

FAIR HAVEN BOROUGH COUNCIL
JANUARY 22, 2018

The meeting was called to order by Council President Peters at 7:01 p.m. The Flag Salute was followed by a Moment of Silent Meditation. The Sunshine Law Statement was read.

ROLL CALL

On Roll Call the following were present: Councilmembers Koch, Marchese, Peters and Rodriguez. Absent: Mayor Lucarelli, Councilmembers Jaeger and Sorensen. Others present: Administrator Casagrande and Attorney Alfieri.

OATH OF OFFICE

Attorney Alfieri administered the Oath of Office to Councilman Christopher Rodriguez. His wife, Karen, held the bible while his mother, two daughters and son stood in support.

WORKSHOP SESSION

Council President Peters said the following street opening requests were received from NJ Natural Gas Company:

- Petcon Builders, LLC, 1 Hendrickson Place, Service Retirement
- Matthew Rapp, 25 Laurel Drive (process behind the curb per Asst. Engineer), Service Retirement
- Shaw Construction, 129 Hance Road, Service Retirement
- Advanced Development, 158 Oxford Avenue, Service Retirement

Motion to approve moved by Councilman Rodriguez, second by Councilwoman Koch with Ayes by all present.

A request from Rumson-Fair Haven Youth Lacrosse was received to post lawn signs (January 23rd to February 28th) advertising registration. Motion to approve moved by Councilman Koch, second by Councilman Rodriguez with Ayes by all present.

A request was received from Fair Haven Education Foundation to hold the 2nd Annual Color Run at Fair Haven Fields on November 4, 2018. There was discussion on the event held in November 2017 with the number of attendees they had compared to the number they are requesting be approved for 2018 (500-800) participants. Chief McGovern said there were no issues to report from last year's event and the additional number of participants should be fine. Fair Haven Education Foundation submitted a report of the event to the governing body and reported the results to the Recreation Committee. Motion to approve moved by Councilman Rodriguez, second by Councilwoman Koch with Ayes by all present.

Councilman Marchese made a request to amend the Borough's Zoning Ordinance to address Smoke Shops and Dispensaries. He is the liaison to the Rumson-Fair Haven Substance Abuse Alliance and they take issue with dispensaries being permitted, especially the legalization of marijuana. Point Pleasant Beach passed an ordinance on this topic; a sample of the ordinance was provided to the governing body in their packet. The consensus was to create a resolution opposing smoke shops/dispensaries and legalizing marijuana for recreational use (not medicinal) that could be sent to Legislative District 13 and Governor Murphy. Chief McGovern agreed with Councilman Marchese that it is important to protect our kids. Councilman Peters suggested listening to what the Governor wants to do and then act on this matter once announced. There was discussion regarding whether to address the matter by resolution or ordinance. The consensus of Council was not in favor of a high-end smoke shop in Fair Haven. Councilman Rodriguez said he did research on both sides of this issue and said that a law should not be passed where something is already illegal. Kids should not be able to get their hands on other drugs, i.e. pain killers, opioids, etc. We need to save lives in town and the high school. There is no bearing if it is for medicinal use. Council President Peters said many people seek opioids, if they are addicted, from their own doctor so we need to be careful. If a legalization law is passed by Governor Murphy, it could be a massive revenue source. The State of New Jersey does not have a large resource for revenue. Councilman Marchese advised that the Rumson-Fair Haven Alliance Program held on January 18th was well attended and a great program. Someone advised him that there are a lot of students vaping during class. Attorney Alfieri was asked to draft a resolution for further discussion at the February 12th Council Meeting under Workshop; the resolution should include the option to opt-out. Councilman Marchese advised that this matter will also affect the zoning ordinance.

Administrator Casagrande advised that Fair Haven received a Stewardship Award from

the NJDEP for our voluntary measures to improve the environment. We were recognized for researching the pollution in the Navesink River and cutting back on water consumption with the rain gardens and rain barrels. We have talented and active volunteers. Council President Peters said the Environmental Commission has filed for a certification. Councilman Marchese advised that Ralph Wyndrum, Environmental Commission Chairman, presented the Environmental Resource Inventory to the Planning Board which will be included with the Master Plan.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:23 p.m. Liz deBeer, Hance Road, said that she worked with students as a former public high school teacher. Kids have been jailed for years and years for distribution (even little amounts). Marijuana is illegal and there is no proof it is a gateway drug. Prescribed pain killers are the gateway drug. She said if it is illegal, it is illegal. Pain killers need to be banned.

There being no further comments or questions, the meeting was closed to the public at 7:26 p.m.

APPROVAL OF MINUTES

Councilman Rodriguez made a motion to approve the Regular Meeting minutes of December 18, 2017, second by Councilman Marchese

Affirmative: Councilmembers Koch, Marchese, Peters and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Sorensen

Councilman Rodriguez made a motion to approve the Executive Session minutes of December 18, 2017, second by Councilman Marchese

Affirmative: Councilmembers Koch, Marchese, Peters and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Sorensen

Councilwoman Koch made a motion to approve the Reorganization Meeting minutes of January 2, 2018, second by Councilman Marchese

Affirmative: Councilmembers Koch, Marchese and Peters

Negative: None

Abstain: Councilman Rodriguez

Absent: Councilmembers Jaeger and Sorensen

OLD BUSINESS

There was no old business brought before the governing body

NEW BUSINESS

INTRODUCTION OF ORDINANCES

1. Ordinance No. 2018-01, Index Rate Ordinance

2018 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Borough Council of the Borough of Fair Haven in the County of Monmouth finds it advisable and necessary to increase its CY 2018 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and

welfare of the citizens; and

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$64,528.19 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, Borough Council of the Borough of Fair Haven hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Fair Haven, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Borough of Fair Haven shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$225,848.67 and that the CY 2018 municipal budget for the Borough of Fair Haven be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years, and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days of such adoption.

Administrator Casagrande distributed a synopsis memo from Colleen Lapp, CFO, to the governing body. She read it aloud.

Offered for introduction by Councilwoman Koch, second by Councilman Rodriguez

Affirmative: Councilmembers Koch, Marchese, Peters and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Sorensen

CONSENT AGENDA
RESOLUTIONS

1. Resolution No. 2018-29, Approve 2018 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 2018; 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 2018 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 Councilman Marchese, second by Councilman Rodriguez

Affirmative: Councilmembers Marchese, Peters and Rodriguez

Negative: None

Abstain: Councilwoman Koch

Absent: Councilmembers Jaeger and Sorensen

2. Resolution No. 2018-30, Approve 2018 Contracts for Bond Counsel, Financial Advisor, Borough Auditor, Borough Planner, Special Counsel for COAH, Special Tidelands, Tax Appeals, Consulting Engineer, Real Estate Appraisal

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 2018; 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 2018 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 Councilman Marchese, second by Councilman Rodriguez

Affirmative: Councilmembers Koch, Marchese, Peters and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Sorensen

3. Resolution No. 2018-31, Approve 2018 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 Councilman Marchese, second by Councilman Rodriguez

Affirmative: Councilmembers Koch, Marchese, Peters and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Sorensen

4. Resolution No. 2018-32, 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 Councilman Marchese, second by Councilman Rodriguez

Affirmative: Councilmembers Koch, Marchese, Peters and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Sorensen

5. Resolution No. 2018-33, Appoint Temporary, Part-Time DPW Laborer for Snow Plowing – Hal Trenton

WHEREAS, due to the possibility of snowstorms and for the health, safety and welfare of the public, the Department of Public Works require additional man power; and

WHEREAS, Hal Trenton has agreed to be hired as temporary part time Public Works Laborer for snow plowing; and

WHEREAS, these employees will be paid as follows:

Mr. Hal Trenton	\$21.00 per hour
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WHEREAS, Theresa Casagrande and Richard Gardella recommend that Mr. Trenton be appointed to assist with snow plow operations for the Borough of Fair Haven when a snow storm occurs.

NOW, THEREFORE, BE IT RESOLVED that this appointment is hereby confirmed and effective January 23, 2018.

Offered for adoption by Councilman Marchese, second by Councilman Rodriguez

Affirmative: Councilmembers Koch, Marchese, Peters and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Sorensen

6. Resolution No. 2018-34, Approve Unused Escrow Refunds-Advanced Development: 118 Woodland Drive and 81 Battin Road

WHEREAS, Buttonwood Investors submitted a Zoning Board application for an addition 81 Battin Road, Block 79 Lot 5; and

WHEREAS, Buttonwood Investors submitted a Planning Board application for a subdivision at 118 Woodland Drive; and

WHEREAS, escrow money was posted by the applicant for both matters; and

WHEREAS, the Zoning Board granted permission for an addition at 81 Battin Road and the Planning Board granted permission to subdivide 118 Woodland Drive into three lots; and

WHEREAS, Robert Susser, Buttonwood Developers, has requested that any unused escrow from each of the applications be refunded; and

WHEREAS, the Zoning Board Secretary has calculated and provided, in writing, unused escrow refund amounts as follows:

Unused Escrow funds in the amount of \$2.50 for the Planning Board Subdivision matter
Unused Escrow Funds in the amount of \$120.50 for the Zoning Board Addition matter

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Chief Financial Officer will refund the unused escrow fees as noted above to **Advanced Development, 4 Pompano Road, Rumson, NJ 07760** per the request of Mr. Susser via letter dated November 5, 2017.

Offered for adoption by Councilman Marchese, second by Councilman Rodriguez

Affirmative: Councilmembers Koch, Marchese, Peters and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Sorensen

7. Resolution No. 2018-35, Approve Contract with Granicus for Website Services

WHEREAS, the Borough of Fair Haven currently has an agreement with GovDelivery for Website Maintenance Services; and

WHEREAS, in 2015 RFPs were advertised and received for said service; and

WHEREAS, the Borough Administrator feels it in the best interest of the Borough to extend its current contract with GovDelivery for the year 2018 in an amount of \$6,000 paid in quarterly installments.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that a contract with GovDelivery be extended through December 31, 2018 in the amount of \$6,000 paid in quarterly installments and that the Borough Administrator is authorized to execute said contract on the Borough's behalf.

Offered for adoption by Councilman Marchese, second by Councilman Rodriguez

Affirmative: Councilmembers Koch, Marchese, Peters and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Sorensen

8. Resolution No. 2018-36, Executive Session- Personnel, Possible Litigation Acquisition of Property

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:

Personnel

1. DPW Laborer

Acquisition of Property

1. Fair Haven Road
2. River Road

Possible Litigation

1. 20 Gillespie, LLC
2. Yacht Works
3. Gillespie/Clay Fence Agreement
4. Title Issue

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 Councilman Marchese, second by Councilman Rodriguez

Affirmative: Councilmembers Koch, Marchese, Peters and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Sorensen

9. Resolution No. 2018-37, 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 Councilman Marchese, second by Councilman Rodriguez

Affirmative: Councilmembers Koch, Marchese, Peters and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Sorensen

10. Resolution No. 2018-38, Authorize Payment of 2016 and 2017 Tax Court Appeal Judgement

WHEREAS the property owner listed below filed a Petition of Appeal with the Tax Court of New Jersey for the years 2016 and 2017; and

WHEREAS, said appeal was considered and a judgment has been entered that the property owner below qualifies for a refund for the 2016 and 2017 property taxes as follows; and

<u>Owner</u>	<u>Address</u>	<u>Block</u>	<u>Lot</u>	<u>Refund</u>
David and Sarah Fischell	71 Riverlawn Drive	26	5	\$1,016.60 (2016) \$1,254.00 (2017)

WHEREAS, it has been requested that said refund be paid to the order of Jacobs & Associates, LLC. (Trustee for Fischell), 201 Littleton Road, 1st Floor, Morris Plains, NJ 07950.

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 \$2,270.60, as listed above.

Offered for adoption by Councilman Marchese, second by Councilman Rodriguez

Affirmative: Councilmembers Koch, Marchese, Peters and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Sorensen

11. Resolution No. 2018-39, Amend Resolution No. 2018-16: Cell Phone Reimbursement

WHEREAS, Resolution No. 2018-16 authorized cell phone reimbursements to various municipal employees that are required to be available by cell phone for daily access in order to assist with the day to day operations in the Borough of Fair Haven; and

WHEREAS, the resolution authorized reimbursement to the Assistant Director of Engineering and Public Works in the amount of \$50.00 on a monthly basis; and

WHEREAS, Resolution No. 2017-95 had increased the amount for Nicolas Poruchynsky, Assistant Director of Engineering and Public Works, to **\$75.00** on a monthly basis for use of his personal cell phone.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Finance Department is hereby authorized to reimburse the above employee for his cell phone use at an amount of \$75.00 per month.

BE IT FURTHER RESOLVED that this authorization is effective for the year 2018.

Offered for adoption by Councilman Marchese, second by Councilman Rodriguez

Affirmative: Councilmembers Koch, Marchese, Peters and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Sorensen

12. Resolution No. 2018-40, Grant extension of time to Fiore Paving for 2017 Road and Sidewalk Program

WHEREAS, Resolution No 2017-65 awarded a contract to Fiore Paving, Oceanport, New Jersey for the 2017 Road and Sidewalk Program; and

WHEREAS, the contract stated that the work to be done would be completed in 120 days from the project's start date; and

WHEREAS, the 120 days expired on December 2, 2017 and an extension of time has been requested since the project has not been completed.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that an extension of 180 days be granted to Fiore Paving for project completion as recommended by the Borough Administrator and Borough Engineer.

BE IT FURTHER RESOLVED that 180 days from December 2, 2017 will be May 31, 2018.

Offered for adoption by Councilman Marchese, second by Councilman Rodriguez

Affirmative: Councilmembers Koch, Marchese, Peters and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Sorensen

13. Resolution No. 2018-41, Accept Maintenance Bond from Fiore Paving for Fair Haven Fields Tennis Courts

WHEREAS, Resolution No. 2016-195 awarded a contract for Tennis Court Refurbishment and New Courts at Fair Haven Fields to Fiore Paving Company, Inc., Oceanport, NJ and Resolution No. 2017-216 approved the Change Order No.1 for said project; and

WHEREAS, Fiore Paving Company, Inc. as part of the close out process, has submitted a two-year Maintenance Bond No. S303305 in the amount of \$54,000.00 which will expire on October 17, 2019; and

WHEREAS, the Borough Engineer and Borough Attorney have reviewed the Maintenance Bond and find the form and amounts to be acceptable.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the two-year Maintenance Bond No. S303305 posted by Fiore Paving, Company, Inc. is hereby accepted

Offered for adoption by Councilman Marchese, second by Councilman Rodriguez

Affirmative: Councilmembers Koch, Marchese, Peters and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Sorensen

14. Resolution No. 2018-42, Amend 2018 Temporary Budget

WHEREAS, emergent conditions have arisen with respect to the payment of bills in a number accounts and no adequate provision has been made in a Year 2018 temporary budget for the aforesaid purposes; and

WHEREAS, NJSA 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned; and

WHEREAS, the total temporary emergency resolutions adopted in the year 2018 for the Borough pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total \$1,907,028.00 for the Current Fund.

NOW, THEREFORE, BE IT RESOLVED that not less than two-thirds of all members of the Borough Council of the Borough of Fair Haven, New Jersey affirmatively concurring in accordance with the provisions of NJSA 40A:4-20:

1. An emergency temporary appropriation shall be and the same is hereby made for the following purposes:

Account Number	Description	Amount	Reason
Current Account			
8-01-23-210-228	Insurance - General Liability	\$ 50,078.00	JIF Payment 1 of 2
8-01-25-275-101	Prosecutor Salary and Wage	-\$ 3,150.00	Correct Temp Budget
8-01-25-275-201	Prosecutor Contractual	\$ 3,150.00	Correct Temp Budget
TOTAL		\$ 50,078.00	

2. That said emergency temporary appropriations will be provided for in the 2018 budget under the appropriate titles.

3. That one certified copy of this resolution will be filed with the Director of Local Government Services.

Offered for adoption by Councilman Marchese, second by Councilman Rodriguez

Affirmative: Councilmembers Koch, Marchese, Peters and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Sorensen

15. Resolution No. 2018-43, Approve 2017 Municipal Budget Transfers

WHEREAS, pursuant to N.J.S.A. 40A:4-58, appropriation transfers are allowable during the last two months of a fiscal year; and

WHEREAS, it is deemed necessary that said transfers be done through various accounts.

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 following transfers are made in the 2017 budget appropriations:

FROM	ACCOUNT NAME	AMOUNT
7-01-26-290-101	Streets & Roads S&W	\$7,500.00
Total		\$7,500.00

<u>FROM</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
7-01-26-290-101	Streets & Roads S&W	\$7,500.00
<u>TO</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
7-01-21-180-211	Planning Board Contractual	\$7,500.00
Total		\$7,500.00

Offered for adoption by Councilman Marchese, second by Councilman Rodriguez

Affirmative: Councilmembers Koch, Marchese, Peters and Rodriguez
Negative: None
Abstain: None
Absent: Councilmembers Jaeger and Sorensen

16. Resolution No 2018-44, 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 22, 2018 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2017 CURRENT ACCOUNT	\$ 94,320.19
2018 CURRENT ACCOUNT	\$3,765,805.96
GENERAL CAPITAL	\$ 51,050.00
PAYROLL AGENCY	\$ 13,179.83
OTHER TRUST	\$ 3,372.69
TOTAL	\$3,927,728.67

Offered for adoption by Councilman Marchese, second by Councilman Rodriguez

Affirmative: Councilmembers Koch, Marchese, Peters and Rodriguez
Negative: None
Abstain: None
Absent: Councilmembers Jaeger and Sorensen

Reports of Departments

November 2017

-Dog License (amended)
-Chief Financial Officer

December 2017

-Municipal Clerk
-Dog License
-Police Department
-Tax Collector
-Planning Board and Zoning Board
-Municipal Court
-Chief Financial Officer

2017 Year End

-Municipal Clerk

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

GOOD OF THE BOROUGH

Council President Peters opened the meeting to the public for comments or questions at 7:31 p.m. Susan O'Brien, River Road, asked if the Transportation Plan is available; yes, it is on the Borough website. She advised that the February Recreation Committee and Planning Board meeting are on the same night and requested that meetings be scheduled for different nights. Council President Peters advised that the Borough is doing its best. Mrs. O'Brien advised that she e-mailed the Tax Assessor and has not received a response. She was advised that the Tax Assessor was ill the Thursday before and should be in this week.

There being no further comments or questions, the meeting was closed to the public at 7:33 p.m.

Council went into executive session at 7:37 p.m. Councilwoman Sorensen arrived during the executive session meeting (7:39 pm). This meeting was reconvened at 8:34 p.m.

Administrator Casagrande gave Council President Peters a quick synopsis of waterfront development. He requested a surplus update.

ADJOURNMENT

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

Time of Adjournment: 8:35 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk