

**FAIR HAVEN BOROUGH COUNCIL
OCTOBER 26, 2020**

The meeting was called to order by Mayor Lucarelli at 7:01 p.m. The Flag Salute was led by Councilman McCue and followed by a Moment of Silent Meditation.

The following Sunshine Law Statement was read:

IN ACCORDANCE WITH THE PROVISIONS OF THE OPEN PUBLIC MEETINGS ACT, PUBLIC MEETINGS MAY BE HELD IN PERSON OR BY MEANS OF COMMUNICATION EQUIPMENT TO INCLUDE STREAMING SERVICES AND OTHER ONLINE MEETING PLATFORMS (NJSA 10:4-8(b)).

DUE TO THE COVID-19 SITUATION, THE BOROUGH OF FAIR HAVEN'S MUNICIPAL FACILITIES ARE CLOSED TO THE PUBLIC. THIS MEETING IS BEING PRESENTED THROUGH THE ZOOM MEETING PLATFORM AND BEING BROADCAST FROM BOROUGH HALL, 748 RIVER ROAD, FAIR HAVEN, NJ. PUBLIC PARTICIPATION FOR THIS COUNCIL MEETING OF OCTOBER 26, 2020 IS AVAILABLE BY CALL IN PHONE NUMBER OR THROUGH WEB CONFERENCE (ZOOM). MEMBERS OF THE PUBLIC WILL BE ON MUTE UNTIL PUBLIC QUESTIONS OR COMMENT TIME, WHICH WILL BE ANNOUNCED. AT THAT TIME THE PUBLIC HAS THE OPPORTUNITY TO QUESTION/COMMENT BY PHONE OR THROUGH ZOOM BY THE "RAISE HAND" BUTTON AND WILL BE CALLED ON AT THE APPROPRIATE TIME.

NOTICE OF THIS MEETING WAS INCLUDED IN A SCHEDULE OF MEETINGS WHICH WAS AMENDED BY RESOLUTION NO. 2020-99 AND SENT TO THE ASBURY PARK PRESS, THE TWO RIVER TIMES, THE HUB AND THE STAR LEDGER ON JANUARY 9, 2020 POSTED ON THE BOROUGH WEBSITE, THE BULLETIN BOARD IN THE MUNICIPAL BUILDING AND HAS REMAINED CONTINUOUSLY POSTED AS REQUIRED UNDER THE STATUTE.

WITH ADEQUATE NOTICE HAVING BEEN GIVEN, THE BOROUGH CLERK IS DIRECTED TO INCLUDE THIS STATEMENT IN THE MINUTES OF THIS MEETING.

ROLL CALL

On Roll Call the following were present: Councilmembers Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen. Absent: Councilman Banahan. Others present: Administrator Casagrande and Attorney Alfieri.

RESOLUTION

1. Resolution No. 2020-189, Executive Session: Personnel and Contract Negotiations

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 Department Social Security

Contract Negotiations

1. Architect Contract

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.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilman Banahan

Council went into executive session at 7:05 p.m. and this meeting was reconvened at 7:55 p.m.

ROLL CALL

On Roll Call the following were present: Mayor Lucarelli, Councilmembers Banahan, Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen. Others present: Administrator Casagrande, Attorney Alfieri, Engineer Gardella and Police Chief McGovern.

WORKSHOP SESSION

A request from the Fair Haven Fire Department to post five lawn signs on Borough property to help recruit membership. Motion to approve moved by Councilwoman Sorensen, second by Councilman Rodriguez with Ayes by all present.

With regard to Capital Recommendations for the DPW, Police/OEM and Fire Departments, Administrator Casagrande advised that annually the Borough has small ticket capital items that can be purchased through the budgeted capital approved by the governing body. The requests from the Departments were provided to the liaisons and also included in the Council packets. The total amount requested is \$200,643 and are broken down as listed in the request sent with a spreadsheet showing where we are in total budgeted capital accounts (\$547,911). It is up to the governing body what they want to approve or if the Finance Committee will further review. Mayor Lucarelli said that he would like to sit down and look at revenues with the Finance Committee to review the Capital requests in conjunction with the overview of all the Borough's operations. The Finance Committee can make a presentation at the November 9th Council Meeting. Administrator Casagrande will set up a Zoom Meeting for the Mayor and Finance Committee to discuss the requests once she receives their availability.

The proposed 2021 Council Meeting dates were provided to the governing body. After review of the dates, it was requested that February 8, 2021 be changed; it was decided to hold that meeting on Wednesday, February 10, 2021. There was discussion regarding the December 2021 date and moving it earlier; consensus was to keep the meeting at December 20, 2021 to tie up any year end matters. There was a suggestion to change a few meeting days and times for those residents who are unable to attend a Monday meeting or the 7:00 p.m. time being too early for those who commute. Mayor Lucarelli asked when the "Marchese Meeting" will be held. The Borough Clerk advised that the Marchese Meeting is usually held the second meeting in November, but with COVID, this year and virtual learning, it was not feasible. The Mayor asked that next year the Marchese Meeting be schedule for October or November 2021.

The next topic discussed was meeting minute protocol. Attorney Alfieri said at the request of Councilwoman Chrisner-Keefe, the Mayor authorized this topic be placed on the agenda. This all relates to the June meeting minutes introduced and adopted relating to the budget. There is not much case law on meeting minutes because they are rarely controversial or contested; the Open Public Meetings Act provides that each public body shall keep reasonably comprehensive notes (to include date and time of meeting, subjects discussed and action). Anything more than that is at the discretion of the Municipal Clerk. It is up to the governing body on whether they want to amend or approve the minutes presented; only those present at the meeting can participate in the vote. In this instance, Councilwoman Chrisner-Keefe requested that her budget memo be made part of the minutes (not improper, but unusual) and it was. Attorney Alfieri advised that the Mayor reached out to him concerned that the memo was made part of the minutes, in a vacuum, may not be a clear representation of what took place without other back up. Attorney Alfieri suggested a second version of the minutes be made that would not contain the memo. The Clerk was asked to send him the minutes and he made adjustments for consideration at the July meeting where both versions were presented. The version without the memo was voted on. He said that after reviewing the limited case law, he admits that he should not have made the suggestion he did, and the minutes prepared by the Clerk should have been presented and Council could have requested an amendment to have the memo removed or had other conversation. Council has to make two decisions this evening, the first being, what should be done about the June 8th meeting minutes noting that whatever was done and whatever is done tonight, doesn't affect the legality of any action taken by Council at that meeting or any other meeting. Council can have the Clerk put the June 8th meeting minutes on an agenda to act on them, not take any further action or come up with an alternative. The second consideration is to make a policy decision to include memos in the minutes or not or deal with these requests ad hoc. Councilwoman Chrisner-Keefe thanked the Mayor for allowing this topic on the agenda and Attorney Alfieri for his thorough explanation. The Clerk does a great job and has a difficult job to be sure the meeting minutes reflect what occurred at any given meeting. This topic concerns a public record and it is important that it is right and accurate because it is the history of the Borough. Per Attorney Alfieri, there should only have been one version so there is a need to address the June 8th minutes and to come up with a policy on what should and should not be included in the minutes (memos, direct quotes, etc.) and it should apply to the governing body and the public. Councilwoman Chrisner-Keefe stated that the Clerk included her budget memo, per her request with no objection from the governing body so we should set a policy to follow.

Attorney Alfieri said that the first topic is how Council wants to handle the June 8th meeting

minutes that were adopted; revisit them or vote to leave as is? Councilman Rodriguez said minutes are a synopsis of what took place, not verbatim, so the decision needs to be made as to whether or not we include memos or not. Councilman Banahan said minutes taken at a meeting should only be a summary with no additional documents attached. The document presented exists as part of the record as it was submitted. Councilwoman Sorensen agreed and said the minutes should reference the document presented, but not have them verbatim. It should also apply to direct quotes or statements. Councilwoman Koch asked that the documents be referenced. Councilman Rodriguez said that there are examples where residents have read a statement and asked that the Clerk include their statement in the minutes verbatim; there is a precedent.

Councilwoman Chrisner-Keefe gave an explanation for the memo stating that the Mayor requested she present something, in writing, for the governing body regarding her budget concerns which is what she did. The memo, with some sense of response/comment from the Borough Administrator, was screen shared through the discussion, so she requested that the information be included in the minutes and there was no objection. This was different as it was not something shared by a Borough professional; it was a document written by a Councilperson at the request of the Mayor. There is a law that there only be one version of the minutes and it is up to Council to request amendments, to avoid any confusion and for a conversation to take place regarding an amendment of the minutes.

Administrator Casagrande said she questioned the minutes; not because she objected to the memo, but because the budget was a few months long process. There were other documents and memos that were part of the process and she felt someone looking back, historically, would not get the “full story” of the budget process with just one memo being included.

Councilman McCue said that a complete and full history of the meeting is important, and the Clerk has always done a great job. Before he was a Councilman, he read the minutes and admired the detail and in a side conversation he had with the Clerk, she stated that the minutes are for the history of the Borough. As a historian, minutes are important for the public or governing body to be able to go back to and reference. He felt that documentation is important but adding memos could be a “slippery slope”. The governing body should vote on the minutes on a case by case basis. Councilwoman Sorensen felt memos, charts, etc. can be OPRA requested and should not be included. Attorney Alfieri said a policy snapshot, in time, and it would just be for this Council. The consensus was not to include memos in minutes including verbatim statements, just reference them. Mayor Lucarelli said it is up to the Clerk whether she wants to include verbatim statements in the minutes. There was discussion regarding the distinction of verbatim written memos vs. verbatim verbal statements and why one should be included and the other should not. Allyson Cinquegrana, as Clerk, is good at what she does and has many years of experience as a Clerk. The minutes are a public record, are important and need to be done properly. Attorney Alfieri said the Mayor and Council should not make any requests of the Clerk in advance of the meeting; she prepares the minutes as she sees fit. There was discussion regarding the June 8th minutes being reconsidered and if anything would change the minutes approval. How the final vote of the minutes was arrived at, in July, was done improperly.

The June 8th minutes as originally prepared by the Clerk will be listed on the next agenda for consideration and an appropriate vote.

The next order of business was discussion on creating a tax exemption ordinance for Disabled Veterans. Attorney Alfieri advised that the Statute states a disabled veteran can receive a 100% tax deduction. Since the Borough does not have a policy on how this should be handled (full year or partial year), the Tax Assessor suggested that the governing body adopt an ordinance to grant the deduction the first of the month immediately following the 100% exemption approval. Attorney Alfieri said he can prepare an ordinance for the November 9th agenda for introduction. This is a joint recommendation from the CFO, Tax Collector and Tax Assessor.

The Annual Best Practice Inventory was provided to the governing body. This was completed by the CFO, Administrator and Clerk. There is a scoring component to it. The State of New Jersey changed the information required. This survey is used to be sure we are hitting our best practices based on the first 29 questions. Questions 30 on are unscored. This needs to be submitted to the State by November 6th (prior to our next meeting). Motion to accept the Borough’s Best Practice Inventory moved by Councilwoman Sorensen, second by Councilwoman Koch with Ayes by all present.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 8:37 p.m. Tracy Cole, Grange Avenue, asked about Resolution No. 2020-192 which appoints a Facilities Committee and what the scope and responsibilities for the committee are. She was advised that they are residents and will be an addition to the current Facilities Committee as it stands today. The Facilities

Committee handles any facilities activity in town; right now, there is a lot of activity related to rebuilding the DPW, Police Department and Community Center. We are taking advantage of the expertise in town as well as people who want to be involved which includes professional viewpoints. We are trying to come up with a better plan or outcome for what we are proposing going forward. With regard to the June 8th minutes discussion, Mrs. Cole understood it to be the Clerk who creates the minutes and was puzzled by the Mayor and Attorney coming up with a second version and asked if she understood it correctly. Attorney Alfieri advised she was correct. Mrs. Cole said that it has been determined that what occurred was inappropriate and will not happen again; she was correct. Mayor Lucarelli clarified that Administration objected to the minutes and requested an amendment which was referred to the Borough Attorney for a second version to be created; one with the memo, one without and they were both presented to Council for consideration. Council voted on the version of minutes without the memo as part of them. Mrs. Cole said that she is glad that this housekeeping is being done and considers the public record to be sacred. She has poured over decades of the Borough's minutes (Council and Land Use) and Allyson does a great job. The public record needs to be accurate and prepared properly as they are important to the Borough's history.

Ruth Blaser, River Road, asked about the Capital Bond Ordinance (Section 4, last sentence), showing where we get the money from (US, County, State of New Jersey) and that we would fund against it. The language in the ordinance is confusing. Administrator Casagrande explained that this is a spending authorization and with the NJDOT grants, we receive 50% of the amount prior to the project being started. The Engineer will certify the project when it is completed so that we can receive the rest of the grant money. We need to have an account set up for the project so we can spend from it. Mrs. Blaser asked about Section 7, Category d and if that is essentially petty cash? She was advised that it is permission under the Local Bond Law to spend; the ordinance was prepared by our Bond Counsel. Section 20 costs are soft costs and we need a place to charge the expense (created by formula). Mrs. Blaser said that the amount should be included in the original borrowing; she was advised that it is included in the total amount and the Section 20 costs.

There being no further comments or questions, the meeting was closed to the public at 8:46 p.m.

APPROVAL OF MINUTES

Councilwoman Sorensen made a motion to approve the Regular Meeting minutes of October 13, 2020, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen
 Negative: None
 Abstain: None
 Absent: None

Councilwoman Sorensen made a motion to approve the Executive Session minutes of October 13, 2020, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen
 Negative: None
 Abstain: None
 Absent: None

OLD BUSINESS
HEARING AND ADOPTION OF ORDINANCES

1. Ordinance No. 2020-11, Create No Parking on River Road (between Hance Road to Lake Avenue)

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF MONMOUTH AMENDING AND SUPPLEMENTING THE FAIR HAVEN BOROUGH PARKING CODE SECTION 7-14 PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS

On motion of Councilwoman Koch, second by Councilman Rodriguez with Ayes by all present, Mayor Lucarelli opened the meeting for comments or questions at 8:46 p.m.

The Borough Clerk advised that the residents in the affected area were sent a letter with the ordinance so they were aware of the introduction and that they could speak at this meeting. There was not objection provided, in writing, nor a response to the letter sent.

Ruth Blaser, River Road, said that she spoke with a few people who live on that block and they are unhappy because you are taking away parking for guests, contractors, etc. The Mayor

thanked her and advised that the roads belong to the taxpayers not the individual residents that live along our roads. The Borough adopted a Complete Streets policy over ten years ago and this design is part of the policy.

Councilwoman Koch asked how No Parking signs will be handled. Engineer Gardella said that it is part of the Streetscape Project and once we stripe the bike lanes, he will work with the police department. Councilwoman Koch said that someone parked on River Road, this weekend facing east which created a traffic hazard, and she was contacted. She found the person who was shopping in a local business and the driver said there were no signs that say, “No Parking”. There are three signs on River Road, between Fair Haven Road and Oak Place, that have faded to white, so it is hard to read; Councilwoman Koch requested that the signs be replaced.

There being no further comments or questions, the Hearing was closed to the public at 8:50 p.m. on motion of Councilwoman Sorensen, second by Councilwoman Koch with Ayes by all present.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Sorensen

Affirmative: Councilmembers Banahan, Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen
 Negative: None
 Abstain: None
 Absent: None

NEW BUSINESS

Council Committee Reports

Finance - Councilman Banahan reported that there is a bond ordinance for introduction. Tax collection remains strong and we are right where we were last year. Our court revenue is down significantly.

Personnel - Councilwoman Chrisner-Keefe did not have a report. There are resolutions to hire two new employees (PD and DPW) on tonight’s Consent Agenda.

Planning & Zoning - Councilwoman Koch reported that the Planning Board meeting was cancelled for this month due to no applications. The next Zoning Board Meeting will be held on November 12th and the Planning Board will meet on November 17th. Administrator Casagrande gave Zoning Application totals; we have received about 100 more than we did last year.

Police, Fire & OEM - Councilman McCue reported that we have 10 active COVID cases (we are holding the line). Chief McGovern has advised that the police department received their 3rd Accreditation which is intense and takes many hours to achieve. Only half of the towns in Monmouth County are accredited. Accreditation means that all of our written policies are up to date and in place and evidence is accounted for. It helps with insurance coverage and protects us from lawsuits. He congratulated the Chief and his department.

Engineering, DPW and Borough Facilities - Councilman Rodriguez reported that Tracy Cole asked about the Facilities Committee additions; this was something we have been thinking about and could happen with other Committees down the road. There hasn’t been a Facilities meeting since the last Council meeting. There could be a meeting in a week or two. The professionals are hard at work.

The Brush Survey response deadline was October 23rd. A number of residents mentioned their views on how the survey should have been structured. We will see the result tabulation and may have to send out another survey or a follow up. We hope to have the results this week.

Parks and Recreation and Communications - Councilwoman Sorensen thanked the volunteers who came out last weekend, including Councilwomen Koch and Chrisner-Keefe, to clean the Fair Haven Fields Natural Area. She thanked the DPW for their assistance with invasive vines.

With regard to recreation, it is “All things Halloween”. She gave the curfew times for Mischief Night and Halloween. She reminded the public to vote on the Halloween house decoration contest; addresses were provided today through Constant Contact. With regard to the Halloween Egg Hunt, the eggs are in the foyer for pick up so residents and neighbors can hold their own egg hunt (similar to the Easter Egg Hunt). There will also be costume judging taking place; residents can submit a photo of themselves or their family dressed in costume.

There will be Veteran’s signs delivered to the Borough’s Veterans to honor them in observance of Veteran’s Day. A letter was sent out to our veterans advising that there would be a virtual ceremony this year and that signs will be delivered.

INTRODUCTION OF ORDINANCES

1. Ordinance No. 2020-12, Bond Ordinance for General Capital

BOND ORDINANCE PROVIDING FOR VARIOUS 2020 GENERAL CAPITAL IMPROVEMENTS BY AND IN THE BOROUGH OF FAIR HAVEN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,386,000 THEREFOR (INCLUDING A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$350,000) AND AUTHORIZING THE ISSUANCE OF \$984,200 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FAIR HAVEN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Fair Haven, in the County of Monmouth, State of New Jersey (the “Borough”). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$1,386,000, which is inclusive of a grant from the New Jersey Department of Transportation in the amount of \$350,000 (the “Grant”) and \$51,800 as the amount of down payment for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the “Local Bond Law”). Said down payments are now available therefor by virtue of appropriations in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$1,386,000 appropriation not provided for by application hereunder of said Grant and down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of, \$984,200 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$984,200 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued include, but are not limited to, the following:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) <u>Department Of Public Works</u> - Acquisition Of A Street Sweeper;	\$332,000	\$316,190	\$15,810	10 years
(ii) <u>Roads Department</u> – Various Roadway And Drainage Improvements Throughout The Borough, Including, But Not Limited To, Hunting Lane, Buttonwood Drive, Laurel Drive and Fair Haven Road, Such Improvements To Include, But Not Be Limited To, As Applicable, Excavation, Milling, Paving, Reconstruction And Boxing Out And Resurfacing Or Full Depth Pavement Replacement, And Where Necessary, The Sealing Of Pavement Cracks, The Repairing And/Or Installation Of Or Improvements To Curbs, Sidewalks, Driveway Aprons And Curb Ramps (In Compliance With ADA), And Resetting Utility Castings, Roadway Painting, Landscaping And Aesthetic Improvements; And	\$434,000	\$413,333	\$20,667	20 years
(iii) <u>Roads Department</u> – Various Roadway Improvements Throughout The Borough, As Applicable, Including, But Not Limited To, Hance Road and Cooney Terrace, Such Improvements To Include, But Not Be Limited To, As Applicable, Excavation, Milling, Paving, Reconstruction And Boxing Out And Resurfacing Or Full Depth Pavement Replacement, And Where Necessary,	\$620,000 (Inclusive of the Grant)	\$254,677	\$15,323	20 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
The Sealing Of Pavement Cracks, The Repairing And/Or Installation Of Or Improvements To Curbs, Sidewalks, Driveway Aprons And Curb Ramps (In Compliance With ADA), Resetting Utility Castings, And Associated Drainage Work, Roadway Painting, Landscaping And Aesthetic Improvements.				
TOTAL	<u>\$1,386,000</u>	<u>\$984,200</u>	<u>\$51,800</u>	

(b) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering, design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and also shall include all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said purposes is \$984,200.

(d) The estimated cost of said improvements or purposes is \$1,386,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the amount of \$51,800, is the down payment for said improvements or purposes and the amount of \$350,000 is the Grant.

SECTION 4. Except for the Grant, in the event the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity. Except for the Grant, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date unless said bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget or Budgets of the Borough are hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget or Budgets and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general

improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 16.79 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$984,200 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$277,200 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Borough Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Borough Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

Offered for introduction by Councilwoman Koch, second by Councilwoman Sorensen

Affirmative: Councilmembers Banahan, Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen
Negative: None
Abstain: None
Absent: None

CONSENT AGENDA
RESOLUTIONS

- 2. Resolution No. 2020-190, Authorize Release of the Performance Bond/Accept Maintenance Bond-Laval Home Development, LLC

WHEREAS, Laval Home Development, LLC., is the owner of the real property known as Block 77, Lots 78; and

WHEREAS, Resolution No. 2017-226 adopted November 13, 2017 accepted the

Performance Guarantees for a minor subdivision at 134 Third Street; and

WHEREAS, the project has been completed and the Borough Engineer has 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 escrow he posted in the amount of \$2,125.58 and 10% cash posted in the amount of \$2,526.18 including Surety Bond 4414382 in the amount of \$22,235.61 for the project in exchange for a 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 escrow balance and Performance Guarantee in exchange and acceptance of a two-year maintenance bond and that Chief Financial Officer be authorized to release \$4,651.76 to the developer.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen
Negative: None
Abstain: None
Absent: None

3. Resolution No. 2020-191, Hire Part-time Seasonal DPW Laborer – Robert Keenan

WHEREAS, there is a need for a part-time Seasonal Public Works Laborer; and

WHEREAS, Richard Gardella, Director of Engineering and Public Works reviewed the applications submitted and submitted his recommendation for Robert Keenan to be appointed as a part-time Seasonal Laborer with hours not to exceed the number of hours required to be considered full time; and

WHEREAS, the rate of pay for this position is \$13.25 per hour.

NOW, THEREFORE, BE IT RESOLVED that the appointment of Robert Keenan as part-time Seasonal Laborer are hereby confirmed.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen
Negative: None
Abstain: None
Absent: None

4. Resolution No. 2020-192, Appoint a Borough Facilities Committee

WHEREAS, there is a need to appoint members to a Borough Facilities Committee for the Borough of Fair Haven.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the following Borough residents be appointed to the Borough Facilities Committee:

- Mayor Lucarelli
- Councilman Christopher Rodriguez
- Councilman Michael McCue
- Andrew Trocchia
- Andrew Sobel
- Andrew Ashwal
- Dan Busch
- Annamarie Berger

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen
Negative: None
Abstain: None
Absent: None

5. Resolution No. 2020-193, 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 26, 2020 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2020 CURRENT ACCOUNT	\$ 188,802.31
GENERAL CAPITAL	\$ 20,390.00
OTHER TRUST	\$ 5,235.87
TOTAL	\$ 214,428.18

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen
Negative: None
Abstain: None
Absent: None

6. Resolution No. 2020-194, Appoint Special Officer, Class II – Liam Stephens

WHEREAS, a request was made by Police Chief Joseph McGovern to appoint a Special Law Enforcement Officers Class II, effective October 27, 2020; and

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

WHEREAS, the rate of pay for this position is \$18.25 per hour.

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

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen
Negative: None
Abstain: None
Absent: None

7. Resolution No. 2020-195, Waive Interest on Real Property Taxes Owed on Block 45, Lot 22

WHEREAS, Block 44, Lot 22 was subdivided by A.V. Murphy Builders into two (2) lots in December 2018; and

WHEREAS, A.V. Murphy constructed homes on the two (2) lots and conveyed the homes to third party purchasers; and

WHEREAS, due to the timing of the subdivision perfection and closing on the sale of the two (2) homes, there remains open taxes on the mother lot, Block 45, Lot 22; and

WHEREAS, the Tax Collector has calculated and apportioned the outstanding taxes amongst A.V. Murphy and the two (2) homeowners; and

WHEREAS, a tax sale is scheduled for December 2, 2020 on Block 45, Lot 22 and the respective parties have agreed to pay their share of the outstanding taxes, without interest, prior to the tax sale.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey that interest and costs associated with 2019 outstanding taxes for Block 45, Lot 22 shall be waived upon full payment of the principal sum due.

Councilwoman Chrisner-Keefe asked for a point of information on this resolution. As she understands it, there was a lot that was subdivided and developed. Since the subdivision and sale of property, there are back taxes owed and cleanest way to resolve this is to waive the interest. Attorney Alfieri said that the Tax Assessment books were effective as of October 1, 2018 (the pre-tax year); the condition of the property at that time would control the 2019 tax assessment. The subdivision deed was filed in December 2018 with the County and the subdivision was not picked up and would not be picked up until the 2020 tax year. In July 2020, the developer sold the two homes and the tax bills were issued to the new homeowners who have paid their taxes. The mother lot still

has taxes owed so the Tax Collector apportioned the tax bill out to the builder and two homeowners. The Borough has spoken to all of them and they have agreed to pay the principal prior to tax sale. If not paid and the tax sale happens, there would be a lien sold to the Borough and we would never collect the money or would wind up suing those involved. It was felt that the prudent and best approach to handle it would be to waive the interest and tax sale costs. The second issue was that we cannot take a partial payment from any of the three parties involved; it was all or nothing or it would go to tax sale. Administrator Casagrande advised the Planning Board and Zoning Board that before they sign the subdivision deed, the Secretary and the Chairman need to go to the Tax Assessor for new tax lots to be assigned so that we can pick up on these issues sooner. This is an odd event, but this approach allows Fair Haven to collect \$5,300 from the mother lot.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: None

Reports of Departments

September 2020

-Police Department

-Municipal Court

-Chief Financial Officer

-Budget Status

Motion to accept the reports as submitted moved by Councilwoman Koch, second by Councilman Rodriguez with Ayes by all present.

GOOD OF THE BOROUGH

Mayor Lucarelli opened the meeting to the public for comments or questions at 9:06 p.m. Allyson Cinquegrana, Borough Clerk, gave the governing body and public an election update with regard to the Vote By Mail General Election. There was a telephone conference between the Monmouth County Municipal Clerks and County Clerk Hanlon regarding the election. There were 468,471 Vote By Mail ballots mailed out and as of October 23rd, 250,000 were voted and returned. If someone did not receive their Vote By Mail paperwork, they can advise the County by 4:30 p.m. October 27th in order to have a ballot reissued or someone can go to Freehold directly. Hours have been extended at the County to accommodate the voters. County Clerk Hanlon set up a Track Your Ballot Link (Monmouth County Ballot Trax) in addition to the State's system for voters to track their ballot. Tallying of the ballots begins tomorrow and they will post the results on election night and each day the site will be updated until the final tally has been calculated (Governor gave a deadline of November 20th).

Susan O'Brien, River Road, asked for clarification on the Community Center being in the Community fields and being referred to as Green Acres. She asked if the property is Open space? Administrator Casagrande advised that the Community Center is actually on our ROSI (it was not funded by Green Acres), but once you accept funds from the Green Acres, it becomes unfunded park land and must be listed on the ROSI. Mrs. O'Brien asked if this had to be put on the ROSI? Administrator Casagrande advised whenever we originally took money from Green Acres, the Borough had to give a land inventory to the State. Mrs. O'Brien said that this now puts more constraints on the Borough's existing land; correct.

There being no further comments or questions, the meeting was closed to the public at 9:11 p.m.

ADJOURNMENT

Motion to adjourn moved by Councilwoman Koch, second by Councilwoman Sorensen with Ayes by all present.

Time of Adjournment: 9:11 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk