

**BOROUGH OF BRADLEY BEACH**

**RESOLUTION 2021-53**

**RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE EASTERN ATLANTIC STATES REGIONAL COUNCIL OF CARPENTERS TO EMPLOY VARIOUS MEMBERS OF THE CARPENTER'S UNION ON AN AS NEEDED, TEMPORARY BASIS TO SUPPLEMENT THE BOROUGH OF BRADLEY BEACH'S EXISTING DEPARTMENT OF PUBLIC WORKS (DPW) WORKFORCE**

**WHEREAS**, the Borough of Bradley Beach is in need supplemental labor on a temporary basis to supplement the Borough's existing DPW work force; and

**WHEREAS**, the Eastern Atlantic States Regional Council of Carpenters have in their ranks numerous individuals who are qualified to perform such temporary services; and

**WHEREAS**, the Borough desires to temporarily employ various members of the Eastern Atlantic States Regional Council of Carpenters on an as needed, temporary basis to supplement **its existing DPW workforce; and**

**WHEREAS**, the Borough and Eastern Atlantic States Regional Council of Carpenters have negotiated a Memorandum of Understanding between them which embodies all of the mutual terms, understandings and conditions under which the Borough will retain temporary **laborers to render services to the Borough which is attached hereto as Exhibit "A"**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Bradley Beach, County of Monmouth and State of New Jersey as follows:

1. That the above recital paragraphs are incorporated herein as if set forth as length.
2. The Memorandum of Understanding between the Borough of Bradley Beach and the Eastern Atlantic States Regional Council of Carpenters in substantially the form attached **hereto as Exhibit "A" for a period not to exceed one year is hereby approved.**
3. The Mayor and Borough Clerk are hereby authorized and empowered to execute the Memorandum of Understanding on behalf of the Borough of Bradley Beach, in substantially the same format attached hereto as Exhibit "A" and to take any and all other action necessary to effectuate the terms thereof.
4. This Resolution shall take effect as provided by law and a copy of this Resolution and the Memorandum of Understanding shall be placed on file and available for public inspection in the office of the Borough Clerk.

Seconded by Councilman Sexsmith and adopted on roll call by the following vote:

	<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Mr. Bonnell	X			
Mr. Gubitosi	X			
Mr. Sexsmith	X			
Mr. Weber	X			
Mayor Fox	X			

**CERTIFICATION**

I, Erica Kostyz, RMC, CMR, Municipal Clerk of the Borough of Bradley Beach, do hereby certify that the foregoing Resolution was duly adopted by the Mayor and Council of the Borough of Bradley Beach at a meeting held on January 26, 2021.



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Erica Kostyz, RMC, CMR  
Municipal Clerk

**MEMORANDUM OF AGREEMENT**

**BETWEEN THE BOROUGH OF BRADLEY BEACH OF THE BOROUGH OF  
MONMOUTH**

**&**

**EASTERN ATLANTIC STATES REGIONAL COUNCIL OF CARPENTERS**

This Memorandum of Agreement ("MOA"), dated the 26<sup>TH</sup> day of January 2021, between

The Borough of Bradley Beach of Monmouth Borough, a body politic of the State of New Jersey, with principal offices located at 701 Main Street, Bradley Beach, NJ 07720

Eastern Atlantic States Regional Council of Carpenters, located at 3300 White Horse Pike, Mullica Township, NJ 08037 ("EASR Council of Carpenters").

**WHEREAS**, the Borough has determined there is a need to employ members of the local union trades on an as needed. temporary basis in order to supplement the Borough's existing DPW workforce and address certain projects, as well as expressing support of the various apprenticeship programs sponsored and supported by the EASR Council of Carpenters; and

**WHEREAS**, the EASR Council of Carpenters have in their rank's individuals qualified to provide and perform such services in a professional and workmanlike manner; and

**WHEREAS**, it is in the best interests of the Borough residents for their fellow citizens to have the opportunity for certain employment, which will benefit the Borough and its operations in the provision of services to the citizens of Bradley Beach;

**NOW THEREFORE**, in exchange of good and valuable consideration, the parties hereto agree as follows:

**TEMPORARY HIRING OF UNION MEMBERS BY THE BOROUGH**

The Borough agrees to hire, in its sole discretion, as temporary, part - time employees such members of the EASR Council of Carpenters ("union member") as may be required by the Borough to perform certain construction work and projects on a temporary basis.

The parties acknowledge that the number of union members required, and the length of time for which the union members may be required, by the Borough is at the discretion of the Borough. It is agreed that the EASR Council of Carpenters shall assign and provide such labor and workers as may be required by the Borough. There is no minimum number, nor a maximum number, of union members that may be temporarily hired by the Borough.

Upon the Borough's determination that the subject project and/or services have been completed, or at such an earlier time as the Borough, in its sole discretion, may determine to be appropriate, the Borough may terminate the Borough employment of any union members assigned by the EASR Council of Carpenters under this MOA.

Any union member assigned to work for the Borough under this MOA shall not be deemed to be an employee or agent of the Borough.

## **SUPERVISION AND CONTROL OF UNION MEMBERS.**

The scope of any work to be performed on Borough projects by union members pursuant to this MOA shall be under the direction of the Borough Administrator and/or his/her designee. The EASR Council of Carpenters agrees to provide union members to perform such work as may be required by specifications provided by the Borough Administrator, and to perform same pursuant to the direction of the Borough Administrator, and/or his/her designee.

It is expressly understood that all union members provided to the Borough by the EASR Council of Carpenters shall work in concert with the Borough's employees, as well as any Borough-contracted labor or vendors. The failure of said union members to so perform shall be considered a breach of this MOA and constitute grounds for the Borough's termination of this MOA.

Any union member assigned to work under this MOA shall wear a Borough-issued identification badge at all times while performing assigned work, and while on Borough premises. Said identification badge (along with any other Borough property issued to, or in the union member's possession) shall be immediately surrendered upon completion of his/her assignment under this MOA, or upon discharge by the Borough.

## **WAGES AND BENEFITS**

The wages, arbitration provisions and working condition of any union members shall be as specified in the most recent collective bargaining agreement ("CBA") negotiated on behalf of the trade in question. Copies of the CBA for the trade are annexed hereto and incorporated herein as *Exhibit A*. The Borough agrees to follow the terms of the respective CBA and comply with their provisions, unless same expressly contradict or conflict with Borough policies, or the terms of this MOA. In the event of such a conflict, the Borough policies and/or the terms of this MOA shall control.

On behalf of all of the union members who are assigned to work with the Borough under this MOA, the EASR Council of Carpenters hereby waives access and claims to any and all compensation benefits from the Borough, including, but not limited to, the following:

All employment status as a regularly employed Borough employee;

Salary or wages payable as a regularly employed Borough employee;

Paid leave time, such as sick, vacation, personal, compensatory, holiday, etc., as furnished to regularly employed Borough employees;

Access to benefits, terms, and conditions of employment as outlined in the collective negotiations agreements applicable to regularly employed Borough employees;

Access to the Borough employees' health benefits program, to include major medical, prescription, dental, and EAP coverage;

Enrollment in, contribution, or credit toward the New Jersey Public Employees Retirement System, Defined Contribution Retirement Program or any other State administered retirement plan available to regularly employed Borough employee;

Access to the Borough employees' IRS Section 457(b) deferred compensation plan;

Access to the Borough employees' IRS Section 125 cafeteria plan and voluntary benefits program;

Clothing, uniforms and/or clothing maintenance allowances that may be furnished to regularly employed Borough employees;

The use of Borough owned, or Borough leased tools, equipment, machinery, vehicles and other apparatus unless expressly authorized by the Borough Administrator and/or his/her designee.

### **WORKERS COMPENSATION AND UNEMPLOYMENT INSURANCE.**

The Borough shall provide statutory workers' compensation and unemployment insurance coverage for any union members who may be assigned to work for the Borough under this MOA.

### **EASR COUNCIL OF CARPENTERS RESPONSIBILITIES.**

The EASR Council of Carpenters shall bear the responsibility of ensuring that all union members supplied to the Borough pursuant to the terms of this MOA are legally authorized to perform work in the United States. It shall be the EASR Council of Carpenters' responsibility to ensure that each union member has completed an I-9 Form, and that a copy of each union member's I-9, W-4 and Social Security card are supplied to the Borough, along with a valid photo identification, prior to his/her assignment under this MOA.

I. The EASR Council of Carpenters shall be responsible to classify workers according to the terms of their CSA as either journeymen or apprentices. For apprentices, the EASR Council of Carpenters shall ensure that such apprentices work under the supervision of a journeyman or foreman. The EASR Council of Carpenters shall notify the Borough of any changes to an apprentice's status.

The EASR Council of Carpenters shall be responsible for resolving any and all jurisdictional disputes regarding the scope of work of constituent trades, as well as disputes regarding utilization of particular locals with regard to projects in different geographical areas of the Borough.

The EASR Council of Carpenters shall be responsible for ensuring to the extent possible that the union members assigned to work for the Borough under this MOA shall be at all relevant times Borough residents.

### **TERMINATION.**

Either party may terminate this MOA, with or without cause, upon thirty (30) days written notice to the other.

### **NOTICES.**

All notices, statements or other documents required by this MOA shall be hand-delivered or mailed to the following designated representatives:

**The designated representative for the Borough is:**

David G. Brown II, MPA, QPA  
Borough Administrator  
701 Main Street  
Bradley Beach, NJ 07720

**with a copy to:**

Greg Cannon, Esq.  
Borough Attorney  
701 Main Street  
Bradley Beach, NJ 07720

**The designated representative for the EASR Council of Carpenters is:**

Anibal Birriel  
Council Representative  
3300 White Horse Pike  
Mullica Township, NJ 08037

**with a copy to:**

**MISCELLANEOUS.**

This MOA shall be governed by and construed in accordance with the laws of the State of New Jersey, except where superseded by federal law.

This MOA shall not be modified or amended except in writing signed by all parties hereto.

This MOA represents the entire agreement between Borough and the EASR Council of Carpenters with respect to the subject matter hereof, and all prior oral or written agreements between the Borough and the EASR Council of Carpenters with respect to such subject matter shall have no further force or effect, including, without limitation, any proposal letters.

The parties expressly represent that the signatories to this MOA have the authority to execute this instrument.

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Agreement to be executed the day and year aforesaid.

**BOROUGH OF BRADLEY BEACH**

**ATTEST:**

\_\_\_\_\_  
**Municipal Clerk**

\_\_\_\_\_  
**Mayor**

Dated: January 26, 2021

WITNESS:

EASTERN ATLANTIC  
STATES REGIONAL  
COUNCIL OF CARPENTERS

\_\_\_\_\_

By: \_\_\_\_\_

Dated: January ,2021