

FAIR HAVEN BOROUGH COUNCIL
AUGUST 19, 2019

The meeting was called to order by Mayor Lucarelli at 7:03 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 Banahan, Koch, Peters and Sorensen. Absent: Councilmembers Rice and Rodriguez. Others present: Administrator Casagrande and Mitchell Jacobs, Esq., Borough Attorney's Office.

PROCLAMATIONS

Mayor Lucarelli read a proclamation recognizing the Shrewsbury River Yacht Club for being entered into the New Jersey Historic Registers and the National Register of Historic Places. In attendance to accept the award were Commodore Chuck Stern, Past Commodore/Life Member Ronney Subarsky and Treasurer Jon Friedman.

A proclamation that will be presented to Sonia Reevey, on August 25th at Fisk Chapel's Friends and Family Day, which acknowledges her service to the Borough, was read by the Mayor.

WORKSHOP SESSION

A request from Fair Haven Fire Police and Auxiliary to display their October 6th Car Show Banner was received. Motion to approve moved by Councilman Peters, second by Councilwoman Sorensen with Ayes by all present.

A request from Fair Haven's Business Association to display August 23rd/24th Sidewalk Sale lawn signs was received. Motion to approve moved by Councilman Peters, second by Councilwoman Sorensen with Ayes by all present.

The annual request from the R-FH Regional High School Booster Club for "A Senior Bulldog Lives Here" lawn signs to be posted (September to June) was received. Motion to approve moved by Councilman Peters, second by Councilwoman Sorensen with Ayes by all present.

Request from Cub Scout Pack 127 to display lawn signs advertising Scout Night to be held on September 12, 2019. Motion to approve moved by Councilwoman Koch, second by Councilwoman Sorensen with Ayes by all present.

The matter of tree considerations was held and will be relisted on the September 9, 2019 Council agenda when Councilman Rodriguez will be present.

With regard to 2019 Capital Requests, this matter had been discussed by Mayor and Council and reviewed with the Finance Committee. A purchase authorization resolution is on this agenda. There is also a Bond Ordinance to be introduced for DPW equipment and road projects.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:09 p.m. Susan O'Brien, River Road, mentioned that Sonia Reevey served on the Zoning Board and suggested the proclamation be amended to reflect this.

Meghan Chrisner-Keefe, Beechwood Place, asked if the Borough recently purchased a garbage truck. She was advised that we did not; we purchased a leaf vac truck. The 2002 rear-packer garbage truck is what is being replaced. She asked why there was a need for a rear-packer; the Borough uses a rear-packer garbage truck for brush and leaf pick-up, etc. She asked if the brush and leaf pick-ups can be outsourced. Administrator Casagrande said that the Borough looked into it and was unsuccessful; it is time consuming and labor intensive. Councilman Peters explained the brush and leaf process and that a lot of the Borough's vehicles and equipment are aging and need upgrading.

There being no further comments or questions, the meeting was closed to the public at 7:13 p.m.

APPROVAL OF MINUTES

Councilwoman Sorensen made a motion to approve the Regular Meeting minutes of July 29, 2019, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Rice and Rodriguez

Councilwoman Sorensen made a motion to approve the Executive Session minutes of July 29, 2019, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Rice and Rodriguez

OLD BUSINESS

HEARING AND ADOPTION OF ORDINANCES

1. Ordinance No. 2019-07, Amend Land Use Chapter 30-2.4, Definitions

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE
COUNTY OF MONMOUTH AMENDING THE FAIR HAVEN BOROUGH CODE,
CHAPTER 30, LAND USE DEVELOPMENT REGULATIONS, SECTION 2.4,
DEFINITIONS**

Motion to carry this matter to the September 9, 2019 Council Meeting moved by Councilwoman Sorensen, second by Councilwoman Koch with Ayes by all present.

2. Ordinance No. 2019-08, Amend Land Use Chapter 30-5.3, Permitted and Prohibited Uses

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE
COUNTY OF MONMOUTH AMENDING THE FAIR HAVEN BOROUGH CODE,
CHAPTER 30, LAND USE DEVELOPMENT REGULATIONS, SECTION 5.3,
PERMITTED AND PROHIBITED USES**

Motion to carry this matter to the September 9, 2019 Council Meeting moved by Councilwoman Sorensen, second by Councilwoman Koch with Ayes by all present.

3. Ordinance No. 2019-10, Ordinance Banning Plastic Straws, Styrofoam and Plastic Bags

**AN ORDINANCE OF THE BOROUGH OF FAIR HAVEN, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY, NEW SECTION ENTITLED "LIMITING USE OF SINGLE-USE
PLASTIC BAGS, POLYSTYRENE FOAM CONTAINERS AND PLASTIC STRAWS BY
BUSINESSES"**

On motion of Councilwoman Sorensen, second by Councilman Banahan with Ayes by all present, Mayor Lucarelli opened the meeting for comments or questions at 7:15 p.m.

Councilwoman Sorensen thanked Mr. Brinckerhoff and the Environmental Commission for jumping on board to address this matter. Plastic lasts forever and she was pleased to move forward on this ordinance.

Laline Neff, Environmental Commission, said she spoke with the businesses about this and they were immediately on board. We can always do more, but this is a great first step. It was suggested that environmentally friendly bags and drinking cups be distributed along town. Mrs. Neff said she was proud of the governing body and the Borough for taking this step toward better habits.

There being no further comments or questions, the Hearing was closed to the public at 7:18 p.m. on motion of Councilwoman Sorensen, second by Councilwoman Koch with Ayes by all present.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Rice and Rodriguez

NEW BUSINESS

INTRODUCTION OF ORDINANCES

1. Ordinance No. 2019-11, Bond Ordinance – DPW Equipment and Road Projects

**BOND ORDINANCE PROVIDING FOR VARIOUS 2019 GENERAL
CAPITAL IMPROVEMENTS BY AND IN THE BOROUGH OF FAIR
JERSEY; APPROPRIATING \$2,397,000 THEREFOR (INCLUDING A**

**NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT IN
THE AMOUNT OF \$260,000) AND AUTHORIZING THE ISSUANCE
OF \$2,317,237 BONDS OR NOTES OF THE BOROUGH TO FINANCE
PART OF THE COST THEREOF**

**BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE
BOROUGH OF FAIR HAVEN, IN THE COUNTY OF MONMOUTH, STATE OF NEW
JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS
FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Fair Haven, in the County of Monmouth, State of New Jersey (the “Borough”). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$2,397,000, which is inclusive of a grant from the New Jersey Department of Transportation in the amount of \$260,000 (the “Grant”) and \$79,763 as the amount of down payment for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the “Local Bond Law”). Said down payments are now available therefor by virtue of appropriations in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes. Additionally, no down payment is required with respect to the improvements or purposes set forth in Section 3(a)(ii) herein pursuant to N.J.S.A. 40A:2-11(c), as such improvements or purposes are either funded by the Grant.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$2,397,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$2,317,237 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$2,317,237 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued include, but are not limited to, the following:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>
(i) <u>Department Of Public Works</u> - Acquisition Of A Garbage Truck;	\$229,500	\$218,571	\$10,929
(ii) <u>Roads Department</u> – Various Sidewalk And Curb Improvements Throughout The Borough Including, But Not Limited To, River Road, Such Improvements To Include But Not Be Limited To, As Applicable, Excavation, The Repairing And/Or Installation Of Or Improvements To Curbs, Sidewalks, Driveway Aprons And Curb Ramps (In Compliance With ADA), And Associated Drainage Work, Painting, Landscaping And Aesthetic Improvements; And	\$1,445,500	\$1,376,666	\$68,834
(iii) <u>Roads Department</u> – Various Roadway Improvements Throughout The Borough Including, But Not Limited To, Harrison Avenue, Such Improvements To Include But Not Be Limited To, As Applicable, Excavation, Milling, Paving, Reconstruction And Boxing Out And Resurfacing Or Full Depth Pavement Replacement, And Where Necessary, The Sealing Of Pavement Cracks, The Repairing And/Or Installation Of Or Improvements To Curbs, Sidewalks, Driveway Aprons And Curb Ramps (In Compliance With ADA), Resetting Utility Castings, And Associated Drainage Work, Roadway Painting, Landscaping And Aesthetic Improvements.	\$722,000 (Inclusive of the Grant)	\$722,000	\$0 (No down payment required pursuant to N.J.S.A. 40A:2-11(c) due to the Grant)
TOTAL	<u>\$2,397,000</u>	<u>\$2,317,237</u>	<u>\$79,763</u>

(b) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering, design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration,

and also shall include all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said purposes is \$2,317,237.

(d) The estimated cost of said improvements or purposes is \$2,397,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the amount of \$79,763, is the down payment for said improvements or purposes and the amount of \$260,000 is the Grant.

SECTION 4. Including the Grant, in the event the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity. Including the Grant, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget or Budgets of the Borough are hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget or Budgets and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 13.11 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$2,317,237 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$480,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Borough Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Borough Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

Offered for introduction by Councilwoman Sorensen, second by Councilwoman Koch

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

CONSENT AGENDA
RESOLUTIONS

1. Resolution No. 2019-155, Authorize Renewal of OPRS-RIM Shared Service with Monmouth County (2019-2024)

WHEREAS, under the New Jersey Uniform Shared Services and Consolidation Act, namely C. 40A:65-1, *et seq.*, local units, such as the County of Monmouth and the Borough of Fair Haven, may enter into shared services agreements with each other; and

WHEREAS, the County of Monmouth has entered into an agreement with Sunrise Systems, Inc. (“Sunrise”), whereby the County is licensed to access and use Sunrise’s web-based system known as the Open Public Records Search System – Records Information Management (“OPRS-RIM”); and

WHEREAS, under the terms of its agreement with Sunrise, the County of Monmouth may sublicense access and use of OPRS-RIM to municipalities within Monmouth County; and

WHEREAS, the County of Monmouth, has offered to enter into a shared services agreement with this Municipality, whereby this Municipality will be authorized as a sublicensee to access and use OPRS-RIM; and

WHEREAS, a copy of the agreement is attached to this resolution; and

WHEREAS, the OPRS-RIM provides for the Inventory Management, Retention Management, and Disposition Management of official records and includes an imaging module that

permits the scanning of paper records into TIFF images, which may be stored long-term, searched and retrieved electronically.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Mayor and Municipal Clerk are hereby authorized to enter into a renewed OPRS-RIM shared service agreement with the County of Monmouth.

BE IT FURTHER RESOLVED that the agreement period will retroactive from July 1, 2019 through June 30, 2024 at cost of \$3,300 per year.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Rice and Rodriguez

2. Resolution No. 2019-156, Executive Session – Pending Litigation, Acquisition of Property and 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. Cell Tower - Verizon
2. Engineering Proposal – LSRP Services
3. ILSA with Rumson

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 and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Rice and Rodriguez

3. Resolution No. 2019-157, Approve Temporary Sign Installation for Fair Haven Fire Department (The Outback)

WHEREAS, in accordance with Borough Code, **30-7.24 (f) Special Event Signs**, civic groups or service organizations may erect a temporary sign prior to a special event provided that permission is granted by the Mayor and Council; and

WHEREAS, the Fair Haven Fire Company has submitted paperwork to the Borough requesting permission to install a temporary sign for their Annual Firemen’s Fair; and

WHEREAS, on July 19, 2019, Nicolas Poruchynsky, Zoning Officer approved the Zoning Application for the temporary sign.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Fair Haven Fire Company is hereby authorized to erect a temporary sign “The Outback” on an accessory structure that exists on the property from August 12, 2019 until September 2, 2019.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Rice and Rodriguez

4. Resolution No. 2019-158, Appoint Zoning Board of Adjustment Member with a term to expire 12/31/2022

WHEREAS, the Borough of Fair Haven has constituted and appointed a Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-69; and

WHEREAS, Borough of Fair Haven Municipal Code 30-3.2a provides that the Mayor may appoint Zoning Board members with the confirmation of the Borough Council; and

WHEREAS, a vacancy currently exists on the Zoning Board with a term that will expire on December 31, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Dr. Skip Laufer is hereby appointed as a Zoning Board member with a term to expire on December 31, 2022.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Rice and Rodriguez

5. Resolution No. 2019-159, Approve Block Party - Maple Avenue - September 21, 2019, 4 pm -10 pm

WHEREAS, a request was received to hold a Block Party on Maple Avenue on Saturday, September 21, 2019 from 4 pm to 10 pm with a rain date of Saturday, September 28, 2019; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on August 13, 2019; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that approval is hereby granted for a block party to be held on Maple Avenue on Saturday, September 21, 2019 from 4 pm to 10 pm with a rain date of Saturday, September 28, 2019.

BE IT FURTHER RESOLVED that Permit No. BP 2019-07 will be issued for said event.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Rice and Rodriguez

6. Resolution No. 2019-160, Approve Block Party - Laurel Drive - September 28, 2019, 4 pm -10 pm

WHEREAS, a request was received to hold a Block Party on Laurel Drive on Saturday, September 28, 2019 from 4 pm to 10 pm (rain date: September 29th); and

WHEREAS, Police Chief Joseph McGovern reviewed the application and submitted his approval on July 30, 2019; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that approval is hereby granted for a block party to be held on Laurel Drive on Saturday, September 28, 2019 from 4 pm to 10 pm (rain date: September 29th).

BE IT FURTHER RESOLVED that Permit No. BP 2019-05 will be issued for said event.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters and Sorensen

Negative: None
Abstain: None
Absent: Councilmembers Rice and Rodriguez

7. Resolution No. 2019-161, Approve Block Party–Fairwaters Lane–September 28, 2019, 4 pm-11 pm

WHEREAS, a request was received to hold a Block Party on Fairwaters Lane beginning at Fair Haven Road on Saturday, September 28, 2019 from 4:00 pm to 11:00 pm with a raindate of Sunday, September 29, 2019; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on August 7, 2019; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that approval is hereby granted for a block party to be held on Fairwaters Lane on Saturday, September 28, 2019 from 4:00 pm to 11:00 pm with a raindate of Sunday, September 29, 2019.

BE IT FURTHER RESOLVED that Permit No. BP 2019-06 will be issued for said event

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

8. Resolution No 2019-162, Approve Fire Department Membership – John Pallonetti

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that John Pallonetti, 6 Rutgers Drive, Fair Haven, NJ having been duly accepted as a regular member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

9. Resolution No. 2019-163, Approve Fire Department Membership – Roy Wilmoth

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that Roy Wilmoth, II, 191 Oak Place, Fair Haven, NJ having been duly accepted as a regular member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

10. Resolution No. 2019-164, Approve Fire Department Social Membership – Harvey C. Tilton, III

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that Harvey C. Tilton, III, 76 Avenue of Two Rivers, Rumson, NJ having been duly accepted as a social member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

11. Resolution No. 2019-165, Authorize Borough Personnel for Oktoberfest

WHEREAS, the Mayor and Council of the Borough of Fair Haven that the Borough Administrator is authorized to allocate Borough resources, including Borough Personnel and

budgeted funds, to successfully carry out the Oktoberfest event on September 14, 2019.

BE IT FURTHER RESOLVED that Police personnel will receive the Special Duty Rate of \$50.00 per hour as per Ordinance 2017-10.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan and Peters

Negative: None

Abstain: Councilmembers Koch and Sorensen

Absent: Councilmembers Rice and Rodriguez

12. Resolution No. 2019-166, Waive Borough's ABC Codes 3-19.1 and 9-1.22 for Oktoberfest-September 14, 2019

WHEREAS, the Foundation of Fair Haven will be holding an Oktoberfest Event on Saturday, September 14, 2019; and

WHEREAS, Borough Code 3-19.1 "prohibits open consumption of any alcoholic beverages on public property within the Borough unless authorized by the Governing Body, or on private property without consent of the owner of the property or the person, over the age of twenty-one (21) years, in possession or control of the property" and Borough Code 9-1.22 "prohibits alcoholic beverages while in a public park, open space, sanctuary, or recreation area and all persons shall conduct themselves in a proper and orderly manner and, in particular, no person shall bring alcoholic beverages, drink same at any time nor shall any person be under the influence of intoxicating liquor"; and

WHEREAS, the Oktoberfest Event will take place at Fair Haven Fields and will include the provision of alcoholic beverage requiring that the above-mentioned codes be waived for alcohol purchased through the Foundation of Fair Haven as no outside alcohol will be permitted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Borough Codes 3-19.1 and 9-1.22 be waived on September 14, 2019 between the hours of 4:00 p.m. and 10:30 p.m. for Oktoberfest and codes be waived for alcohol purchased through the Foundation of Fair Haven as no outside alcohol will be permitted.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan and Peters

Negative: None

Abstain: Councilmembers Koch and Sorensen

Absent: Councilmembers Rice and Rodriguez

13. Resolution No. 2019-167, Approve Refund of Performance Guarantees to Judith George - Lexington Avenue

WHEREAS, Mrs. Judith George posted Performance Guarantees required for a Minor Subdivision for Block 18, Lots 1 and 2; and

WHEREAS, Mrs. George posted a cash bond in the amount of \$5,000.00 on June 5, 2017 which was accepted by Resolution No. 2017-123; and

WHEREAS, on August 13, 2019, the Borough Engineer recommended the release of the cash bond.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that the Performance Guarantee in the amount of \$5,000.00 for Block 18, Lots 1 and 2 is hereby released and the Finance Department is authorized to process said refund.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Rice and Rodriguez

14. Resolution No. 2019-168, Approve Refund of Maintenance Bond to Kolarsick Builders - Church Street

WHEREAS, Resolution No. 2018-106 released the Performance Bond and Cash Deposit and accepted a Maintenance for a Minor Subdivision for Block 28, Lots 17.01, 17.02 and 17.03, (corner of River Road and Church Street), Fair Haven, NJ; and

WHEREAS, the Maintenance Bond amount of \$15,749.10 was posted via Check No. 1506 on August 11, 2017; and

WHEREAS, the Borough Engineer has recommended the release of the Maintenance Bond.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fair Haven, that the Maintenance Bond in the amount of \$15,749.10 for Block 28, Lots 17.01, 17.02 and 17.03 is hereby released and the Finance Department is authorized to process said refund.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Rice and Rodriguez

15. Resolution No. 2019-169, Approve Refund of Performance Guarantees to A.V. Murphy Builders - William Street

WHEREAS, A.V. Murphy Builders, Inc., is the owner of the real property known as Block 45, Lots 22 and 23; and

WHEREAS, Resolution No. 2018-206 adopted November 8, 2018 accepted the performance guarantees that were posted as a cash deposit of \$16,200.00 pursuant to NJSA 40:55D-1, et seq.; and

WHEREAS, the Borough Engineer authorized the release of the performance guarantees in exchange for a two-year maintenance bond; and

WHEREAS, the developer has requested, that the Borough release \$13,770.00 from the original performance guarantee posted and hold 15% or \$2,430.00 as the two-year maintenance bond.

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 Chief Financial Officer be authorized to release \$13,770.00 to the Developer and hold \$2,430.00 as a two-year maintenance bond.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Rice and Rodriguez

16. Resolution No. 2019-170, Approve Capital Purchase Authorizations – DPW, Police and First Aid

WHEREAS, Ordinance No. 2016-12 was adopted on June 27, 2016 and provides for the acquisition of various equipment, infrastructure improvements and improvements to public buildings and grounds; and

WHEREAS, Capital Item requests have been made as follows:

Police Department

- Body Worn Cameras \$ 20,000.00

First Aid Squad

- Auto Pulse Resuscitation System \$ 14,220.00

Combined Total \$ 34,220.00

WHEREAS, the above equipment will be purchased for the various departments as per their individual needs and requests.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of

Fair Haven that the above capital item expenditures are hereby approved.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

17. Resolution No. 2019-171, Appoint Shade Tree Commission Members (Regular and Alternate #2)

WHEREAS, there are vacancies on the Borough’s Shade Tree Commission that need to be filled; and

WHEREAS, the Borough has found volunteers willing to fill the unexpired terms and serve on the Shade Tree Commission as follows:

Christian Larsen as a Regular Member with a term to expire December 31, 2023
David Paolo as Alternate #2 with a term to expire on December 31, 2019

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

18. Resolution No. 2019-172, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the August 19, 2019 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2018 CURRENT ACCOUNT	\$ 14,281.19
2019 CURRENT ACCOUNT	\$ 110,720.12
GENERAL CAPITAL	\$ 8,271.82
GRANT FUND	\$ 7,604.00
PAYROLL AGENCY	\$ 12,686.96
OTHER TRUST	\$ 8,329.84
DOG TRUST	\$ 5.40
TOTAL	\$ 161,899.33

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

Reports of Departments
June 2019

-Chief Financial Officer

July 2019

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

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

GOOD OF THE BOROUGH

Mayor Lucarelli opened the meeting to the public for comments or questions at 7:21 p.m. Shervyn VonHoerl, River Road, thanked the Mayor and Council for approving his Cub Scout

lawn sign request.

There being no further comments or questions, the meeting was closed to the public at 7:22 p.m.

Council went into executive session at 7:25 p.m. and this meeting was reconvened at 8:21 p.m.

ADJOURNMENT

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

Time of Adjournment: 8:21 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk