

**FAIR HAVEN BOROUGH COUNCIL
REGULAR MEETING AGENDA
FEBRUARY 25, 2019, 7:00 P.M.**

1. **Call to Order:** pm
 2. **Salute to the Flag:**
 3. **Moment of Meditation:**
 4. **Sunshine Law Notice:**
 5. **Roll Call:** Councilmembers Banahan Koch Peters
Rice Rodriguez Sorensen
 6. **Workshop Session**
 - Street Opening Requests:
 - NJ Natural Gas -59 Third Street – New Service Installation
 - NJ American Water - 238 Hance Road – Renew Water Service Line
 - NJ American Water – Woodland Drive – Install 8” water main (including Hillside Pl and S. Woodland)
 - Request from Fair Haven PTA to post directional signs for May 16th House Tour
 - Toddler Playground
 - NJ Natural Gas Franchise Agreement
 - Browns Lane Private Road/Subdivision
 7. **Public Comment on Agenda Items**
 8. **Approval of Minutes**
 - January 28, 2019 Regular Meeting
 - February 13, 2019 Regular Meeting
 - February 13, 2019 Executive Session
 9. **Old Business**
 - Hearing and Adoption of Ordinances**
 - Ordinance No. 2019-01, Amend Bond Ordinance No. 2018-12
 - Ordinance No. 2019-02, Amend Bond Ordinance No. 2018-21
 10. **New Business**
 - Introduction of Ordinances**
 - Ordinance No. 2019-03, Index Rate Ordinance
- Consent Agenda**
Resolutions
- | | |
|---------|---|
| 2019-54 | Executive Session: Acquisition of Property, Possible Litigation and Contract Negotiations |
| 2019-55 | Authorize Release of Performance Bond and Accept Maintenance Bond-Fair Haven Retail |
| 2019-56 | Authorize Release of Performance Bond and Accept Maintenance Bond- 810 River Road, LLC |
| 2019-57 | Ratify PBA Local 184 Memorandum of Agreement and Authorize 2018-2021 Contract Execution |
| 2019-58 | Payment of Vouchers |

Department Reports**2018 Year End**

-Environmental Commission

January 2019

-Police Department

-Municipal Court

11. **Good of the Borough - Please stand and identify yourself by clearly stating your name and address for the record** (*Please observe a time limit of three minutes*)
12. **Adjournment**

PROCEDURE FOR CITIZEN PARTICIPATION AT COUNCIL MEETINGS

The Fair Haven Borough Council and the Mayor welcome comments, suggestions and inquiries from residents of Fair Haven. To that end, provision is made for a public discussion period at each meeting. It is listed as:

“Public Discussion” – near the end of the meeting where any topic may be addressed.

You must wait to be recognized by the Mayor. **IDENTIFY YOURSELF BY CLEARLY STATING YOUR NAME AND ADDRESS FOR THE RECORD.** Limit your comments to three (3) minutes. Once a particular topic has been addressed by a member of the public, he will not be recognized to talk again on the same topic until all others have been heard a first time.

If you wish to reserve time to speak in advance, you may address your request to Allyson Cinquegrana at 732-747-0241 extension 221, by noon on the Friday preceding the meeting.

You will **NOT** be recognized, **NOR SHOULD YOU COMMENT OR CARRY ON A DEBATE OR DIALOGUE WHILE BUSINESS OF THE BOROUGH IS BEING ADDRESSED BY MAYOR AND COUNCIL.**

**BOROUGH OF FAIR HAVEN
ORDINANCE NUMBER 2019-01**

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 2017-07 (WHICH PROVIDES FOR VARIOUS 2017 CAPITAL IMPROVEMENTS) HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FAIR HAVEN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON JULY 10, 2017, AS PREVIOUSLY AMENDED AND SUPPLEMENTED HERETOFORE, TO AMEND THE DESCRIPTION, TO INCREASE THE APPROPRIATION BY \$4,000,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES BY \$3,809,523

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

SECTION 1. The bond ordinance of the Borough of Fair Haven, in the County of Monmouth, State of New Jersey (the "Borough"), heretofore finally adopted by the Borough Council thereof on July 10, 2017, numbered 2017-07 and entitled, "BOND ORDINANCE PROVIDING VARIOUS 2017 CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF FAIR HAVEN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$2,297,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,182,672 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF", as previously amended and supplemented heretofore by a bond ordinance finally adopted by the Borough Council on April 23, 2018, (collectively, the "Original Ordinance"), which Original Ordinance is hereby amended and supplemented, as follows:

SECTION 2. Section 3(a) of the Original Ordinance is hereby amended to read as follows, "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>	<u>Useful Life</u>
(iii) <u>Buildings and Grounds</u> – Various Reconstruction And/Or Improvements To And Preliminary Expenses Associated With The Department Of Public Works Building, The Police Department, Community Center And Borough Hall Buildings And Any Other Borough Building Or Facility And Any Property Acquisition Associated Therewith, Including, But Not Limited To, Façade, Wall And Roof Improvements, Door And Window Improvements, Restroom Improvements, Heating, Ventilation And Air Conditioning System Improvements, And The Acquisition And Installation, As Applicable, Of Various Equipment And Furnishings Including, But Not Limited To Computer Hardware And Software, Flooring And Furniture; and	\$5,756,800	\$5,478,482	\$278,318	30 years

SECTION 3. For the improvements or purposes set forth in Section 3(a) of the Original Ordinance, as amended and supplemented hereby, there is hereby appropriated the additional sum of \$4,000,000, said sum being inclusive of \$190,477 as the amount of an additional down payment required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes. Therefore, the total appropriation of the Original Ordinance, as previously amended and supplemented, and as amended and supplemented hereto, shall be increased by \$4,000,000 from \$2,297,550 and shall equal the amount of \$6,297,550, said

sum being inclusive of all appropriations heretofore made in the Original Ordinance, as previously amended and supplemented, and as amended and supplemented hereby, including the total down payment, increased by \$190,477 from \$114,878, to equal the amount of \$305,355 (the "Down Payment").

SECTION 4. (a) In order to finance the additional cost of the improvements or purposes set forth in Section 3 of the Original Ordinance, as previously amended and supplemented, and as amended and supplemented hereto, not covered by the Down Payment, additional negotiable bonds or notes of the Borough in the amount of \$3,809,523 are hereby authorized to be issued by the Borough, such that the total authorization of negotiable bonds or notes to be issued by the Borough for the improvements or purposes set forth in Section 3 of the Original Ordinance, as previously amended and supplemented, and as amended and supplemented hereto, shall be increased by \$3,809,523 from \$2,182,672 and shall equal the amount of \$5,992,195.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes set forth in Section 3 the Original Ordinance, as previously amended and supplemented, and as amended hereto, is equal to \$5,992,195.

(c) The estimated cost of the improvements or purposes set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, is equal to \$6,297,550, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Down Payment available therefor.

SECTION 5. The Capital Budget of the Borough is hereby amended, as necessary, to conform with the provisions of this amendatory and supplemental bond ordinance and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs (the "Director of the Division of Local Government Services"), will be on file in the office of the Clerk and will be available for public inspection.

SECTION 6. 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, 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 and notes provided for in this amendatory and supplemental bond ordinance by \$5,992,195 and the said obligations authorized herein will be within all debt limitations prescribed by law.

SECTION 7. (a) Section 7(b) of the Original Ordinance is hereby amended to read as follows: "(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 said bonds authorized by this bond ordinance is 28.36 years".

(b) Section 7(d) of the Original Ordinance is hereby amended to read as follows"(d) An aggregate amount not exceeding \$800,000 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 and 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 obligations authorized by the Original Ordinance, as previously amended and supplemented, and as amended and supplemented hereto. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations 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 4 of this bond ordinance and to use

proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 2 of this bond ordinance and Section 3 of the Original Ordinance, as previously amended and supplemented, and as amended and supplemented hereto. 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 the Original Ordinance, as amended and supplemented hereby.

SECTION 12. Except as previously amended and supplemented, and expressly amended and supplemented hereto, the Original Ordinance shall remain in full force and effect.

SECTION 13. 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.

ADOPTED ON FIRST READING

DATED: February 13, 2019

ALLYSON CINQUEGRANA, RMC/CMR
Clerk of the Borough of Fair Haven

**BOROUGH OF FAIR HAVEN
ORDINANCE NUMBER 2019-02**

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 2018-21 (WHICH PROVIDES FOR VARIOUS 2018 CAPITAL IMPROVEMENTS AND THE ACQUISITION AND THE PAYMENT OF THE PURCHASE PRICE(S) OF REAL PROPERTIES LOCATED ON RIVER ROAD) HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FAIR HAVEN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON SEPTEMBER 24, 2018, AS PREVIOUSLY AMENDED AND SUPPLEMENTED HERETOFORE, TO AMEND THE DESCRIPTION, TO INCREASE THE APPROPRIATION BY \$1,700,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES BY \$1,619,047

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

SECTION 1. The bond ordinance of the Borough of Fair Haven, in the County of Monmouth, State of New Jersey (the "Borough"), heretofore finally adopted by the Borough Council thereof on September 24, 2018, numbered 2018-21 and entitled, "BOND ORDINANCE PROVIDING FOR VARIOUS 2018 CAPITAL IMPROVEMENTS AND THE PAYMENT OF THE PURCHASE PRICE(S) OF REAL PROPERTIES LOCATED ON RIVER ROAD, BY AND IN THE BOROUGH OF FAIR HAVEN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$3,218,750 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,057,812 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF", as previously amended and supplemented by a bond ordinance heretofore finally adopted by the Borough Council on October 22, 2018 (collectively, the "Original Ordinance"), which Original Ordinance is hereby amended and supplemented, as follows:

SECTION 2. Section 3(a) of the Original Ordinance is hereby amended to read as follows, "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>	<u>Useful Life</u>
(ii) <u>Buildings and Grounds</u> – Phase II Of Various Waterfront Improvements Including, But Not Limited To, The Construction Or Improvement, Of A Boat Ramp, The Construction Or Improvement Of A Bulkhead, And The Construction Of Two Pocket Parks; And Acquisition And The Payment Of The Purchase Price(s) of Real Properties, Lawful Public Purposes, Such Real Properties Located On River Road In The Borough Including, But Not Limited To, Blocks 25, 29, 30 And 31, On	\$4,120,500	\$3,918,522	\$201,978	38.4

SECTION 3. For the improvements or purposes set forth in Section 3(a) of the Original Ordinance, as amended and supplemented hereby, there is hereby appropriated the additional sum of \$1,700,000, said sum being inclusive of \$80,953 as the amount of an additional down payment required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes. Therefore, the total appropriation of the Original Ordinance, as previously amended and supplemented, and as amended and supplemented hereby, shall be increased by \$1,700,000 from \$3,608,750 and shall equal the amount of \$5,308,750, said sum being inclusive of all appropriations heretofore made in the Original Ordinance, as previously amended and supplemented, and as amended and supplemented hereby including the total down payment, increased by \$80,953 from \$160,938, to equal the amount of \$241,891 (the "Down Payment").

SECTION 4. (a) In order to finance the additional cost of the improvements or purposes set forth in Section 3 of the Original Ordinance, as previously amended and supplemented, and as amended and supplemented hereby, not covered by the Down Payment, additional negotiable bonds or notes of the Borough in the amount of \$1,619,047 are hereby authorized to be issued by the Borough, such that the total authorization of negotiable bonds or notes to be issued by the Borough for the improvements or purposes set forth in Section 3 of the Original Ordinance, as previously amended and supplemented, and as amended and supplemented hereby, shall be increased by \$1,619,047 from \$3,447,812 and shall equal the amount of \$5,066,859.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose set forth in Section 3 the Original Ordinance, as previously amended and supplemented, and as amended here to, is equal to \$5,066,854.

(c) The estimated cost of the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, is equal to \$5,308,750, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Down Payment available therefor.

SECTION 5. The Capital Budget of the Borough is hereby amended, as necessary, to conform with the provisions of this amendatory and supplemental bond ordinance and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs (the "Director of the Division of Local Government Services"), will be on file in the office of the Clerk and will be available for public inspection.

SECTION 6. 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, 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 and notes provided for in this amendatory and supplemental bond ordinance by \$1,619,047 and the said obligations authorized herein will be within all debt limitations prescribed by law.

SECTION 7. (a) Section 7(b) of the Original Ordinance is hereby amended to read as follows, “(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 said bonds authorized by this bond ordinance is 32.92 years”.

(b) Section 7(d) of the Original Ordinance is hereby amended to read as follows: “(d) The aggregate amount not exceeding \$387,000 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 obligations authorized by the Original Ordinance, as previously amended and supplemented, and as amended and supplemented hereto. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations 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 4 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 2 of this bond ordinance and Section 3 of the Original Ordinance, as previously amended and supplemented, and as amended and supplemented hereto. 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 the Original Ordinance, as amended and supplemented hereby.

SECTION 12. Except as previously amended and supplemented, and expressly amended and supplemented hereto, the Original Ordinance shall remain in full force and effect.

SECTION 13. 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.

ADOPTED ON FIRST READING

DATED: February 13, 2019

ALLYSON CINQUEGRANA, RMC/CMR
Clerk of the Borough of Fair Haven

**BOROUGH OF FAIR HAVEN
ORDINANCE NO. 2019-03**

**2019 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK**

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

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

WHEREAS, the Borough Council of the Borough of Fair Haven in the County of Monmouth finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$65,679.96 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

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

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Fair Haven, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Borough of Fair Haven shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$229,879.86 and that the CY 2019 municipal budget for the Borough of Fair Haven be approved and adopted in accordance with this ordinance; and

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

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

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

**COUNCIL OF THE BOROUGH OF FAIR HAVEN
MONMOUTH COUNTY, NEW JERSEY
RESOLUTION**

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-54

TITLE: EXECUTIVE SESSION

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:

Acquisition of Property

1. River Road

Possible Litigation

1. Block Social Media

Contract Negotiations

1. ILSA with Middletown

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

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

COUNCIL OF THE BOROUGH OF FAIR HAVEN
MONMOUTH COUNTY, NEW JERSEY
RESOLUTION

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-55

TITLE: RESOLUTION AUTHORIZING RELEASE OF A PERFORMANCE GUARANTEES FOR BLOCK 32, LOT 2 – FAIR HAVEN RETAIL, LLC AND ACCEPT THEIR TWO-YEAR MAINTENANCE BOND

WHEREAS, Fair Haven Retail, LLC., posted a Performance Bond and a 10% Cash Deposit as required for a Site Plan for Block 32, Lot 2; and

WHEREAS, Fair Haven Retail, LLC. posted the cash bond in the amount of \$43,591.38 on July 24, 2017 and North American Surety Group posted the Performance Bond in the amount of \$392,322.42 which was accepted by Resolution No. 2017-149; and

WHEREAS, on February 11, 2019, the Borough Engineer recommended the release of 90% performance guarantee and the 10% cash deposit.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fair Haven, that the Performance Bond in the amount of \$392,322.42 is hereby released and that \$37,052.67 of the cash bond be refunded.

BE IT FURTHER RESOLVED that the two-year Maintenance Bond (No 2279846) in the amount of \$58,838.36 posted by North American Surety Group and the cash portion of \$6,538.71 retained by the Borough is hereby accepted.

COUNCIL OF THE BOROUGH OF FAIR HAVEN
MONMOUTH COUNTY, NEW JERSEY
RESOLUTION

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-56

TITLE: RESOLUTION AUTHORIZING RELEASE OF A PERFORMANCE BOND AND PORTION OF THE CASH DEPOSIT FOR BLOCK 52, LOTS 11 AND 12 – 810 RIVER ROAD, LLC AND ACCEPT THEIR TWO-YEAR MAINTENANCE BOND

WHEREAS, 810 River Road, LLC. posted a Performance Bond and 10% Cash Deposit as required for a Major Site Plan for Block 52, Lots 11 and 12; and

WHEREAS, Fair Haven Retail, LLC. posted the cash bond in the amount of \$36,599.76 on February 23, 2017 and Selective Insurance Company of America posted a Performance Bond in the amount of \$329,398.00 which was accepted by Resolution No. 2017-51; and

WHEREAS, on November 1, 2018, the Borough Engineer recommended the release of performance guarantees and the posting of a two-year maintenance bond in the amount of 15% of the original performance bond.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fair Haven, that the Performance Bond in the amount of \$329,398.00 is hereby released and that \$31,109.80 of the cash bond be refunded.

BE IT FURTHER RESOLVED that the two-year Maintenance Bond (No B 1211940) in the amount of \$49,410.00 posted by Selective Insurance Company of America is hereby accepted and \$5,489.96 of the cash bond be retained by the Borough.

COUNCIL OF THE BOROUGH OF FAIR HAVEN
MONMOUTH COUNTY, NEW JERSEY
RESOLUTION

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-57

**TITLE: AUTHORIZING THE MAYOR AND BUSINESS ADMINISTRATOR TO EXECUTE A
MEMORANDUM OF AGREEMENT AND COLLECTIVE BARGAINING
AGREEMENT WITH THE PBA FOR YEARS 2018 THROUGH 2021**

WHEREAS, the Borough has reached an agreement for years 2018 through 2021 with the PBA Local 184 after extensive negotiations; and

WHEREAS, the parties have executed a Memorandum of Agreement, which has been ratified by the PBA Local 184; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, that the Mayor and Borough Administrator are hereby authorized to incorporate the terms of the Memorandum of Agreement and execute the Collective Bargaining Agreement reflective of the Memorandum of Agreement with the PBA for the years 2018 through 2021.

COUNCIL OF THE BOROUGH OF FAIR HAVEN
MONMOUTH COUNTY, NEW JERSEY
RESOLUTION

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-58

TITLE: PAYMENT OF VOUCHERS

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the February 25, 2019 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2018 CURRENT ACCOUNT	\$ 9,518.07
2019 CURRENT ACCOUNT	\$ 1,218,640.11
GENERAL CAPITAL	\$ 4,645.00
GRANT FUND	\$ 187.10
OTHER TRUST	\$ 3,942.00
DOG TRUST	\$ 1,197.82
 TOTAL	 \$ 1,238,130.10

COUNCIL OF THE BOROUGH OF FAIR HAVEN
MONMOUTH COUNTY, NEW JERSEY
RESOLUTION

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-59

**TITLE: APPOINTMENT TO THE FAIR HAVEN FIELDS NATURAL AREA ADVISORY
 COMMITTEE**

BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Meghan Chrisner-Keefe be appointed as a member of the Fair Haven Fields Natural Area Advisory Committee for the year 2019.