

**FAIR HAVEN BOROUGH COUNCIL
REGULAR MEETING AGENDA
MARCH 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. **Proclamations for Women’s History Month**
 - Patricia Drummond
 - Susan Whyman
7. **Presentation**
 - Overview of Housing Element and Fair Share Plan
8. **Workshop Session**
 - Street Opening Application from NJ American Water – 21 William Street, New Service
 - Street Opening Applications from NJ Natural Gas:
 - 6 William Street – New Service
 - 134 Third Street – New Service
 - 2019 Budget Workshop
9. **Public Comment on Agenda Items**
10. **Approval of Minutes**
 - February 25, 2019 Executive Session
 - March 11, 2019 Regular Meeting
 - March 11, 2019 Executive Session
11. **Old Business**
12. **New Business**
 - Consent Agenda**
 - Resolutions**
 - 2019-68 Waive Special Duty Administrative Fee for Color Run Event
 - 2019-69 Approve Sidewalk Café License – Fairwinds Deli
 - 2019-70 Approve Sidewalk Café License – Lupo Pizzeria
 - 2019-71 Approve Block Party – Parker Avenue (between Smith Street and Cedar Avenue)
 - 2019-72 Award Contract to Play & Park Structures for Toddler Playground
 - 2019-73 Approve 2019 Non-Aligned Employee Salaries
 - 2019-74 Endorse Housing Element and Fair Share Plan
 - 2019-75 Executive Session – Acquisition of Property and Contract Negotiations
 - 2019-76 Approve Sidewalk Café License – Tavolo Pronto
 - 2019-77 Approve Temporary Emergency Appropriations
 - 2019-78 Extend Time Period to Complete Improvements for 119 Hance Road (B33, L16, 35)

2019-79 Payment of Vouchers
2019-80 2018 Budget Transfer: Legal (Contractual)

Department Reports

February 2019

-Tax Collector

-Planning Board and Zoning Board

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 speak 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.**

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-68

**TITLE: WAIVE ADMINISTRATIVE FEE PORTION FROM SPECIAL DUTY
ASSIGNMENT ORDINANCE FOR THE FAIR HAVEN EDUCATION
FOUNDATION COLOR RUN EVENT**

WHEREAS, Ordinance No. 2017-10 created the fee and rate schedule for Special Duty Assignments for Police Officers; and

WHEREAS, the Fair Haven Education Foundation holds a Color Run Event in November which requires Police presence; and

WHEREAS, the governing body would like to waive the administrative fee for the event in accordance with Ordinance No. 2017-10, Section B, Borough Events Officially Sanctioned by the Governing Body.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the \$20.00 administrative fee will be waived for the Fair Haven Education Foundation event to be held on November 3, 2019.

BE IT RESOLVED that a copy of this resolution be given to the Finance Office, Police Chief and Fair Haven Education Foundation.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-69

TITLE: APPROVAL OF SIDEWALK CAFÉ PERMIT FOR FAIRWINDS DELI

WHEREAS, Chapter 4-2.1 governs Sidewalk Cafes and Restaurants in the Borough of Fair Haven;
and

WHEREAS, Fairwinds Deli, 798 River Road, has filed the appropriate Sidewalk Café License Application and paid the appropriate fee to the Borough Clerk; and

WHEREAS, the Police Chief has reviewed said application and submitted his approval for said permit as follows:

5 Tables and 20 chairs to accommodate 20 patrons.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Sidewalk Café Permit is hereby approved and shall be issued by the Municipal Clerk with an expiration date of December 1, 2019.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-70

TITLE: APPROVAL OF SIDEWALK CAFÉ PERMIT FOR LUPO PIZZERIA

WHEREAS, Chapter 4-2.1 governs Sidewalk Cafes and Restaurants in the Borough of Fair Haven;
and

WHEREAS, Lupo Pizzeria, 757 River Road, has filed the appropriate Sidewalk Café License Application and paid the appropriate fee to the Borough Clerk; and

WHEREAS, the Police Chief has reviewed said application and submitted approval for said permit as follows:

7 Tables and 28 chairs to accommodate 28 patrons.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Sidewalk Café Permit is hereby approved and shall be issued by the Municipal Clerk with an expiration date of December 1, 2019.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-71

**TITLE: APPROVING A BLOCK PARTY TO BE HELD ON PARKER AVENUE
 (BETWEEN CEDAR AVENUE AND SMITH STREET)**

WHEREAS, a request was received to hold a Block Party on Parker Avenue (between Cedar Avenue and Smith Street) on Saturday, May 25, 2019 from 5:30 pm to 10:00 pm with a rain date of May 26, 2019; and

WHEREAS, Police Chief Joseph McGovern reviewed the application and submitted his approval on March 11, 2019; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that approval is hereby granted for a block party to be held on Parker Avenue (between Cedar Avenue and Smith Street) on Saturday, May 25, 2019 from 5:30 pm to 10:00 pm with a rain date of May 26, 2019.

BE IT FURTHER RESOLVED that Permit No. BP 2019-01 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:

RESOLUTION NO. 2019-72

**TITLE: PURCHASE AUTHORIZATION FOR A CAPITAL ITEM EXPENDITURE
TODDLER PLAYGROUND EQUIPMENT**

WHEREAS, a request was made to the Recreation Committee and governing body for a Toddler Playset at Fair Haven Fields; and

WHEREAS, the request was approved and the Toddler Playground Group raised funds to cover the cost of the playground equipment; and

WHEREAS, a Capital Item request has been made as follows through the Recreation – Community Appeals account:

Parks and Recreation

- Toddler Playset \$ 20,000.00

WHEREAS, two quotes for the capital expenditure were received and Play & Park Structures of New Jersey and New York, 920 Bayshore Avenue, West Islip, NY 11795 was the lowest quote.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the above capital item expenditure is hereby approved with a Certification of Funds executed by Colleen Lapp, Chief Financial Officer.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-73

TITLE: ESTABLISH 2019 SALARIES FOR NON-UNION BOROUGH EMPLOYEES

WHEREAS, Borough Salary Ordinance No. 2017-03, provides for salary ranges for designated municipal employees; and

WHEREAS, the exact amount of each salary is to be determined by the Borough Council of the Borough of Fair Haven with the recommendation of the Borough Administrator.

NOW, THEREFORE, BE IT RESOLVED that the following non-contractual individuals shall be paid the regular base salary for the year 2019, for their services to the Borough of Fair Haven in the designated positions as follows:

EMPLOYEE	POSITION	2019
Allyson Cinquegrana	Borough Clerk	\$74,041.00
Allyson Cinquegrana	Assistant Administrator	11,389.00
Melissa Abrahamson	Assistant Chief Financial Officer/Payroll Coordinator	62,120.00
Betty Ann Berube	Administrative Assistant/Registrar	38,000.00
Debbie Ozut	Tax and Finance Office Assistant	38,000.00
Gregory Hutchinson	Tax Assessor	25,000.00
Peter Lucas	Municipal Court Judge	13,915.00
Anthony Vecchio	Municipal Prosecutor	12,240.00
Darryl Breckenridge, Jr.	Director of Parks and Recreation, Events and Special Project Administrator	62,500.00
Donna Powers	Librarian	49,000.00
Annette Bufano	Assistant Librarian	36,000.00
Nicolas Poruchynsky	Assistant Director of Engineering and Public Works	74,026.00
Nicolas Poruchynsky	Zoning Officer	25,884.00
Nicolas Poruchynsky	Flood Plain Manager	6,630.00
Jason Clark	Municipal Alliance Coordinator	18,000.00
Various Employees	Permanent Crossing Guard	9,160.00
Jennifer Johnson	Engineering, Zoning, Code Enforcement, Records	42,000.00
Joseph Mulé	Planning & Zoning Code Compliance	20,000.00
Judith Fuller	Engineering & Board Secretary	16.00/hour
	Public Works Laborer – Recycling	15.00/hour
Catherine Palma	Part Time Library Assistant	15.00/hour
Maria Mitterando	Part Time Library Assistant	12.00/hour
Erin Hendrickson	Part Time Police Records Clerk	15.75/hour
Bonnie Ferris	Part Time Police Records Clerk	15.75/hour
Various Employees	Part Time Crossing Guards	14.75/hour
	Special Officers – Class I	14.25/hour
	Special Officers – Class II	17.75/hour
	Police Matron	16.75/hour
	DPW Seasonal	13.00/hour

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-74

TITLE: RESOLUTION ENDORSING THE THIRD ROUND HOUSING PLAN ELEMENT AND FAIR SHARE PLAN AND AUTHORIZING AND DIRECTING SUBMISSION OF THE PLANS TO THE SUPERIOR COURT, LAW DIVISION

WHEREAS, On March 10, 2015, the Supreme Court transferred responsibility to review and approve housing elements and fair share plans from the Council on Affordable Housing (COAH) to designated Mount Laurel trial judges within the Superior Court; and

WHEREAS, on March 7, 2019, the Borough submitted a Declaratory Judgment Action to the New Jersey Superior Court seeking approval of its Housing Element and Fair Share Plan (HEFSP) pursuant to Mount Laurel IV; and

WHEREAS, on March 19, 2019, the Fair Haven Borough Planning Board adopted its Third Round Housing Plan Element and Fair Share Plan as being consistent with the goals and objectives of the Borough of Fair Haven Master Plan, as guiding the use of lands in the municipality in a manner which protects public health and safety and promotes the general welfare in accordance with N.J.S.A. 40:55D-28, and as achieving access to affordable housing to meet present and prospective housing needs in accordance with N.J.S.A. 52:27D-310; and

WHEREAS, COAH's Prior Round rules at N.J.A.C. 5:91-2.2(a), requires that the Borough Council endorse the Third Round Housing Element and Fair Share Plan adopted by the Planning Board.

NOW THEREFORE, BE IT RESOLVED:

1. The Borough Council of the Borough of Fair Haven, Monmouth County, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the Planning Board on March 19, 2019.

2. That it authorizes and directs its professionals to file with the Court (i) the Housing Element and Fair Share Plan, (ii) the resolutions of the Planning Board adopting and the Borough Council endorsing the Housing Element and Fair Share Plan and (iii) any additional documents the representative deem necessary or desirable.

3. That it authorizes its professionals to seek Court approval of the Housing Element Fair Share Plan.

4. That it reserves the right to amend and/or supplement the Housing Element Fair Share Plan, should that be necessary.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-75

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

Contract Negotiations

1. Architectural Services
2. Interlocal Service Agreement with Rumson – Construction Code 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:

RESOLUTION NO. 2019-76

TITLE: APPROVAL OF SIDEWALK CAFÉ PERMIT FOR TAVOLO PRONTO

WHEREAS, Chapter 4-2.1 governs Sidewalk Cafes and Restaurants in the Borough of Fair Haven;
and

WHEREAS, Tavolo Pronto, 610 River Road, has filed the appropriate Sidewalk Café License Application and paid the appropriate fee to the Borough Clerk; and

WHEREAS, the Police Chief has reviewed said application and submitted approval for said permit as follows:

5 Tables and 20 chairs to accommodate 20 patrons.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Sidewalk Café Permit is hereby approved and shall be issued by the Municipal Clerk with an expiration date of December 1, 2019.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-77

TITLE: TEMPORARY EMERGENCY APPROPRIATION

WHEREAS, emergent conditions have arisen with respect to the payment of bills in a number accounts and no adequate provision has been made in a Year 2019 temporary budget for the aforesaid purposes; and

WHEREAS, NJSA 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned; and

WHEREAS, the total temporary emergency resolutions adopted in the year 2019 for the Borough pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total \$2,490,292.69 for the Current Fund.

NOW, THEREFORE, BE IT RESOLVED that not less than two-thirds of all members of the Borough Council of the Borough of Fair Haven, New Jersey affirmatively concurring in accordance with the provisions of NJSA 40A:4-20:

1. An emergency temporary appropriation shall be and the same is hereby made for the following purposes:

Account Number	Description	Amount	Reason
Current Account			
9-01-20-130-202	Finance – Contractual Services	\$1,000.00	Needed until adoption
9-01-21-185-211	Zoning Board Contractual	\$2,000.00	Needed until adoption
9-01-26-315-235	Vehicle Maintenance – New Equip./ Repair	\$7,500.00	Needed until adoption
TOTAL		\$10,500.00	

2. That said emergency temporary appropriations will be provided for in the 2019 budget under the appropriate titles.

3. That one certified copy of this resolution will be filed with 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:

RESOLUTION NO. 2019-78

**TITLE: EXTENDING THE TIME PERIOD FOR COMPLETION OF IMPROVEMENTS FOR
 BLOCK 33, LOTS 16 AND 35**

WHEREAS, K.M. Hughes and the Borough entered into a Developer's Agreement relating to the subdivision of property known as Block 33, Lots 16 and 35; and

WHEREAS, the Developer's Agreement contained a deadline for the Developer to complete the site improvements by March 1, 2019; and

WHEREAS, the Developer has made substantial progress in the completion of the improvements and has requested a six (6) month extension to finalize the improvements; and

WHEREAS, the Borough Engineer has recommended that the requested extension be granted by the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, that K.M. Hughes is granted an extension through September 1, 2019 in which to complete the site improvements as required in the Developer's Agreement.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-79

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 March 25, 2019 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2018 CURRENT ACCOUNT	\$ 10,515.80
2019 CURRENT ACCOUNT	\$ 147,593.31
GENERAL CAPITAL	\$ 49,207.27
GRANT FUND	\$ 881.18
OTHER TRUST	\$ 15,679.91
TOTAL	\$ 223,877.47

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-80

TITLE: AUTHORIZING TRANSFERS IN THE 2018 MUNICIPAL BUDGET

WHEREAS, pursuant to N.J.S.A. 40A:4-58, appropriation transfers are allowable during the last two months of a calendar year and first three months of the current year; and

WHEREAS, it is deemed necessary that said transfers be done through various accounts.

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 following transfers are made in the 2018 budget appropriations:

<u>FROM</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
8-01-20-100-101	Administration Salaries	\$ 4,500.00
8-01-20-130-299	Finance – Miscellaneous	\$ 1,000.00
8-01-20-145-299	Tax Collection - Miscellaneous	\$ 1,000.00
8-01-23-220-227	Health Benefits – Medical	\$ 13,500.00
Total		\$ 20,000.00
<u>TO</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
8-01-20-155-211	Legal: Contractual	\$ 20,000.00
Total		\$ 20,000.00