

**FAIR HAVEN BOROUGH COUNCIL  
REGULAR MEETING AGENDA  
JULY 29, 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**  
-Seasonal High Water (Engineer Gardella)  
-Engineering Update
7. **Public Comment on Agenda Items**
8. **Approval of Minutes**  
-July 15, 2019 Regular Meeting  
-July 15, 2019 Executive Session
9. **Old Business**  
-Path to Progress Recommendations
10. **New Business**  
**Introduction of Ordinances**  
2019-10 Reintroduction of Ordinance Banning Plastic Straws, Styrofoam and Plastic Bags

**Consent Agenda**

**Resolutions**

- 2019-144 Approve 2020 NJDOT Grant Application – Hance Road and Cooney Terrace
- 2019-145 Approve 2017 and 2018 Bonus for Director of Engineering and DPW
- 2019-146 Authorize Execution of 2019-2021 Contract for Director of Engineering and DPW
- 2019-147 Extend Grace Period for 3<sup>rd</sup> Quarter Taxes to August 19<sup>th</sup>
- 2019-148 Appoint Joint Insurance Fund Review Committee
- 2019-149 Approve Escrow Refund to Mr. and Mrs. Donahue -151 Linden Drive
- 2019-150 Approve Block Party – Heights Terrace – September 28<sup>th</sup>
- 2019-151 Chapter 159: 2017 Recycling Tonnage Grant
- 2019-152 Executive Session – Pending Litigation, Property Acquisition and Contract Negotiations
- 2019-153 Payment of Vouchers
- 2019-154 Award Buffer Restoration Bid

**Department Reports**

**June 2019**

- Tax Collector

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/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.**

**THE NEXT COUNCIL MEETING WILL BE AUGUST 19, 2019**

**BOROUGH OF FAIR HAVEN  
ORDINANCE 2019-10**

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

**1.1 INTENT.**

The intent of this Ordinance is to adopt regulations relating to and limiting the use of single-use plastic bags, polystyrene foam containers and plastic straws by businesses in the Borough of Fair Haven. The regulations are intended as necessary and proper steps by the Borough to address a significant global problem relating to the sale and use of single -use plastic bags, polystyrene foam containers and plastic straws; to further incentivize the use of reusable bags at businesses, and, ultimately, to protect the environment, wildlife, and the public health, welfare, and safety.

**1.2 DEFINITIONS.**

The following definitions apply to this Chapter:

**"BUSINESS OR STORE"** means any retail establishment that engages in the retail sale of goods and products. The definition includes, but is not limited to pharmacies, supermarkets, grocery stores, convenience stores, clothing stores, surf shops, dry cleaners, food marts, and food service establishments.

**"COMPLIANT BAG"** means recyclable paper carry-out bags and reusable bags as defined below:

A. A recyclable paper carry-out bag is a paper bag that meets all of the following minimum requirements:

- (1) It is one-hundred-percent recyclable overall and contains a minimum of 40% post-consumer recycled material;
- (2) It can be composted; and
- (3) It displays the words "recyclable" and/or "reusable" in a highly visible manner on the outside of the bag.

B. A reusable bag is a bag made of cloth or other washable fabric with handles that are specifically designed and manufactured for multiple reuse and meets all of the following additional requirements:

1. It has a minimum lifetime of 125 uses;
2. It can carry a minimum of 22 pounds;
3. It is machine washable or is made from a material that can be cleaned or disinfected;
4. It does not contain lead, cadmium, or any other heavy metal in toxic amounts, as defined by applicable state and federal standards and regulations; and
5. If made of plastic, it is a minimum of at least 2.25 mils thick

**"CUSTOMER"** means any person purchasing goods or services from a business or store.

**"EFFECTIVE DATE"** shall be defined as the date on which final adoption and publication in accordance with the law are complete.

**"ENFORCEMENT DATE"** shall be 180 days from the Effective Date.

**"FOOD SERVICE ESTABLISHMENT"** means any establishment which serves made-to-order food or beverages for dine-in, takeout, or delivery.

**"OPERATOR"** means the person in control of, or having the responsibility for, the operation of a business or store, which may include, but is not limited to, the owner of the business or store.

**"PERSON"** means any natural person, firm, corporation, partnership, or other organization or group, however organized.

**"POLYSTYRENE FOAM CONTAINER"** means any disposable food packaging used to provide customers with prepared food or take-out food, which contains polystyrene foam in any part of such packaging. This definition specifically exempts the following from the category of polystyrene foam containers:

1. Meat and fish trays for raw or butchered meat, including poultry, or fish that is sold from a refrigerator or similar retail appliance; or
2. Polystyrene foam food service food containers used for prepackaged food that have been filled and sealed prior to receipt by the store.

**"POST-CONSUMER RECYCLED MATERIAL"** means a bag constructed of a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. "Post-consumer recycled material" does not include materials and by-products generated from, and commonly reused within, an original manufacturing and fabrication process.

**"PREPARED FOOD"** means food or beverages which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared on the premises or facilities of the retail food vendor. Prepared food does not include raw, butchered meats, fish and/or poultry which are sold from a butcher case or similar appliance. Prepared food may be eaten either on or off premises or away from the facilities or the retail food vendor. Prepared food includes take-out food.

**"PRODUCE BAG OR PRODUCT BAG"** means a very thin bag without handles used exclusively to carry produce, meats, or other food items to the point of sale inside a store or, for reasons of public health and safety, to prevent such food items from coming into direct contact with other purchased items.

**"RECYCLABLE"** means material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of reusing the altered, incinerated, converted, or otherwise thermally destroyed solid waste generated therefrom.

**"RETAIL"** means the sale of goods and products for use and/or consumption.

**"SINGLE-USE, PLASTIC CARRYOUT BAG"** means any bag made predominantly of plastic derived from either petroleum or a biologically based source, such as corn or other plant sources, that is provided by an operator of a business or store to a customer at the point of sale. The term includes compostable and biodegradable bags but does not include reusable bags, produce bags, or product

bags. This definition specifically exempts the following from the category of “single-use plastic carry-out bag”:

A. Bags provided by operators and used by consumers inside a business or store to:

1. Package bulk items, such as fruit, vegetables, nuts, grains, candies, or small hardware items;
2. Contain or wrap frozen foods, meat, or fish, whether packaged or not;
3. Contain or wrap flowers, potted plants or other items where dampness may be an issue;
4. Contain unwrapped prepared foods or bakery goods; or
5. Pharmacy prescription bags.;

~~8. Meat and fish trays for raw or butchered meat, including poultry, eggs, produce items or fish that is sold from a refrigerator or similar retail appliance; or~~

~~8. Polystyrene foam food service food containers used for prepackaged food that have been filled and sealed prior to receipt by the store.~~

B. Newspaper bags, door-hanger bags, laundry and/or dry-cleaning bags, or bags sold in packages containing multiple bags intended for use as food storage bags, garbage bags, yard waste bags, or pet waste bags.

### **1.3 REGULATION OF SINGLE-USE, PLASTIC CARRYOUT BAGS, POLYSTYRENE FOAM CONTAINERS AND PLASTIC STRAWS.**

No business or store shall provide any single-use, plastic carryout bags, polystyrene foam containers and/or plastic straws to a customer at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting products or goods out of the business or store, except as otherwise provided in this Chapter. In addition, no business or store shall provide customers any other types of carryout bags that don't meet the definition of Compliant Bag as defined in this Chapter.

### **1.4 REGULATION OF COMPLIANT BAGS.**

Nothing in this Chapter shall require any business or store to provide compliant bags nor restrict their ability to charge for the purchase of said items. A business or store shall not charge a fee for bags of any kind provided by the customer.

### **1.5 ENFORCEMENT.**

This Ordinance shall take effect on the Effective Date, and all Businesses and Stores must be in compliance with same by the Enforcement Date.

Any business or store found not to be in compliance with this Ordinance on the Enforcement Date, and which has not made application to the Borough Council for an extension as provided in this section, shall be in violation of this Ordinance and subject to the violations and penalties prescribed herein.

The Borough Council may, in the Borough's sole discretion, grant an extension of time for compliance with the Ordinance when a business or store makes application for an extension prior to the Enforcement Date. Upon such application, the Borough shall consider whether the business or store has made adequate good faith efforts to comply with this Ordinance by the Enforcement Date and has been unable do so for compelling reasons. The Borough may, in its sole discretion, grant an extension for not longer than 180 additional days from the Enforcement Date.

### **1.6 VIOLATIONS AND PENALTIES.**

Each business or store violating any of the provisions of this section shall, upon conviction thereof in municipal court, be subject to a penalty of up to \$500 for a first offense, up to \$1,000 for a second offense, and up to \$2,500 for a third offense. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate, and distinct

offense.

**1.7 SEVERABILITY.**

In the event that any clause, section, provision, paragraph, or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, the remaining provisions of the Ordinance not affected by said invalidity shall remain in full force and effect.

**1.8 REVERSE PREEMPTION.**

This article shall be null and void on the day that statewide legislation goes into effect incorporating either the same or substantially similar provisions as are contained in this article or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the Borough of Fair Haven. The Borough of Fair Haven Council may determine by resolution whether or not identical or substantially similar statewide legislation or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2019-144**

**TITLE: APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENTS TO HANCE ROAD AND COONEY TERRACE PROJECT**

**NOW, THEREFORE BE IT RESOLVED** that the Council of the Borough of Fair Haven formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that the Administrator, Engineer and Clerk are hereby authorized to submit electronic grant application identified as Improvements to Hance Road and Cooney Terrace, Phase II (MA-2020-Improvement to Hance Road and Coone - 00700) to the New Jersey Department of Transportation on behalf of the Borough of Fair Haven.

**BE IT FURTHER RESOLVED** that the Administrator and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Fair Haven and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2019-145**

**TITLE:       APPROVE 2017 AND 2018 BONUS FOR DIRECTOR OF ENGINEERING AND  
PUBLIC WORKS – Richard Gardella**

**WHEREAS**, the employment 2016-2018 contract for the Director of Engineering and Public Works provides for the consideration of a performance-based bonus at the conclusion of each calendar year at the sole discretion of the Borough Council with the input of the Borough Administrator; and

**WHEREAS**, Borough Council with the recommendation of the Borough Administrator has determined that a performance-based bonus for the calendar year 2017 and 2018 is warranted for the Director of Engineering and Public Works; and

**WHEREAS**, Borough Council has determined that an appropriate bonus is three thousand dollars (\$3,000.00) for the year 2017 and three thousand dollars (\$3,000.00) for the year 2018.

**NOW, THEREFORE, BE IT RESOLVED** that the Director of Engineering and Public Works is to be provided with a bonus of three thousand dollars (\$3,000.00) for each year mentioned above and the Finance Office is directed to provide said compensation in the next regularly scheduled payroll.



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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2019-146**

**TITLE:            AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH RICHARD GARDELLA, DIRECTOR OF ENGINEERING AND DEPARTMENT OF PUBLIC WORKS AND PLANNING BOARD ENGINEER**

**WHEREAS**, Richard Gardella currently serves as the Director of Engineering and Department of Public Works and Planning Board Engineer; and

**WHEREAS**, the Borough Council has agreed to enter into a three (3) year contract from 2019-2021 with Mr. Gardella as further described below.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, that Mayor Lucarelli is authorized to execute an agreement with Richard Gardella for a three (3) year term as per the agreement attached as Exhibit A.

**BE IT FURTHER RESOLVED** that this resolution and contract become retroactive to January 1, 2019.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2019-147**

**TITLE:       EXTENDING GRACE PERIOD FOR PAYMENT OF 3<sup>RD</sup> QUARTER 2019 TAXES**

**WHEREAS**, the Tax Collector has informed the Mayor and Council that the Monmouth County Board of Taxation was delayed in forwarding necessary information for the preparation and mailing of final tax bills to the real estate taxpayers of the Borough of Fair Haven for the year 2019; and

**WHEREAS**, the present statute requires the imposition of a late charge if 3<sup>rd</sup> quarter 2019 taxes are not paid by the 10<sup>th</sup> of August; and

**WHEREAS**, it would be unfair and unreasonable to impose a penalty for a delinquent payment when the amount of the payment is unknown.

**NOW, THEREFORE, BE IT RESOLVED**, that the Tax Collector of the Borough of Fair Haven is hereby ordered and directed, according to Public Law 1994, Chapter 72, signed July 14, 1994, that if tax bills are not delivered or mailed at least 25 (twenty-five) calendar days prior to the standard due date, then the delinquency date for 3<sup>rd</sup> quarter 2019 taxes shall be established as the twenty-fifth (25) calendar day after the date the tax bill was delivered or mailed. The tax bills will contain the date on which interest shall start accruing.

**THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven are hereby extending the grace period for payment of 3<sup>rd</sup> quarter 2019 taxes to August 19, 2019.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2019-148**

**TITLE:        APPOINT JOINT INSURANCE FUND REVIEW COMMITTEE**

**WHEREAS**, the contract between the Garden State Municipal Joint Insurance Fund and the Borough of Fair Haven will expire on December 31, 2019; and

**WHEREAS**, it is necessary to solicit quotes from other insurance companies/joint insurance funds along with a renewal quote from the Garden State Municipal Joint Insurance Fund; and

**WHEREAS**, it would be best to form a Joint Insurance Fund Renewal Review Committee to oversee this process.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Councilmembers Peters, Koch and Rice and Municipal Clerk/Assistant Administrator, Allyson Cinquegrana be appointed to the Review Committee.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2019-149**

**TITLE: REFUND UNUSED ESCROW FUNDS TO EDWARD AND CYNTHIA DONOHUE, 151  
LINDEN DRIVE - BLOCK 62, LOT 76**

**WHEREAS**, Edward and Cynthia Donohue, 151 Linden Drive, Block 62, Lot 76 submitted an application to the Zoning Board for the addition of a portico to their home; and

**WHEREAS**, escrow money was posted by the applicant; and

**WHEREAS**, Mr. and Mrs. Donohue have requested the return of any unused escrow from their application be refunded; and

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

Unused Escrow funds in the amount of \$118.20.

**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 Edward and Cynthia Donohue, 151 Linden Drive.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2019-150**

**TITLE:     APPROVING A BLOCK PARTY TO BE HELD ON HEIGHTS TERRACE  
          – SEPTEMBER 28, 2019**

**WHEREAS**, a request was received to hold a Block Party on Heights Terrace on Saturday, September 28, 2019 from 3:00 pm to 6:00 pm with a rain date of Sunday, September 29, 2019; and

**WHEREAS**, Police Chief McGovern reviewed the application and submitted his approval on July 23, 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 Heights Terrace on Saturday, July 28, 2019 from 3:00 pm to 6:00 pm with a rain date of Sunday, September 29, 2019.

**BE IT FURTHER RESOLVED** that Permit No. BP 2019-04 will be issued for said event.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2019-151**

**TITLE: RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF THE BOROUGH OF FAIR HAVEN PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948): STATE OF NEW JERSEY – RECYCLING TONNAGE GRANT**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such items of revenue in the Budget of the County or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount; and

**WHEREAS**, the Borough of Fair Haven has received a \$8,664.29 grant from State of New Jersey for a 2017 Recycling Tonnage Grant and wishes to amend its 2019 budget to include this amount as revenue; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Haven, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2019 in the amount of \$8,664.29 which items in now available as revenue from:

The State of New Jersey  
NJDEP Recycling Tonnage Grant

**BE IT FURTHER RESOLVED** that a like sum of \$8,664.29 be and the same is hereby appropriated under the caption of General Appropriations – Operations Excluded from CAPS:

The State of New Jersey  
NJDEP Recycling Tonnage Grant

**BE IT FURTHER RESOLVED** that a copy of this resolution be forward to the Director of Local Government Services.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2019-152**

**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

**Acquisition of Property**

1. River Road

**Contract Negotiations**

1. ILSA - Rumson
2. Engineering Proposal – LSRP Services

**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:**

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**RESOLUTION NO. 2019-153**

**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 July 29, 2019 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2018 CURRENT ACCOUNT	\$      493.19
2019 CURRENT ACCOUNT	\$ 3,450,410.89
GENERAL CAPITAL	\$    33,680.00
OTHER TRUST	\$    13,784.75
<b>TOTAL</b>	<b>\$ 3,498,368.83</b>



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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2019-154**

**TITLE: RECOMMENDING AWARD FOR A CONTRACT FOR FAIR HAVEN FIELDS  
BUFFER RESTORATION PROGRAM**

**WHEREAS**, sealed bids were opened July 25, 2019 in the Borough Hall Council Chambers for the Fair Haven Fields Buffer Restoration Program; and

**WHEREAS**, the following bids were received:

<u>CONTRACTOR</u>	<u>LOCATION</u>	<u>AMOUNT BID</u>
1. Down to Earth Landscaping	Jackson, NJ	\$61,700.00
2. Dawson Corporation	Clarksburg, NJ	\$92,459.50

**WHEREAS**, Richard Gardella, PE, PP, CME, Borough Engineer and Salvatore Alfieri reviewed the submitted bids and hereby recommend that a contract award be made to Down to Earth Landscaping, Jackson, NJ, in the amount of \$61,700.00; and

**WHEREAS**, the Chief Financial Officer of the Borough of Fair Haven has certified that funds for the low bid are available in Capital Fund Appropriations, as attached; and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Fair Haven that it hereby recommends award of a contract for the Fair Haven Fields Buffer Restoration Program to Down to Earth Landscaping, 705 Wright-Debow Road, Jackson, NJ

**BE IT FURTHER RESOLVED**, the Mayor and Clerk are hereby authorized to execute an agreement with Down to Earth Landscaping.