

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

**Motion by:** Councilwoman Sorensen      **Second by:** Councilwoman Koch

**AFFIRMATIVE:** Councilmembers Koch, Peters, Rodriguez and Sorensen

**NEGATIVE:** None

**ABSTAIN:** None

**ABSENT:** Councilmembers Banahan and Rice

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**RESOLUTION NO. 2019-221**

**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

**Pending Litigation**

1. Yacht Works

**Acquisition of Property**

1. River Road


**Contract Negotiations**

1. ILSA with Rumson
2. ILSA with Monmouth County
3. 2020 Professional Contracts

**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.

I, Allyson M. Cinquegrana, Municipal Clerk of the Borough of Fair Haven in the County of Monmouth and the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Council of the Borough of Fair Haven in the County of Monmouth in the State of New Jersey at a meeting held on November 25, 2019.

  
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Allyson M. Cinquegrana, RMOCMR  
Municipal Clerk

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MONMOUTH COUNTY, NEW JERSEY  
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**NEGATIVE:** None

**ABSTAIN:** None

**ABSENT:** Councilmembers Banahan and Rice

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**RESOLUTION NO. 2019-222**

**TITLE:            RESOLUTION CALLING FOR STUDY COMMISSION TO REVIEW THE OPEN  
PUBLIC RECORDS ACT**

**WHEREAS**, the Borough of Fair Haven strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

**WHEREAS**, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

**WHEREAS**, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

**WHEREAS**, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

**WHEREAS**, the Borough of Fair Haven has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

**WHEREAS**, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

**WHEREAS**, the Borough of Fair Haven received and responded to 244 OPRA requests in 2017, there were 202 OPRA requests in 2018, and to date has received and responded to 241 OPRA requests as of October 31, 2019; and

**WHEREAS**, the Borough of Fair Haven's staff, collectively, has spent approximately 400 responding to OPRA requests received in 2019 to date, and a yearly average of approximately 950 hours since 2017; and

**WHEREAS**, due to the often, conflicting case law and Government Record Council decisions, as well as the unique characteristics of OPRA request, the Borough of Fair Haven must oftentimes rely on the municipal attorney to review certain OPRA requests; and

**WHEREAS**, some examples of OPRA requests that interrupted work day operations or were voluminous in nature:

1. Request for information from 1966 to February 2019 (e-mails, voice mails, all letters, memorandums, correspondence between governing body members, Borough Staff, County Staff, State agencies pertaining to applications, permits, licenses, minutes, etc.
2. History of Ordinances (including copies of the first Land Use Ordinance through current times).

3. Multiple Requests from the same person for same information that were provided numerous times.
4. Past and current Land Use applications that include resolutions, correspondence, exhibits, memorandums, reports and plans.
5. Businesses/solicitors looking for vendor information (award of contract, billing, services) and also include animal licensing information and security companies.
6. Requests for Borough employees e-mail history correspondence (sent and/or received) for a single year or decades.
7. Media requests for Police Internal Affairs reports, Disciplinary action and Settlements (for particular employee or department as a whole).
8. Documents involving Borough Facilities and pertaining to its history, etc.
9. Vendor Contracts, expenditures, change orders, resolutions.
10. Revaluation/Reassessment information for various years.
11. History of professionals (appointments, contracts, bills/vouchers, reimbursements).
12. Coordinating information between various departments to provide a response to the requestor.

**WHEREAS**, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever-increasing cost to taxpayers; and

**WHEREAS**, as the current law approaches its twentieth (20<sup>th</sup>) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform.

**NOW, THEREFORE BE IT RESOLVED** that the governing body of the Borough of Fair Haven appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law and use the Commission's findings to perform a comprehensive reform of OPRA; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be forwarded to Senator Declan O'Scanlon and Assemblypersons Amy Handlin and Serena DiMaso, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of the State of New Jersey, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

I, Allyson M. Cinquegrana, Municipal Clerk of the Borough of Fair Haven in the County of Monmouth and the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Council of the Borough of Fair Haven in the County of Monmouth in the State of New Jersey at a meeting held on November 25, 2019.



Allyson M. Cinquegrana, RMC/CMR  
Municipal Clerk

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**Motion by:** Councilwoman Sorensen      **Second by:** Councilwoman Koch

**AFFIRMATIVE:** Councilmembers Koch, Peters, Rodriguez and Sorensen

**NEGATIVE:** None

**ABSTAIN:** None

**ABSENT:** Councilmembers Banahan and Rice

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**RESOLUTION NO. 2019-223**

**TITLE:            AUTHORIZE MAYOR AND BOROUGH CLERK TO EXECUTE A  
MEMORANDUM OF AGREEMENT WITH TEAMSTER LOCAL #177**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that the Mayor and Borough Clerk are hereby authorized to execute a Memorandum of Agreement with Teamster Local #177 which will settle a Public Employment Relations Commission matter (CO-2019-309).

I, Allyson M. Cinquegrana, Municipal Clerk of the Borough of Fair Haven in the County of Monmouth and the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Council of the Borough of Fair Haven in the County of Monmouth in the State of New Jersey at a meeting held on November 25, 2019.

  
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**NEGATIVE:** None

**ABSTAIN:** None

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**RESOLUTION NO. 2019-224**

**TITLE:     AUTHORIZING TRANSFERS IN THE 2019 MUNICIPAL BUDGET**

**WHEREAS**, pursuant to N.J.S.A. 40A:4-58, appropriation transfers are allowable during the last two months of a fiscal 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 2019 budget appropriations:

<u>FROM</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
9-01-20-130-101	Finance-Salary & Wages	\$ 300.00
9-01-20-150-211	Tax Assessment-Contractual	\$ 8,000.00
9-01-20-165-211	Engineering-Contractual	\$10,000.00
9-01-21-186-101	Zoning Officer-Salary & Wages	\$ 300.00
9-01-23-215-228	Workers Comp Insurance	\$ 421.00
9-01-23-220-227	Health Benefits-Medical	\$62,756.00
9-01-23-333-227	Waiver-Medical	\$ 1,500.00
<b>Total</b>		<b>\$ 83,277.00</b>

<u>TO</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
9-01-20-100-101	Administration-Salary & Wages	\$ 2,275.00
9-01-20-150-101	Tax Assessment-Salary & Wages	\$ 1.00
9-01-20-165-101	Engineering-Salary & Wages	\$ 2,500.00
9-01-21-180-211	Planning Board-Contractual	\$ 7,500.00
9-01-28-370-101	Recreation-Salary & Wages	\$ 1.00
9-01-32-465-299	Reclamation Fees-Misc.	\$ 65,000.00
9-01-36-472-299	Social Security-Misc	\$ 4,000.00
9-01-43-494-202	Recycling Tax-Contractual	\$ 2,000.00
<b>Total</b>		<b>\$ 83,277.00</b>

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**NEGATIVE:** None

**ABSTAIN:** None

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**RESOLUTION NO. 2019-225**

**TITLE:        SET DATE FOR 2020 COUNCIL REORGANIZATION MEETING**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that the Annual Council Reorganization Meeting will be held on Monday, January 6, 2020 at 7:00 p.m. in the Council Chambers, 748 River Road.

I, Allyson M. Cinquegrana, Municipal Clerk of the Borough of Fair Haven in the County of Monmouth and the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Council of the Borough of Fair Haven in the County of Monmouth in the State of New Jersey at a meeting held on November 25, 2019.



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**NEGATIVE:** None

**ABSTAIN:** None

**ABSENT:** Councilmembers Banahan and Rice

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**RESOLUTION NO. 2019-226**

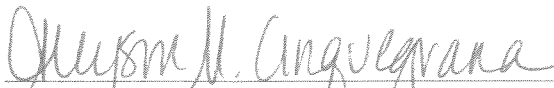
**TITLE:        PAYMENT OF VOUCHERS**

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**BE IT RESOLVED** by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the November 25, 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	\$	278,005.82
GENERAL CAPITAL	\$	5,088.00
GRANT FUND	\$	2,596.00
OTHER TRUST	\$	9,033.50
<b>TOTAL</b>	<b>\$</b>	<b>294,746.34</b>

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