

**FAIR HAVEN BOROUGH COUNCIL
REGULAR MEETING AGENDA
TUESDAY, OCTOBER 12, 2021, 7:00 P.M.**

Zoom Link: <https://us02web.zoom.us/j/82671541183>

iPhone or Land Line Telephone Call In: 1-301-715-8592

Webinar ID: 826 7154 1183

1. **Call to Order:** pm
2. **Salute to the Flag:**
3. **Moment of Meditation:**
4. **Sunshine Law Notice:**
5. **Roll Call:** Councilmembers Chrisner-Keefe Koch McCabe
McCue Neff Rodriguez
6. **Police Promotion Resolution**
2021-220 Appointment of Captain of Police - Robert Townshend
-Administration of Oath of Office
7. **Presentation**
-2020 Municipal Audit: Borough Auditor, Robert Allison (HOLMAN FRENIA ALLISON, P.C)
8. **Workshop Session**
-Vacancy of Mayor's Seat
Resolution
2021-221 Fill Vacancy of Mayor for unexpired term (12/31/2022)

-Engineer Bid Specification for Improvements to Hance Road and Cooney Terrace
-2021 Capital Bond Ordinance
-Revised list of Proposed 2022 Council Meeting Dates
-Annual "Marchese" Student/Governing Body Meeting
-Request from Dermer Dreams to post lawn signs and a banner from October 22nd to November 20th
-2022 Brush and Leaf Pick Up Schedule
9. **Public Comment on Agenda Items**
10. **Approval of Minutes**
-September 27, 2021 Regular Meeting
-September 27, 2021 Executive Session
11. **Old Business**
12. **New Business**
Council Committee Reports
Finance - Councilman Neff
Personnel - Councilwoman Chrisner-Keefe
Planning & Zoning - Councilwoman Koch
Parks and Recreation and Communications - Councilwoman Koch
Police, Fire & OEM - Councilman McCue
Engineering and DPW - Councilman McCue
Borough Facilities - Councilman Rodriguez
Consent Agenda

Resolutions

2021-222	Executive Session – Personnel
2021-223	Approve Fire Department Membership - Alastair Jack
2021-224	Approve Fire Department Affiliate Membership/First Aid - Graydon Santos
2021-225	Approve Fire Department Social Membership - Robert McHeffey
2021-226	Authorize Engineer to Advertise for Receipt of Bids: Improvements to Hance Road and Cooney Terrace
2021-227	Payment of Vouchers
2021-228	Accept 2020 Municipal Audit
2021-229	Award Cell Tower Colocation Bid to Dish Wireless, LLC.
2021-230	Approve Block Party Application - Jackson Street (between Jackson and Smith): November 13 th

Department Reports

September 2021

-Municipal Clerk
-Dog Report
-Tax Collector
-Municipal Court

-Budget Status

13. 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*)

14. 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. 2021-220

TITLE: APPOINTMENT OF POLICE CAPTAIN – ROBERT TOWNSHEND

WHEREAS, the Fair Haven Police Department staffing model allows for a Police Captain to serve the Borough; and

WHEREAS, the Fair Haven Police Department currently has a vacancy in the staffing model in the position of Police Captain; and

WHEREAS, Borough Ordinance 2-26.5b indicates that the Borough Council may nominate a person to the position of Police Captain; and

WHEREAS, the Borough conducted the promotion process in accordance with Borough Ordinance 2-26.5b and the Borough desires to promote Robert Townshend as Police Captain under the terms and conditions per the PBA Contract retroactive to October 1, 2021.

NOW, THEREFORE, BE IT RESOLVED that Robert Townshend will be promoted to the position of Police Captain according to Borough Ordinance 2-26.5b.

BE IT FURTHER RESOLVED that Robert Townshend will accept the Oath of Office for the position of Police Captain immediately.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2021-221

TITLE: FILL VACANCY OF MAYOR UNTIL DECEMBER 31, 2022

WHEREAS, a vacancy exists on the Fair Haven Borough Council upon the resignation of Mayor Benjamin J. Lucarelli on September 14, 2021; and

WHEREAS, the Municipal Vacancy Law of NJSA 40A:16-7 requires “An appointment to fill a vacancy in the membership of the Governing Body shall be by a majority vote of the membership of the remaining members of the Governing Body”; and

WHEREAS, pursuant to NJSA 40A:6-11, Municipal Vacancy Law, the Fair Haven Republican Committee has recommended **Betsy Koch, Jon Peters and Joshua Halpern** to fill the unexpired Mayor’s term which will expire on December 31, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that pursuant to NJSA 40A:16-7, _____, **Fair Haven, NJ** is appointed as Mayor to fill the unexpired term of Benjmain Lucarelli through December 31, 2022.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2021-222

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. Mandatory Employee Vaccination Program
2. Qualified Purchasing Agent
3. Police Department Social Security

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. 2021-223

**TITLE: RESOLUTION APPOINTING A REGULAR MEMBER TO THE FAIR HAVEN
 FIRE DEPARTMENT - Alastair Jack**

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that Alastair Jack, 218 East Bergen Place, Red Bank, NJ having been duly accepted as a regular member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2021-224

**TITLE: RESOLUTION APPOINTING AN AFFILIATE MEMBER TO THE FAIR
 HAVEN FIRE DEPARTMENT, FIRST AID - Graydon Santos**

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that Graydon Santos, 92 Pine Cove Road, Fair Haven, NJ having been duly accepted as an affiliate member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department/First Aid.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2021-225

**TITLE: RESOLUTION APPOINTING A SOCIAL MEMBER TO THE FAIR
 HAVEN FIRE DEPARTMENT, Robert McHeffey**

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that Robert McHeffey, 206 Oxford Avenue, Fair Haven, NJ having been duly accepted as a social member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2021-226

**TITLE: AUTHORIZE ADVERTISEMENT FOR RECEIPT OF BIDS FOR THE
IMPROVEMENTS TO HANCE ROAD AND COONEY TERRACE PHASE II 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 Improvements to Hance Road and Cooney Terrace Phase II Project.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2021-227

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 12, 2021 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2020 CURRENT ACCOUNT	\$	14,070.04
2021 CURRENT ACCOUNT	\$	1,736,248.95
GENERAL CAPITAL	\$	42,316.66
PAYROLL AGENCY	\$	13,714.38
OTHER TRUST	\$	5,638.73
DOG TRUST		<u>4.20</u>
	\$	1,818,654.49

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2021-228

TITLE: ACCEPTANCE OF THE 2020 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 2020 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. 2021-229

TITLE: AWARD BID TO LEASE SPACE FOR THE CO-LOCATION OF CELLULAR ANTENNAS AND THE LEASE OF GROUND SPACE FOR THE INSTALLATION OF RELATED EQUIPMENT TO DISH WIRELESS, LLC.

WHEREAS, the Borough of Fair Haven adopted Ordinance No. 2007-15, entitled “An Ordinance Authorizing the Borough of Fair Haven to Lease a Portion of Certain Borough controlled Property to the Highest Bidder for the Construction and Maintenance of a Cellular Antenna Tower and Associated Equipment, and the Subsequent Lease of Space Thereon to the Highest and/or Qualified Bidder(s) for Co-location, Pursuant to *N.J.S.A. 40A:12-1, et seq.*”; and

WHEREAS, pursuant to *N.J.S.A. 40A:12-14* of the New Jersey “Local Lands and Buildings Law”, the Borough of Fair Haven has authorized the acceptance of bids, subject to the resolution of any outstanding exceptions as may have been submitted, for the lease of a portion of Borough-controlled property designated as Block 77, Lot 107 on the Fair Haven Borough Tax Map for the construction and maintenance of a municipal and wireless communications tower and installation of antennae and related equipment, and on October 5, 2021, received one (1) sealed bids therefore; and

WHEREAS, the following sealed bid received was from:

1) Dish Wireless, LLC with a principal office in Englewood, Colorado, for the total lease amount of \$44,000.00 per year; and

WHEREAS, the FSD Enterprises, LLC, the Borough’s Cell Tower Consultant, Borough Administration and the Borough Attorney have reviewed the bid submission and recommend that the same be awarded as set forth herein; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Borough Council of the Borough of Fair Haven, as follows:

1. That the bid proposal submitted by Dish Wireless, LLC, with its principal office located in Englewood, Colorado is hereby awarded in the amount of \$44,000.00 per year with a 3% increase on each anniversary of the lease.

2. That the appropriate Borough officials be and hereby are authorized to execute a sub-lease agreement, acceptable to FSD Enterprises and the Borough Attorney, between the Borough of Fair Haven and Dish Wireless, LLC. for the installation and maintenance of an antennae and related equipment, for a period of five (5) years with four (4) successive five (5) year options to renew, for the total lease amount of \$44,000.00 per year, with annual increases after the first year as per the bid documents, and in accordance with the bid proposal submitted by Dish Wireless, LLC on file with the Borough.

4. That Dish Wireless, LLC., shall be granted, and has agreed to, install communications equipment and antennas and ground equipment on the existing cell tower at the one hundred ten-foot (110') centerline location, or such other height as may be mutually agreed upon, and ground space for the installation of ancillary support equipment.

5. That Dish Wireless, LLC shall pay to the Borough a one-time, \$3,000 fee to cover bid and other project related costs. Said fee shall be paid prior to the start of the carriers' construction.

6. That the Borough shall have the right to place its equipment, or any other equipment it deems appropriate within the structural limits of the tower, on the tower at no charge and at such height(s) agreed upon by the Borough and the lead carrier.

7. That the Mayor is authorized to execute and the Borough Clerk to attest all contracts and other necessary documents in order to effectuate the intentions of this Resolution, which shall be in a form acceptable to the Borough Attorney.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. Dish Wireless, LLC.
- b. FSD Enterprises, LLC.
- c. Borough Engineer
- d. Borough Planner
- e. Borough Attorney

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2021-230

**TITLE: APPROVING A BLOCK PARTY TO BE HELD ON
 JACKSON STREET**

WHEREAS, a request was received to hold a Block Party on Jackson Street on Saturday, November 13, 2021 from 2:00 pm to 9:00 pm; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on October 6, 2021; 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 Jackson Street on Saturday, November 13, 2021 from 2:00 pm to 9:00 pm.

BE IT FURTHER RESOLVED that Permit No. BP 2021-11 will be issued for said event.