



# BOROUGH OF FARMINGDALE

## Regular Meeting - Tuesday, September 15, 2020

### **FLAG SALUTE, OPENING PRAYER, SUNSHINE STATEMENT**

The meeting was called to order at 7:00 p.m. with the Flag Salute led by Mayor Daly. C/Linszky read the opening prayer. Mayor Daly read the Open Public Meetings Act Statement into the record.

### **ROLL CALL**

PRESENT: Mayor Daly, C/Linszky, C/Steinfeld, C/Dyevoich, C/Brandl, C/Corallo and C/Sagan.

### **PROCLAMATION**

Mayor Daly read the proclamation into the record as follows.

#### **PROCLAMATION - RECOGNIZING SEPTEMBER AS HUNGER ACTION MONTH**

**WHEREAS**, hunger and poverty are issues of grave concern in the United States, the State of New Jersey; and  
**WHEREAS**, the Borough of Farmingdale is committed to taking steps to raise awareness about the need to combat hunger; and  
**WHEREAS**, the Borough of Farmingdale is committed to working with Fulfill, formerly The FoodBank of Monmouth and Ocean Counties, to educate people about the role and importance of food banks in addressing hunger and to devote more resources and attention to hunger issues; and

**WHEREAS**, more than 215,000 individuals in Monmouth and Ocean Counties now rely on food provided by Fulfill and its partners since the beginning of the pandemic; and

**WHEREAS**, the unemployment level is the highest it has ever been in the history of the State and the poverty level for a family of four is \$25,465 and 9.5% of families live below that level; and

**WHEREAS**, since March 13<sup>th</sup>, 2020, Fulfill has provided 1,986,909 meals including 16,000 more meals per day than the year before and 903,984 of those meals were provided to Monmouth County residents; and

**WHEREAS**, due to the pandemic, one (1) in every six (6) people in Monmouth and Ocean Counties received "emergency" food from Fulfill and their network of food pantries, soup kitchens, shelters and other community organizations; and

**WHEREAS**, food banks across the country, including Fulfill, will host numerous events throughout the month of September to bring awareness and attention to encourage involvement in efforts to end hunger in their local community.

**NOW, THEREFORE BE IT PROCLAIMED**, that the Mayor and Council of the Borough of Farmingdale, County of Monmouth, State of New Jersey do hereby recognize September, as HUNGER ACTION MONTH in the Borough, and call this observance to the attention of its citizens.

Council offered a standing ovation to Ms. Suzanne Parchment of Fulfill NJ. Mayor Daly presented the proclamation to Ms. Parchment. Ms. Parchment thanked Council for their support.

### **PUBLIC COMMENT** - Agenda and Non-Agenda Items

Motion to open the meeting to the public by C/Linszky; seconded by C/Brandl.

Voice Vote: C/Linszky, C/Steinfeld, C/Dyevoich, C/Brandl, C/Corallo and C/Sagan.

Mr. Miller confirmed the property being auctioned in Ordinance 04 is the bank property. Mr. Miller asked about the Change Order; CFO Kirk explained it was for the crosswalk at Boud and sidewalk work. Mr. Miller asked about reading the water meter; Mayor Daly confirmed cards will be dropped off for people to do their water reading. Discussion followed on the crosswalks and forthcoming crosswalks. Further discussion continued on the Street Lights on Main Street, which will be checked over the next few weeks.

Mr. Pete Corallo asked how fast cars are going up Main Street and North Main. Mayor Daly shared the State Police were in town yesterday and were asked by Mayor Daly to have more presence. Corporal Callahan will look into the matter.

Mrs. Donna and Mr. Robert Terlkdsen were in attendance to submit plans for 4 Central Avenue and to arrange a meeting with Mr. Matt Howard on the 23<sup>rd</sup>. Discussion followed.

Motion to close the meeting to the public by C/Corallo; seconded by C/Brandl.

Voice Vote: C/Linszky, C/Steinfeld, C/Dyevoich, C/Brandl, C/Corallo and C/Sagan.

### **COUNCIL REPORTS**

Councilwoman Patricia Linszky

C/Linszky shared there was a water main break; it's a galvanized pipe that has sprung a leak. Mr. Wille will determine what the cost will be to replace the pipe. C/Linszky shared curb boxes were replaced on Main Street and spares. There is a bill for PVC pipe components for the backflow at the Walnut Street Water Plant.

Councilman Don Steinfeld

C/Steinfeld had no report.

Councilman George Dyevoich

C/Dyevoich had no report.

Councilman Erich Brandl

C/Brandl shared the work on the DPW building for the soffits, doors and hardware will be \$6,500.00. CFO Kirk will review the quotes.

Councilwoman Kaaren Corallo

C/Corallo reported it was a successful first week with the Crossing Guards. The new location is working out. Everything is going well so far. Mayor Daly noted everyone is very pleased with the way school began. Discussion followed on details with the crossings. C/Linszky commended Mayor Daly for getting ConRail to fix the crossings. C/Corallo is working on the personnel manual.

Councilwoman Colleen Sagan

C/Sagan had no report.

### **MAYOR'S REPORT**

Mayor Daly spoke about the visit from the State Police, noting Corporal Callahan is invested in Community Outreach. Seven Troopers and their horses were in town to welcome the students to school yesterday. Mayor Daly noted the State Police want to help Farmingdale and want to hear from the people of the town and want to help. Mayor Daly will work on a list of specific details to share with the State Police to hopefully address some issues in town. Discussion continued on how excited the students were to see the horses and how memorable and wonderful the day was. Mayor Daly noted hydrant flushing will begin next week. Anyone wanting to attend the League of Municipalities, please RSVP to Deputy Clerk Rice.

### **APPROVAL OF MINUTES** - Regular Meeting 09/01/2020

Motion to approve the minutes by C/Steinfeld; seconded by C/Brandl.

Voice Vote: AYE - C/Steinfeld, C/Dyevoich, C/Brandl, C/Corallo.

ABSTAIN – C/Linszky, C/Sagan.

### **ORDINANCE INTRODUCTION**

**ORDINANCE NO. 04-2020** – AUCTION OF PUBLIC LAND NO LONGER NEEDED FOR MUNICIPAL USE - **INTRODUCTION** (Public Hearing 10/06/2020)

Ordinance read by title

Motion to introduce Ordinance 04-2020 by C/Linszky; seconded by C/Corallo.

Roll Call Vote: AYE – C/Linszky, C/Steinfeld, C/Dyevoich, C/Brandl, C/Corallo and C/Sagan.

### **ORDINANCE 04-2020**

#### **AUTHORIZING PUBLIC AUCTION OF MUNICIPAL OWNED LANDS (BOROUGH OF FARMINGDALE) NO LONGER NEEDED FOR PUBLIC USE**

**WHEREAS**, the Borough of Farmingdale is the owner of real property not needed for public use; and

**WHEREAS**, N.J.S.A 40A:12-13(a) authorizes a municipality to sell any real property, capital improvements or interest therein not needed for public use by open public sale at auction to the highest bidder after advertisement thereof; and

**WHEREAS**, the Borough Council has determined that the sale of the property set forth in this Ordinance is in the public interest, as it will generate miscellaneous revenue and return the property to the tax rolls.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the Borough of Farmingdale, County of Monmouth and State of New Jersey as follows:

**ARTICLE I. SALE OF LAND AUTHORIZED.** The Mayor and Council of the Borough of Farmingdale hereby authorize the sale of real property identified below and authorizes the Borough Clerk, with the assistance of the Borough Assessor, Borough Engineer and Borough Attorney to establish a public auction as set forth below. Open public bidding shall take place at a public auction commencing at 6:00 p.m. on Tuesday, October 20, 2020 at the Community Center, 13 Asbury Avenue, Farmingdale, NJ 07727. The Borough Council may accept or reject the bids received within sixty (60) days from the date of the auction.

**ARTICLE II. PROPERTY TO BE SOLD:**

Block and Lots	Location	Minimum Bid
Block 4, Lot 5	64 Main Street	\$315,000

**ARTICLE III. SPECIAL CONDITIONS OF SALE**

- A. The property shall be sold subject to the limitations and conditions set forth in this Ordinance. The successful bidder is responsible to secure all approvals. The Borough does not represent that the quality of the property being sold or that it will meet the successful bidder's intended use.
- B. The successful bidder shall submit for land use, zoning and building permits within ninety (90) days of the closing date. If any intended use is not in accordance with the current allowable zoning and/or land use regulations of the Borough, application to the Planning Board must be submitted within sixty (60) days of closing, the Borough does not imply that any variance will be approved and bidder should familiarize themselves with all applicable current zoning/land use ordinances.
- C. The property shall be occupied and in use within one (1) year of the closing date, or the bidder must demonstrate good faith efforts to accomplish same, which shall be evaluated at the Borough's sole discretion.
- D. The properties shall be sold and accepted in "as is" condition.
- E. Potential bidders are required to perform due diligence before bidding. This should include a review of zoning ordinances, NJDEP requirements, and other applicable statutes, regulations and ordinances. Once the bidding is closed and the Borough accepts the bids, the highest bidder will be required to enter into a contract, which will not allow for cancellation of the sale except for title defects. Closing shall occur within sixty (60) days from acceptance of the bid by the Mayor and Council.
- F. Examples of the purchase and sale contract and the Quitclaim Deed for the property will be available for viewing at the Office of the Borough Clerk in Borough Hall, 11 Asbury Avenue, Farmingdale, N 07727 on Tuesday, September 22, 2020.
- G. If any of the conditions of sale or contractual obligations are not met, a Notice of Violation of Sale will be served upon the successful bidder, who will be obligated to remedy the violation within thirty (30) days of said Notice. If the successful bidder fails to remedy the violation, and cannot demonstrate an ongoing good faith effort to remedy the violation with an expected timeline for same, ownership of the property shall revert back to the Borough of Farmingdale.

**ARTICLE IV. ORDINARY CONDITIONS OF SALE.** The Mayor and Borough Council of the Borough of Farmingdale do hereby establish the following conditions of sale. These conditions shall be imposed upon all bids submitted herein:

- A. The properties shall be advertised for public sale pursuant to the requirements and procedures set forth in the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq.
- B. Each successful bidder for the property contained must submit a deposit in the amount of 10% of the bid price at the time of the auction. Said payment shall be made by cash or certified check. The balance shall be paid by the successful bidder at the closing by certified check held for 30 days after Council's award of the contract of sale until the time of closing.
- C. In addition to the sale proceeds, each successful bidder shall be required to pay an additional \$2,000 for each property towards the Borough's expense in the preparation and advertisement of this Ordinance, the preparation and advertising of an Ordinance authorizing the transfer of the property and the preparation and recording of all Deeds. The \$2,000 shall be submitted to the Borough at the time of the auction.
- D. Properties to be conveyed under pursuant to the auction hereby authorized shall be conveyed by the Borough by way of Quitclaim Deed, without any representations as to the quality of title, except that the Borough represents that to the best of its knowledge there are no judgments or liens against the municipality, which would affect the quality of title.
- E. All lots will be conveyed subject to existing encumbrances, liens, zoning regulations, easement, other restrictions and such facts as an accurate survey would reveal and any present or future assessments for the contrition of improvements benefiting said property.

- F. Failure of the purchasers to comply with any of the requirements set forth above, or to close within the time frame set forth by the Borough in its Resolution awarding the bids shall entitle the Borough of Farmingdale to rescind prior bid approval, terminate any and all rights of the designated bidder of said property, and retain all monies held by the Borough.
- G. All bids shall be referred to the Borough Council for review and final approval pursuant to N.J.S.A. 40A:12-13a. The Borough of Farmingdale reserves the right to accept the highest bid or to reject any and all bids as described hereof; including the highest bid and shall make its decision known by Resolution within sixty (60) days after the bids are received.
- H. Upon the close of bidding, the highest, qualified bidder, as designated by the Borough Clerk, shall submit cash or certified check as set forth more fully above and shall immediately execute an Offer to Purchase at his/her/its bid price, which offer shall include the terms and conditions specified herein. That offer shall be irrevocable for sixty (60) days from the date of the public sale.

**ARTICLE V. MISCELLANEOUS AUTHORIZATION.** The Mayor, Clerk and such other municipal officials as are deemed necessary to effectuate the intent and purposes of this Ordinance.

**ARTICLE VI. EFFECTIVE DATE; NOTICE OF BID.** This Ordinance shall become effective upon passage and upon publication; the Borough Clerk is hereby authorized to advertise this sale by advertisement in the official newspaper not earlier than seven (7) days prior to the date of sale set forth above.

**BE IT FURTHER ORDAINED,** that the Borough Council will have absolute discretion to determine whether to award that bid by adopting a Resolution within sixty (60) days of deciding to accept a bid.

**BE IT FURTHER ORDAINED,**

- A. All other Ordinances or provisions of the Code of the Borough of Farmingdale or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. This Ordinance shall take effect upon its passage and publication as required by law.

DATE INTRODUCED: September 15, 2020

PUBLIC HEARING: October 6, 2020

The public hearing will be held on October 6, 2020.

Mayor Daly shared details of the ordinance for members of the public.

Mayor Daly invited questions from the public. There were none; nor were there questions from Council. Mayor Daly provided an overview as to why the Borough is now attempting to auction the property.

**RESOLUTIONS**

**Resolution 84-2020**

Motion to approve the resolution by C/Steinfeld; seconded by C/Linszky.

Roll Call Vote: AYE – C/Linszky, C/Steinfeld, C/Dyevoich, C/Brandl, C/Corallo and C/Sagan.

**RESOLUTION 84-2020**

**AUTHORIZING PAYMENT OF THE BILLS**

**BE IT RESOLVED** that the bills as presented to the Finance Committee, all having been certified and approved as complete as to form, goods having been delivered, and/or services performed and sufficient funds being available for payment for said bills in the amount of \$41,336.54 and

**BE IT FURTHER RESOLVED** that payroll as verified by the Payroll Clerk be remitted for the current pay period.

<b>September 4, 2020</b>		<b>BOROUGH OF FARMINGDALE</b>			<b>Page No: 1</b>	
<b>02:37 PM</b>		<b>Bill List By Vendor Id</b>				
<b>P.O. Type: All</b>					<b>Open: N Paid: N Void: N</b>	
<b>Range: First to Last</b>					<b>Rcvd: Y Held: Y Aprv: N</b>	
<b>Format: Condensed</b>					<b>Bid: Y State: Y Other: Y Exempt: Y</b>	
Vendor # Name						
<b>PO #</b>	<b>PO Date</b>	<b>Description</b>	<b>Status</b>	<b>Amount</b>	<b>Void Amount</b>	<b>Contract PO Type</b>
00023	BARG'S LAWN & GARDEN SHOP					
	20-00332 08/26/20	weedwacker repairs	Open	144.18	0.00	
00033	AQUATIC SERVICES					
	20-00341 09/01/20	August analysis	Open	99.00	0.00	
00055	ASBURY PARK PRESS					
	20-00337 08/31/20	Legal Notice	Open	38.70	0.00	
00080	GARDEN STATE HIGHWAY PRODUCTS					
	20-00343 09/01/20	Speed limit signs	Open	119.86	0.00	
00120	WATER WORKS SUPPLY COMPANY					
	20-00344 09/02/20	curb box Boud Ave.	Open	249.19	0.00	

00321	NAPA Formerly F&C Automotive						
20-00334	08/26/20	VEHICLE MAINTANCE	Open	157.91	0.00		
00372	MONMOUTH MUN JOINT INS. FUND						
20-00342	09/01/20	Perma Insuraance	Open	35,937.00	0.00		
00838	MIRACLE CHEMICAL COMPANY						
20-00330	08/26/20	15%Sodium Hypochlorite Gallon	Open	223.60	0.00		
00962	MONMOUTH COUNTY RECLAMATION						
20-00338	08/31/20	Receipt # 1870699	Open	28.25	0.00		
00991	ELLICOTT NETWORK CONSULTANTS						
20-00339	09/01/20	Sonicwall and 8GB chip	Open	1,349.00	0.00		
00992	MONMOUTH COUNTY S.P.C.A.						
20-00346	09/04/20	August Services	Open	275.00	0.00		
01235	GLUCK WALRATH L.L.P						
20-00340	09/01/20	August 2020 Services	Open	418.50	0.00		
01337	WEX, INC						
20-00336	08/28/20	July - Aug	Open	265.60	0.00		
01402	SAKOUTIS BROTHERS DISPOSAL,Inc						
20-00326	08/21/20	September services	Open	103.87	0.00		
01431	COLWOOD Electronic Inc.						
20-00333	08/26/20	water piping	Open	169.88	0.00		
01538	TOWNSHIP OF FREEHOLD						
20-00345	09/04/20	Water & Sewer Shared Services	Open	1,757.00	0.00		
<b>Vendor # Name</b>							
<b>PO #</b>	<b>PO Date</b>	<b>Description</b>	<b>Status</b>	<b>Amount</b>	<b>Void Amount</b>	<b>Contract</b>	<b>PO Type</b>
<b>Total Purchase Orders: 16</b>			<b>Total P.O. Line Items: 0</b>		<b>Total List Amount: 41,336.54</b>		<b>Total Void Amount: 0.00</b>
<b>Totals by Year-Fund</b>							
<b>Fund Description</b>	<b>Fund</b>	<b>BudgetRcvd</b>	<b>Budget Held</b>	<b>Budget Total</b>	<b>Revenue Total</b>	<b>G/L Total</b>	<b>Total</b>
CURRENT OPERATING	0-01	20,566.12	0.00	20,566.12	0.00	0.00	20,566.12
WATER OPERATING F	0-05	10,632.67	0.00	10,632.67	0.00	0.00	10,632.67
SEWER OPERATING F	0-07	9,862.75	0.00	9,862.75	0.00	0.00	9,862.75
	<b>Year Total:</b>	<b>41,061.54</b>	<b>0.00</b>	<b>41,061.54</b>	<b>0.00</b>	<b>0.00</b>	<b>41,061.54</b>
Dog (Animal Contr	T-15	275.00	0.00	275.00	0.00	0.00	275.00
Total Of All Funds:		41,336.54	0.00	41,336.54	0.00	0.00	41,336.54

**Resolution 85-2020**

Motion to approve the resolution by C/Linszky; seconded by C/Corallo.

Mayor Daly gave an overview of the project scope. CFO Kirk gave further detail of the cost to Borough and grant awarded.

Roll Call Vote: AYE – C/Linszky, C/Steinfeld, C/Dyevoich, C/Brandl, C/Corallo and C/Sagan.

**RESOLUTION 85-2020**

**AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH THE BOROUGH OF FARMINGDALE FOR THE PROVISION OF ENGINEERING SERVICES**

**WHEREAS**, there exists a need for professional services to be provided to the Borough of Farmingdale, County of Monmouth, New Jersey (the “Borough”) and the Borough Council desires to authorize the execution of a professional services contract between following listed persons/firms and the Borough for the provision of said services; and

			Amount not to exceed
Engineering Services	Leon S. Avakian, Inc.	788 Wayside Road	\$60,00000
Road Imp RR & Academy	Consulting Engineers	Neptune, NJ 07753	

**WHEREAS**, the services to be provided are considered to be “Professional Services” pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

**WHEREAS**, the Local Public Contracts Law authorizes the awarding of a contract for “Professional Services” without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk; and

**WHEREAS**, they are required to complete and submit a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political candidate or candidate committee in the Borough of Farmingdale in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

**WHEREAS**, sufficient funds are available for the services and will be certified on each voucher submitted for.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council hereby authorize the above named persons to provide professional services to the Borough of Farmingdale.

**Resolution 86-2020**

Motion to approve the resolution by C/Linszky; seconded by C/Brandl.

Mayor Daly gave an overview of the work and timeline.

Roll Call Vote: AYE – C/Linszky, C/Steinfeld, C/Dyevoich, C/Brandl, C/Corallo and C/Sagan.

**RESOLUTION 86-2020**

**AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH THE BOROUGH OF FARMINGDALE FOR THE PROVISION OF ENGINEERING SERVICES**

**WHEREAS**, there exists a need for professional services to be provided to the Borough of Farmingdale, County of Monmouth, New Jersey (the “Borough”) and the Borough Council desires to authorize the execution of a professional services contract between following listed persons/firms and the Borough for the provision of said services; and

			Amount not to exceed
Engineering Services Main St Pedestrian Safety	Leon S. Avakian, Inc. Consulting Engineers	788 Wayside Road Neptune, NJ 07753	\$65,00000

**WHEREAS**, the services to be provided are considered to be “Professional Services” pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

**WHEREAS**, the Local Public Contracts Law authorizes the awarding of a contract for “Professional Services” without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk; and

**WHEREAS**, they are required to complete and submit a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political candidate or candidate committee in the Borough of Farmingdale in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

**WHEREAS**, sufficient funds are available for the services and will be certified on each voucher submitted for.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council hereby authorize the above named persons to provide professional services to the Borough of Farmingdale.

**Resolution 87-2020**

Motion to approve the resolution by C/Linszky; seconded by C/Brandl.

Roll Call Vote: AYE – C/Linszky, C/Steinfeld, C/Dyevoich, C/Brandl, C/Corallo and C/Sagan.

**RESOLUTION 87-2020**

**AUTHORIZING CHANGE ORDER NO. 1 RE: IMPROVEMENTS ON WALNUT STREET**

**WHEREAS**, the Borough entered into a contract with Fernandes Construction, Inc. in the original amount of \$112,852.50.00 for a project known as “Improvements on Walnut Street”.

**WHEREAS**, the project quantities are amended as detailed on the attached Change Order and Supplemental Agreement No. 1 certified by the Borough Engineer; and

**WHEREAS**, the quantities have resulted in an increase in the amount of \$16,515.25 and the contract amount is now amended to \$129,367.75.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Farmingdale that Change Order No. 1 resulting in an increase in the contract in the amount of \$16,515.25 is hereby approved and the Mayor or Borough Clerk are hereby authorized to execute said Change Order.

**BE IT FURTHER RESOLVED** that a copy of this Resolution certified by the Borough Clerk to be a true copy be forwarded to each of the following: Borough Engineer; Fernandes Construction, Inc.; Borough Attorney; Borough Treasurer

**CERTIFICATION**

*I hereby certify that adequate appropriations and funds are available in accordance with N.J.A.C.50:30-14.5 for the aforesaid request for change order in Bond Ordinance 10-2019 Various Roadway Improvements.*

**Resolution 88-2020**

Motion to approve the resolution by C/Linszky; seconded by C/Brandl.

Roll Call Vote: AYE – C/Linszky, C/Steinfeld, C/Dyevoich, C/Brandl, C/Corallo and C/Sagan.

**RESOLUTION 88-2020**

**AUTHORIZING PAYMENT TO THE CONTRACTOR FOR PEDESTRIAN IMPROVEMENTS ON WALNUT STREET**

**WHEREAS**, the Borough of Farmingdale received a grant in the amount of \$128,630.00 from the Monmouth County Community Development Program for Pedestrian Improvements on Walnut Street; and

**WHEREAS**, the contract in the amount of \$112,852.50 was awarded to Fernandes Construction of Monroe, NJ; and  
**WHEREAS**, the Borough of Farmingdale approved a change order, which Change Order which increased the projected amount to \$129,367.75; and  
**WHEREAS**, the contract has completed the project and has requested a final payment no. 2 in the amount of \$23,718.36; and  
**WHEREAS**, the Borough Engineer has reviewed the request and has certified that the work has been completed and the request for funds is correct; and  
**WHEREAS**, the Mayor and Council is required to pass a resolution authorizing payment to the contractor subject to receipt of payment from the County of Monmouth.  
**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Farmingdale hereby authorizes Final Payment No. 2 to Fernandes Construction in the amount of \$23,718.36, subject to receipt of final payment from Monmouth County in the amount of \$22,980.61.

### **COUNCIL COMMENTS**

Mayor Daly proposed Resolution 89-2020 opposing all-mail in ballot elections. Mayor Daly explained it is not about the party, but about the Constitution and it being part of the rights of Americans. Mayor Daly invited Council to discuss the resolution and introduce if so desired. C/Linszky shared her belief it is her right as a citizen to vote at the polls, in person. C/Dyevoich explained he would not want to be a poll worker and it is about keeping people safe and healthy. Discussion followed regarding the aspects of the upcoming election.

#### **Resolution 89-2020**

Motion to approve the resolution by C/Linszky; seconded by C/Corallo

Roll Call Vote: Aye – C/Linszky, C/Brandl, C/Corallo and C/Sagan.

Abstain – C/Steinfeld.

Nay - C/Dyevoich.

#### **RESOLUTION 89-2020**

### **RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FARMINGDALE OPPOSING AN ALL MAIL-IN BALLOT GENERAL ELECTION AND URGING THE GOVERNOR MURPHY AND THE STATE LEGISLATURE TO PERMIT THE GENERAL ELECTION TO PROCEED IN CONFORMANCE WITH CURRENT NEW JERSEY LAW**

**WHEREAS**, Title 19 of the New Jersey State Statutes and its implementing regulations sets forth the framework for the conducting of elections in the State of New Jersey; and

**WHEREAS**, Title 19 and its implementing regulations provide for in- person voting on election day, and for the ability of voters to apply to vote by mail should they elect to do so; and

**WHEREAS**, Governor Murphy issued an Executive Order in light of the COVID-19 emergency superseding the statutes and regulations regarding in- person voting on election day and ordered that the June 2, 2020 primary election be moved to July 7, 2020, and that the primary election would be conducted almost exclusively by mail in ballot with only limited opportunity to vote on election day via provisional paper ballot; and

**WHEREAS**, the practice of forcing to all registered voters to vote by mail instead at the ballot box has caused and will cause voter disenfranchisement and raise concerns about the integrity of our electoral process; and

**WHEREAS**, Farmingdale residents have made significant complaints since the COVID State of Emergency concerning United States Post Office (“USPS”) services including significant delays in obtaining and sending ordinary mail through the USPS; and

**WHEREAS**, due to the delays in USPS services and the time frames established by the Governor through his Executive Order, the mandated all-mail-in voting election has significantly delayed election results during the primary election in Monmouth County, including the results of the primary election for the Borough of Farmingdale Council candidate positions and elsewhere throughout the County; and

**WHEREAS**, the State of New Jersey will be holding a General Election on November 3, 2020 and there is concern amongst Borough residents that they will not be allowed to appear at their designated voting locations to cast their ballot, and instead, have to vote my mail with a fraught and delayed USPS service; and

**WHEREAS**, the Borough Council of the Borough of Farmingdale believes it is in the best interest of its residents and eligible voters that they should not have to be concerned about disenfranchisement or delayed election results in the November General Election, and they are entitled to obtain the election results in a timely fashion in order to instill confidence that our electoral system is operating in a fair and sound manner; and

**NOW THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Farmingdale, County of Monmouth, State of New Jersey that it urges the Governor and Legislature to permit in-person voting for the General Election day of November 3, 2020 except for voters who have requested or request to vote by mail in ballot as permitted by current law, and that it provide sufficient resources to all County Boards of Election, so that in-person voting may occur in a safe environment for both poll workers and voters given the ongoing COVID-19 crisis.

**BE IT FURTHER RESOLVED** that the Borough Council opposes the exclusive use of mail-in ballots except for voters who have requested or request to vote by mail in ballot, and that the Governor and the Legislature should proceed to plan for an election process in conformity with current New Jersey statutes.

**BE IT FURTHER RESOLVED** a copy of this Resolution shall be forwarded to the following:

1. Hon. Phillip Murphy, Governor
2. Hon. Stephen M. Sweeney, Senate President
3. Hon. Craig J. Coughlin, Speaker
3. Monmouth County Legislators
4. Monmouth County Board of Chosen Freeholder

**ADJOURNMENT** at 7:53 p.m.

Motion to adjourn by C/Linszky; seconded by C/Brandl.

Voice Vote: AYE – C/Linszky, C/Steinfeld, C/Dyevoich, C/Brandl, C/Corallo and C/Sagan.