

**FAIR HAVEN BOROUGH COUNCIL
REGULAR MEETING AGENDA
TUESDAY, OCTOBER 15, 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**
 - Tree Removal Appeal: 108 Park Lane
 - Tree Removal Appeal: 4 Hendrickson Place
 - Request from Fair Haven Business Association to post lawn signs as follows:
 - a. Small Business Saturday, November 30th (21 signs): November 22nd - December 1st
 - b. Holiday Stroll & Tree Lighting, December 6th (28 signs) November 29th - December 8th
 - Bond Sale Report from Chief Financial Officer
 - Proposed Ordinance Creating A Technical and Design Review Committee
 - Proposed Ordinance Creating A Section for Drains and Sump Pump Discharges
 - Proposed Ordinance to Amend Chapter 2-56 to include fees pertaining to drains and sump pumps
 - Proposed Ordinance under Development Regulations to include construction of basements/cellars
7. **Public Comment on Agenda Items**
8. **Approval of Minutes**
 - September 23, 2019 Regular Meeting
 - September 23, 2019 Executive Session
9. **Old Business**
 - Path to Progress
10. **New Business**
 - Consent Agenda**
 - Resolutions**
 - 2019-200 Approve November 12th Meeting Location and Time Change
 - 2019-201 Accept 2018 Municipal Audit
 - 2019-202 Approve Street Opening Escrow Refund - 65 Laurel Drive, replace curbing
 - 2019-203 Approve Block Party - Dartmouth Avenue - October 19th, 5-10 pm
 - 2019-204 Refund Cash Repair Bond to NJ Natural Gas Company/SAFE Replacement Project
 - 2019-205 Executive Session – Personnel, Pending Litigation and Acquisition of Property
 - 2019-206 First and Final Change Order - Fair Haven Fields Buffer Restoration Project
 - 2019-207 Appoint Special Officer, Class II - Amanda C. White
 - 2019-208 Payment of Vouchers

Department Reports
July 2019
-Chief Financial Officer
August 2019
-Chief Financial Officer

September 2019

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

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.**

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-200

**TITLE: AMEND ANNUAL NOTICE TO CHANGE COUNCIL MEETING TIME AND
 LOCATION FOR THE NOVEMBER 12, 2019 MEETING**

WHEREAS, Resolution No. 2019-12 adopted by the Governing Body at the January 7, 2019 Reorganization Meeting set the meeting dates of the Fair Haven Governing Body for the year 2019; and

WHEREAS, the meeting dates for November were set for November 12, 2019 and November 26, 2018 at 7:00 p.m. in the Borough Hall Council Chambers; and

WHEREAS, it has been determined by the Governing Body that the meeting time and location for the November 12, 2019 meeting will be changed to 1:30 p.m. at Knollwood School, All Purpose Room, to allow the students to see government in action as well as our seniors who cannot attend evening meetings.

NOW THEREFORE BE IT RESOLVED that the Annual Notice is amended as referenced in this resolution.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-201

TITLE: ACCEPTANCE OF THE 2018 AUDIT FOR THE BOROUGH OF FAIR HAVEN

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2017 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations", and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Fair Haven hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-202

**TITLE: AUTHORIZE REFUND OF CASH REPAIR DEPOSIT TO BEECHWOOD
 LANDSCAPE, ARCHITECTURE AND CONSTRUCTION, LLC. FOR 65 LAUREL
 DRIVE**

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. 2019-39 approved on September 12, 2019) for 65 Laurel Drive done by Beechwood Landscape Architecture and Construction, LLC, 2 Kappy Court, Suite F, Southampton, New Jersey 08088 for replacement of damaged concrete curbing; and

WHEREAS, the Assistant Director of Engineering and Public Works has recommended that the cash repair deposit posted by Beechwood Landscape Architecture and Construction, LLC be returned in the amount of \$75.00.

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 Beechwood Landscape Architecture and Construction, LLC

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-203

**TITLE: APPROVING A BLOCK PARTY TO BE HELD ON
 DARTMOUTH AVENUE**

WHEREAS, a request was received to hold a Block Party on Dartmouth Avenue on Saturday, October 19, 2019 from 5 pm to 10 pm with a rain date of Sunday, October 20, 2019; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on October 2, 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 Dartmouth Avenue on Saturday, October 19, 2019 from 5 pm to 10 pm with a rain date of Sunday, October 20, 2019.

BE IT FURTHER RESOLVED that Permit No. BP 2019-14 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. 2019-204

TITLE: REFUND OF CASH REPAIR DEPOSIT BOND TO NJ NATURAL GAS COMPANY FOR SAFE REPLACEMENT PROJECT

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 DPW has completed an inspection of the SAFE Replacement Project that was approved by the Mayor and Council at their February 24, 2014 meeting; and

WHEREAS, the Director of Engineering and DPW has recommended that Travelers Bond No. 106049866 in the amount of \$10,000 posted by New Jersey Natural Gas be returned.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the foregoing bond be returned to New Jersey Natural Gas for the completion of the SAFE Replacement Project.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-205

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. Planning Board and Zoning Board Secretary Position
3. Borough Clerk

Pending Litigation

1. Yacht Works

Acquisition of Property

1. River Road
2. Fair Haven 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. 2019-206

**TITLE: APPROVE 1ST AND FINAL CHANGE ORDER FOR THE FAIR HAVEN
FIELDS BUFFER RESTORATION PROJECT - DOWN TO EARTH
LANDSCAPING, INC.**

WHEREAS, Resolution No. 2019-154 awarded a contract for the Fair Haven Fields Buffer Restoration Project to Down to Earth Landscaping, Inc., Jackson, NJ 08527 in an amount not to exceed \$61,700; and

WHEREAS, the attached First and Final Change Order details additional amendments to the contract resulting in a revised contract amount of \$73,400.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven that Change Order #1 - Final to the Fair Haven Fields Buffer Restoration Project will result in a final contract amount of \$73,400 between the Borough of Fair Haven and Down to Earth Landscaping Company, Inc.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-207

TITLE: APPOINT SPECIAL LAW ENFORCEMENT OFFICER, CLASS II –AMANDA C. WHITE

WHEREAS, a request was made by Police Chief Joseph McGovern to appoint a Special Law Enforcement Officers Class II, effective October 16, 2019; and

WHEREAS, Joseph McGovern, Fair Haven Police Chief, has recommended that Amanda C. White be appointed as a Special Law Enforcement Officer, Class II.

WHEREAS, the rate of pay for this position is \$17.75 per hour.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Amanda C. White be appointed to the position of Special Class II Officer.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2019-208

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 October 15, 2019 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2018 CURRENT ACCOUNT	\$	1,369.76
2019 CURRENT ACCOUNT	\$	123,834.55
GENERAL CAPITAL	\$	59,380.44
GRANT FUND	\$	756.43
PAYROLL AGENCY	\$	12,729.96
OTHER TRUST	\$	15,250.76
TOTAL	\$	213,321.90