

**FAIR HAVEN BOROUGH COUNCIL
REGULAR MEETING AGENDA
JULY 27, 2020, 7:00 P.M.**

Zoom Link: <https://us02web.zoom.us/j/83847979635>

iPhone or Land Line Telephone Call In: 1-267-831-0333

Webinar Number: 838 4797 9635 (this is used for computer or whatever dial in you prefer)

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. **Workshop Session**
 - Tree Removal Appeal: 248 Hance Road
 - Eagle Scout Project Request (Bee Hotel) - Alexander Pane
 - Fair Haven Board of Education: McCarter Park Considerations
 - Proposed Monmouth County Open Space Grant Application
 - Bike Lanes
 - Brush Grinding Site Committee Update
 - Close a portion of River Road for Sidewalk Sales (August 28th)
7. **Public Comment on Agenda Items**
8. **Approval of Minutes**
 - July 13, 2020 Regular Meeting
 - July 13, 2020 Executive Session
9. **Old Business**
 - Hearing and Adoption on Ordinance**
 - Ordinance No. 2020-03, General Capital Ordinance
10. **New Business**
 - Council Committee Reports**
 - Finance** - Councilman Banahan
 - Personnel** - Councilwoman Chrisner-Keefe
 - Planning & Zoning** - Councilwoman Koch
 - Police, Fire & OEM** - Councilman McCue
 - Engineering, DPW and Borough Facilities** - Councilman Rodriguez
 - Parks and Recreation and Communications** - Councilwoman Sorensen
 - Consent Agenda**
 - Resolutions**
 - 2020-130 Approve 2020/2021 Liquor License Renewal - Shrewsbury River Yacht Club
 - 2020-131 Approve 2020/2021 Liquor License Renewal - The Cellar
 - 2020-132 Release Performance Bond/Accept Maintenance Bond - 20 Gillespie Avenue, LLC
 - 2020-133 Authorize Receipt of Bids: River Road Streetscape Project
 - 2020-134 Approve Police Participation in the LESO Program

- 2020-135 Approve Block Party - Poplar Avenue - September 12, 2020
- 2020-136 Executive Session - Contract Negotiations
- 2020-137 Payment of Vouchers
- 2020-138 Authorize Mayor to sign an Indemnification Agreement for a Fire Department Drill at 1 Hance Road

Department Reports

June 2020

- Municipal Court
- 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.**

NEXT COUNCIL MEETING WILL TAKE PLACE ON AUGUST 17, 2020

**BOROUGH OF FAIR HAVEN
ORDINANCE NO. 2020-03**

AN ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS EQUIPMENT, INFRASTRUCTURE IMPROVEMENTS AND IMPROVEMENTS TO PUBLIC BUILDINGS AND GROUNDS AND APPROPRIATING THE SUM OF \$215,000.00 THEREFORE, AUTHORIZED IN AND BY THE BOROUGH OF FAIR HAVEN, IN THE COUNTY OF MONMOUTH, NEW JERSEY

WHEREAS, the Borough of Fair Haven, in the County of Monmouth, New Jersey has determined to acquire various equipment, make improvements to infrastructure and public buildings and grounds; and

WHEREAS, the Borough of Fair Haven has \$215,000.00 in the Capital Improvement Fund.

NOW THEREFORE, BE IT ORDAINED and enacted by the Mayor and Council of the Borough of Fair Haven, County of Monmouth, New Jersey, that:

SECTION 1. The purchase and/or procurement of services described in Section 2 of this ordinance is hereby authorized as a General Capital authorization to be undertaken in and by the Borough of Fair Haven, County of Monmouth, New Jersey.

SECTION 2. The acquisitions and improvements hereby authorized to be undertaken consist of:

- a. Any capital equipment, so determined as to be necessary
- b. Roadway and Infrastructure Improvements, so determined as to be necessary
- c. Buildings and Grounds Improvements, so determined as to be necessary
- d. Information technology hardware and software, so determined to be necessary

together with all items necessary, incidental or appurtenant thereto.

SECTION 3. The 2020 General Capital Budget of the Borough of Fair Haven is hereby amended to conform to the provisions of this ordinance.

SECTION 4. All ordinances or parts of ordinances inconsistent with the terms of this ordinance be and the same are hereby repealed to the extent of their inconsistency

SECTION 5. This ordinance shall take effect 10 days after the first publication thereof after final adoption, as provided by law.

Introduced: 7/13/2020

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-130

**TITLE: APPROVE 2020-2021 CLUB LIQUOR LICENSE FOR SHREWSBURY RIVER
YACHT CLUB (1313-31-006-001)**

WHEREAS, an application for renewal of a club license has been made to the Mayor and Council of the Borough of Fair Haven; and

WHEREAS, the Borough Clerk certifies that the requisite fee has been paid and a Tax Clearance Certificate is on file in her office.

NOW, THEREFORE, BE IT RESOLVED that a club liquor license be issued by the Borough of Fair Haven and the appropriate officer of the Borough of Fair Haven is authorized to issue and sign the same in the name of the Borough of Fair Haven for the period commencing July 1, 2020 and ending June 30, 2021 upon application filed by:

1313-31-006-001

Shrewsbury River Yacht Club

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-131

TITLE: APPROVE 2020-2021 PLENARY RETAIL DISTRIBUTION LICENSE FOR THE CELLAR (1313-44-001-006)

WHEREAS, an application for renewal of a plenary retail distribution license has been made to the Mayor and Council of the Borough of Fair Haven; and

WHEREAS, the Borough Clerk certifies that the requisite fee has been paid and a tax clearance certificate is on file in her office.

NOW, THEREFORE, BE IT RESOLVED that a plenary retail distribution license be issued by the Borough of Fair Haven and the appropriate officer of the Borough of Fair Haven is authorized to issue and sign the same in the name of the Borough of Fair Haven for the period commencing July 1, 2020 and ending June 30, 2021 upon application filed by:

1313-44-001-006

The Cellar, Inc.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-132

**TITLE: RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE
GUARANTEE FOR MAJOR SUBDIVISION (BLOCK 51, LOTS 27 AND 30) – 20
GILLESPIE, LLC.**

WHEREAS, 20 Gillespie, LLC., is the owner of the real property known as Block 51, Lots 27 and 30; and

WHEREAS, Resolution No. 2017-119 adopted June 12, 2017 authorized a partial escrow refund to Ken Macri for 20 Gillespie, LLC; and

WHEREAS, the Borough Engineer authorized the release of the performance guarantees in exchange for a two-year maintenance bond; and

WHEREAS, the developer has requested, that the Borough release the balance of the cash escrow he posted (\$8,969.02) for the project and has submitted Letter of Credit No. 68104100 in the amount of \$99,562.50 as the two-year maintenance bond.

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 Borough of Fair Haven release the Performance Guarantee and accept the Letter of Credit as a Maintenance Guarantee in the amount of \$99,562.50 and that Chief Financial Officer be authorized to release \$8,969.02 to the developer.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-133

**TITLE: AUTHORIZE ADVERTISEMENT FOR RECEIPT OF BIDS FOR RIVER ROAD
 STREETScape EAST PROJECT**

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 River Road Streetscape East Project in accordance with Bond Ordinance No. 2019-11.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-134

TITLE: RESOLUTION AUTHORIZING THE BOROUGH OF FAIR HAVEN THROUGH THE BOROUGH OF FAIR HAVEN POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE FAIR HAVEN POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT

WHEREAS, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Fair Haven Police Department is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31, 2021; and

NOW THEREFORE BE IT FURTHER RESOLVED that Fair Haven Police Department is hereby authorized to acquire items of non-controlled property designated "DEMIL A," which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the Fair Haven Police Department without restriction; and

NOW THEREFORE BE IT FURTHER RESOLVED that Fair Haven Police Department is hereby authorized to acquire the following "DEMIL B through Q" property, if it shall become available in the period of time for which this resolution authorizes:

specifically list controlled property items authorized for acquisition, including quantity, e.g., (1) utility truck, (12) 5.56 millimeter rifles, or (1) MRAP, etc.]; and

BE IT FURTHER RESOLVED that Joseph McGovern, Police Chief, shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED that the Fair Haven Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately and shall be valid to authorize requests to acquire “DEMIL A” property and “DEMIL B through Q” property that may be made available through the 1033 Program during the period of time for which this resolution authorizes; with Program participation and all property request authorization terminating on December 31, 2021.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-135

**TITLE: APPROVING A BLOCK PARTY TO BE HELD ON
 POPLAR AVENUE – SEPTEMBER 12TH**

WHEREAS, a request was received to hold a Block Party on Poplar Avenue on Saturday, September 12, 2020 from 3 pm to 11 pm with a raindate of Sunday, September 13, 2020; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on July 22, 2020; 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 Poplar Avenue on Saturday, September 12, 2020 from 3 pm to 11 pm with a raindate of Sunday, September 13, 2020.

BE IT FURTHER RESOLVED that Permit No. BP 2020-01 will be issued for said event and that attendees with comply with the Governor’s order regarding social gatherings.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-136

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:

Contract Negotiations

1. Fair Share Housing Agreement
2. Memorandum of Agreement with Habitat for Humanity
3. Interlocal Service Agreement with Middletown

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. 2020-137

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

2020 CURRENT ACCOUNT	\$ 6,298,800.50
2019 CURRENT ACCOUNT	\$ 5,000.00
GENERAL CAPITAL	\$ 3,072.93
OTHER TRUST	\$ 5,045.42
TOTAL	\$ 6,311,918.85

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-138

TITLE: AUTHORIZE EXECUTION OF AN INDEMNIFICATION AGREEMENT WITH MR. AND MRS. GREENBLATT, ONE HANCE ROAD FOR A FIRE DEPARTMENT DRILL

WHEREAS, the main house located at One Hance Road will be demolished and the Fair Haven Fire Department will be holding a training/drill exercises prior to the demolition; and

WHEREAS, Mrs. and Mrs. Aaron Greenblatt have requested that an indemnification agreement be entered into, and appropriate insurance certificates provided in order for the drill to be held which has been reviewed by the Borough Attorney and the Borough's Risk Manager and found to be acceptable.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Mayor Lucarelli is hereby authorized to execute said agreement on behalf of the Borough of Fair Haven.