

FAIR HAVEN BOROUGH COUNCIL
JANUARY 28, 2019

The meeting was called to order by Mayor Lucarelli at 7:02 p.m. The Flag Salute was followed by a Moment of Silent Meditation. He asked that everyone keep the Riley Family in their thoughts for the loss of Private First Class Jamie Riley who lost his life in a training accident last week. The Sunshine Law Statement was read.

ROLL CALL

On Roll Call the following were present: Councilmembers Banahan, Koch, Peters, Rice, Rodriguez and Sorensen. Others present: Administrator Casagrande, Attorney Alfieri and Engineer Gardella.

PRESENTATIONS

Engineer Gardella gave the following 2018 year-end report. With regard to Land Use, the Department of Engineering and Public Works reviewed 301 permits, there was application and compliance review, they assisted residents and business owners as well as builders and applicants. With regard to engineering, grading plan review (37 new dwellings in 2018), capital improvement projects (2017 Road and Sidewalk Program, Third Street sidewalks, Waterfront Pocket Parks, etc) and special projects (DeNormandie Avenue Waterfront Park, Community Center Fields, LAX Wall, Fair Haven Fields and McCarter Park trails, William Street access, Bicentennial Hall, new facilities, grant funding opportunities and Complete Streets. Public Works was extremely busy with brush and leaf collection, potholes, recycling operations, special events, parks maintenance, building maintenance, street sweeping, vehicle and equipment maintenance and department head work orders. We have a 100% compliant, ADA Safe Streets to Schools project. We received DOT Local Aid money for Battin Road. The tennis court project was completed; there are some maintenance calls in with the vendor.

He reviewed five years of projects (\$5 million in project costs with \$2 million in grants received). We are waiting for some results regarding grant applications and whether we were successful and if so, how much. With regard to Schwenker Pond, we will use brush grinding as shred along the pond for a walking trail (to be done, in-house, by DPW). Bicentennial Hall is close to completion. A roadway assessment is being done by Rutgers to review our roadways and what should be done with them i.e. mill and pave as well as a review of our street signs and how best to handle them. The Bike and Pedestrian Active Transportation Plan has been useful in many aspects and is referenced a lot with developers as well as in-house.

Councilman Peters thanked him for the report/update and asked if there is anything that needs to be addressed this year. Engineer Gardella said the micro-projects helped a lot.

WORKSHOP SESSION

Mayor Lucarelli said there is a tree appeal for 30 Katherine Street which was carried from the December 17, 2018 meeting. He acknowledged the neighbors (Liz Slavin, Mr. and Mrs. Dooling), Mr. John Tsakiris and Mr. George Tsakiris (builders). The Mayor said that he and Council looked at the plan that was updated and it shows the trees that are on the property and that they will be affected either way. No matter where the house is, the trees will have to be removed. There was also one tree taken down after the last meeting. Bill Brooks, Borough Forrester, said they took down two trees (a hickory and dogwood); dogwood trees are not protected and can be removed. Council reviewed the plan that was submitted. Mr. Tsakiris advised that one of the trees that were marked came down. Councilman Peters noted that Mr. Tsakiris did not attend the last meeting when this appeal was discussed which has happened with other projects that he has had in town; he is not new to the process.

Mr. Tsakiris said he spoke with the Doolings. Mrs. Dooling said that not all of her questions were answered. She asked why the size of the house approved to be built is not on a 100' lot as opposed to a 75' lot; it is going to be huge compared to the other house in the neighborhood. She asked why a variance is not required. Mayor Lucarelli reviewed the project and set-backs. Attorney Alfieri reviewed the plan and explained it to the governing body as far as what the set back are and what is required. The long driveway and detached garage are what is causing the tree's need to come down. Mrs. Dooling said the Borough's zoning map shows that the property to be built on is narrower than her property. She was advised that the condition is existing and is grandfathered in by ordinance. Mr. Dooling reiterated his comment from the December meeting that Fair Haven is on a course to make the houses bigger causing the trees to be removed, especially in the River Oaks section of town.

Liz Slavin, Katherine Street, had pictures of six trees that she presented to the governing body (one scrappy and five very large trees). The scrappy tree was removed. There were 11 trees on the lot and now there are nine trees. She said that she owned the property at one time and took trees down. The photos she presented do not match the survey signed and sealed by a professional hired by the applicant.

George Tsakiris stated that his family was born and raised in Fair Haven and attended the school system. They are proud to do work in Fair Haven (the town they live in). As owner/operator of the

Petcon Builders, they always make sure the surrounding community is happy with the construction taking place. River Oaks was a wooded area and then clear cut in the 1940s to create a neighborhood of ranch-style homes. They are not in the business to take trees down, but modernization calls for certain types of homes. Insurance companies are asking for removal of trees due to the hazards they create during a storm. The replacement plan that is being offered is solid. Everything about the new home conforms to the lot they are working on so Land Use approvals are not required. They are looking to increase the value of the neighborhood by building a fabulous home.

Councilman Rodriguez left the meeting at 7:55 p.m.

Councilman Peters asked if what has been presented to Council is accurate. George Tsakiris said he is relying on his surveyor's work and signature. Councilman Peters asked Bill Brooks (Forrester) if the trees on the plan are accurate; yes, he said he is uncomfortable having the large trees remain during the foundation dig, etc. John Tsakiris said that Charlie Bell is their survey and he is extremely accurate and if the trees are where they are on the plan, it reflects the location of the trees. Mrs. O'Brien asked if the house were flipped could the trees be saved? No. Mayor Lucarelli said the photo angles are confusing as to the plan. Ms. Slavin said there are no other trees on the lot, just what is there. She was hoping a few trees could be saved for the Doolings so their lot could remain shaded. It was noted that it is difficult to picture where the trees are in connection with where the home would be. John Tsakiris said they staked where the home would be. George Tsakiris said the photos presented were taken by a neighbor who does not like the plan and was surprised they were being considered vs. the surveyor's certification.

Councilman Banahan said he listened to the testimony and is familiar with Petcon's work. He said Petcon is comparing itself to other developers who do not do what they do. Councilman Banahan said that he is in the business and is familiar with Charlie Bell's work. Councilmembers Peters and Banahan will go to the site and collect better data. He stated that he was on Council when the tree ordinance was created in 2012. Trees have a lifecycle, but eventually they have to come down and require replenishment. The governing body should regroup on February 11th to discuss further and will accept the offer for more trees than required. Mr. Brooks said that the governing body would be "crossing the bridge" if they allow the trees to remain because it is jeopardizing the neighboring properties. The Borough and/or contractor cannot, knowingly, create a hazardous situation.

Attorney Alfieri said the governing body can vote on this matter tonight or carry it to the February 11th agenda. Councilwoman Sorensen said the Borough owes the current residents in the neighborhood a site visit before voting. John Tsakiris asked if Charlie Bell (surveyor) should certify his staking and the plan. Mayor Lucarelli said Mr. Bell can provide an affidavit to Mayor and Council and we can have Shade Tree review it as well. George Tsakiris gave the governing body permission to come to the site and look at the property and the trees.

Motion to carry the matter to the February 11th Council Meeting moved by Councilwoman Koch, second by Councilwoman Sorensen with Ayes by all present.

The second matter to be discussed was a request from the Rumson St. Patrick's Day Parade Committee for lawn signs to be posted in town from March 1st – 20th. Motion to approve the request with signs not to exceed 80 in number moved by Councilwoman Sorensen, second by Councilman Peters with Ayes by all present.

With regard to our COMCAST Cable Franchise Renewal, Attorney Alfieri advised that the renewal packet was received from COMCAST. We have 45 days to hold the hearing which will take place on March 11, 2019. Robert Clifton of COMCAST will be in attendance. A resolution and ordinance will need to be adopted and presented to the State. We have limited leverage.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 8:22 p.m. Meghan Keefe, Beechwood Place, asked if the resolution regarding the Monmouth County Conservation Foundation is so that they will assist us with grant applications through the State to purchase property in town. She asked what type of usage; Open Space. She asked where. Administrator Casagrande advised that we are looking at all open space in the Borough for synergy.

Ruth Blaser, River Road, asked if a description of the County aerial spraying and protection will be provided to the public. She was advised that the authorization is put into place in case the spray is needed (which is not always the case). The DEP and EPA are part of this resolution and the program.

Ms. Keefe asked where the water bottle filling stations will be located in Fair Haven Fields. Councilman Peters said near the concession stand. She asked about maintenance (who will maintain? How often?)' the stations will be self-protecting and self-draining so there is not any damage. The Borough is looking to apply for a grant. Councilwoman Sorensen said that this is the #1 request to the

Recreation Committee. DJ Breckenridge is working with the Environmental Commission on the grant application paperwork.

It was asked if there was an update on the new municipal facilities; there is nothing new since the January 10th Special Meeting. There will be another town meeting for any changes they may occur.

Andrew Sobel, Planning Board member, requested that Rich Gardella be reappointed as Borough Engineer.

Mrs. Blaser asked about the paper shred event date. She was told that it will be held on Saturday, June 22nd from 9 am to 1 pm or until the truck is filled in the Fair Haven Fields parking lot.

There being no further comments or questions, the meeting was closed to the public at 8:27 p.m.

APPROVAL OF MINUTES

Councilman Peters made a motion to approve the Regular Meeting minutes of December 17, 2018, second by Councilwoman Koch

Affirmative: Councilmembers Koch and Peters

Negative: None

Abstain: Councilmembers Banahan, Rice and Sorensen

Absent: Councilman Rodriguez

Councilman Peters made a motion to approve the Executive Session minutes of December 17, 2018, second by Councilwoman Koch

Affirmative: Councilmembers Koch and Peters

Negative: None

Abstain: Councilmembers Banahan, Rice and Sorensen

Absent: Councilman Rodriguez

Councilwoman Sorensen made a motion to approve the Reorganization Meeting minutes of January 7, 2019, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters, Rice and Sorensen

Negative: None

Abstain: None

Absent: Councilman Rodriguez

Councilwoman Sorensen made a motion to approve the Executive Session minutes of January 7, 2019, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters, Rice and Sorensen

Negative: None

Abstain: None

Absent: Councilman Rodriguez

Councilwoman Sorensen made a motion to approve the Special Meeting minutes of January 10, 2019, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters, Rice and Sorensen

Negative: None

Abstain: None

Absent: Councilman Rodriguez

OLD BUSINESS

There was no old business brought before the governing body.

NEW BUSINESS - CONSENT AGENDA RESOLUTIONS

1. Resolution No. 2019-32, Approve 2019 Contract for Borough Attorney

WHEREAS, the Borough of Fair Haven has a need to retain professional services pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Borough Administrator has determined and certified that the value of some of the said services may exceed \$17,500 for the year 2019; and

WHEREAS, contract proposals for said professional services have been received by the Borough; and

WHEREAS, said professionals have completed and submitted a Business Entity Disclosure Certification, which certifies that said professional has not made any reportable contributions to a political or candidate committee in the previous one year, and that the contract will prohibit said professional from making any reportable contributions throughout the term of the contract; and

WHEREAS, funds for these purposes will be appropriated in the 2019 Municipal Budget; and

WHEREAS, said professionals have been duly appointed by the Borough Council of the Borough of Fair Haven pursuant to N.J.S.A. 40A:11-5;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that the Mayor and Municipal Clerk are hereby authorized to execute a contract with the Salvatore Alfieri, Esq. as Borough Attorney.

BE IT FURTHER RESOLVED that contract for said service and the Business Disclosure Entity Certification and Determination of Value are on file with the Borough Clerk and available for public inspection; and

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

1. Salvatore Alfieri, Esq.
2. Chief Financial Officer
3. Borough Administrator

BE IT FUTHER RESOLVED that a copy of this resolution shall be published in the Asbury Park Press as required by law within ten (10) days of its passage.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters, Rice and Sorensen

Negative: None

Abstain: None

Absent: Councilman Rodriguez

2. Resolution No. 2019-33, Approve 2019 Contracts for Bond Counsel, Financial Advisor, Borough Auditor, Borough Planner, Special Counsel for COAH, Special Tidelands

WHEREAS, the Borough of Fair Haven has a need to retain professional services pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Borough Administrator has determined and certified that the value of some of the said services may exceed \$17,500 for the year 2019; and

WHEREAS, contract proposals for said professional services have been received by the Borough; and

WHEREAS, said professionals have completed and submitted a Business Entity Disclosure Certification, which certifies that said professional has not made any reportable contributions to a political or candidate committee in the previous one year, and that the contract will prohibit said professional from making any reportable contributions throughout the term of the contract; and

WHEREAS, funds for these purposes will be appropriated in the 2019 Municipal Budget; and

WHEREAS, said professionals have been duly appointed by the Borough Council of the Borough of Fair Haven pursuant to N.J.S.A. 40A:11-5;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that the Mayor and Municipal Clerk are hereby authorized to execute contracts with the following;

- Mr. John Cantalupo, Esq., Bond Counsel
- Robert Allison, Borough Auditor
- Phoenix Associates, Financial Advisor
- Heyer and Gruel, Borough Planner
- Eliot Goldstein, Borough Architect

- Jeffrey R. Surenian, Esq., Special Counsel - COAH
- John Van Dalen, Esq., Special Counsel - Tidelands Matters
- Frederick Raffetto, Esq., Special Counsel - Tax Appeals
- Robert Gagaliano - Commercial Real Estate Appraiser
- Maser Consulting – Consulting Engineers

BE IT FURTHER RESOLVED that contracts for said services and the Business Disclosure Entity Certification and Determination of Value are on file with the Borough Clerk and available for public inspection; and

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

1. All professionals so named in this resolution
2. Chief Financial Officer
3. Borough Administrator

BE IT FUTHER RESOLVED that a copy of this resolution shall be published in the Asbury Park Press as required by law within ten (10) days of its passage.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters, Rice and Sorensen

Negative: None

Abstain: None

Absent: Councilman Rodriguez

3. Resolution No. 2019-34, Approve 2019 Contract with FSD Enterprises – Cell Tower Assessment

WHEREAS, Resolution No. 2018-01 appointed Declan O’Scanlon, FSD Enterprises, LLC. as the Borough’s Cell Tower Consultant for the year 2018; and

WHEREAS, there are times when there is a need for an assessment for modification of the equipment on the Borough’s cell tower or an amendment to a cell carrier’s contract with the Borough.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Theresa Casagrande, Borough Administrator, is hereby authorized to execute a contract with FSD Enterprises, LLC, attached as Exhibit A

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters, Rice and Sorensen

Negative: None

Abstain: None

Absent: Councilman Rodriguez

4. Resolution No. 2019-35, Approve Garden State Municipal Joint Insurance Fund as Secondary Insurance for the Fair Haven Fire Company and Ancillary Members

WHEREAS, the Fair Haven Volunteer Fire Company carries a Selective Insurance Commercial General Liability policy and A Foremost Insurance Company Antique Automobile Liability Policy; and

WHEREAS, it has been agreed upon that since there is a budgetary relationship with the Fire Department that the Borough’s insurance company, Garden State Municipal Joint Insurance Fund, will be excess liability coverage to the Selective Policy and Foremost Policy secured by the Fair Haven Fire Company for the Fair Haven Fire Company, subject to policy terms and conditions; and

WHEREAS, the parties that will be covered will be the Fair Haven Volunteer Fire Company, Fair Haven Fire Department and all Ancillary Emergency Responders.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that it memorializes said coverage and directs the Borough’s Risk Manager to present evidence of excess liability coverage under the Garden State Municipal Joint Insurance Fund.

BE IT FURTHER RESOLVED that this resolution shall be renewed annually.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters, Rice and Sorensen
Negative: None
Abstain: None
Absent: Councilman Rodriguez

5. Resolution No. 2019-36, Reappoint Richard Gardella as Director of Engineering and Public Works

WHEREAS, the three-year term for the Borough Engineer and Director of Engineering and Public Works expired on December 31, 2018; and

WHEREAS, Richard Gardella holds the appropriate licenses required for these positions through the State of New Jersey and has served in the position since December 17, 2007; and

WHEREAS, Theresa S. Casagrande, Borough Administrator has recommended the reappointment of Richard Gardella as Borough Engineer and Director of Engineering and Public Works for another three-year term to expire on December 31, 2021; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Richard Gardella is hereby reappointed as the Borough Engineer and Director of Engineering and Public Works for the Borough of Fair Haven retroactive to January 1, 2019.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters, Rice and Sorensen
Negative: None
Abstain: None
Absent: Councilman Rodriguez

6. Resolution No. 2019-37, Authorize Execution of Contract with Monmouth County for Paper Shred Event

WHEREAS, the Borough has scheduled a paper shred event with Monmouth County for Saturday, June 22, 2019; and

WHEREAS, an agreement is required between the Borough of Fair Haven and the County of Monmouth in order to hold the event.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Borough Clerk is authorized to sign said agreement

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters, Rice and Sorensen
Negative: None
Abstain: None
Absent: Councilman Rodriguez

7. Resolution No. 2019-38, Authorize Execution of Contract with Edmunds & Associates, Inc. for Tax, Finance, Animal Control Programs

WHEREAS, the Borough of Fair Haven is provided Tax Collection, Finance, Payroll and Animal Licensing software maintenance services and for the Tax Collection scanner/validator hardware maintenance through Edmunds & Associates, Inc. 301A North Tilton Road, Northfield, New Jersey 08225 for its 2019 software and hardware maintenance; and

WHEREAS, the Borough desires to enter into a maintenance contract for the year 2018 to provide continued service for the tax, finance, payroll and animal licensing programs.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the 2019 maintenance contract with Edmunds & Associates, Inc. be approved in the amount of \$9,899.00 for software maintenance and \$482.00 for hardware maintenance

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters, Rice and Sorensen
Negative: None
Abstain: None
Absent: Councilman Rodriguez

8. Resolution No. 2019-39, Support and Authorize 2019 Sustainable Jersey Municipal Grant application – Water Bottle Refilling Stations

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Fair Haven strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Borough of Fair Haven is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues and they have created a grant program called the Sustainable Jersey Small Grants Program; and

WHEREAS, the Borough of Fair Haven would like to apply for 2019 funding, through Sustainable New Jersey, in the amount of \$10,000 to purchase and install two (2) water bottle refilling stations at Fair Haven Fields to provide a water source for park users and to help reduce Fair Haven's waste footprint.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fair Haven supports and authorizes the submission of the aforementioned Sustainable Jersey Grant application.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters, Rice and Sorensen

Negative: None

Abstain: None

Absent: Councilman Rodriguez

9. Resolution No. 2019-40, Executive Session: Pending Litigation, Acquisition of Property, Contract Negotiations

WHEREAS, the Open Public Meetings, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

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

WHEREAS, the Governing Body may wish to discuss the following matters:

Pending Litigation

1. Yacht Works

Acquisition of Property

1. River Road

Contract Negotiations

1. Borough Website
2. Interlocal Service Agreement with Middletown

WHEREAS, minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW THEREFORE BE IT RESOLVED that the public be excluded from this meeting

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters, Rice and Sorensen

Negative: None

Abstain: None

Absent: Councilman Rodriguez

10. Resolution No. 2019-41, Authorize County to conduct Aerial Mosquito Control Operations

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to NJSA 26:9-27, et seq., has elected through its Mosquito Control Division to perform all acts necessary for the elimination

of mosquito breeding areas and/or to exterminate mosquitoes within the County; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control and chemical control to exterminate the mosquito population within the County of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designated “congested area”, the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Borough of Fair Haven is designated as a “congested area” by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW THEREFORE BE IT RESOLVED as follows:

1. The Mayor and Council of the Borough of Fair Haven hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides, by aircraft, for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard or both with the understanding that:
 - a. The County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies; and
 - b. Such operations will be performed in compliance with applicable Federal and State regulations; and
 - c. The County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters, Rice and Sorensen

Negative: None

Abstain: None

Absent: Councilman Rodriguez

11. Resolution No. 2019-42, Approve Refund of Tax Overpayment-129 Maple Avenue

WHEREAS, Alfred P. Campbell, a resident and tax payer in the Borough of Fair Haven, residing at Block 43 Lot 19, filed a Property Tax Exemption form for 100% Disabled Veterans; and

WHEREAS, the Tax Assessor has granted a full exemption pursuant to Chapter 398 of the Laws of 1948; and

WHEREAS, a full exemption status was granted to Alfred P. Campbell effective as of April 1, 2018.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven, County of Monmouth and State of New Jersey that the Tax Assessor and any other appropriate official be and are hereby authorized and directed to correct the Borough’s records to reflect a full 100% Disabled Veteran’s Exemption status for Alfred P. Campbell, Block 43 Lot 19, known as 129 Maple Avenue.

BE IT FURTHER RESOLVED, the Chief Financial Officer refund the second half homestead benefit credit in the amount of \$189.13.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters, Rice and Sorensen

Negative: None

Abstain: None

Absent: Councilman Rodriguez

12. Resolution No. 2019-43, Approve Refund for 2018 Added/Omitted Tax Appeal–165 Third Street

WHEREAS the property owner listed below filed an Added/Omitted Appeal with the County of Monmouth, New Jersey for the year 2018; and

WHEREAS, said appeal was considered and a judgment has been entered that the property owner below qualifies for a refund for 2018 property taxes as follows:

| Owner | Address | Block | Lot | Refund |
|-----------------|------------------|--------------|------------|---------------|
| Ashley Finamore | 165 Third Street | 39 | 19 | \$4,988.18 |

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Tax Collector and Chief Financial Officer are hereby authorized to pay said refund in the amount of 4,988.18 as listed above.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters, Rice and Sorensen

Negative: None

Abstain: None

Absent: Councilman Rodriguez

13. Resolution No. 2019-44, Approve Refund for 2018 Added/Omitted Tax Appeal-16 Second Street

WHEREAS the property owner listed below filed an Added/Omitted Petition of Appeal with the County of Monmouth, New Jersey for the year 2018; and

WHEREAS, said appeal was considered and a judgment has been entered that the property owner below qualifies for a refund for 2018 property taxes as follows:

| Owner | Address | Block | Lot | Refund |
|--|------------------|--------------|------------|---------------|
| 18 Orchard Street, LLC 28 Riverside Avenue, #2A Red Bank, New Jersey 07701 | 16 Second Street | 16 | 6 | \$1,941.58 |

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Tax Collector and Chief Financial Officer are hereby authorized to pay said refund in the amount of 1,941.58 as listed above.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters, Rice and Sorensen

Negative: None

Abstain: None

Absent: Councilman Rodriguez

14. Resolution No. 2019-45, Authorize Execution of Agreement with Monmouth County Conservation Foundation

BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Mayor and Borough Clerk are authorized to execute an agreement with the Monmouth Conservation Foundation for consulting services at a rate of \$50.00 per hour, not to exceed \$2,500.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters, Rice and Sorensen

Negative: None

Abstain: None

Absent: Councilman Rodriguez

15. Resolution No. 2019-46, Rescind Resolution No 2018-217 approving Person to Person Transfer for The Cellar – This was pulled from the agenda as a Tax Clearance Certificate was received.

16. Resolution No. 2019-47, Approve Appointments of Part-time School Crossing Guards

WHEREAS, vacancies exist in the Fair Haven Police Department for the position of part-time School Crossing Guard; and

WHEREAS, Chief Joseph McGovern has recommended the vacancies be filled by Patricia Ann Mieth and Britaney Gonzalez who meet all of the required qualifications.

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that Patricia Ann Mieth and Britaney Gonzalez are hereby appointed as a part-time School Crossing Guard with an hourly salary of \$14.50 effective January 29, 2019.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters, Rice and Sorensen
Negative: None
Abstain: None
Absent: Councilman Rodriguez

17. Resolution No. 2019-48, Approve Change Order #2 (Final) for 2017 Road and Sidewalk Program–Fiore Paving

WHEREAS, Resolution No. 2017-65 awarded a contract for the 2017 Road and Sidewalk Program to Fiore Paving, Oceanport, NJ 07757 in and amount not to exceed \$403,652.50; and

WHEREAS, Resolution No. 2018-119 was adopted by the governing body on May 14, 2018 and approved Change Order No. 1 for said project.

WHEREAS, the attached final change order details additional amendments to the contract resulting in a revised contract amount of \$484,356.99.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven that Change Order #2 - Final to the 2017 Road and Sidewalk Program will result in a final contract amount of \$494,356.99 between the Borough of Fair Haven and Fiore Paving Company, Inc.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters, Rice and Sorensen
Negative: None
Abstain: None
Absent: Councilman Rodriguez

18. Resolution No. 2019-49, Approve Change Order #1 for Sidewalk Improvements to Third Street-Diamond Construction

WHEREAS, Resolution No. 2018-164 awarded a contract for the Sidewalk Improvements to Third Street Project to Diamond Construction, Brick, NJ 08723 in an amount not to exceed \$621,082.50; and

WHEREAS, the Director of Engineering and Public Works requested a change order for additional items increasing the final contract amount by \$49,201.14.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven that Change Order #1 to the Sidewalk Improvements to Third Street Project contract authorizes an increase to the contract between the Borough of Fair Haven and Diamond Construction for a total contract amount of \$670,283.64.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters, Rice and Sorensen
Negative: None
Abstain: None
Absent: Councilman Rodriguez

19. Resolution No. 2019-50, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the January 28, 2019 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

| | |
|----------------------|-----------------|
| 2018 CURRENT ACCOUNT | \$ 226,877.38 |
| 2019 CURRENT ACCOUNT | \$ 5,105,704.33 |
| GENERAL CAPITAL | \$ 27,181.28 |
| GRANT FUND | \$ 10,023.82 |
| PAYROLL AGENCY | \$ 12,698.60 |
| OTHER TRUST | \$ 10,673.44 |

TOTAL **\$ 5,393,158.85**

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters, Rice and Sorensen

Negative: None

Abstain: None

Absent: Councilman Rodriguez

Reports of Departments

November 2018

-Chief Financial Officer Investment Report

December 2018

-Municipal Clerk

-Dog License

-Tax Collector

-Municipal Court

-Police Department

2018 Year End

-Municipal Clerk

Motion to accept the reports as submitted, moved by Councilman Peters, second by Councilwoman Sorensen with Ayes by all present.

GOOD OF THE BOROUGH

Mayor Lucarelli opened the meeting to the public for comments or questions at 8:30 p.m. Meghan Keefe, Beechwood Place, asked if there was a penalty for tree applicants who proceed without the appropriate approval. Attorney Alfieri said that a fine can be issued or a stop work order. Mrs. Keefe said that she sent the Mayor an e-mail and did not receive a reply.

Ruth Blaser, River Road, said that it is important for the Borough to get in touch with all residents as some do not have access to a computer or a cell phone. She provided a sample of a communication sent out by Sea Bright for the Borough to consider. She said that the Borough could send out post cards via postal patron for something special happening in town.

Gudrun Koletzki Bailey, Fisk Street, asked about the COMCAST renewal and if there would be any open discussion about the renewal; yes, at the March 11th Council meeting, a public hearing will be held. Mrs. Bailey has a concern about all of the channels offered and quite a few of them being Spanish speaking; she would like a German station being that is where she is from.

There being no further comments or questions, the meeting was closed to the public at 8:35 p.m.

Council went into executive session at 8:50 p.m. and this meeting was reconvened at 10:10 p.m.

ADJOURNMENT

Motion to adjourn moved by Councilwoman Sorensen, second by Councilwoman Koch with Ayes by all present.

Time of Adjournment: 10:11 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk