

**FAIR HAVEN BOROUGH COUNCIL
REGULAR MEETING AGENDA
JANUARY 27, 2020, 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 Chrisner-Keefe Koch
McCue Rodriguez Sorensen
6. **Proclamation**
-Commemorate the Centennial of the Ratification of the 19th Amendment
7. **Workshop Session**
-Improvements to Battin Road Project
8. **Public Comment on Agenda Items**
9. **Approval of Minutes**
-December 16, 2019 Regular Meeting
-December 16, 2019 Executive Session
-January 6, 2020 Reorganization Meeting
-January 6, 2020 Executive Session
-January 13, 2020 Special Meeting
-January 13, 2020 Executive Session
10. **Old Business**
11. **New Business**
Consent Agenda
Resolutions
2020-36 Approve Execution of Professional Contracts for 2020 Borough Attorney, Bond Counsel, Financial Advisor, Borough Auditor, Borough Architect, Borough Planner, Fair Share Housing Special Counsel, Special Tidelands Counsel, Special Tax Counsel, Commercial Real Estate Appraiser, Consulting Engineer, Risk Manager
2020-37 Approve Contract with FSD Enterprises for Cell Tower
2020-38 Approve Fire Department Membership – Marcos Rivera
2020-39 Approve Escrow Refund to Paul Lenskold, McCarter Avenue
2020-40 Approve Planning Board Escrow Refund to 810 River Road, LLC: Major Site Plan
2020-41 Third Street Improvements 2nd and Final Change Order - Diamond Construction
2020-42 Authorize County to conduct Aerial Mosquito Control Operations
2020-43 Appoint Part-Time School Crossing Guard -
2020-44 Executive Session: Pending Litigation and Acquisition of Property
2020-45 Appoint Special Law Enforcement Officer, Class I - Mason Twining
2020-46 Approve Amendment #3 Sublease Agreement with Verizon Wireless
2020-47 Authorize Borough Engineer to Advertise for Receipt of Bids: Improvements to Battin Road
2020-48 Reappoint Building Maintenance Technician - Jared Okerson
2020-49 Reappoint DPW Foremen - David Karl and Marty Coy

2020-50 Appoint Environmental Commission, Alt #2 and Historic Preservation Commission Alternate #2 members
2020-51 Appointment to the Navesink River Municipalities Committee - Brian Rice
2020-52 Payment of Vouchers

Department Reports

December 2019

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

2019 Year End

-Municipal Clerk
-Municipal Court

12. **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*)
13. **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/she 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.**

NEXT COUNCIL MEETING WILL BE HELD ON WEDNESDAY, FEBRUARY 12, 2020

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-36

**TITLE: AUTHORIZING AWARD OF CONTRACT FOR PROFESSIONAL SERVICES
PURSUANT TO N.J.S.A. 19:44A-20.5**

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

WHEREAS, the Borough Administrator has determined and certified that the value of some of the said services may exceed \$17,500 for the year 2020; and

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

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

WHEREAS, funds for these purposes will be appropriated in the 2020 Municipal Budget; and

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

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

- Salvatore Alfieri, Esq., Borough Attorney
- Mr. John Cantalupo, Esq., Bond Counsel
- Phoenix Associates, Financial Advisor
- Robert Allison, Borough Auditor
- Heyer and Gruel, Borough Planner
- Eliot Goldstein, Borough Architect
- Jeffrey R. Surenian, Esq., Special Counsel - COAH
- John Van Dalen, Esq., Special Counsel - Tidelands Matters
- Frederick Raffetto, Esq., Special Counsel - Tax Appeals
- Donald Moliver - Commercial Real Estate Appraiser
- Maser Consulting – Consulting Engineers
- Michael Avalone – Insurance, Risk Manager Services

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

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

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

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

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-37

**TITLE: AUTHORIZE EXECUTION OF A CONTRACT WITH FSD ENTERPRISES, LLC
 AS CELL TOWER CONSULTANT**

WHEREAS, Resolution No. 2020-20 appointed Declan O'Scanlon, FSD Enterprises, LLC. as the Borough's Cell Tower Consultant for the year 2020; and

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

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

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-38

**TITLE: RESOLUTION APPOINTING A MEMBER TO THE FAIR HAVEN
 FIRE DEPARTMENT, Regular Member – Marcos O. Rivera**

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that Marcos O. Rivera, 290 Fair Haven Road, Fair Haven, NJ having been duly accepted as a regular member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-39

**TITLE: REFUND UNUSED PLANNING BOARD ESCROW FUNDS AND PERFORMANCE
GUARANTEES TO PAUL LENSKOLD FOR 60 MCCARTER AVENUE - BLOCK
77, LOT 41**

WHEREAS, Paul Lenskold, 60 McCarter Avenue, Block 77, Lot 41 submitted an application to the Planning Board for a minor subdivision; and

WHEREAS, escrow money was posted by the applicant; and

WHEREAS, Mr. Lenskold has requested the return of any unused escrow from their application and performance guarantees posted be refunded; and

WHEREAS, the Planning Board Secretary has calculated and provided, in writing, an escrow refund amount as follows:

Unused Escrow funds in the amount of \$500.; and

WHEREAS, a Performance Guarantee in the amount of \$1,320 was posted with the Borough Clerk as well as a Street Opening Cash Repair Deposit in the amount of \$313 that can be refunded to Mr. Lenskold; and

WHEREAS, due to the age of the project, the requirement of a two-year maintenance bond has been waived.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Chief Financial Officer will refund the unused escrow fees, performance guarantee and street opening escrow as noted above (amount of \$2,133) to Paul Lenskold, 268 Sunnyside Road, Lincroft, New Jersey 07738.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-40

**TITLE: REFUND UNUSED ESCROW FUNDS TO 810 RIVER ROAD, LLC., 810 RIVER
ROAD - BLOCK 52, LOT 12.01**

WHEREAS, 810 River Road, LLC., (Michel Berger), 810 River Road, Block 52, Lot 12.01 submitted an application to the Planning Board for a Major Site Plan and Merger of two lots; and

WHEREAS, escrow money was posted by the applicant; and

WHEREAS, Mr. Berger has requested the return of any unused escrow from the application be refunded; and

WHEREAS, the Planning Board Secretary has calculated and provided, in writing, an escrow refund amount as follows:

Unused Escrow funds in the amount of \$7,746.57

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Chief Financial Officer will refund the unused escrow fees as noted above to Mr. Michel Berger, 810 River Road, Fair Haven, NJ.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-41

**TITLE: APPROVE 2ND AND FINAL CHANGE ORDER FOR SIDEWALK
IMPROVEMENTS TO THIRD STREET PROJECT – DIAMOND
CONSTRUCTION**

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

WHEREAS, Resolution No. 2019-49 was adopted by the governing body on January 28, 2019 and approved Change Order No. 1 for said project.

WHEREAS, the attached final change order details additional amendments to the contract resulting in a revised contract amount of \$682,616.24.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven that Change Order #2 - Final to the Sidewalk Improvements to Third Street Project will result in a final contract amount of \$682,616.24 between the Borough of Fair Haven and Diamond Construction.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-42

**TITLE: AUTHORIZING THE MONMOUTH COUNTY MOSQUITO CONTROL DIVISION
 TO CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS WITHIN THE
 BOROUGH OF FAIR HAVEN**

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to NJSA 26:9-27, et seq., has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the County; and

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

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

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

NOW THEREFORE BE IT RESOLVED as follows:

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

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-43

**TITLE: APPOINTMENT OF PART-TIME SCHOOL CROSSING GUARD – EDWARD
 HARRINGTON**

WHEREAS, a vacancy exists in the Fair Haven Police Department for the position of part-time School Crossing Guard; and

WHEREAS, Chief Joseph McGovern has recommended the vacancy be filled by Edward Harrington who meets all of the required qualifications.

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that Edward Harrington is hereby appointed as a part-time School Crossing Guard with an hourly salary of \$14.75 effective January 28, 2020.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-44

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:

Pending Litigation

1. Yacht Works
2. Reger vs. Fair Haven Zoning Board
3. Zoning Application Appeal – FH Retail, LLC
4. Fair Share Housing

Acquisition of Property

1. River Road

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. 2020-45

TITLE: APPOINT SPECIAL LAW ENFORCEMENT OFFICERS, CLASS I

WHEREAS, a request was made by Police Chief Joseph McGovern to appoint various individuals to the position of Special Law Enforcement Officers Class I, effective January 28, 2020; and

WHEREAS, Joseph McGovern, Fair Haven Police Chief, has recommended that the following individuals are appointed as a Special Law Enforcement Officer, Class I:

Mason Twining

WHEREAS, the rate of pay for this position is \$14.25 per hour.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the above-named individuals be appointed to the position of Special Law Enforcement Officer Class I.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-46

**TITLE: AUTHORIZE MAYOR LUCARELLI TO EXECUTE THE NEW YORK SMSA
 LIMITED D/B/A VERIZON WIRELESS CELL TOWER CONTRACT,
 AMENDMENT #3**

WHEREAS, the Borough's Cell Tower Consultant, Declan O'Scanlon, reviewed Cell Tower Contract Amendment #3 from New York SMSA Limited d/b/a Verizon Wireless and recommends the execution of the contract which will bring an additional \$525.00 per month, in revenue, to the Borough.

NOW, THEREFORE, BE IT RESOLVED that Mayor Lucarelli is hereby authorized to execute said contract amendment #3 with New York SMSA Limited d/b/a Verizon Wireless on behalf of the Borough of Fair Haven.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-47

**TITLE: AUTHORIZE ADVERTISEMENT FOR RECEIPT OF BIDS FOR IMPROVEMENTS
 TO BATTIN ROAD**

WHEREAS, the Borough of Fair Haven received an NJDOT, FY2018 Municipal Aid Grant for Improvements to Battin Road in the amount of \$350,000.00; and

WHEREAS, there is a need to advertise for receipt of bids for said project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that authorization is given to the Borough Administrator and Borough Engineer to advertise for receipt of bids for the Improvements to Battin Road Project.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-48

TITLE: REAPPOINT DPW BUILDING MAINTENANCE TECHNICIAN – JARED OKERSON

WHEREAS, per the 2017-2021 Teamster’s contract, there is a stipend for the position of Building Maintenance Technician in the amount of \$7,500; and

WHEREAS, Resolution No. 2019-28 was adopted by the Mayor and Council on January 7, 2019 appointing Jared Okerson to the position through 2019; and

WHEREAS, Richard Gardella, Director of Engineering and Public Works Superintendent, has submitted his recommendation for the reappointment of Jared Okerson to this position and Theresa Casagrande concurs with the recommendations made.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Jared Okerson be reappointed as Building Maintenance Technician and continue to receive said stipend of \$7,500.

BE IT FURTHER RESOLVED that this reappointment will be in effect for the year 2020.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-49

**TITLE: APPROVE REAPPOINTMENTS FOR TWO FOREMAN POSITIONS IN THE
PUBLIC WORKS DEPARTMENT**

WHEREAS, Resolution No. 2017-235 was adopted on November 27, 2017 and authorized the Mayor to execute an amendment to the Agreement with Teamsters Local 177 to include Foreman position appointments; and

WHEREAS, per the Teamster's contract, there is a stipend for these positions in the amount of \$3,500.00 each; and

WHEREAS, David Karl and Marty Coy have held the Foreman positions since March 2016 and Richard Gardella, Director of Engineering and DPW has recommended they each be reappointed and Theresa Casagrande, Borough Administrator, concurs with the recommendations made.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the following DPW employees be reappointed to the position of Foreman retroactive to January 1, 2020 for the year 2020:

David Karl – Buildings, Grounds and Parks Foreman

Marty Coy – Streets & Sanitation Forman

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-50

**TITLE: APPROVE APPOINTMENTS TO THE ENVIRONMENTAL COMMISSION,
 ALTERNATE #2 POSITION AND HISTORIC PRESERVATION COMMISSION,
 ALTERNATE #2 POSITION**

WHEREAS, there are vacancies for the Environmental Commission, Alternate #2 position and the Historic Preservation Commission, Alternate #2 position that need to be filled; and

WHEREAS, the Borough has found volunteers willing to fill these Alternate #2 positions as follows:

Brian Rice, Environmental Commission, Alternate #2 member with a three-year term expiration of 12/31/2022
Alfred Schiavetti, III, Historic Preservation Commission, Alternate #2 member with a two-year term expiration of 12/ 31/2021

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-51

TITLE: APPOINTMENT TO NAVESINK RIVER MUNICIPALITIES COMMITTEE

WHEREAS, there is a vacancy on the Navesink River Municipalities Committee that needs to be filled.

BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Brian Rice is hereby appointed to represent Fair Haven on the Navesink River Municipalities Committee for the year 2020.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-52

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 January 27, 2020 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2019 CURRENT ACCOUNT	\$ 208,216.04
2020 CURRENT ACCOUNT	\$6,156,970.75
GENERAL CAPITAL	\$ 17,861.00
GRANT FUND	\$ 120.00
PAYROLL AGENCY	\$ 12,662.90
OTHER TRUST	\$ 17,377.84
TOTAL	\$6,413,208.53