

**FAIR HAVEN BOROUGH COUNCIL
REGULAR MEETING AGENDA
TUESDAY, NOVEMBER 12, 2019, 1:30 P.M.
KNOLLWOOD SCHOOL ALL-PURPOSE ROOM**

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. **Presentation**
-Monmouth County Recycling Presentation
 7. **Workshop Session**
-Request from Dermer's Dreams for 11/23 Food Drive lawn signs and electronic sign message
-FHBA request to place a banner at the entrance to Fair Haven for holiday events (11/20-12/7)
-Amended 2020 Council Meeting Dates
-Draft Resolution Calling for a Study Commission to Review the Open Public Records Act
-Monmouth County Historical Commission's Historic Preservation Grant Program submission
 8. **Public Comment on Agenda Items**
 9. **Approval of Minutes**
-October 28, 2019 Regular Meeting
-October 28, 2019 Executive Session
 10. **Old Business**
Hearing and Adoption of Ordinances
2019-13 Create A Drains and Sump Pump Discharge Ordinance (Chapter 23, Section 3)
2019-14 Amend Chapter 2-56 to include fees pertaining to drains and sump pumps
 11. **New Business**
Consent Agenda
Resolutions
2019-213 Authorize Special Council Meeting – November 13, 2019, Fair Share Housing
2019-214 Approve Capital Purchase Authorization for the Department of Public Works
2019-215 Authorize Refund of Cash Repair Escrow - Lexington Avenue
2019-216 Memorialize Borough Clerk's Vacation Time
2019-217 Executive Session: Personnel, Pending Litigation, Acq of Property & Contract Negotiations
2019-218 Payment of Vouchers
- Department Reports**
October 2019
-Municipal Clerk
-Dog License
-Municipal Court
-Planning Board and Zoning Board
-Police Department

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.**

**BOROUGH OF FAIR HAVEN
ORDINANCE NO. 2019-13**

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF
MONMOUTH SUPPLEMENTING CHAPTER 23, STORMWATER MANAGEMENT AND MUNICIPAL
STORM SEWERS BY ADDING SECTION 3, DRAINS AND SUMP PUMP DISCHARGES.**

WHEREAS, the intent of this Ordinance is to adopt regulations relating to drain and sump pump discharges and codifying permit requirements related thereto.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Fair Haven, County of Monmouth, New Jersey, that Chapter 23 of the Revised General Ordinances of the Borough of Fair Haven, is hereby amended and supplemented as follows:

SECTION I.

23-3 DRAINS AND SUMP PUMP DISCHARGES.

- a. No person will discharge roof drains, area drains, yard drains or sump pump drains into the public right-of-way; connect them to any portion of the stormwater drainage system or discharge them outside of the public right-of-way in a manner to cause concentrated flow into the public right-of-way without obtaining a permits
- b. A permit to discharge roof drains, area drains and other facilities, which do not convey groundwater and only flow during immediately after rainfall, into the public right-of-way or to connect them to the municipal storm drainage system will be issued if the Borough Engineer determines that:
 1. No groundwater will be conveyed; and
 2. No hazard to public health or safety will result; and
 3. No damage to any public infrastructure or to any portion of the right-of-way will result; and/or
 4. All disturbed portions of the public infrastructure will be adequately replaced or repaired.
- c. A permit to discharge sump pump drains or other facilities which convey groundwater into the public right-of-way or connect them to the municipal drainage system is subject to the following:
 1. No permit will be issued if:
 - i. The Borough Council, on the advice from the Borough Engineer or other Borough official(s), finds that the proposed discharge will create significant, unacceptable public safety or public health issues; or
 - ii. The Borough Engineer determines that a reasonable alternative other than discharge into the public right-of-way exists. Reasonable alternatives include modifications of the system to reduce or eliminate the volume of discharge and/or discharging into ponds, water courses or landscaped or natural areas on or adjacent to the property.
 2. The Borough Engineer will only issue a permit subject to use of the following options when available:
 - i. Connection to a stormwater drainage system or adequate receiving piping available or to be made available on or adjacent to any portion of the permittee's property; or

- ii. Connection to a stormwater drainage system or adequate receiving piping available or to be made available not more than one (1) property away from the permittee's property which can be reached within the public right-of-way without crossing a street; or
 - iii. Any other reasonably available alternative.
 3. When issuing a permit to allow discharges into the public right-of-way or a connection to the stormwater drainage system, the Borough Engineer may designate the location of the discharge or connection.
- d. Drains and sump pump discharges in the public right-of-way legally existing on the date of adoption of this section may be continued without a permit and will not constitute violations of this ordinance until:
 1. The property owner is notified by the Borough Engineer that a permit must be obtained for the existing discharge; and
 2. One (1) year elapses from the date of notice by the Borough Engineer without the applicant obtaining a permit.
- e. Permit fees shall be paid to the Borough as set forth in Section 2-56.4.

SECTION II.

All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

SECTION III.

The Mayor, Clerk, Borough Attorney, and such other officials as may be necessary are authorized to perform such ministerial actions as are necessary to effectuate the purposes of this Ordinance.

**BOROUGH OF FAIR HAVEN
ORDINANCE NO. 2019-14**

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF
MONMOUTH SUPPLEMENTING CHAPTER 2, ADMINISTRATION BY ADDING SECTION 2-56.4, NON-
REFUNDABLE PERMIT FEES.**

WHEREAS, the intent of this Ordinance is to create fees necessary for the regulations relating to drains and sump pump discharges.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Fair Haven, County of Monmouth, New Jersey, that Chapter 2 of the Revised General Ordinances of the Borough of Fair Haven, is hereby amended and supplemented as follows:

SECTION I.

2-56.4 NON-REFUNDABLE PERMIT FEES.

The following non-refundable permit fees are established and shall be collected by the Borough Clerk before issuing a permit:

- e. Unless a specific fee is established hereinafter, the permit fee shall be \$200.00.
- f. Moving building along a street -- \$1,000.00.
- g. Discharge of a sump pump drain, roof drain or area drain into the public right-of-way where no connection to the public stormwater connection system is proposed -- \$200.00 (paragraph #4 below applies if a connection is proposed).
- h. Connecting to the sanitary sewer or stormwater collection system -- \$200.00, and where a pavement opening is required, \$25.00 additional for each 100 square feet, or fraction thereof, of area disturbed.
- i. For construction or replacement of curbs, sidewalks or driveway aprons – greater of \$200.00 or \$1.00 per lineal foot of curb plus \$0.50 per square foot of sidewalk and driveway apron.
- j. For other excavations or occupancies which disturb improvements, such as utility connections -- \$200.00, plus \$25.00 additional for each 100 square feet, or fraction thereof, of area disturbed.
- k. For utility infrastructure installation, repairs, upgrades, or replacements -- \$200.00, plus \$0.50 per linear foot of utility main installed, repaired, upgraded, or replaced for the purposes of the fee calculation, lineal footage of directional drilling, micro-tunneling, Jack and Bore, moling or other trenchless installation shall be included.

SECTION II.

All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

SECTION III.

The Mayor, Clerk, Borough Attorney, and such other officials as may be necessary are authorized to perform such ministerial actions as are necessary to effectuate the purposes of this Ordinance.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-213

**TITLE: AUTHORIZE THE MAYOR AND COUNCIL TO HOLD A SPECIAL MEETING ON
 WEDNESDAY, NOVEMBER 13, 2019 AT 7:00 PM – FAIR SHARE HOUSING PLAN**

WHEREAS, the Mayor and Council have determined that a special meeting is required to be held for a proposed plan for Borough Facilities with any and all business of the Borough to be conducted; and

WHEREAS, the Mayor and Council have selected Wednesday, November 13, 2019 at 7:00 p.m. for a Special Meeting regarding the Borough's Fair Share Housing; and

WHEREAS, the Borough Clerk has noticed for and advertised the special meeting in accordance with the requirements of the Open Public Meetings Act.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven, County of Monmouth and State of New Jersey, that the Mayor and Council shall hold a special meeting on November 13, 2019, at 7:00 p.m. for discussion regarding the Borough's Fair Share Housing Plan and any and all business of the Borough to be conducted directly following, as deemed necessary and appropriate.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-214

TITLE: PURCHASE AUTHORIZATION FOR CAPITAL ITEM EXPENDITURES

WHEREAS, Ordinance No. 2017-06 was adopted on May 22, 2017 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:

Public Works Department

- One (1) 2020 Ford F-250 Super Cab w/Utility Body \$ 40,000.00 (not to be exceeded)
with options

WHEREAS, the above equipment will be purchased through State Contract #A88727 for the Public Works Department as per Richard Gardella, Director of Engineering and Public Works' 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.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-215

**TITLE: AUTHORIZE REFUND OF CASH REPAIR DEPOSIT TO ANDREW DATA, 114
 LEXINGTON AVENUE**

WHEREAS, Ordinance No. 2007-31 created the Street Excavation Ordinance which requires a cash repair deposit be posted to serve as security for the inspection, repair and performance of work necessary to put the street in as good a condition as it was prior to the excavation if the permittee fails to make the necessary repairs or to complete the proper refilling of the opening and the excavation work performed in accordance with the excavation permit; and

WHEREAS, the Director of Engineering and Public Works has completed an inspection of the street opening (Permit No. 2019-41 approved on October 2, 2019) for 114 Lexington Avenue where the existing driveway apron was redone and the driveway opening was expanded; and

WHEREAS, the Assistant Director of Engineering and Public Works has recommended that the cash repair deposit posted by Mr. Andrew Data be returned in the amount of \$277.00.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the foregoing cash deposit return is hereby approved and the Chief Financial Officer/Assistant Chief Financial Officer and Borough Clerk are hereby authorized to pay said refund to Andrew Data, 114 Lexington Avenue.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-216

TITLE: MEMORIALIZE BOROUGH CLERK'S VACATION TIME

BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Allyson M. Cinquegrana, Borough Clerk, should receive 25 vacation days per year as of January 1, 2019 until the year 2027 when she will receive one additional day per year until the maximum of 29 days as per the Borough's Personnel Manual.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-217

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:

Personnel

1. Police Chief
2. Non-Aligned Personnel

Pending Litigation

1. Yacht Works
2. Reger vs. Planning Board

Acquisition of Property

1. River Road

Contract Negotiations

1. DPW (Unfair Labor Practice)

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. 2019-218

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 November 12, 2019 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2018 CURRENT ACCOUNT	\$	23.02
2019 CURRENT ACCOUNT	\$	3,898,184.59
GENERAL CAPITAL	\$	61,221.56
GRANT FUND	\$	38,812.00
PAYROLL AGENCY	\$	12,830.50
OTHER TRUST	\$	1,480.59
DOG TRUST	\$	1.20
TOTAL		\$4,012,533.46