

FAIR HAVEN BOROUGH COUNCIL
SEPTEMBER 9, 2019

The meeting was called to order by Mayor Lucarelli at 7:00 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, Rice, Rodriguez and Sorensen. Others present: Administrator Casagrande and Attorney Alfieri.

PROCLAMATION

Mayor Lucarelli read a proclamation for R+FH Kindness Week (October 7-14, 2019) to the public. John Carras, Rumson resident and Producer for CBS Sunday Morning, thanked the governing body for the proclamation and explained the history and reasoning behind Kindness Week. On October 7th and 8th there will be assemblies in both the Rumson and Fair Haven schools. There will be a Parent and Community night held at Rumson-Fair Haven Regional High School on October 7th. Mr. Carras said that since bringing this idea to both Boroughs and the businesses, it has snowballed and taken on a life of its own. "Kindness Counts" t-shirts will be purchased by a few sponsors, but they will not be mentioned, for the students and staff (3,500).

WORKSHOP SESSION

A request was received to post lawn signs through the Borough promoting R+FH Kindness Week (October 7-14) from October 5th to the 15th. Motion to approve moved by Councilman Peters, second by Councilwoman Sorensen with Ayes by all present.

Request from the American Littoral Society to post lawn signs until October 31st advertising Oyster Research. Motion to approve moved by Councilwoman Sorensen, second by Councilman Peters with Ayes by all present.

A request was received from Pete Hogan to post lawn signs advertising Rugby registration from September 21st to October 31st. Motion to approve 25 lawn signs moved by Councilwoman Sorensen, second by Councilwoman Koch with Ayes by all present.

With regard to tree considerations, Administrator Casagrande advised that she, Councilman Rodriguez and Bill Brooks (Borough Arborist) attended the August Shade Tree meeting where the current tree ordinance was discussed. The trees on Buttonwood Drive were discussed as well as removal and owner responsibility. There are regulations for us to maintain trees in the right of way for liability purposes. The Borough keeps a hazardous tree list on Borough property and right of ways including maintenance records. The history of the Buttonwood Drive trees is significant. There is a 40-foot right of way and trees were planted in the 1900s. The Borough is looking to hire a consultant to assess the trees and provide recommendations. Buttonwood Drive residents will be involved once we ascertain the work that will be done (i.e. trimming or removal). Trimming was done in 2015. There are also trees on Borough property that need to be considered i.e. Bird Sanctuary, pocket parks and at Fair Haven Fields. There is a major buffer restoration project taking place at Fair Haven Fields due to Superstorm Sandy (most work will take place in the areas near the Gentry and McCarter Avenue). Funding for tree work is a major factor; we have exceeded what was budgeted for trees this year. Considerations will be needed in next year's budget. Councilwoman Sorensen asked if anything would be done at the Bird Sanctuary; not at this time (possibly in November). Councilman Peters asked Councilman Rodriguez if he had an estimated tree cost. It varies; a tree audit is done and analyzed for yearly state reports.

Attorney Alfieri advised that there is an easement relocation matter that involves the property at 901 River Road that has a County storm drain easement from the 1960s. A pipe relocation is needed so the property owner contacted the County who contacted Borough Engineer Gardella who agrees with the request. In the future, there will need to be governing body approval via a resolution; Attorney Alfieri will advise when. It is a County drainage structure so the Borough's only involvement will be consent.

Mayor Lucarelli reported publicly, at a past meeting, that the Borough will be holding a Bond Sale; we will be paying off debt from a 2009 Bond Issue. Some notes were issued to fund capital projects. It is the consensus and recommendation of the Finance Committee to sell a bond in October (Bond Counsel, our CFO and Financial Advisor will handle this process). Mayor Lucarelli along with Councilmembers Peters and Banahan, Bond Counsel, CFO and our Financial Advisor spoke and came up with the report that was provided to the dais. Councilman Peters said that this is last bond payment from 2009 (10 years). We need a financing tool for future leadership and the finance team came up with a 25-year term to consolidate the Borough's existing debt, so we are not subject to bond rate changes. This will help with a stable and well-defined capital program. Fair Haven is Double A+ rated (A+++ is the top so we are in a good position). Rate history was discussed. Councilman Banahan said 8.5 is a good rate, even though it sounds high. Councilman Peters stated that Standard and Poors reviewed the Borough's finances in 2016; he recommended a level term of 25 years for the October Bond Sale. With the extra funds, we will pay capital projects such as Harrison Avenue, the River Road West Project, etc.

The monies will be segregated into the Capital Improvement Fund. The remaining money will not pay for an entire project. Motion to accept the Finance Committee's report/recommendation for a Level Term Bond Sale moved by Councilwoman Sorensen, second by Councilwoman Koch with Ayes by all present.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:26 p.m. Ruth Blaser, River Road, questioned a payment to Ansell, Grimm and Aaron for acquisition of the Sunoco property; she was advised that Attorney Alfieri had a conflict so Special Counsel had to be appointed. She asked if the Borough acquired the Sunoco property; no. She asked about the category for payments listed on page 14 of the bill list; she was advised that they are Trust Accounts.

Susan O'Brien, River Road, asked why the Borough is hiring a public relations person; Administrator Casagrande said the Communications Committee has made a lot of changes to how we deliver information to our residents i.e. website, Constant Contact, FAQs, message board sign and Borough Facebook page and part of it is to have the public relations firm get the information out to the residents. The Borough does not have a Public Information Officer; we have done well with getting the message out regarding various events, topics, etc. The firm will help with information regarding special projects in the Borough. Administrator Casagrande stated that all of our projects have a need to get information out quickly; a public relations firm can compile it and get it out in a timely fashion. Mrs. O'Brien asked about Maser Consulting being hired for remediation at the DPW site; she was advised that it comes from Phase III (soil under the DPW property that may have come in contact with fuel or oil).

Mike Nitka, Battin Road, asked about the Restaurant Review Committee Ordinance. He said restaurants are a small part of the bigger picture. He read the ordinance modifications, but they do not speak to the concerns expressed by the residents. Mayor Lucarelli advised that a Restaurant Review Committee is being formed via Resolution No. 2019-186 and they will discuss the ordinances through a deliberative process to see how the changes affect the Fair Share Housing Plan. The Mayor looked at all of the bios and posts on Red Bank Green and felt; there is room for a community voice so there will be a public liaison. Administrator Casagrande said there were discussions during the Master Plan process when surveys were sent out to the residents. She imagines that a survey would go out because residents seem to respond to surveys vs. coming to meetings or seeing the Mayor during his hours the third Thursday of each month. Mr. Nitka stated that he followed the Dunkin Donuts and land use process and how it works. Councilman Banahan said that the depiction of the series of events is inaccurate. The Acme Shopping Plaza is privately owned so we only have land use jurisdiction; we cannot change the rules/regulations while an application is being heard. The code was picked a part up to and including punctuation. There is a time of decision rule. Mr. Nitka said that there is no room for negotiation because of the ordinance currently in effect. The reflection is opportunity to not have that type of process. There is so much that can happen in the Borough for the future. Mr. Nitka asked that there be bullet points in the survey as to what is planned and allow for public comment.

Meghan Chrisner-Keefe, Beechwood Place, asked that Councilman Peters explain Bond Ordinance No. 2019-11. He said that the money is inside our existing expenditures and there is an ongoing replacement cycle with longer term debt service. This plan is under the existing debt service. Mrs. Keefe asked if there is an opportunity to not take out more debt. Councilman Peters said there are 95 streets in town with a 20-25 year life span and they need to be upkept; it was recommended that we make a long-term investment. She asked if the remediation at DPW is for the entire property or a portion of the property and whether it would affect the lots to be sold. Administrator Casagrande said it is mostly on the existing site and near the drainage area of Third Street. With regard to proposed Ordinances 2019-07 and 2019-08, she asked that the governing body take a careful look at the ordinances and compare them to what we want to do; they do nothing for change. Mayor Lucarelli said that the language came from the Borough's Planner to begin language clean up. Mrs. Keefe said the Planning Board was against a single amendment and requested that the amending ordinances be all encompassing. Attorney Alfieri said that this should be discussed when we reach the hearing and adoption of ordinance portion of the meeting. She was familiar with the names on the resolution for the proposed Restaurant Review Committee and felt that there needs to be a more diverse group. The public needs to be apart of it to make it more diverse to round it out more; there needs to be parents of school-aged children, some people who opposed the last application and other members from the public. There is a concern for the Fair Share Housing Plan and there should be businesses that the people want in town. Mrs. Keefe was also concerned with the Mayor using the word "deliberative" for this process. Mayor Lucarelli said he wants there to be a small group to come up with ideas, have a well-reasoned discussion and then go to the public and present the ideas. Mrs. Keefe said there were a good 10 people, in the audience, that would be willing to serve on the committee. She was surprised the Mayor put himself on the committee. The Mayor said that he has had a 35-year career in this type of business including strip malls. Administrator Casagrande said for the Committee, when looking at ordinances (especially ordinances that deal with the Fair Share Plan), we have professionals that will be involved to guide on what, legally, can and cannot happen. Mrs. Keefe said M&M Realty is intimately involved in

the Fair Share Plan and that she was denied information that she requested via OPRA. Mayor Lucarelli felt Mrs. Keefe was trying to drum up issues and some of her comments were insulting and unkind. Mrs. Keefe said that she requested information pertaining to M&M Realty plans at the last Council Meeting, was advised to OPRA request it and was denied. Administrator Casagrande said that the information is subject to ongoing negotiations with the courts.

Chris Hempstead, Willow Street, said that the public are not elected officials, but are speaking their minds because they are frustrated with the process and not being given due process. He is frustrated and others are, as well, because there needs to be a more interactive process without a need for another committee meeting that takes a year for a final outcome. Councilwoman Sorensen said that it was insulting for him to go back to the beginning of the year when there was a presentation given with ideas and nothing set in stone. The plan has been modified since the January 2019 presentation. The Mayor advised that this is "Public Comment on Agenda items". Mr. Hempstead asked what Ordinances 2019-07 and 2019-08 address and satisfy. Attorney Alfieri said they address the ambiguity of the restaurant categories; nothing else has been done which is why a committee is being formed to review and address issues.

Mr. Nitka stated the Borough residents recognize the law is the law, but there needs to be a balance struck because people have not been given all of the information it should be given. Mayor Lucarelli said there was a tremendous amount of misinformation out about Dunkin Donuts and other matters.

Councilman Peters reminded the audience that Fair Haven is a "creature" of the State of New Jersey and has to meet the mandates and requirements put upon us. We are always mandated to do something (stormwater management, fire apparatus requirements, etc).

Bill Folker, Lewis Point Road, said that Fair Share Housing is an issue all over the State of New Jersey. Businesses change and will change again in the next 5-10 years. The committee being formed has to consider what the Borough wants and does not want and should think about the future. He said that you never know what is a problem, until it appears; we need a long-term fix not a patch. This is not a simple issue to tackle and there is no simple answer. He said that we need to clarify what we want. Mayor Lucarelli went through the steps and stated that we cannot ban fast food restaurants. We need to discuss conditional uses or helping an applicant go through the process, including property owners, so they understand what is permissible and what is not.

Diane Mevorach, Navesink Avenue, said with regard to fair housing, the intersection of Cedar Avenue and River Road does not "scream retail"; there are houses in the area. She asked what the process was to pick the committee for the Restaurant Review. The Mayor said he gave a list of names to the Borough Administrator, she sent an invite and responses were received. Ms. Mevorach asked if there was a certain number of people that it has to be; no. She asked if the committee resolution was voted on tonight would it be final and unable to be changed. She said Mrs. Keefe was "spot on" regarding her comments as to who should be on the committee; she gave her opinion on who else should be on the committee. Ms. Mevorach asked why Category 3 is being cut out, in general. She was advised that this is a comment for hearing and adoption of ordinances. Ms. Mevorach recommended putting a notice on Constant Contact that the Borough is looking for members to sit on the Restaurant Ordinance Review Committee.

Liz McNeil, Third Street, asked who was being appointed to the committee or if it is a secret since it was not available to the public. She was advised that the resolution was part of the agenda packet posted on the Borough website and that there is a binder in the front of the room that has the information.

Mrs. Blaser said that she has noticed education reimbursements for the employees on the bill list and asked why the Borough is paying for the DPW Secretary's education, mileage and tolls if education is transferrable. The employees should pay for their own education and transportation. Administrator Casagrande said that the classes are so that the DPW Secretary can become a Qualified Purchasing Agent (QPA) which is mandated by the State to keep a certain level for bids and quotes for projects and services. We currently have an Interlocal Service Agreement with Middletown for this position. Mrs. Blaser asked who handled it before the ILSA with Middletown; our former Chief Financial Officer was grandfathered in and handled it. She felt the Borough is overburdened with employees.

Mr. Hempstead asked if Acme has the right to deliver food to a car. Councilman Banahan said that the same answer has been given since day one on the Dunkin Donuts application; there is nothing being done in a vacuum.

Rachel Stellar, Haggars Lane, said there needs to be a stop gap measure. She asked if a Subway shop or Taco Bell submitted an application, would this be allowable? Ordinance Nos. 2019-07 and 2019-08 will not stop them. She said there was a prohibition against fast food. The public was

advised that Fair Haven does not have the demographics for a fast-food location, and we are not aware of any fast food chain or a franchisee who wants to come to Fair Haven.

Mr. Nitka asked what the logistics for a stop gap order are? He suggested the possibility of using the wording that Little Silver and Shrewsbury have in their ordinances and that they be brought forth to the committee. Mayor Lucarelli said it seems there is a concern that the Borough is facing an immediate threat. He spoke with the owner of the Acme property and there is one, non-take-out restaurant who has inquired, about space; other than that, there is no other interest.

Mr. Hempstead asked if there can be a condition that there is a minimum dollar amount percentage of the parent company. Attorney Alfieri said that there needs to be a zoning purpose to list such as parking and traffic, etc.

Mrs. Blaser stated that there was an ordinance on the books that addressed this matter at one time. The Mayor said in 1998, the 1973 ordinance regulation was removed and replaced with the current code. In 2002 and 2009, the codes were re-codified and that is what is presently on the books. The decision was made in 1998 by the governing body at that time to remove it; it did not mysteriously disappear as stated by the public and reported by the media. There was a bulk of people in the Borough who were indifferent to Dunkin Donuts and there were many (a vast majority) who were and are in favor of it.

Suzanne Boos, Grange Avenue, felt that the Mayor's response and delivery to the public was insulting.

Nancy Sutsko, Lewis Lane, said people feel they are not being communicated with which is why they are upset. The public is surprised that the 1973 ordinance was removed; the governing body needs to let the people know what is going on. Mayor Lucarelli said there is nothing that can be done about Dunkin Donuts. There was a misinformation campaign before the application was even heard. He said, "the people are the town" and he respects the opinion of everyone. He heard a lot of not nice classifications regarding Dunkin Donuts patrons, that there will be speeding and kids will be run over. The Mayor said he believes in democracy and process and does not want rumors out there; we need due process. The Borough is dictated by ordinances and State Statutes. Once the facts are laid out, he is more than willing to open it up for public discussion. The Mayor said that he needs 54 volunteers for Boards, Commissions and Committees to run the Borough now and in the future. Mrs. Sutsko said that residents need to be appointed to the Restaurant Ordinance Review Committee. Mayor Lucarelli said that there is no need for more than nine people on the committee.

Tracy Cole, Grange Avenue, was concerned about overdevelopment on River Road and felt that public safety needs to be a priority. She said everyone in town is aware and trying to navigate a main roadway and land use is our best tool to manage it. Mrs. Cole wished that a resident with a child would be appointed to the committee to give their input. Children walking and/or biking on River Road is a live wire. She said the governing body does not understand her concern that her daughter gets to Knollwood School safely. Emphasis needs to be placed on public safety and what the Borough residents want. Mrs. Cole stated she has a Planner background and in small towns she had open vision meetings with the residents and public to allow for input and that is what should be done with the Restaurant Committee. She said that this was always about maintaining and preserving the environment, not about Dunkin Donuts. She asked to be made part of the committee.

Mrs. Blaser asked what Resolution No. 2019-173 which cancels an appropriation was for. Administrator Casagrande said it pertains to the DPW roof which is not needed since a new facility plan is being created. Mrs. Blaser asked why there is a 2020 Police vehicle being purchased and if it would be replacing a car; Chief McGovern advised a car is being replaced or reassigned to another department. She asked what the Police Capital authorization was for; she was advised a traffic control sign and laptop computers for police cars.

There being no further comments or questions, the meeting was closed to the public at 8:45 p.m.

APPROVAL OF MINUTES

Councilwoman Sorensen made a motion to approve the Regular Meeting minutes of August 19, 2019, second by Councilwoman Koch.

Affirmative: Councilmembers Banahan, Koch, Peters and Sorensen

Negative: None

Abstain: Councilmembers Rice and Rodriguez

Absent: None

Councilwoman Sorensen made a motion to approve the Executive Session minutes of August 19, 2019, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters and Sorensen

Negative: None

Abstain: Councilmembers Rice and Rodriguez

Absent: None

OLD BUSINESS

With regard to Path to Progress, Councilman Peters, Councilwoman Rice and Mayor Lucarelli met with the Fair Haven School Board and it was a productive meeting. Councilman Peters said that he is drafting a combined response to address some of the issues with this initiative. The response will be shared with the schools. We do not want to bear the brunt of the State mandates. There are some recommended solutions; a follow up report will be given at the September 23rd meeting. The State has ignored our past recommendations. Mayor Lucarelli advised that he has spoken with Senator Declan O'Scanlon and Peter Reinhart who authored the bill. Medical plans are being impacted and there is a need to address it. There have been generations of mistakes by both political parties. The Mayor advised that he recorded a video for Senator Sweeney last week and in the video he advised that there needs to be a change from insurance being platinum when it should be gold and the change should happen immediately. He encouraged everyone to contact Senator O'Scanlon's office now and make that request. Councilman Peters said the Path to Progress recommendation shows the State's desire to sell the Garden State Parkway to a private entity which will create a 200% increase in tolls; this is an unfair proposal to pass.

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**

AND

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**

On motion of Councilwoman Sorensen, second by Councilman Peters with Ayes by all present, Mayor Lucarelli opened the meeting for comments or questions at 8:52 p.m. Administrator Casagrande stated that these two are companion ordinances. The Borough's current code has three restaurant tiers. These ordinances are a patch to what is on the books now. Attorney Alfieri said the referral of an ordinance to the Planning Board is to make sure that it is consistent with the Master Plan; these two ordinances are. The Planning Board did offer their opinion that the ordinances should fully address the needs and wants; he read a few sentences from the Planning Board's response memo. They requested an all-inclusive ordinance; if the committee resolution is approved this evening, this can be reviewed by them. The governing body can accept the board's recommendations or they can adopt both ordinances, as introduced. Administrator Casagrande said that the Borough's Planners did what they were tasked to do. If these two ordinances are not adopted, what is currently in the Code book will remain. Councilman Rodriguez said currently there is no committee, but he pushed this matter forward four or five months ago to have a stop gap measure and to clean up the language so the public would understand it better. The committee will need to consider the public and have mandates to clean up the language and other ordinance aspects. He supports the proposed committee, but would like to see another female voice. Once the committee meets, the proposed ordinance changes should be brought before the entire governing body and public before moving forward. Councilwoman Koch said she is a voting member on the Planning Board and she takes the board's remarks and observations seriously. She voted to look at the ordinances, as a whole, and said the process should not take a year since there are committed people being appointed. Councilman Peters said that this matter will be open for public discussion. He asked the governing body if they wanted to pass something that would not be final. Councilman Banahan said the two ordinances were introduced as a stop gap measure; it will not change how the Board views and votes on these matters. He commended the boards who have listened to the applications. Fair Haven does not have Pad sites. A Pad site is what is on a highway where you drive 35-40 miles per hour to pick up goods and then quickly leave the location at 35-40 miles per hour. He addressed Mrs. Cole stating that there does not need to be revitalization. The public's energy regarding River Road needs to be directed to the County; the issues are car count and speed. He said that Mrs. Cole proposed to ban restaurants by name. She said that she provided a list of categorized restaurants. Attorney Alfieri said the focus should be on the two ordinances being discussed.

Tracy Cole, Grange Avenue, said that retail is not what it used to be; apparel stores are shrinking to on-line ordering and fast food restaurants are taking up leases. She said fast food establishments, as a category, would come to Fair Haven to “ride it out” until a highway location opens up. Her revitalization comments were a hopeful thing. Our corridor is “chopped up” and there are things that can be improved. Councilman Peters said that Mrs. Cole or anyone in the audience should e-mail him for a copy of the grant from Project for Public Spaces; we have information that is insightful. It is important that change take place and that the Borough not be in a Ziploc bag.

Mayor Lucarelli asked the Council if they would like to move forward with Ordinance Nos. 2019-07 and 2019-08. Councilman Rodriguez said that it is the job of the subcommittee to make the recommendation. The professionals did what they were tasked to do so the committee would need to take it from there. Councilwoman Koch agreed with Councilman Rodriguez and stated that as a member of the Planning Board she supports their recommendation to amend the information as a whole. Councilwoman Sorensen agreed with supporting the Planning Board’s recommendation. Councilman Banahan said Council should enlist the Chairman’s methods listed in the memo. Councilwoman Rice said that Ordinance Nos. 2019-07 and 2019-08 were a great idea when it was first requested/brought up, but it would be best to leave it up to the appointed committee to review and recommend.

Attorney Alfieri said if this matter is carried, there must be a date certain i.e. two months from this date. He gave a synopsis of the land use ordinance procedure. Christopher Hempstead, Willow Street, asked if there would be the opportunity to address for the future by extending the definitions on the books now. He said there should be some sort of definition for Commissary Kitchens because they will occur in the future.

Councilman Peters made a motion to table Ordinance Nos. 2019-07 and 2019-08 until October 28th, second by Councilwoman Sorensen with Ayes by all present.

3. 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 HAVEN, IN THE COUNTY OF MONMOUTH, STATE OF NEW 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

On motion of Councilwoman Sorensen, second by Councilman Banahan with Ayes by all present, Mayor Lucarelli opened the meeting to the for comments or questions at 9:17 p.m.

There being none, the Hearing was closed to the public at 9:17 p.m. on motion of Councilwoman Koch, second by Councilwoman Sorensen with Ayes by all present.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

NEW BUSINESS - CONSENT AGENDA
RESOLUTIONS

1. Resolution No. 2019-173, Cancel Capital Appropriation Balance

WHEREAS, a General Capital Improvement appropriation balance remains dedicated for a project now completed; and

WHEREAS, it is necessary to formally cancel said unexpended balance; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus and unused debt authorizations may be cancelled, if appropriate.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, County of Monmouth, that the following unexpended and dedicated balance of General Capital Appropriation be cancelled:

Ordinance Number	Date Authorized	Project Description	Amount Cancelled	
			Funded	Unfunded
2015-16 (amended by 2016-17)	10/13/2015 (11/14/2016 Amendment)	Roof Improvements		\$141,210.40

BE IT FURTHER RESOLVED, that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

2. Resolution No. 2019-174, Approve Block Party Application -Woodland Drive - September 21st, 3-11 pm

WHEREAS, a request was received to hold a Block Party on Woodland Drive on Saturday, September 21, 2019 from 3 pm to 11 pm with a rain date of Sunday, September 22, 2019; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on August 16, 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 Woodland Drive on Saturday, September 21, 2019 from 3 pm to 11 pm with a rain date of Sunday, September 22, 2019.

BE IT FURTHER RESOLVED that Permit No. BP 2019-08 will be issued for said event.

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

3. Resolution No. 2019-175, Approve Block Party Application-Jackson Street-September 21st, 4-10 pm

WHEREAS, a request was received to hold a Block Party on Jackson Street on Saturday, September 21, 2019 from 4 pm to 10 pm with a rain date of Saturday, October 5, 2019; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on August 27, 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 Jackson Street on Saturday, September 21, 2019 from 4 pm to 10 pm with a rain date of Saturday, October 5, 2019.

BE IT FURTHER RESOLVED that Permit No. BP 2019-09 will be issued for said event.

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

4. Resolution No. 2019-176, Approve Block Party Application - Sycamore Lane - September 29th, 3-6 pm

WHEREAS, a request was received to hold a Block Party on Sycamore Lane on Sunday, September 29, 2019 from 3 pm to 6 pm with a rain date of Saturday, October 26, 2019; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on August 16, 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 Sycamore Lane on Sunday, September 29, 2019 from 3 pm to 6 pm with a rain date of Saturday, October 26, 2019.

BE IT FURTHER RESOLVED that Permit No. BP 2019-10 will be issued for said event.

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

Negative: None

Abstain: Councilwoman Koch

Absent: None

5. Resolution No. 2019-177, Approve Block Party Application - Lake Avenue - September 29th, 4-9 pm

WHEREAS, a request was received to hold a Block Party on Lake Avenue on Sunday, September 29, 2019 from 4 pm to 9 pm; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on August 27, 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 Lake Avenue on Sunday, September 29, 2019 from 4 pm to 9 pm.

BE IT FURTHER RESOLVED that Permit No. BP 2019-11 will be issued for said event

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

Negative: None

Abstain: None

Absent: None

6. Resolution No. 2019-178, Executive Session: Property Acquisition, Pending Litigation & 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. Interlocal Service Agreement with Rumson
2. Assessment Demonstration Inspections

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 Councilman Rodriguez

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

Negative: None

Abstain: None

Absent: None

7. Resolution No. 2019-179, Payment of Claims Procedure/Claimant's Signature for Payment

WHEREAS, NJSA 40A:5-16 requires that the governing body of any local unit shall not pay out

of its monies unless:

(a) the person claiming or receiving payment first presents a detailed bill of items or demand, specifying particularly how the bill or demand is made up (the Invoice), with the certification of the party claiming payment that the bill or demand is correct (the Claimant Certification).

(b) the payment carries a written or electronic certification of some officer or duly designated employee of the local unit having knowledge of the facts that the goods have been received by, or the services rendered to, the local unit (certification of the user department).

WHEREAS, NJAC 5:30-9A.6 gives local units discretion to not require claimant certification by enacting a standard policy by resolution for vendors or claimants who do not provide such certification as part of its normal course of business; and

WHEREAS, generally, vendors do NOT provide such certification as part of the normal course of business which has created unnecessary confusion and delay in processing claims for payment; and

WHEREAS, the Claimant certification **cannot be waived** for reimbursement of employee expenses, or for services provided exclusively and entirely by an individual; and

WHEREAS, the Chief Financial Officer has communicated internal accounting controls as follows and has determined same to be sufficient to avoid errors and fraud in the processing of claims for payment:

- 1) No goods or services will be procured without a valid Purchase Order containing the signature of the Borough's Assistant CFO.
- 2) Except for contract items approved by resolution of the Borough Council of the Borough of Fair Haven, all procurement transactions must originate by way of a requisition in the Borough's Finance System. Requisitions will not be processed without a digital signature of the Department Head (or, in certain limited situations, a designee approved by the Administrator or CFO)
- 3) In processing Purchase Orders from Requisitions, Finance/Purchasing staff will review for:
 - a. Department Head approval
 - b. Legal Compliance (Local Public Contracts Law)
 - c. Compliance with any relevant Borough policy
 - d. Reasonable business purpose
- 4) Questions regarding requisitions are reviewed with user departments. As necessary, certain issues are escalated to review by the Borough's Purchasing Agent.
- 5) Requisitions that exceed the Pay-to-Play threshold (\$17,500) or the bid threshold (currently \$40,000) are forwarded to the Borough's Purchasing Agent for processing.
- 6) Requisitions that exceed 15% of the bid threshold (currently \$6,000) require at least 2 quotes (3 quotes are preferred). Quotes obtained by user departments are attached to the requisition (digital/scanned copy). Purchasing staff review all quotes.
- 7) Properly completed requisitions are converted to Purchase Orders by Finance/Administration Office.
- 8) Department Heads are actively engaged in preparing and monitoring their annual budgets. Regular reviews are performed to assure that activity posted to the department's budget, such as Purchase Orders, is valid, proper and authorized by the Department Head.
- 9) Claims for payment are submitted to Finance Office by each department. Invoices are reviewed to verify that work was performed as authorized and that prices are consistent with original proposals.
- 10) Invoices attached to the Purchase Order are submitted to Finance Office for payment. A responsible person with direct knowledge that the work was performed or goods received signs the Purchase Order to authorize payment.
- 11) In processing Purchase Orders (and invoices) for payment, Finance Office staff review for:
 - a. Certification by responsible person attesting that services were performed, or goods delivered.
 - b. Verify that payment is applied to proper contract, if applicable.
 - c. Verify that the invoice does NOT pre-date the Purchase Order (Legal Compliance). (from item 1 above) No goods or services will be procured without a valid Purchase Order containing the signature of the Borough's Assistant CFO.
 - d. Review for proper accounting treatment (proper budget account and proper budget year).
 - e. Compliance with any relevant Borough's policy.
 - f. Reasonable business purpose.

- 12) Questions regarding Purchase Orders/Invoices are reviewed with user departments. As necessary, certain issues are escalated to review by the Administrator or CFO.
- 13) In preparing the annual Borough Budget, the CFO reviews trends and query detail as considered necessary. All unusual items are researched.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FAIR HAVEN, that the internal accounting controls presented above by the CFO are adopted as Borough Policy for Payment of Claims.

BE IT FURTHER RESOLVED that pursuant to NJAC 5:30-9A.6 the Borough exercises its discretion to not require claimant certifications except as required for reimbursement of employee expenses, or for services provided exclusively and entirely by an individual.

BE IT FURTHER RESOLVED that this resolution is effective upon its adoption for all claims paid subsequent to October 1, 2019.

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

8. Resolution No. 2019-180, Authorize Police Department Vehicle Purchase - 2020 Ford Police Utility

WHEREAS, the Borough of Fair Haven, County of Monmouth, State of New Jersey has determined that there is a need for the replacement of a police vehicle in the Borough of Fair Haven in accordance with the Vehicle Replacement Plan; and

WHEREAS, the vehicle that will be replaced in patrol is a 2012 Dodge Charger with 116,000 miles; and

WHEREAS, the Chief Financial Officer, Colleen Lapp, has certified the availability of funds for the lease payment.

NOW THEREFORE, BE IT RESOLVED by the Borough of Fair Haven that Borough Administrator Casagrande is hereby authorized to enter into a contract with Winner Ford of Cherry Hill, New Jersey for a three year lease of a 2020 Police Interceptor Utility All Wheel Drive vehicle for the Police Department in the amount of \$11,488.00 per year for three years with the option to purchase for \$1 at the end of the lease agreement.

BE IT FURTHER RESOLVED that this purchase is being made through State Contract No. 88728 and was approved by Mayor and Council through the Vehicle Replacement Plan, January 2018.

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

9. Resolution No. 2019-181, Approve 3rd Quarter Tax Overpayment Refund - 29 Katherine Street

WHEREAS, Debra Marchetti, Tax Collector, has provided a request for a tax overpayment refund for 3rd quarter of 2019 and advises that the following property owners qualify for a refund as follows:

<u>Owner</u>	<u>Address</u>	<u>Block</u>	<u>Lot</u>	<u>Refund</u>
John and Mary Scholz	29 Katherine Street	62	64	\$8,883.39

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 refunds in the amounts listed above

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

Abstain: None
Absent: None

10. Resolution No. 2019-182, Award Contract to Laura Bishop Communications, LLC - Public Relations

WHEREAS, the Borough of Fair Haven has determined that a Public Relations firm would be beneficial to the residents and businesses in Fair Haven as well as the greater community; and

WHEREAS, there are many Borough projects that will commence in the near future and it is important to communicate to public through news releases, social media postings, information sessions, etc.; and

WHEREAS, proposals were solicited and received; and

WHEREAS, this is an Extraordinary Unspecifiable Service in accordance with NJAC 5:34-1.2 and will not exceed \$15,000 (\$1,250 per month); and

WHEREAS, the Borough Administrator and Communications Committee have reviewed the proposals and determined that Laura Bishop Communications, LLC with an office at 1111 The Woods, Cherry Hill, New Jersey 08003; and

WHEREAS, this contract being awarded will be reviewed for reappointment beginning January 1, 2020 for one year.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that it hereby awards a contract for Public Relations Services to Laura Bishop Communications, LLC

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

11. Resolution No. 2019-183, Award Contract to Maser Consulting-Licensed Site Remediation Professional Services

WHEREAS, a proposal dated July 17, 2019 and revised on August 8, 2019 was received from Maser Consulting, P.A. for the professional environmental services, Licensed Site Remediation Professional (LSRP) services and remedial action for the Department of Public Works property; and

WHEREAS, Maser Consulting, PA.'s non-fair and open paperwork was submitted at the beginning of the year; and

WHEREAS, the proposal states that the total cost for Phase 1 through 9, broken down as follows, shall not exceed a total of \$46,950:

Phase 1.0 LSRP Services	\$ 4,500
Phase 2.0 Public Notification	\$ 2,000
Phase 3.0 Asbestos Survey	\$ 9,000
Phase 4.0 Bid Specifications	\$ 5,000
Phase 5.0 Abatement Monitoring	\$ 3,000
Phase 6.0 Remediation Monitoring	\$10,700
Phase 7.0 Remedial Action Report Preparation	\$ 7,500
Phase 8.0 NJDEP Response Action Outcome (RAO)	\$ 2,500
Phase 9.0 Reimbursables	\$ 500
Subtotal	\$44,700
Allowance (If required)	<u>\$ 2,250**</u>
Total	\$46,950

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, that the proposal received from Maser Consulting, P.A be accepted and awarded for the Phases 1-9 at a cost not to exceed \$46,950 and the Mayor is authorized to execute said proposal.

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

12. Resolution No. 2019-184, Approve Bond Sale Resolution

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FAIR HAVEN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the bonds of the Borough, authorized pursuant to the bond ordinances of the Borough heretofore adopted and described in Section 2 hereof, shall be combined into a single issue of General Obligation Bonds, Series 2019 in the aggregate principal amount of \$8,558,000 (the “Bonds” or “General Obligation Bonds”).

Section 2. The principal amount of bonds authorized by each ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to the ordinance number, description and date of final adoption, amount of issue and average period of usefulness determined in each of the bond ordinances are respectively as follows:

<u>Ordinance Number</u>	<u>Description and Date of Final Adoption</u>	<u>Amount of Issue</u>	<u>Useful Life</u>
2015-03	Acquisition Of A Fire Truck and Fire Fighting Equipment, Finally Adopted March 23, 2015	\$121,000	9.66 years
2015-16, as amended by, 2016-17	Various 2015 Capital Improvements, Finally Adopted October 13, 2015 (2016-16) and November 14, 2016	\$158,789	13.07 years
2016-14	Various 2016 Capital Improvements, Finally Adopted September 12, 2016	\$923,700	13.70 years
2017-07, as amended by, 2018-12, as amended by, 2019-01	Various 2017 Capital Improvements, Finally Adopted July 10, 2017 (2017-07); April 23, 2018 (2018-12); and February 25, 2019 (2019-01)	\$5,992,195	28.36 years
2018-21, as amended by 2018-23, as amended by, 2019-02	Various 2018 Capital Improvements And The Acquisition And Payment Of The Purchase Price(s) Of Real Properties Located On River Road, Finally Adopted September 24, 2018 (2018-21); October 22, 2018 (2018-23); and February 25, 2019 (2019-02)	\$1,148,105	32.92 years
2019-11	Various 2019 General Capital Improvements, Finally Adopted September 9, 2019	\$214,211	13.11 years
TOTALS		\$8,558,000	

Section 3. The following matters are hereby determined with respect to the combined issue of Bonds:

(a) The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average periods of usefulness therein determined, is not more than 26.46 years.

(b) The Bonds of the combined issue shall be designated “General Obligation Bonds, Series 2019” and shall mature within the average period of usefulness hereinabove determined.

(c) The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law that are applicable to the sale and issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) None of the Bonds described in Section 2 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded heretofore and now remain in full force and effect as authorizations for the respective amounts of bonds set opposite the descriptions of the bond ordinances set forth in Section 2 hereof.

(b) The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and some of such improvements or purposes, if applicable and permitted by law, a deduction may be taken in any annual or supplemental debt statement.

Section 5. The Bonds shall mature in the principal amounts on October 1 in each of the years as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2020	\$233,000	2033	\$350,000
2021	235,000	2034	360,000
2022	240,000	2035	370,000
2023	250,000	2036	385,000
2024	260,000	2037	395,000
2025	270,000	2038	405,000
2026	280,000	2039	415,000
2027	295,000	2040	420,000
2028	305,000	2041	430,000
2029	310,000	2042	445,000
2030	320,000	2043	455,000
2031	330,000	2044	460,000
2032	340,000		

The Bonds of this issue maturing prior to October 1, 2027 are not subject to redemption prior to their stated maturities. The Bonds of this issue maturing on or after October 1, 2027 are subject to redemption at the option of the Borough, in whole or in part, on any date on or after October 1, 2026 in accordance with the terms provided in the Notice of Sale authorized herein and attached hereto as Exhibit B (the “Notice of Sale”). The Bonds shall be twenty-five (25) in number, unless the purchaser shall structure a portion of the serial maturities as one or more term bonds in accordance with the Local Bond Law and the Notice of Sale, with one bond certificate being issued for each year of maturity, and shall be designated and numbered GO-1 to GO-25, inclusive.

Section 6. The General Obligation Bonds are sometimes referred to hereinafter as the “Bonds”.

Section 7. The Bonds will be issued in fully registered book-entry only form, without coupons. One certificate shall be issued for the aggregate principal amount of the Bonds maturing in each year. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York (“DTC”), which will act as Securities Depository (the “Securities Depository”) for the Bonds. The certificates will be on deposit with DTC. DTC will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records recording the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases of the Bonds may be made in the principal amount of in \$5,000 each or any integral multiple thereof, except that any bonds in excess of the largest principal amount equaling a multiple of \$5,000 shall be in denominations of \$1,000 or any integral multiple thereof, through book entries made on the books and records of DTC and its participants. The Bonds will be dated the date of delivery and shall bear interest from the date of delivery, which interest shall be payable semiannually on the first (1st) day of April and October of each year (each an “Interest Payment Date”), until maturity or prior redemption, as applicable, commencing April 1, 2020, at such rate or rates of interest per annum as proposed by the successful bidder in accordance with the Notice of Sale authorized herein. The principal of and the interest on the Bonds will be paid to the Securities Depository by the Borough, or some other paying agent as the Borough may designate and appoint, on the maturity dates and due dates and will be credited on the maturity dates and due dates to the participants of DTC as listed on the records of DTC as of each March 15 and September 15 preceding an Interest Payment Date (the “Record Dates”). The Bonds shall be executed by the manual or facsimile signatures of the Mayor or Acting Mayor (the “Mayor”) and Chief Financial Officer or Acting Chief Financial Officer (the “Chief Financial Officer”) of the Borough under the official seal (or facsimile thereof) affixed, printed, engraved or reproduced thereon and attested to by the manual signature of the Clerk of the Borough (the “Clerk” or “Borough Clerk”). The following matters are hereby determined with respect to the Bonds:

Date of Bonds

Date of Delivery

Principal Payment Dates:

October 1, 2020 and each October 1 thereafter until maturity or prior redemption, as applicable

Interest Payment Dates:

Semiannually on each April 1 and October 1 until maturity or prior redemption, as applicable, commencing April 1, 2020

Place of Payment:

Cede & Co., New York, New York

Section 8. The Bonds shall be substantially in the form set forth in Exhibit A attached hereto with such additions, deletions and omissions as may be necessary for the Borough to market the Bonds in accordance with the requirements of DTC, upon advice of Bond Counsel (as hereinafter defined).

Section 9. The Bonds shall be sold upon receipt of electronic proposals on Tuesday, October 1, 2019 at 11:00 a.m. by the Mayor or Chief Financial Officer of the Borough via the Parity Electronic Bid Submission System ("PARITY") in accordance with the Notice of Sale authorized herein. The use of the services provided by PARITY and the fees associated therewith are hereby approved. Archer & Greiner P.C. ("Bond Counsel"), on behalf of the Borough Clerk, is hereby authorized and directed, to arrange for (i) the publication of a summary of such Notice of Sale to be published not less than seven (7) days prior to the date of sale in The Bond Buyer, a financial newspaper published and circulating in the County of New York, New York, (ii) the publication of the full text of such Notice of Sale in the Asbury Park Press, such Notice of Sale to be published not less than seven (7) days prior to the date of sale, and (iii) the posting of the full text of the Notice of Sale on the website provided by or for PARITY, and any of the aforesaid actions of Bond Counsel undertaken heretofore are hereby ratified and confirmed. Pursuant to N.J.S.A. 40A:2-34, the Borough hereby designates the Mayor or Chief Financial Officer of the Borough as the financial officer authorized to sell and to award the Bonds in accordance with the Notice of Sale authorized herein, and such financial officer shall report in writing the results of the sale to the Borough Council at its regularly scheduled meeting thereafter. The Mayor or Chief Financial Officer are each hereby further authorized and directed to do and accomplish all matters and things necessary or desirable to effectuate the offering and sale of the Bonds. Bond Counsel is hereby authorized and directed to close the Bonds with DTC.

Section 10. The full Notice of Sale and the summary Notice of Sale shall be substantially in the forms set forth in Exhibit B and Exhibit C, respectively, attached hereto with such additions, deletions and omissions as may be necessary for the Mayor or Chief Financial Officer to market the Bonds, upon advice of Bond Counsel and Municipal Advisor (as defined herein) to the Borough.

Section 11. The Bonds shall have affixed thereto a copy of the written opinion with respect to such Bonds that is to be rendered by Bond Counsel. The Clerk of the Borough is hereby authorized and directed to file a signed duplicate of such written opinion in the office of the Clerk of the Borough.

Section 12. Bond Counsel is hereby authorized and directed, as applicable, to arrange for the printing of the Bonds and for the printing and electronic posting of the Preliminary Official Statement (as hereinafter defined) and the Official Statement (as hereinafter defined), and any and all fees associated therewith, and any such actions undertaken heretofore are hereby ratified and confirmed. The Preliminary Official Statement and the Official Statement are hereby authorized to be prepared by Bond Counsel; Holman Frenia Allison, PC, Freehold, New Jersey, auditor to the Borough (the "Auditor"); Phoenix Advisors, LLC, Bordentown, New Jersey, municipal advisor to the Borough (the "Municipal Advisor"); and other Borough officials and professionals, and any such actions undertaken heretofore are hereby ratified and confirmed. Bond Counsel and the Municipal Advisor are also authorized and directed to arrange for the distribution of the Preliminary Official Statement on behalf of the Borough to those financial institutions that customarily submit bids for such Bonds, and any such actions undertaken heretofore are hereby ratified and confirmed. The Mayor and the Chief Financial Officer are each authorized and directed to execute and deliver any certificates necessary in connection with the distribution of the Preliminary Official Statement and the Official Statement. Bond Counsel, the Auditor and the Municipal Advisor are further authorized and directed to obtain ratings on the Bonds and to prepare and submit financial and other information on the Borough to each rating agency and the preparation and submission of any such application is hereby ratified and confirmed.

Section 13. The Borough hereby covenants that it will comply with any conditions subsequently imposed by the Internal Revenue Code of 1986, as amended (the "Code"), to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds, if necessary.

Section 14. The Borough is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with DTC, as may be necessary to provide that the Bonds will be eligible for deposit with DTC and to satisfy any obligation undertaken in connection therewith.

Section 15. In the event DTC may determine to discontinue providing its services with respect to the Bonds or is removed by the Borough and if no successor Securities Depository is appointed, the Bonds which were previously issued in book-entry form shall be converted to Registered Bonds (the "Registered Bonds") in denominations of \$5,000 each or any integral multiple thereof, except that any bonds in excess of the largest principal amount equaling a multiple of \$5,000 shall be in denominations of \$1,000 or any integral multiple thereof. The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of the respective Registered Bonds. The Borough shall be obligated to provide for the execution and delivery of the respective Registered Bonds in certified form.

Section 16. The Chief Financial Officer is hereby authorized and directed to “deem final” the Official Statement (the "Official Statement") prepared with respect to the issuance of the Bonds and pursuant to the provisions of the Rule (as hereinafter defined) and to execute a certificate regarding same, and any such actions undertaken heretofore are hereby ratified and confirmed. The Chief Financial Officer is hereby authorized and directed to authorize and approve the use and distribution of the Official Statement in preliminary form (the “Preliminary Official Statement”) in connection with the offering and sale of the Bonds, and any such actions undertaken heretofore are hereby ratified and confirmed. Upon the sale of the Bonds, the Preliminary Official Statement shall be modified, in consultation with Bond Counsel, to reflect the effect of the sale of the Bonds and said modified Preliminary Official Statement shall constitute the final Official Statement (the "Final Official Statement"). The Chief Financial Officer is hereby authorized and directed to execute and deliver the Final Official Statement to the purchaser of the Bonds in accordance with the provisions of the Rule, for its use in the sale, resale and distribution of the Bonds, where and if applicable.

Section 17. The final Official Statement to be dated on or about October 1, 2019 (the “Final Official Statement”), prepared with respect to the issuance of the Bonds, is hereby authorized to be executed on behalf of the Borough by the Chief Financial Officer of the Borough, and delivered to the purchaser of the Bonds or for its in connection with the sale, resale and distribution of the Bonds, where and if applicable. The Mayor or Chief Financial Officer of the Borough are each hereby further authorized and directed to deliver any certificates necessary in connection with the distribution of the Official Statement.

Section 18. The Borough hereby covenants and agrees that it will comply with and carry out all of the provisions of the respective Continuing Disclosure Certificate (the “Certificate”) which will set forth the obligation of the Borough to file, as applicable, budgetary, financial and operating data on an annual basis and notices of certain enumerated events deemed material in accordance with the provisions of Rule 15c2-12, as amended and supplemented (the “Rule”), promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended and supplemented. The Mayor or Chief Financial Officer of the Borough are each hereby authorized and directed to execute and deliver the Certificate to the purchaser of the Bonds, evidencing the Borough’s undertaking with respect to the Rule. Notwithstanding the foregoing, failure of the Borough to comply with the Certificate shall not be considered a default on the Bonds, as applicable; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance, to cause the Borough to comply with its obligations hereunder and thereunder.

Section 19. The Mayor or Chief Financial Officer of the Borough are each hereby authorized and directed to sell the aforesaid Bonds and to determine all matters in connection with the Bonds (including adjusting the maturity schedule or any other matters set forth in this resolution that are deemed necessary and advisable to change by the Mayor or Chief Financial Officer of the Borough prior to the sale or closing of the Bonds, all in consultation with Bond Counsel, the Auditor and the Municipal Advisor), and the manual or facsimile signature of the Mayor or Chief Financial Officer of the Borough upon any documents shall be conclusive as to all such determinations. The Mayor, Chief Financial Officer, Clerk of the Borough and any other Borough Official or professional including, but not limited to Bond Counsel, the Auditor, the Municipal Advisor, the Borough Engineer and the Borough Attorney (collectively, the “Borough Officials”), are each hereby authorized and directed to execute and deliver such documents as are necessary to consummate the sale and closing of the Bonds, and to take such actions or refrain from such actions as are necessary for the issuance of the Bonds and all such actions or inactions taken by the aforesaid Borough Officials heretofore are hereby ratified and confirmed.

Section 20. The Bonds will be designated as "qualified tax-exempt obligations" for purposes of section 265(b)(3)(B)(ii) of the Code.

Section 21. This resolution shall take effect on the effective date of Bond Ordinance Number 2019-11.

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

Negative: None

Abstain: None

Absent: None

13. Resolution No. 2019-185, Approve Capital Purchase Authorization - Police Department

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

• One (1) Panasonic Toughbook CF-31 with a docking station, vehicle mount, vehicle antenna and power adapter	\$ 6,235.00
• Two (2) Traffic Speed Signs	\$ 5,839.00
Total	\$ 12,074.00

WHEREAS, the above equipment will be purchased for the police department as per Chief McGovern’s Capital Budget Request.

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 Councilman Rodriguez

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

14. Resolution No. 2019-186, Appoint Restaurant Ordinance Review Committee

WHEREAS, there is a need to appoint members to a Restaurant Ordinance Review Committee for the Borough of Fair Haven; and

WHEREAS, the Mayor has advised that the following persons will be appointed to the Restaurant Ordinance Review Committee:

- Mayor Lucarelli
- Councilwoman Elizabeth Koch
- Councilman James Banahan
- Carolyn Ferguson, Fair Haven Business Association
- Gary Leasor, Business Owner

Borough Professionals

- Theresa S. Casagrande, Borough Administrator
- Richard Gardella, Director of Engineering
- Nicolas Poruchynsky, Assistant Director of Engineering
- Heyer Gruel Associates, Borough Planner

BE IT RESOLVED that the Borough Attorney and Special Counsel for Fair Share Housing will be consulted, as needed.

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

15. Resolution No. 2019-187, Approve Block Party Application - Hendrickson Place - September 21st, 3-11 pm

WHEREAS, a request was received to hold a Block Party on Hendrickson Place (between Allen Street and William Street) on Saturday, September 21, 2019 from 3 pm to 11 pm with a raindate of Saturday, October 5, 2019; and

WHEREAS, Police Chief Joseph McGovern reviewed the application and submitted his approval on September 4, 2019.

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 Hendrickson Place (between Allen Street and William Street) on Saturday, September 21, 2019 from 3 pm to 11 pm with a raindate of Saturday, October 5, 2019.

BE IT FURTHER RESOLVED that Permit No. BP 2019-12 will be issued for said event.

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

16. Resolution No. 2019-188, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the September 9, 2019 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2018 CURRENT ACCOUNT	\$ 221.17
2019 CURRENT ACCOUNT	\$ 2,964,524.18
GENERAL CAPITAL	\$ 43,199.76
PAYROLL AGENCY	\$ 12,729.96
OTHER TRUST	\$ 63,977.48
DOG TRUST	\$ 1,868.82
TOTAL	\$ 3,086,521.37

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

17. Resolution No. 2019-189, Amend Appointment to the Zoning Board of Adjustment

WHEREAS, Resolution No 2019-158 appointing Dr. Skip Laufer as a Zoning Board of Adjustment member was adopted by the Mayor and Council at their August 19, 2019 meeting; and

WHEREAS, it has been requested that Adam Ludman, Alternate #1 be appointed to the regular member position and Dr. Skip Laufer, who resigned the Regular Member position, be appointed as Alternate #1.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the appointments of Adam Ludman as a Regular Member on the Zoning Board with a term to expire on December 31, 2022 and Dr. Skip Laufer as Zoning Board Alternate #1 member with a term to expire on December 31, 2019 is hereby approved.

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

Reports of Departments
August 2019
-Borough Clerk
-Dog License
-Planning Board and Zoning Board

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 9:19 p.m. Bill Folker, Lewis Point Road, asked if Council approved the Committee as presented in the resolution; yes.

Diane Mevorach, Navesink Avenue, asked that another person be appointed to the Restaurant Ordinance Review Committee by the end of the night.

Christopher Hempstead, Willow Street, said that there is a big vote expected for the School Referendum on September 24th. He said that he is a Willow Street resident and there are some high-density changes proposed for Sickles School and asked how the construction plan will affect the safety of the street. He is concerned that there will be two years of heavy equipment going up and down the

street all day long. Administrator Casagrande said that if there is an area of construction, the police department will make sure the street is maintained for safety. If approved, the safety of the school children will be paramount. Administrator Casagrande said funds according to the Superintendent of Schools will cover a traffic engineer conducting a traffic study before anything is altered. Chief McGovern said he looked at the plan and will make sure the environment is safe.

Councilwoman Sorensen reminded everyone that this Saturday, September 14th is the Oktoberfest Event at Fair Haven Fields. Volunteers are needed. She announced the bands and vendors that will be there. The public can go to the Foundation of Fair Haven website for VIP opportunities. This is a fundraiser for Fair Haven Day and other matters in town. She invited everyone to come join in the event.

Liz O'Neill, Third Street, asked about the DPW facility and construction taking place from 2020 until 2025; she was advised that it is a short timeframe. The Borough will finalize the plan, go to bid, award it and once the project begins, it should take 18 months to complete. Mrs. O'Neill said the schools will be going through construction at the same time. Administrator Casagrande said the Borough's project will be far enough along before the school begins, but there will be some overlap. The DPW facility construction should not affect Third Street except for noise.

Ruth Blaser, River Road, asked if the lots at the DPW site are sold, will that construction happen simultaneously; no, it will not occur at the same time as the DPW construction.

Bill Folker, Lewis Point Road, thanked Allyson Cinquegrana for the County Shred Event and asked if there could be one for electronics. He addressed Councilman Peters by stating that River Road is a mess and asked if there was a time line for River Road; road work could possibly begin next fall. A committee will be formed to review the project.

Susan O'Brien, River Road, asked if all of River Road will be done; no, Red Bank to Smith Street will receive curbs and sidewalks. River Road from Buena Vista Avenue to Red Bank will be paved by Monmouth County. The curbs and sidewalks will be installed before the County paves; this project is part of the Bond Ordinance passed this evening.

Mike Nitka, Battin Road, asked that the governing body add two more people to the Restaurant Ordinance Review Committee.

Councilman Rodriguez said the School Referendum on September 24th will take place at Knollwood School between the hours of 2:00 p.m. and 8:00 p.m. This election is not to be confused with the General Election that will take place in November at the Church of the Nativity.

There being no further comments or questions, the meeting was closed to the public at 9:33 p.m.

Council went into executive session at 9:40 p.m. and this meeting was reconvened at 10:16 p.m.

ADJOURNMENT

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

Time of Adjournment: 10:16 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk