

**MINUTES - REGULAR VIRTUAL MEETING**  
**May 27, 2020**

**NOTICE IS HEREBY GIVEN THAT THE BOROUGH COUNCIL MEETING SCHEDULED FOR MAY 27, 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:**

Scheduled Zoom meeting.

Topic: Borough Council Regular Meeting  
Time: May 27, 2020 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting  
<https://us02web.zoom.us/j/89367994026>

Meeting ID: 893 6799 4026

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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 27, 2020. Mayor Farrell asked for a moment of silence to remember Mrs. Rita Terracciano, along-time resident and a Library volunteer who recently passed away, 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.

**1. ROLL CALL:**

	<b>Present</b>	<b>Absent</b>
Mayor Farrell	X	
Councilman Clemmensen	X	
Councilman Mastroilli	X	
Councilman Begley	X	
Council President Fetzer	X	
Councilwoman Giegerich	X	
Councilwoman Anthony	X	

**2. PRESENTATION – Sea Girt Conservancy**

Councilwoman Anthony read a statement on the Sea Girt Conservancy Committee identifying it as a community organization made up of volunteers who wish to help the Borough preserve and enhance its open spaces. She introduced the Chairperson Alan Zakin, who thanked Mayor Farrell, Council and Councilwoman Anthony who has been a catalyst in this effort. He commented that the committee is forming a 501(c)3; members include Kiera Higgins, Leanne Hoffman, Mike Meixsell, Mike Matthews and Kristen Kaufman. Their mission is to upgrade all open space in Sea Girt prioritizing Edgemere Park,

The Terrace and Crescent Park. He noted that Baltimore Park has been upgraded through the efforts of the Recreation Commission. Both organizations are complementary and offer expertise as the committee progresses. The members of the Committee discussed the various open spaces in town while Kiera Higgins presented a slide show and noted that the information is available on [www.seagirtconservancy.org](http://www.seagirtconservancy.org).

### **3. MINUTES, May 13, 2020 virtual Regular Meeting**

The Clerk advised that the Minutes are not available for approval at this time.

### **4. OPEN DISCUSSION**

Mayor Farrell congratulated Michael Anthony, Tim Maloney and Chris Heilos who participated in an ocean rescue yesterday when a mother and child were in distress in the water. The Mayor reminded those present to swim only when lifeguards are present. He noted the following: the issuance of Certificates of Occupancy for short term rentals will resume on June 1<sup>st</sup> and the boardwalk closure will be reviewed after the weekend; please continue to be careful of COVID-19 and maintain a safe social distance.

Councilman Clemmensen also commended Michael Anthony, Tim Maloney and Chris Heilos for their actions noting that they are great example to us all.

Councilman Begley also thanked Michael Anthony, Tim Maloney and Chris Heilos and all the Borough employees for their efforts; he noted that seasonal badges are now on sale; and that the current situation is fluid and changes are made as necessary. He then introduced Tim Harmon for his update.

Tim Harmon commented the unseasonable weather helped us to plan for the Memorial Day weekend; however, the plans were not tested due to the weather. The curfew on beach activity is from dusk to dawn in an effort to keep people from congregating. The staff will be reviewing the boardwalk closure with a possible opening on June 1<sup>st</sup>. He noted that the tennis and paddle courts were opened over the weekend, however, users must register on Community Pass for a permit and then reserve a specific court time to have access; the Baltimore Park athletic field remains closed. Updated signage is in place at the beach regarding the continued need for social distancing. He noted that there have been no enforcement issues to date. As of now, the use of benches and tables are not permitted. Finally, he noted that Jake DiMatteo also assisted with the rescue of the mother and child in distress yesterday. He noted that lifeguards on duty in certain areas even though the beach is only open on weekends.

Councilmen Begley and Mastrorilli advised that as members of the Public Safety Committee, they has discussed amending Ordinance No. 07-2020 to limit the ride-share zone only to the Parker House frontage

### **5. OLD BUSINESS**

**A. Ordinance No. 07-2020:** The Mayor read the said Ordinance by Title and advised that the public hearing had been held as advertised on May 13. Councilman Begley advised that the Public Safety Committee had discussed amending the ride share zone location to end at The Parker House frontage on Beacon Boulevard. Councilman Mastrorilli noted that the Committee is trying to listen to all input and one of its goals is to keep patrons on or close to The Parker House property and noted that the pandemic is affecting all businesses in town and that Parker House operations may be different this year than in future years. He also noted that this plan is operational for 2020 but the Committee is still working on a

trial plan for using First Avenue as the ride share zone for the future once operational details are provided by The Parker House management.

Councilman Clemmensen thanked Councilman Begley and Councilman Mastrorilli for their efforts, noting that he agrees that the ride share zone should be limited to the Parker House frontage on Beacon Boulevard. He asked if it was necessary to introduce a new Ordinance at the Council's next meeting on June 10<sup>th</sup>.

Council President Fetzer asked what happens if we don't approve the Ordinance this evening; he was advised that since operations are still limited under the Executive Order that the Council still has time to address this at the next meeting noting that the consensus is to limit the ride-share zone to The Parker House easterly property line and have the Borough Engineer confirm the distance measurement.

Borough Attorney Bogan advised that due to the substantial change proposed for the Ordinance and the controversial nature of issue; a new Ordinance is recommended to present to the public for introduction at the next meeting and that if the Ordinance were to be amended this evening, it could not be voted upon this evening. He also noted that a measurement of the ride share zone from the easterly curb line of First Avenue to the easterly property line of The Parker House will be completed by our Engineer, Peter Avakian, in the interim.

The Administrator advised that the public hearing was held as advertised and further action on the Ordinance carried. She advised that if there is no intention to adopt the Ordinance, it would be prudent to take some formal action tonight, noting that if a member of Council moves the Ordinance for adoption and the motion is not seconded, it would "die on the table" pursuant to Robert's Rules of Order. The Mayor asked if any member of Council would move the adoption of the Ordinance; there was no motion, so the Ordinance died on the table.

Councilman Begley moved the adoption of **Ordinance No. 07-2020**; there was no second to the motion, so this Ordinance "died on the table".

- B. Ordinance No. 08-2020:** the Mayor to read the said Ordinance by Title and advise of its publication in its entirety in The Asbury Park Press on May 16<sup>th</sup>, 2020:

**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, PARAGRAPH 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 Councilwoman Anthony, seconded by Council President Fetzer, carried, that the meeting be opened to the public for comments on the said Ordinance only. There were no comments from the public participating, and **UPON MOTION** of Councilman Clemmenssen, seconded by Councilman Begley, carried, the public hearing was closed.

**UPON MOTION** of Councilwoman Giegerich, seconded by Councilman Mastrorilli, carried, that the said Ordinance No. 08-2020 be adopted on final reading, directing the Clerk to post and publish as required by law.

**Recorded Vote:**

	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
Councilman Clemmenssen	X			
Councilman Mastrorilli	X			
Councilman Begley	X			
Council President Fetzer	X			
Councilwoman Giegerich	X			
Councilwoman Anthony	X			

**6. NEW BUSINESS**

- A. **Resolution No. 93-2020:** Authorize Mayor and Clerk to Execute Monmouth County Municipal Coronavirus Relief Program Reimbursement Agreement

**UPON MOTION** of Councilperson Anthony, seconded by Councilperson Giegerich, carried, that the following Resolution be and the same is hereby adopted:

**WHEREAS**, Monmouth County has received funds under the Coronavirus Aid Relief and Economic Security Act (the CARES Act) in order to combat the economic damage caused to states, counties and municipalities because of the Coronavirus pandemic; and,

**WHEREAS**, the Freeholders have determined that it is in the best interest of the citizens of the County to dedicate a share of the funding to reimburse municipalities for COVID19 related costs and expenses under the Municipal Coronavirus Relief Fund Program and have prepared an Agreement under which the Borough of Sea Girt will share in the CARES Act funding from the County of Monmouth for the said purposes; and,

**WHEREAS**, it is in the best interests of the Borough of Sea Girt to enter into such an agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Sea Girt that the Agreement entitled “MONMOUTH COUNTY MUNICIPAL CORONAVIRUS RELIEF FUND PROGRAM REIMBURSEMENT AGREEMENT, a copy of which is attached hereto, shall be executed by the Mayor and Municipal Clerk in accordance with the provisions of law.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately upon its enactment.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be supplied to the County of Monmouth.

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. 78-2020:** Professional Appointment, Water-Sewer Utility Engineer, H2M Associates, Inc.

~~UPON MOTION~~ of Council President Fetzer, seconded by Councilman Clemmensen, carried, that the said matter be tabled until next Council meeting scheduled for June 10, 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			

**C. Resolution No. 94-2020:** SG Boosters request to run tennis camp, if permitted, at Crescent Park Courts (June 29 – July 3; July 20-24; August 3 – 7; August 17 – 21) Note: June 29 and July 20 clinics may have to be moved to Bell Place due to anticipated start of construction of the Crescent Park Water System Improvements

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

**WHEREAS**, Sea Girt School Booster Club has requested permission to operate a tennis clinic at the Crescent Park Tennis Courts on June 29<sup>th</sup> – July 3<sup>rd</sup>, 9:00 AM to 12:00 noon; July 20<sup>th</sup> – 24<sup>th</sup>, 5 PM to 8 PM, August 3<sup>rd</sup> -7<sup>th</sup> from 9:00 AM to 12 noon and Aug 17<sup>th</sup> – 21<sup>st</sup>, 5 PM to 8 PM, inclusive; and,

**WHEREAS**, said request is accompanied by a Certificate of Insurance naming the Borough of Sea Girt as an additional insured with aggregate limit of \$1,000,000 for personal injury and \$2,000,000

general aggregate, where \$3,000,000 aggregate is usually required and a Hold Harmless Agreement executed by an official of the organization.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sea Girt that after due consideration, the said request of the Sea Girt School Booster Club to utilize the Crescent Park Tennis Court for a tennis clinic on June 29<sup>th</sup> – July 3<sup>rd</sup>, 9:00 AM to 12:00 noon; July 20<sup>th</sup> – 24<sup>th</sup>, 5 PM to 8 PM, August 3<sup>rd</sup> -7<sup>th</sup> from 9:00 AM to 12 noon and Aug 17<sup>th</sup> – 21<sup>st</sup>, 5 PM to 8 PM, inclusive, is hereby approved subject to the following conditions:

1. Documentation to be supplied not later than June 10, 2020, verifying that the Tennis Clinic Instructor has undergone a background check with fingerprints within the last three calendar years valid through August 31, 2020 as a minimum.
2. Subject to availability of courts.
3. Subject to the lift of the Executive Order restriction of recreational activities.

**BE IT FURTHER RESOLVED** that the clinics proposed for June 29 – July 3 and July 20 – 24 may have to be relocated to the Bell Place courts due to anticipated construction in Crescent Park.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be supplied to the Sea Girt School Booster Club for their information.

Recorded Vote:

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

**D. Resolution No. 95-2020: Appoint Beach Personnel and set salaries – Gate Staff**

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

**WHEREAS**, the Beach Utility is in need of personnel to fill the various staff positions necessary to operate the Borough Beach during the 2020 season; and,

**WHEREAS**, the Beach Manager has recommended the persons listed below for employment with the Borough.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sea Girt that the following named individuals are hereby appointed as seasonal staff members to be employed in the positions noted at the season or hourly rates listed for the 2020 beach season:

(\*) names listed in ***bold*** type are new hires

2020 Roster – Beach Staff  
Office : 291

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Jim Freda - Beach Manager	20,500.00
Carol Hanley – Asst. Cashier	12.75
Sandy Lattimer – Asst Cashier	10.30
Patricia Summers – Head Cashier	14.00
Doug Megill – Office Assistant	12.50

**Gateguards 293**

Brianna Bals	10.30 (sub)
Carol Bals	10.30
<b>Taylor Bak</b>	<b>10.30</b>
<b>Caitlin Beahm</b>	<b>10.30</b>
Chloe Bird	10.30
<b>Nate Cardilla</b>	<b>10.30</b>
<b>Kevin Clark</b>	<b>10.30</b>
Ashley Cosucci	10.30
<b>Anthony Doria</b>	<b>10.30</b>
Michael Emmons	10.30
Robin Forish	10.30 (sub)
<b>Debbie Gallo</b>	<b>10.30 (sub)</b>
Helen Goss	10.75
<b>Gimena Hernandez</b>	<b>10.30</b>
Charlie Kane	10.30
Jeff Kelly, Sr.	10.30
<b>Tamara Lawlor</b>	<b>10.30</b>
Nicholas Libertucci	10.30
<b>Marilyn Magliacane</b>	<b>10.30</b>
Patty Raffetto	10.30
Sal Sarno	10.30
Ron Scotto	10.30
Jonathan Slovak	10.30
Printemps Smith	10.30 (sub)
Brooke Stark	10.30
Michelle Stecky	10.30
<b>Lauren Tarigo</b>	<b>10.30</b>
Reagan Tripucka	10.30
Maggie Weeks	10.30

**Beach Crew : 294**

<b>Timothy Beahm</b>	<b>10.30</b>
<b>Patrick Conniff</b>	<b>10.30</b>
<b>Jase Davenport</b>	<b>10.30</b>
<b>Colin Duchatkiewicz</b>	<b>10.30</b>
<b>Gregory Keenan</b>	<b>10.30</b>
<b>Liam Marriott</b>	<b>10.30</b>
<b>John Minish</b>	<b>10.30</b>
<b>Huck Oakes</b>	<b>10.30</b>

**Restroom Attendant -** Norman Goss 13.75

Recorded Vote:

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

- E. **Resolution No. 96-2020:** Authorize purchase, Atlantic Tactical, \$20,532.43 (sole source; quotes received; State contract)

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

**WHEREAS**, it is necessary for the Sea Girt Police Department to purchase equipment for the members of the Department; and,

**WHEREAS**, the following applies to Atlantic Tactical, the vendor from whom the Borough intends to purchase the necessary equipment as follows:

Items 1 through 7, the vendor is the sole authorized source in the State;  
Items 8 through 10, quotes were received and the vendor specified above provided the lowest responsible quote;  
Items 11 through 12 are on State contract.

**WHEREAS**, the Chief Financial Officer has certified that funds are available in Capital account #C-04-55-561-507 for these purchases; and,

**WHEREAS**, with the issuance of Purchase Order #20-00469 in the amount of \$16,587.93, the Borough expenditures with this vendor will exceed the amount that the Borough's Qualified Purchasing Agent is permitted to authorize in a single year.

**NOW, THEREFORE, BE IT RESOLVED** that the purchase of equipment for the members of the Sea Girt Police Department in the amount of \$16,587.93 from Atlantic Tactical be and the same is hereby authorized.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be supplied to the Chief Financial Officer for further action.

Recorded Vote:

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



**F. Resolution No. 97-2020:** Authorize purchase, Winner Ford, State Contract #88728, \$63,667

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

**WHEREAS**, the Borough of Sea Girt has the need to replace two vehicles that are past their useful life that are utilized by the Sea Girt Police Department for patrol and other duties as necessary and wishes to do so pursuant to State Contract No. 88728 for the purchase of two (2) 2020 Ford Utility Interceptor vehicles equipped as listed on the attached invoice, including \$285.60 not on State contract, at the cost of \$31,589.65 and \$32,078.20, respectively; and,

**WHEREAS**, the price of each of the 2020 vehicles exceeds the amount that can be authorized by the Borough's Qualified Purchasing Agent; and,

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the Borough's General Capital Account C-04-55-561-507 and C-04-55-551-502 to fund this purchase.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Sea Girt that the purchase of two 2020 Ford Utility Interceptor vehicles equipped as specified pursuant to State Contract No. 88728 with \$285.60 not on State contract from Winner Ford, Cherry Hill, NJ at the cost of \$31,589.65 and \$32,078.20, respectively, be and the same is hereby approved.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be supplied to the Chief Financial Officer for further action and Chief Kevin Davenport, Sea Girt Police Department, for their information and further 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			

**G. Resolution No. 98-2020:** Authorize refunds, PB escrow accounts

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

**WHEREAS**, the following Corporation has posted escrow for Planning Board application review and the balances remaining in said accounts are as follows:

NAME OF APPLICANT	BLOCK #	LOT #	PROPERTY LOCATION	ACCOUNT BALANCE
Robert and Mary Feit	12	8	10 Brooklyn Blvd.	\$3,424.00
Jason and Jacqueline Meyer	20	13	108 Chicago Blvd.	\$69.00
Michael and Tricia White	88	7	706 Chicago Blvd.	\$1,487.50
John and Patricia Klein	8	11	802 First Ave.	\$3,813.00
Michael and Susan Bell	49	6	313 Philadelphia Blvd.	\$2,335.00
Adam and Jeanne Perle	8	12	800 First Ave.	\$2,984.00
Peter Elfers	19	12	110 Beacon Blvd.	\$3,049.00

**WHEREAS**, the Planning Board Secretary has advised that all of the fees associated with these applications have been paid in full and the application also has now been withdrawn.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Sea Girt that the remaining escrow balances be refunded to the applicant listed in the amounts specified.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer be and he is hereby authorized to issue the refunds specified to the applicants named.

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			

**H. Resolution No. 99-2020: Sea Girt Conservancy**

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

**WHEREAS**, the Borough of Sea Girt takes great pride in its natural environment including its beaches, inlets, forests, public lands and other open space including parks for both passive and active recreation; and,

**WHEREAS**, the Borough of Sea Girt recognizes that open space for recreation and preservation enhances quality of life in the Borough; and,

**WHEREAS**, the Borough, recognizes the establishment of the Sea Girt Conservancy (Conservancy) in order to advance its stated mission “to promote the preservation, enjoyment and ongoing maintenance of our parks and open space for the environment and the benefit of the public, thus ensuring the continuation of these valuable resources for current and future generations”; and,

**WHEREAS**, the Conservancy is comprised entirely of Borough residents who have volunteered their time to achieve the aforesaid mission; and,

**WHEREAS**, the Conservancy has recognized Councilwoman Diane Anthony as the Liaison to this Committee, and establishing that a council liaison shall be appointed in the future; and,

**WHEREAS**, the Borough encourages that the Conservancy report their findings and recommendations at least once per year before a public meeting of the Borough Council and, to further meet with the Council or its liaison at any such additional times, if deemed necessary; and,

**WHEREAS**, the Conservancy shall evaluate the importance of specific lands for recreational use, environmental protection, and preservation of aesthetic and historic value, and shall recommend available grants for the Borough's Open Space plan; and,

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Sea Girt that the Conservancy:

- a. Is recognized as an entity with which the governing body may confer and share information and data that does not fall under any privilege or is otherwise confidential, regarding parks and open space throughout the Borough so as to assure the preservation, maintenance and enjoyment of the Borough's open spaces.
- b. Shall, at an annual public presentation to the Borough Council, state their recommended priorities, goals, budget, funding sources and related strategies and tactics in order to acquire, protect and improve parks and open space in the Borough.
- c. The Conservancy shall have no authority to expend municipal money, or commit the Borough to an expenditure or contract, or otherwise commit the Borough to an agreement or obligation with a private, quasi-public or public entity, without the authorization and approval of the governing body.
- d. The Conservancy shall comply with all state, federal, and local laws, including but not limited to environmental and tax laws.

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			

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## 7. ADMINISTRATOR REPORTS

- **Coronavirus Update:** The restriction on short-term rentals will be rescinded as of May 31;
- **Beach:**
  - **Beach Badge Sales** – the beach opened as scheduled on May 23; pursuant to guidance from the State, both season and daily badges are required to be offered for sale;
  - **In compliance with the social distancing requirements of the Governor's Executive Orders**, access to the beach may be limited depending if the maximum capacity has been reached; if this is necessary, access may be allowed again as the crowd diminishes;
  - *For their protection and the protection of our staff, beach patrons are urged to wear masks when interacting with our staff and with other patrons;*
  - **Daily Badges** will be available for purchase from the following locations only: the Pavilion at Beacon Boulevard; New York, Philadelphia and Trenton entrances weekends only through June 15;
  - **Season badges** are still available; sales resumed at 9:00 AM this morning for anyone who hasn't purchased your badges yet;
  - The **Concession** is currently closed and will not be available in the near-term; eating on the beach remains prohibited;
  - The Boardwalk is currently closed.
- **Public Works Update:** Full town recycling pick-up resumes on June 10; for the safety of our staff, please do not park on your driveway on pick-up day if it obstructs cart access to your containers.

8. **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.

9. **COUNCIL REPORTS:** Council President Fetzer had no report.

Councilman Clemmensen reported that the Borough has sold 3,000 more season badges this year than last year at the same time; he reminded everyone that selected beaches will be open pre-season; regular season starts on June 13<sup>th</sup>; concession stand hopes to open on July 1; please practice social distancing during this time; he commends Mrs. Carafa for the fine job she has done with the beach badges situation.

Councilman Mastrorilli reported as follows:

- Work continues on the bike path; Recreation Committee is grateful for opening of tennis and paddle courts; he asked if this update can be posted in the newsletter;
- Appreciated that the guidance about vehicles parked in driveways obstructing access to trash and recycling containers was referenced in the Administrator's report, noting that there have been concerns expressed and would like to discuss the program at a later date.

Councilman Begley reported as follows:

- Requested that the Borough Administrator make a public announcement on trash/recycling pick-ups in any upcoming newsletter;
- Finance – the Beach Utility is in decent shape for the season based on the sale of season badges;
- Public Safety – fluid situations; advising that if anyone has any concerns, they should contact a Councilmember and also noted that residents and beach patrons have to take personal responsibility – if you don't think the beach is safe, please stay home;
- Speeding is an issue; please obey the speed limit on all streets.

Councilwoman Anthony reported as follows:

- Thanked Mrs. Clark, Beacon Blvd. who generously donated plantings which were transplanted in Edgemere Park;
- Reminder that dog walking on the beach is prohibited from March 15 through September 30.

Councilwoman Giegerich reported that the library is not allowed to start their curbside service as anticipated on June 1; we are hopeful it will be allowed with the next phase of openings.

Mayor Farrell reported he received many calls when season badges sold out; he returned calls to many residents that badges were again available for purchase.

10. **Resolution No. 100-2020:** 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 22, 2020 in the totals as follows:

CURRENT FUND	\$ 428,578.02
WATER/SEWER OPERATING FUND	\$ 1,304.69
BEACH OPERATING FUND	\$ 6,686.59
TRUST FUND	\$ 2,967.29
RECREATION TRUST FUND	\$ 34.00
UNEMPLOYMENT TRUST FUND	\$ 735.57
GENERAL CAPITAL	\$ 11,253.08
WATER CAPITAL FUND	\$ 160.04

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			

11. PUBLIC PARTICIPATION ON ANY SUBJECT

Alan Zakin, Baltimore Boulevard, commented on behalf of The Sea Girt Conservancy and once again thanked Mayor Farrell and Council Members for supporting the resolution.

Bill and Kasey Passaic, Baltimore Boulevard, owners of Harrigan's Pub, noted the toll that the limitations on their establishment's operation has taken on them and asked Council for permission to have limited outdoor seating in the parking lot on a temporary basis for their guests. They indicated that they had approached their neighbors and many are in favor of this concept. They also noted that there is significant competition from other establishments in the area and that a neighboring community is closing certain streets to allow their establishments to move their operations outdoors during this State of Emergency. They stated that if this was allowed, they would have strict controls on the operation. Mayor Farrell suggested that this suggestion be further considered at the June 10<sup>th</sup> Council meeting.

Councilwoman Anthony complimented Ms. Passaic for her presentation.

Councilman Mastrorilli noted they are good neighbors and should continue speaking with their neighbors about their proposal in order to maintain the successful relationships they already have.

There being no further business, and **UPON MOTION** of Councilwoman Anthony, seconded by Council President Fetzer, carried, that the meeting be finally and immediately adjourned at 8:30 PM.

*Lorraine P. Carafa*

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LORRAINE P. CARAFA, RMC  
Municipal Clerk

# **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 RESPONSIBILITIES:**

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](http://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.

MONMOUTH COUNTY

MUNICIPAL CORONAVIRUS RELIEF FUND PROGRAM

REIMBURSEMENT AGREEMENT

This Municipal Coronavirus Relief Fund Program Reimbursement Agreement (the "Agreement"), dated this 27<sup>th</sup> day of May, 2020 between the County of Monmouth ("Monmouth County") located at One East Main Street, Hall of Records, Freehold, New Jersey 07728 and Borough of Sea Girt (the "Municipality") located at 321 Baltimore Boulevard, Sea Girt, New Jersey 08750

WHEREAS, the United States of America, the State of New Jersey, Monmouth County and the Municipality have become victims of the COVID-19 Virus and Pandemic (the "Coronavirus"); and

WHEREAS, the Coronavirus has caused economic damage and hardships to states, counties and municipalities throughout the United States of America; and

WHEREAS, on March 27, 2020 the Coronavirus Aid Relief and Economic Security Act (the "CARES Act") was signed by President Donald J. Trump; and

WHEREAS, the CARES Act was enacted, among other purposes, in order to combat the economic damage caused to states, counties and municipalities because of the Coronavirus; and

WHEREAS, Monmouth County has received CARES Act funds from the United States Treasury (the "Stimulus Funds") to be used to reimburse Monmouth County due to economic damage caused to them by the Coronavirus; and

WHEREAS, as the recipient of the "Stimulus Funds" it will be the responsibility of Monmouth County to disburse the Stimulus Funds to eligible recipients in accordance with the terms and provisions of the CARES Act and any guidelines or regulations issued by United States government or any of its agencies and/or departments; and

WHEREAS, the Freeholders have determined that it is in the best interest of the citizens of Monmouth County to dedicate a share of the funding to reimburse municipalities for COVID-19 related costs and expenses under the Municipal Coronavirus Relief Fund Program.

NOW, THEREFORE, it is stipulated and agreed as follows:

1. Purpose of Stimulus Funds. The Municipality understands and agrees that its eligibility for the receipt of any Stimulus Funds shall be determined by the terms of the "Coronavirus Relief Fund - Guidance for State, Territorial, Local and Tribal Governments - April 22, 2020" (the "Guidelines"), attached hereto as Schedule A, and any subsequent amendments and/or changes to the Guidelines. Currently excluded from the "Guidelines" as eligible reimbursements are the categories detailed in Schedule B.

2. Role of County. As the recipient of the Stimulus Funds, it shall be the responsibility of Monmouth County to act as an intermediary and establish a reasonable process for the Municipality to submit an eligible reimbursement from the Stimulus Funds. The Municipality agrees and understands that the decision as to the eligibility for reimbursement sought by the Municipality is within the sole discretion of Monmouth County.

3. Use of Stimulus Funds. The Municipality understands that the Stimulus Funds represent an amount of funds which Monmouth County has received from the Federal Government for COVID-19 related expenses. The Freeholders have determined that it is in the best interest of the citizens of Monmouth County that municipalities be permitted to request reimbursement which meets the eligibility requirements established by the CARES Act and the Federal Guidelines.

4. Processing of Claims. Monmouth County shall process and accept claims for reimbursement and shall pay eligible claims. All requests for expenditure reimbursement must be submitted to Monmouth County (using the forms and process prescribed by Monmouth County) on a cost reimbursement basis.

5. Non-Liability of Monmouth County. The Municipality understands that Monmouth County cannot guaranty that a claim for reimbursement is eligible for payment nor that any claims for reimbursements beyond the amount of the Stimulus Funds can be paid.

6. Indemnification by Municipality. The Municipality acknowledges that the role of Monmouth County as to the distribution of the Stimulus Funds shall be as an intermediary. Consequently, if, as the result of any audit performed by the United States Treasury or any other auditing agency, department or office of the United States Government, State of New Jersey, or County determines that any reimbursement made to the Municipality by Monmouth County from the Stimulus Funds was not eligible for reimbursement, then the Municipality shall

repay any ineligible reimbursement within the time mandated by the United States Treasury or the agency, department or office of the United States Government for the return of any Stimulus Funds. The Municipality shall indemnify and hold harmless Monmouth County from any claim made by the United States Treasury or any agency, department or office of the Government of the United States for the return of any payment received by the Municipality from the Stimulus Funds. Included in the claim for reimbursement shall be any legal fees, court costs or professional fees incurred by Monmouth County in defense of any claim made for return of any Stimulus Funds received by the Municipality.

7. Documents Required and Preservation of Records. Any application for reimbursement must be sufficiently documented so that Monmouth County can determine the eligibility of the claim for reimbursement including a provision whereby the Municipality certifies that it has not applied to the State or Federal governments or any insurer for the reimbursement of the same claim submitted to Monmouth County. The Municipality agrees that it will not destroy or discard any documents or records maintained and/or relied upon by the Municipality until December 31, 2027. Monmouth County shall have the right to make copies of any documents or records pertinent to the claim for Stimulus Funds and the Municipality shall provide Monmouth County with reasonable access to the documents and records.

8. Funding Reimbursement and Schedule. As Monmouth County is obligated to expend funds on or before December 30, 2020, Monmouth County will provide reimbursement for eligible expenditures incurred by participating municipalities for the period that begins March 1, 2020 and ends on November 30, 2020 using the following schedule:

- Participating municipalities shall submit requests for expenditure reimbursement for eligible expenditures to Monmouth County by no later than June 15, 2020 for the period of March 1, 2020 through June 14, 2020.
- Participating municipalities shall forward requests for expenditure reimbursement for eligible expenditures to Monmouth County by no later than September 15, 2020 for the period of March 1, 2020 through August 31, 2020. *Monmouth County will allow Municipality to submit expenses for monies expended during the prior reporting period not previously submitted.*
- Participating municipalities shall forward requests for expenditure



reimbursement for eligible expenditures to Monmouth County by no later than December 15, 2020 for the period of March 1, 2020 through November 30, 2020. *Monmouth County will allow Municipality to submit expenses for monies expended during the two prior reporting periods not previously submitted.*

- Participating municipalities shall ensure that all eligible expenditures are disbursed, in cash, by no later than December 15, 2020.

Monmouth County shall review the claims for reimbursement and may make adjustments to the reimbursement based upon a determination of eligible expenditures.

Municipality understands that availability of funds is contingent on appropriations made by funding sources external to Monmouth County, such as Federal funds, and appropriations by the Monmouth County Board of Chosen Freeholders. If, at any time, Monmouth County determines that federal, state or local funds are insufficient to sustain existing or anticipated spending levels, Monmouth County may reduce, suspend, or terminate any cash, reimbursements, other payments, or allocations of funds provided by Monmouth County to Municipality, or other form of financial assistance as Monmouth County determines appropriate. If funding sources external to Monmouth County, such as Federal funds, or the Monmouth County Board of Chosen Freeholders fails at any time to continue funding Monmouth County for the payments due under this Agreement, this Agreement will be terminated as of the date funding expires without further obligation of Monmouth County.

Because there is only a finite amount of Federal funding, a pro rata allocation may be required. Municipality understands that the availability of funds is based on the total Monmouth County-wide apportionment of funds resulting from cost based reimbursement claims reported by each municipality participating in this program as well as cost based reimbursement claims incurred by Monmouth County. Depending on the total amount of cost based reimbursement claims, Monmouth County may find it necessary to reapportion funds to each participating Municipality to ensure that the total cost based reimbursement does not exceed the total amount of funds available under this program.

9. Subsequent Funds. Should Monmouth County be in receipt of any additional funds provided by the United States Government and/or the State of New Jersey to combat the Coronavirus for which the Municipality may be eligible to receive payment, at the discretion of Monmouth County, the terms and

provisions of this Agreement shall apply to the disposition and processing of those claims.

10. Compliance with Federal Law and New Jersey Law. The Municipality acknowledges that the Stimulus Funds are subject to the oversight of the United States government and its agencies. Consequently, in incurring expenses for which reimbursements will be sought from the Stimulus Funds, the Municipality shall adhere to the procedures established by the Federal government. Additionally, the Municipality shall, when incurring any expenses for which reimbursement is sought, adhere to all New Jersey purchasing and procurement laws and regulations.

As a subrecipient of federal funds, Municipality hereby specifically acknowledges its obligations relative to the expenditure reimbursement provided under this Agreement and pursuant to Federal cost principles, 2 CFR Part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards", as applicable under other federal, state and local laws, including, but not limited to:

- a. Fiscal and account procedures;
- b. Accounting records;
- c. Internal control cover cash, real and personal property, and other assets;
- d. Budgetary control to compare actual expenditures or outlays to budgeted amounts;
- e. Source documentation; and
- f. Cash management.

11. Applicable Law and Attorney Fees. Any action for the enforcement of any term or provision of this Agreement shall be governed by the law of the State of New Jersey and shall be filed in the Superior Court of the State of New Jersey, Monmouth County.

12. Duration of Agreement. This Agreement shall begin on the date first written and shall continue until either party terminates it upon thirty (30) days written notice, the depletion of the Stimulus Funds, or the end of the program period, whichever event occurs sooner.

13. Approval. By signing below the individual signing this Agreement represents that this Agreement has been approved and ratified by the governing body of the party signing it.

14. Counterparts. This Agreement may be fully executed in any number of counterparts, each of which shall be deemed to be an original and all of which taken together shall constitute one agreement binding upon all parties, notwithstanding that all parties have not signed the same counterpart. Such executions may be transmitted to the parties electronically or by facsimile, and such electronic or facsimile execution shall have the same force and effect as an original signature.

15. Notices. Any notices that are provided pursuant to this Contract shall be in writing (including facsimile and electronic transmissions) and mailed or transmitted or delivered as follows:

To Monmouth County:

County of Monmouth  
Hall of Records, Room 236  
1 East Main Street  
Freehold, NJ 07728  
Attn: Michael D. Fitzgerald, County Counsel  
Email: michael.fitzgerald@co.monmouth.nj.us  
Fax: 732-431-0437

To the Municipality:

Name Lorraine P. Carafa, RMC  
Address Borough of Sea Girt  
321 Baltimore Boulevard, Sea Girt 08750  
Email: lcarafa@seagirtboro.com  
Fax: 732.974.8296

16. Severability. If any part of this Agreement is declared unenforceable or invalid, the remainder of the Agreement will continue in full force and effect.

17. Force Majeure. No party shall be liable or responsible to the other party, nor be deemed to have defaulted under or breached the Agreement, for the delay in performance of this Agreement when and to the extent such failure or delay is caused by acts beyond the parties' control.

18. Amendment. This Agreement cannot be modified in any way except in writing signed by the parties to the Agreement.

19. Assignment. This agreement will not be assignable by "Municipality" in whole or in part without the prior written consent of the "County".

IN WITNESS WHEREOF, the parties have signed and sealed this Agreement on the date set forth above.

ATTEST:

COUNTY OF MONMOUTH

\_\_\_\_\_

\_\_\_\_\_

ATTEST:

BOROUGH OF SEA GIRT

*Lorraine P. Carafa*

*F. Ken Farrell*

\_\_\_\_\_  
Lorraine P. Carafa, RMC  
Municipal Clerk

\_\_\_\_\_  
F. Ken Farrell  
Mayor

## SCHEDULE A

### **Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments April 22, 2020**

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"). The CARES Act established the Coronavirus Relief Fund (the "Fund") and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that-

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.<sup>1</sup>

The guidance that follows sets forth the Department of the Treasury's interpretation of these limitations on the permissible use of Fund payments.

#### ***Necessary expenditures incurred due to the public health emergency***

~~The requirement that expenditures be incurred "due to" the public health emergency means that~~ expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be "necessary." The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

#### ***Costs not accounted for in the budget most recently approved as of March 27, 2020***

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost

<sup>1</sup> See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.

is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The "most recently approved" budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

***Costs incurred during the period that begins 011 March 1, 2020, and ends 011 December 30, 2020***

A cost is "incurred" when the responsible unit of government has expended funds to cover the cost.

***Not exclusive examples of eligible expenditures***

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:
  - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
  - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
  - Costs of providing COVID-19 testing, including serological testing.
  - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
  - ~~Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.~~
2. Public health expenses such as:
  - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
  - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
  - Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to the COVID-19 public health emergency.
  - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
  - Expenses for public safety measures undertaken in response to COVID-19.
  - Expenses for quarantining individuals.
3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
  - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
  - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
  - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
  - Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
  - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
  - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
  - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
  - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
  - ~~Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.~~
6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

***Nonexclusive examples of ineligible expenditures***<sup>2</sup>

The following is a list of examples of costs that would *not* be eligible expenditures of payments from the Fund.

1. Expenses for the State share of Medicaid.<sup>3</sup>
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

<sup>2</sup> In addition, pursuant to section 5001(b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death. The prohibition on payment for abortions does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

<sup>3</sup> See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.

4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal settlements.



## SCHEDULE B

Currently excluded from the "Guidelines" as eligible reimbursements are the categories below:

- COVID-19 related expenses of public hospitals, clinics, and similar facilities.
- Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
- Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
- Expenditures related to the provisions of grants to small businesses to reimburse the costs of business interruption caused by required closures.
- Expenditures related to a State, territorial, local, or Tribal government payroll support program.

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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
19-01128	12/19/19	00733	KALDOR Emergency Light, LLC	Equipment for new PD car	Open	12,654.96	0.00
20-00001	01/10/20	00045	SEA GIRT BOARD OF ED	First half of 2020 School Tax	Open	388,860.63	0.00 B
20-00009	01/10/20	01688	HORIZON BC/BS OF NJ DENTAL	2020 Dental	Open	3,102.12	0.00 B
20-00010	01/10/20	PRINCIPA	Principal Life Insurance Co	Life Ins. 2020	Open	253.81	0.00 B
20-00011	01/10/20	01142	STANDARD INSURANCE COMPANY	Short term disability Ins.	Open	294.15	0.00 B
20-00022	01/13/20	AMMM01	Apruzzese, McDermott, Mastro	2020 Legal fees	Open	132.00	0.00 B
20-00023	01/13/20	00295	ASBURY PARK PRESS	Legal advertising	Open	82.80	0.00 B
20-00026	01/13/20	00774	BOROUGH OF BRIELLE	Gasoline Interlocal	Open	2,062.85	0.00 B
20-00028	01/13/20	CLF01	Carton Law Firm	Prosecutor sevices	Open	953.75	0.00 B
20-00039	01/13/20	00643	FEDERAL EXPRESS CORP.	Shipping Services	Open	20.58	0.00 B
20-00044	01/13/20	00016	JERSEY CENTRAL POWER & LIGHT	Electric Public Works	Open	11.13	0.00 B
20-00045	01/13/20	00016	JERSEY CENTRAL POWER & LIGHT	Electric Street Lights	Open	2,493.88	0.00 B
20-00055	01/14/20	KEK01	The Law Offices of	Legal Services, Planning Brd	Open	1,036.00	0.00 B
20-00066	01/14/20	00051	NJ NATURAL GAS CO.	Gas Service	Open	1,291.65	0.00 B
20-00067	01/14/20	00051	NJ NATURAL GAS CO.	Gas Service Library	Open	120.91	0.00 B
20-00068	01/14/20	00051	NJ NATURAL GAS CO.	Gas Service Paddle Tennis	Open	34.00	0.00 B
20-00071	01/14/20	00614	Optimum	Beach - Internet, Phone, TV	Open	35.43	0.00 B
20-00072	01/14/20	00614	Optimum	Water & DPW - Inter, TV, Phone	Open	310.35	0.00 B
20-00076	01/14/20	00321	SEABOARD WELDING SUPPLY, INC.	Bottle Gas supplies	Open	267.14	0.00 B
20-00081	01/14/20	SBS01	Stewart Business Systems	Printer/copier servicing	Open	204.41	0.00 B
20-00088	01/14/20	00096	A.T. THORN & SON	plumbing Services	Open	534.56	0.00 B
20-00094	01/14/20	00349	VERIZON WIRELESS	cell phones	Open	156.84	0.00 B
20-00096	01/14/20	00349	VERIZON WIRELESS	2020 Service	Open	1,072.85	0.00 B
20-00102	01/14/20	00099	ASSOCIATED HUMANE SOCIETY	Animal Control services	Open	463.00	0.00 B
20-00116	01/14/20	LIGHTPAT	Cablevision Lightpath, Inc.	Phone & Internet Services	Open	781.51	0.00 B
20-00172	01/31/20	00144	BARGS LAWN EQUIPMENT	Misc.	Open	26.95	0.00 B
20-00174	01/31/20	00182	EAST COAST FLAG & FLAGPOLE, INC	Flag Pole Repairs	Open	2,525.00	0.00
20-00265	03/03/20	H2M	H2M Associates, Inc.	Engineering	Open	837.50	0.00 B
20-00274	03/06/20	00633	TAYLOR HARDWARE	Beach Umbrellas	Open	2,850.00	0.00
20-00294	03/12/20	01686	W.B. MASON COMPANY, INC.	Nitrile gloves	Open	30.84	0.00
20-00367	04/03/20	ROST01	Tom Rostron Company, Inc.	Claen & Sanitize air ducts	Open	2,256.00	0.00 B
20-00368	04/03/20	01542	KUBE PAK	Flower order	Open	919.80	0.00
20-00381	04/13/20	KEK01	The Law Offices of	Avon Hotel Corp.8-12 Beacon	Open	140.00	0.00 B
20-00390	04/15/20	CL-BLOCK	CLAYTON BLOCK	Blue staone@ 34.30 ton	Open	61.23	0.00 B
20-00402	04/17/20	ANTHONY	Diane Anthony	Reimbursement	Open	2,869.62	0.00
20-00420	04/28/20	KNIPFING	Knipfing Asphalt Solutions	28" Traffic Cones	Open	3,250.00	0.00
20-00445	04/30/20	GFS01	Government Forms & Supply LLC	hand sanitizer	Open	339.00	0.00
20-00448	04/30/20	01568	NJ DEPT. OF LABOR & WORKFORCE	Reimbursable Unemployment fees	Open	735.57	0.00 B
20-00452	05/06/20	01659	AARON & COMPANY, Inc	Compact hot water heater	Open	197.45	0.00
20-00472	05/14/20	SITEONE	SiteOne Landscape Supply	solniod Assy	Open	16.42	0.00
20-00474	05/14/20	00029	SEA BREEZE FORD	valve kit	Open	9.46	0.00
20-00475	05/14/20	01309	Hunter Keystone Peterbilt LP	Nozzel assy	Open	75.06	0.00
20-00482	05/19/20	00078	NJ STATE LEAGUE OF MUN.	NJ Municipalities Magazine ren	Open	75.00	0.00
20-00489	05/20/20	PASHMAN	Pashman Stein Walder Hayden PC	Sitar litigation	Open	10,656.00	0.00
20-00490	05/21/20	00820	JUSTIN MACKO	Covid Supplies	Open	201.45	0.00
20-00491	05/21/20	RICHTREE	Rich Tree Service, Inc.	Spring 2020 tree work	Open	3,150.00	0.00 B
20-00492	05/21/20	TOXICOLO	State Toxicology Labratory	Drug Testing	Open	315.00	0.00 B
20-00495	05/22/20	FARY	Jennifer Fary	Reimbursement	Open	191.96	0.00
20-00497	05/22/20	01741	PATRICIA PETERSON	Reimbursement	Open	98.62	0.00

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

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PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
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Total Purchase Orders:	50	Total P.O. Line Items:	0	Total List Amount:	449,219.28	Total Void Amount:	0.00
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20-00479	Patricia Summers	Beach Change fund	2,500.00
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Total	451,719.28
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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
CURRENT FUND	0-01	423,926.14	0.00	423,926.14	0.00	0.00	423,926.14
WATER OPERATING	0-05	1,304.69	0.00	1,304.69	0.00	0.00	1,304.69
		6,686.59					
BEACH OPERATING	0-09	4,186.59	0.00	4,186.59	0.00	0.00	4,186.59
TRUST OTHER	0-25	2,967.29	0.00	2,967.29	0.00	0.00	2,967.29
BOARD OF RECREATI	0-26	34.00	0.00	34.00	0.00	0.00	34.00
UNEMPLOYMENT COMP	0-30	735.57	0.00	735.57	0.00	0.00	735.57
Year Total:		433,154.28	0.00	433,154.28	0.00	0.00	433,154.28
CURRENT FUND	9-01	4,651.88	0.00	4,651.88	0.00	0.00	4,651.88
GENERAL CAPITAL	C-04	11,253.08	0.00	11,253.08	0.00	0.00	11,253.08
WATER CAPITAL	W-06	160.04	0.00	160.04	0.00	0.00	160.04
Total of All Funds:		449,219.28	0.00	449,219.28	0.00	0.00	449,219.28
		451,719.28					