *N.J.A.C. 5:309A.1 et seq.*

Purchasing cards will only be distributed to essential Administrative Personnel, Department Heads or Supervisors and/or Assistant Supervisors on a per needed basis,

which shall be determined by the Borough Administrator in consultation with the Purchasing Agent and/or Chief Financial Officer.

All authorized procurement card users will be required to complete training on the policies and procedures governing the use of the procurement card and shall complete and sign a contract of understanding that includes the financial and legal responsibility for misuse.

Procurement cards shall be issued in the name of a specific individual but under no circumstance shall be used to purchase personal property or services, including travel and dining expense.

Limits on cards will be established by amount, time and category of usage permissible. An authorized procurement card user is prohibited from using P-card to conduct personal business or for any circumstance that are not authorized in N.J.S.A. 40A:5-16(c) or N.J.A.C. 5:309A.1.

Procurement Cards may only be used in the manner as outlined above. It will be incumbent on the Purchasing Agent to reconcile all p-card transactions with receipts and invoices to document a transaction. It will be incumbent for the CFO to reconcile card activity along with payments made to the issuing financial institution.

Violations of policies governing the use of procurement cards shall result in appropriate remedial or disciplinary action without regard to the position held by the card user. Any violation of the policies governing use of the procurement card will result in immediate forfeiture of the ability to use such card and may result in other disciplinary action including but not limited to suspension, termination and criminal prosecution. The Borough will also retain all rights to any funds misappropriated and will seek restitution of said funds through garnishment of wages, forfeiture of benefits and legal actions in a court of law.

**UNDER NO CIRCUMSTANCE SHALL ANY P-CARD OR ELECTRONIC
TRANSACTION BE USED FOR PERSONAL USE!**

6. PUBLIC WORKS CONTRACTOR REGISTRATION

Contractors performing public work must be registered for all public works contracts as follows:

- a. The work meets the definition of "public work" such as construction, reconstruction, demolition, alteration, repair work or maintenance work. or service contracts.
- b. The cost of the work exceeds the \$16,263.00. (the same dollar amount which determines prevailing wage requirements).

This certification is required for all public contracts over the listed threshold. This item must now be included in all bid submittals and is grounds for rejection if the vendor is not registered with the Department of Labor on the date of the bid opening.

7. NJ BUSINESS REGISTRATION

Prior to the issuance of a purchase order to a new Vendor, the Vendor **must** supply to the Borough a copy of their current NJ Business Registration Certificate. Vendors may be directed to the NJ Division of Treasury for further information and on-line registering.

8. LEGAL IMPLICATIONS

Under the Local Public Contracts Law, the Attorney General's Office has an active interest in investigating and prosecuting all instances where fraud or criminal activity as it relates to public purchasing. In instances where bid processes may be compromised by illegal activity such as bid rigging, collusion, fraud, intimidation, false claims, bribery, etc., please report your concerns to the Administrator, Clerk or Finance Officer so that appropriate action may be taken. Violations may be reported to the Financial Crimes and Anti-trust Bureau of the Division of Criminal Justice.

9. REMINDER: WITHOUT A PURCHASE ORDER, NO ITEMS MAY BE PURCHASED OR SERVICES, INCLUDING VEHICLE MAINTENANCE SERVICES, MAY BE SCHEDULED.

EMERGENCY PURCHASES

An emergency purchase is a purchase which can be ONLY be made upon reasonable and sufficient grounds that some unforeseen or unexpected circumstance has suddenly created a situation requiring that commodities or services be immediately purchased by the Borough.

CHECKLIST FOR EMERGENCY PURCHASE

An emergency purchase over the bid threshold of \$40,000 can only be declared by the Qualified Purchasing Agent, Administrator and Mayor and/or Council President.

Purchases over \$17,500 requires the immediate approval by department head and purchasing agent and/or administrator with full council consent at next meeting.

All attempts should be made to use normal operating procedures in the event of an emergency. Purchasing procedures should remain consistent with what has been outlined in this Manual. If additional documentation is required, it must be requested from the vendor as quickly as possible after the event; failure to request required documentation or failure to provide required documentation is a serious offense and any liabilities incurred by the Borough for failure to request or to secure necessary documentation from the vendor shall be the responsibility of the Department Head. Oral notification must be made immediately to the Borough Administrator followed by the submission of requisitions once the emergent situation is mitigated. The highest priority must be given to returning to normal operating procedures.

EXAMPLES OF EMERGENCY SITUATIONS

LIFE-THREATENING – Hurricane damage, evacuation, health and safety measures (usually these types of emergency are not only affecting Sea Girt, but have a broader range of affected area; generally, the mayor or an higher authority has declared an emergency order).

Purchases under this type of emergency are for stabilization purposes only. Once stabilization of the situation has occurred, every attempt must be made to use vendors that are current vendors of the Borough, thus the necessary documentation has already been secured, we are comfortable with the vendor, we know their capabilities, etc.

NON-LIFE-THREATENING – usually these types of emergencies are for the prevention of property damage or the result of property damage. Again, the goal is to mitigate the immediate danger. Every attempt should be made to use vendors that currently do work for the Borough, as proper documentation is already in place.

As soon as the emergency situation has been stabilized, the Department Head and/or Qualified Purchasing Agent shall make every attempt to insure that the Borough is paying a fair and reasonable price for services and or products rendered. This level of

comfort comes with a working knowledge of trades rates, material costs, etc. Since increased costs for emergencies originate from increased labor costs as a result of overtime, mobilization fees, rush delivery costs, etc., the sooner competitive quotes are received and evaluated, the lower the cost for each project.

EMERGENCY PURCHASES CHECK LIST:

Notification of Emergency

When an emergency situation occurs during normal business hours, **verbal** approval of the Administrator or Qualified Purchasing Agent must be obtained **prior** to making a purchase or execution of any work. A written explanation must be provided immediately via facsimile which should include the estimated cost. If an emergency occurs after business hours, on a holiday or weekend, the state agency may proceed with the emergency purchase and provide immediate written justification of the action to the Purchasing Agent on the first working day following the emergency.

Certificate of Emergency

This is written notice to the Borough of the emergency. This notice shall provide for the time and date of such emergency, any adverse cause for the emergency, and any information relative to any responsible party to the emergency.

Business Registration Certificate

Every vendor with the Borough must provide with this Certificate prior to be contracted, or as soon as possible (this certificate can be obtained by registering on-line with the New Jersey Department of Treasury)

Contractors Registration Certificate

Every contractor performing work on municipal buildings or grounds over 15% of the bid threshold must provide prior to being awarded a contract.

Prevailing Wage

Construction Contracts over \$14,983 must provide for paying their employees prevailing wage inclusive of benefits as determined prior to award of contract. Initial Manning Report must be submitted before any payment is released at a minimum.

EMERGENCY PURCHASES CHECK LIST (continued)



Certificate of Insurance

Certificate of Insurance naming the Borough of Sea Girt as additional named insured to the extent of the contract between each party in a minimum amount of 1mil per occurrence for general liability, 2M aggregate and 1M property damage, evidence of coverage for non-owned auto and workers compensation shall also be supplied.



Debarment List

No entity of local government shall engage any contractor currently listed on the State Vendor Debarment List

The use of contract vendors alleviates discomfort with pricing, service or follow-up. In the event that emergency contractors are needed, attempts should be made to reach out to other municipal or governmental agencies for recommendations or input.

All emergency contracts shall be reviewed by the Borough Attorney, and where applicable, the Borough Engineer.

No promise of work or employment shall be made to any contractor, until such time as proper authorization has been acquired from the Administrator, Qualified Purchasing Agent or Mayor and Council.

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BOROUGH OF SEA GIRT
Bill List By P.O. Number

Page No: 1

P.O. Type: All
Range: First to Last
Format: Condensed

Open: N Paid: N Void: N
Rcvd: Y Held: Y Aprv: N
Bid: Y State: Y Other: Y Exempt: Y

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
19-00599	06/06/19	00349	VERIZON WIRELESS	Ipads and unlimited data	Open	160.04	0.00 B
20-00003	01/10/20	00698	MON. MUNICIPAL JOINT INS. FUND	2020 Insurance	Open	140,972.00	0.00
20-00019	01/13/20	00964	A'S GARDEN & HOME CENTER	misc	Open	57.40	0.00 B
20-00022	01/13/20	AMMM01	Apruzzese, McDermott, Mastro	2020 Legal fees	Open	1,204.50	0.00 B
20-00024	01/13/20	00046	AQUATIC SERVICES - E. Runyon	Lab Testing Services	Open	1,120.00	0.00 B
20-00033	01/13/20	00136	THE COAST STAR	Legal Advertising	Open	232.05	0.00 B
20-00044	01/13/20	00016	JERSEY CENTRAL POWER & LIGHT	Electric Public Works	Open	1,568.05	0.00 B
20-00045	01/13/20	00016	JERSEY CENTRAL POWER & LIGHT	Electric Street Lights	Open	2,624.01	0.00 B
20-00046	01/13/20	00016	JERSEY CENTRAL POWER & LIGHT	Electric Service Library	Open	178.27	0.00 B
20-00047	01/13/20	00016	JERSEY CENTRAL POWER & LIGHT	Electric Service Paddle Tennis	Open	5.82	0.00 B
20-00048	01/13/20	00016	JERSEY CENTRAL POWER & LIGHT	Electric Service Water Plant	Open	2,928.95	0.00 B
20-00049	01/13/20	00334	HOME DEPOT CREDIT SERVICES	Misc	Open	209.94	0.00 B
20-00052	01/13/20	01230	KEPWEL SPRING WATER CO., INC.	Bottled Water	Open	14.00	0.00 B
20-00053	01/13/20	01230	KEPWEL SPRING WATER CO., INC.	Bottled water	Open	131.55	0.00 B
20-00054	01/13/20	01230	KEPWEL SPRING WATER CO., INC.	bottled water	Open	20.00	0.00 B
20-00060	01/14/20	MAZZA	Mazza Mulch, Inc.	Brush Disposal	Open	1,320.00	0.00 B
20-00061	01/14/20	00040	MONMOUTH COUNTY TREASURER	Waste & Recycling Disposal	Open	6,210.28	0.00 B
20-00064	01/14/20	01258	NJ American Water	Water service to Hydrants	Open	92.00	0.00 B
20-00066	01/14/20	00051	NJ NATURAL GAS CO.	Gas Service	Open	1,359.09	0.00 B
20-00067	01/14/20	00051	NJ NATURAL GAS CO.	Gas Service Library	Open	137.52	0.00 B
20-00068	01/14/20	00051	NJ NATURAL GAS CO.	Gas Service Paddle Tennis	Open	34.00	0.00 B
20-00070	01/14/20	01942	ONE CALL CONCEPTS	Mark-out services	Open	40.80	0.00 B
20-00071	01/14/20	00614	Optimum	Beach - Internet, Phone, TV	Open	267.54	0.00 B
20-00072	01/14/20	00614	Optimum	Water & DPW - Inter, TV, Phone	Open	21.97	0.00 B
20-00073	01/14/20	00614	Optimum	Police - TV Services	Open	36.43	0.00 B
20-00079	01/14/20	00889	STATE OF NEW JERSEY	Dog License Fees	Open	6.60	0.00 B
20-00081	01/14/20	SBS01	Stewart Business Systems	Printer/copier servicing	Open	204.41	0.00 B
20-00084	01/14/20	TU01	TransUnion Risk & Alternative	Background checks	Open	50.00	0.00 B
20-00085	01/14/20	01607	TREASURER, STATE OF NEW JERSEY	UCC Training Fees	Open	2,514.43	0.00 B
20-00088	01/14/20	00096	A.T. THORN & SON	plumbing Services	Open	1,016.04	0.00 B
20-00094	01/14/20	00349	VERIZON WIRELESS	cell phones	Open	156.84	0.00 B
20-00095	01/14/20	00349	VERIZON WIRELESS	2020 Services	Open	262.54	0.00 B
20-00100	01/14/20	00136	THE COAST STAR	Advertising	Open	153.60	0.00 B
20-00102	01/14/20	00099	ASSOCIATED HUMANE SOCIETY	Animal Control services	Open	463.00	0.00 B
20-00103	01/14/20	00002	COUNTY OF MONMOUTH - COUNTY	2020 First half County tax	Open	1,542,087.29	0.00 B
20-00104	01/14/20	00003	COUNTY OF MONMOUTH - LIBRARY	First half 2020 Library Tax	Open	110,316.66	0.00 B
20-00105	01/14/20	00680	COUNTY OF MON. - OPEN SPACE	First Half 2020 Open Space Tax	Open	178,001.67	0.00 B
20-00115	01/14/20	00203	Ruderman & Roth, LLC	2020 Legal Services	Open	1,958.00	0.00 B
20-00143	01/24/20	00007	VERIZON	Verizon Service	Open	129.35	0.00 B
20-00145	01/24/20	00016	JERSEY CENTRAL POWER & LIGHT	Electric Beach	Open	56.38	0.00 B
20-00176	01/31/20	01166	Montenegro, Thompson,	Legal Services	Open	1,955.33	0.00 B
20-00187	02/05/20	00964	A'S GARDEN & HOME CENTER	beach	Open	56.21	0.00 B
20-00229	02/19/20	00459	YARDVILLE SUPPLY CO.	Lime	Open	2,272.50	0.00
20-00230	02/20/20	SFCBW	Sinn, Fitzsimmons, Cantoli,	2020 Legal services	Open	6,517.50	0.00 B
20-00256	02/28/20	00255	AMERICAN UNIFORM & SUPPLY	SG Special Officer Badges	Open	312.50	0.00
20-00265	03/03/20	H2M	H2M Associates, Inc.	Engineering	Open	537.50	0.00 B
20-00297	03/16/20	00169	GOODYEAR TIRE CRAFT	Requisition Request 20-079	Open	20.00	0.00
20-00299	03/16/20	00169	GOODYEAR TIRE CRAFT	Tires	Open	185.00	0.00
20-00310	03/18/20	PAVRTEK	James Krampert	Repair stairs, Chicago boardwa	Open	3,100.00	0.00
20-00347	03/30/20	MAZZA	Mazza Mulch, Inc.	Requisition Request 20-102	Open	450.00	0.00 B

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BOROUGH OF SEA GIRT
Bill List By P.O. Number

Page No: 2

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
20-00364	04/02/20	00053	VAN WICKLE AUTO SUPPLY	Misc parts	Open	578.11	0.00 B
20-00366	04/03/20	00334	HOME DEPOT CREDIT SERVICES	hand dryer	Open	366.36	0.00
20-00367	04/03/20	ROST01	Tom Rostron Company, Inc.	Claen & Sanitize air ducts	Open	978.00	0.00 B
20-00374	04/13/20	00820	JUSTIN MACKO	Reimbursement, Covid-19	Open	123.87	0.00
20-00376	04/13/20	GFS01	Government Forms & Supply LLC	hand sanitizer	Open	339.00	0.00
20-00383	04/14/20	01625	GRAINGER	Mats	Open	368.46	0.00
20-00385	04/15/20	00334	HOME DEPOT CREDIT SERVICES	Baby changing station	Open	166.87	0.00
20-00389	04/15/20	00503	MARK WOSZCZAK MECH.CONTS. INC.	Manhole castings, Washington &	Open	6,662.00	0.00
20-00393	04/16/20	BATATA	Batata Contruction, Inc.	Washington Blvd. Ramp Imp.	Open	9,000.00	0.00 B
20-00413	04/27/20	ESRI	Environmental Systems Research	ArcGIS Term License	Open	744.00	0.00
20-00414	04/27/20	00057	NJ TRANSIT CORP.	Occupancy Permits	Open	504.00	0.00
20-00416	04/27/20	00081	NJ ST.ASSOC., CHIEFS of POLICE	Reaccreditation program fee	Open	1,334.00	0.00
20-00418	04/27/20	01050	MANASQUAN GENERATOR	Inv# 030488	Open	170.00	0.00
20-00419	04/27/20	00169	GOODYEAR TIRE CRAFT	Trailer tires	Open	500.00	0.00
20-00427	04/28/20	LOWES	Lowe's Business Credit	Broadwalk repair project	Open	163.66	0.00
20-00432	04/28/20	CARTRIDG	Cartridge Center Inc.	Toner Cartridges	Open	153.00	0.00
20-00433	04/29/20	TSS02	Traffic Safety Store	Traffic Cones and Barricades	Open	5,670.97	0.00
20-00434	04/29/20	00113	AHERN BLUEPRINTING, INC.	Garden Sign	Open	60.00	0.00
20-00435	04/29/20	01349	CHRIS WILLMS	Reimbursement	Open	62.91	0.00
20-00436	04/30/20	00392	LEON S. AVAKIAN INC.	Engineering, Zoning escrow	Open	1,120.00	0.00
20-00437	04/30/20	00392	LEON S. AVAKIAN INC.	Engineering	Open	140.00	0.00
20-00450	05/05/20	00820	JUSTIN MACKO	Reimbursement	Open	160.00	0.00
20-00451	05/05/20	00111	STAVOLA ASPHALT COMPANY, INC.	Cold patch	Open	37.76	0.00 B
20-00453	05/06/20	00113	AHERN BLUEPRINTING, INC.	Covid19 signage for Beach	Open	630.00	0.00
20-00459	05/07/20	00820	JUSTIN MACKO	Reimbursement	Open	281.97	0.00
20-00460	05/08/20	00383	ALLISON PEST CONTROL	2020 Service	Open	60.00	0.00 B
Total Purchase Orders:		76	Total P.O. Line Items:	0	Total List Amount:	2,044,104.50	Total Void Amount: 0.00

State of NJ Pensions and Benefits	PERS annual employer Appropriation	187,104.00
	PFRS annual employer appropriation	295,828.00
	State Health Benefits, May	56,838.42
	Total	2,583,874.92

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BOROUGH OF SEA GIRT
Bill List By P.O. Number

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Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
		2,524,491.95					
CURRENT FUND	0-01	1,984,721.53	0.00	1,984,721.53	0.00	0.00	1,984,721.53
WATER OPERATING	0-05	21,774.58	0.00	21,774.58	0.00	0.00	21,774.58
BEACH OPERATING	0-09	12,213.31	0.00	12,213.31	0.00	0.00	12,213.31
TRUST OTHER	0-25	3,855.65	0.00	3,855.65	0.00	0.00	3,855.65
BOARD OF RECREATI	0-26	39.82	0.00	39.82	0.00	0.00	39.82
DOG LICENSE TRUST	0-32	6.60	0.00	6.60	0.00	0.00	6.60
Year Total:		2,022,611.49	0.00	2,022,611.49	0.00	0.00	2,022,611.49
GENERAL CAPITAL	C-04	21,332.97	0.00	21,332.97	0.00	0.00	21,332.97
WATER CAPITAL	W-06	160.04	0.00	160.04	0.00	0.00	160.04
Total of All Funds:		2,044,104.50	0.00	2,044,104.50	0.00	0.00	2,044,104.50
		2,583,874.92					