

**FAIR HAVEN BOROUGH COUNCIL
REGULAR MEETING AGENDA
AUGUST 15, 2022, 7:00 P.M.
HYBRID MEETING (IN-PERSON AND ZOOM)**

Zoom Link: [HTTPS://US02WEB.ZOOM.US/J/85424984427](https://us02web.zoom.us/j/85424984427)

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

Webinar ID: 854 2498 4427

1. **Call to Order:** pm
2. **Salute to the Flag:**
3. **Moment of Silent Reflection:**
4. **Sunshine Law Notice:**
5. **Roll Call:**

Councilmembers Chrisner-Keefe	Cole	Koch
McCue	Neff	Rodriguez
6. **Workshop Session**
 - Proposed Restaurant Ordinance Amendments
 - AV for Council, Boards, Commissions and Committee Meetings
 - JCP&L Tree Trimming
 - Community Development Block Grant: Bicentennial Hall
7. **Public Comment on Agenda Items**
8. **Approval of Minutes**
 - July 25, 2022 Regular Meeting
 - July 25, 2022 Executive Session
9. **Old Business**
10. **New Business**
 - Council Committee Reports**
 - Finance** - Councilwoman Neff
 - Personnel** - Councilwoman Chrisner-Keefe
 - Planning & Zoning** - Councilwoman Koch
 - Parks and Recreation** - Councilwoman Koch
 - Police, Fire & OEM** - Councilman McCue
 - Engineering and DPW** - Councilman McCue
 - Borough Facilities** - Councilman Rodriguez
 - Borough Communications and Community Outreach** - Councilwoman Cole
 - Introduction of Ordinances**
 - 2022-12 Amend Chapter 2, Administration to Update and Clarify Borough Claims Payment and Check Signing Procedures
 - 2022-13 Amend Chapter 7, Section 14, Parking Prohibited at All Times on Certain Streets
 - Consent Agenda**
 - Resolutions**
 - 2022-176 Memorialize the Denial of Non-Domestic Animal Waiver Request from 444 River Road
 - 2022-177 Accept Performance Guarantees from Capital Home Builders for 32 Fisk Street

- 2022-178 Executive Session: Contract Negotiations
- 2022-179 Approve Zoning Board Unused Escrow Refund for 31 Heights Terrace
- 2022-180 Approve Execution of Monmouth County SPCA Memorandum of Understanding for the Trap, Neuter and Release Program
- 2022-181 Approve Change Order No. 2 with Black Rock Enterprises for the Improvements to Battin Road Project
- ~~2022-182 Appoint Jennifer Sobel Part-Time Administrative Assistant for the Department of Engineering and DPW~~
- 2022-183 Approve Purchase of 2022 Chevy Tahoe for the Police Department
- 2022-184 Authorize Refund for 3rd Quarter Tax Overpayment -100 Parker Avenue - Estate of Herbert Reed
- 2022-185 Authorize Release of two-year Maintenance Guarantee for 20 Gillespie Avenue, LLC.
- 2022-186 Approve Block Party - Church Street (between River Road and Hayes Place): 9/25/2022
- 2022-187 Authorize Refund for 3rd Quarter Tax Overpayment -142 Lincoln Avenue - William Garavente
- 2022-188 Authorize Borough Administrator to approve AT&T equipment and antenna modifications on the cell tower
- 2022-189 Payment of Vouchers

Department Reports

July 2022

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

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.**

THE NEXT COUNCIL MEETING: TUESDAY, SEPTEMBER 6TH

**BOROUGH OF FAIR HAVEN
ORDINANCE NO. 2022-12**

**AN ORDINANCE AMENDING CHAPTER 2: “ADMINISTRATION” OF THE
BOROUGH’S REVISED GENERAL ORDINANCES TO UPDATE AND CLARIFY THE
BOROUGH’S CLAIMS PAYMENT AND CHECK SIGNING PROCEDURES**

WHEREAS, the Borough of Fair Haven (the “Borough”) has enacted certain claims payment procedures by Ordinance under Chapter 2: “Administration” of the Borough Code; and

WHEREAS, N.J.S.A. 40A:5-16 requires that the Borough shall not pay claims from public funds unless appropriate certifications are presented and approved by the claimant and appropriate Borough officials; and

WHEREAS, N.J.A.C. 5:30-9A.6 provides the Borough with the discretion to not require claimant certifications, where such certifications are otherwise duly authenticated, by enacting a standard policy for vendors or claimants who do not provide such certification as part of its normal course of business; and

WHEREAS, generally, vendors of the Borough do not provide such certifications as part of their normal course of business, which has created unnecessary confusion and delay in processing claims for payment; and

WHEREAS, under the aforementioned laws and regulations, claimant certifications cannot be waived by the Borough for reimbursement of employee expenses, or for services provided exclusively and entirely by an individual; and

WHEREAS, the Borough’s Chief Financial Officer has established standard policies and internal accounting controls in accordance with the aforementioned laws and regulations, which are sufficient to authenticate claims and avoid errors and/or fraud in the processing of claims for payment by the Borough; and

WHEREAS, the Borough now hereby updates its claim payment procedures to codify the Borough’s established standard policies and internal accounting controls;

NOW, THEREFORE, BE IT ORDAINED by the Mayor & Council of the Borough of Fair Haven, in the County of Monmouth, in the State of New Jersey as follows:

SECTION 1. Subsection 2-50.1 entitled “Certification” and Subsection 2-50.2 entitled “Claims Presentation and Examination” and Subsection 2-50.6 entitled “Claims Presentation and Examination” of Section 2-50 entitled “Claims Against the Borough” of Chapter 2 entitled “Administration” of the Revised General Ordinances of the Borough of Fair Haven is supplemented and amended as follows (~~stricken~~ text deleted; underlined text added):

CHAPTER 2: “ADMINISTRATION”

* * *

§ 2-50 CLAIMS AGAINST THE BOROUGH.

§ 2-50.1 Certification.

- a. _____ Any person claiming payment from the Borough shall first submit a detailed statement of the items or demand necessitating such claims to the responsible executive agency, specifying particularly how the bill or demand is made up, and a certification of the party claiming payment that it is correct (referred to hereinafter in this Section as the “Claimant Certification”).

- b. No bill, claim or demand shall be considered for payment unless the voucher has attached to it (or includes) a written or electronic certification from the designated Borough employee, having personal knowledge of the facts that the goods have been received by, or the services rendered to the Borough, and that those services or goods are consistent with an existing contract or purchase order.
- c. The Chief Financial Officer shall have the duty to audit, warrant and make recommendations on all claims and bills.
- d. Pursuant to N.J.A.C. 5:30-9A.6, where the Claims Presentation and Examination Procedures set forth in Subsection 2-50.2 hereof are followed and satisfied, the Borough may waive the requirement of a Claimant Certification, except that a Claimant Certification shall never be waived for reimbursement of employee expenses, or for services provided exclusively and entirely by an individual or sole proprietorship.

§ 2-50.2 Claims Presentation and Examination.

- a. The Chief Financial Officer has established standard procedures and internal accounting controls as follows, which shall be followed for the payment of claims by the Borough:
1. No goods or services will be procured without a valid Purchase Order containing the written or electronic signature of the Borough's Assistant CFO.
 2. Except for contract items approved by resolution of the Borough Council, all procurement transactions must originate by way of a requisition in the Borough's finance system. Requisitions will not be processed without a digital signature of the Department Head (or, in certain limited situations, a designee approved by the Administrator or CFO)
 3. In processing Purchase Orders from requisitions, Finance/Purchasing staff will review for:
 - (a) Department Head approval
 - (b) Legal Compliance (Local Public Contracts Law)
 - (c) Compliance with any relevant Borough policy
 - (d) Reasonable business purpose
 4. Questions regarding requisitions are reviewed with user departments. As necessary, certain issues are escalated to review by the Purchasing Agent.
 5. Requisitions that exceed the Pay-to-Play threshold or the current State bid threshold are forwarded to the Purchasing Agent for processing.
 6. Requisitions that exceed 15% of the current State bid threshold require at least 2 quotes, but 3 quotes are preferred. Quotes obtained by user departments are attached to the requisition (digital/scanned copy). Purchasing staff review all quotes.
 7. Properly completed requisitions are converted to Purchase Orders by Finance/Administration Office.
 8. Department Heads are actively engaged in preparing and monitoring their annual budgets. Regular reviews are performed to assure that activity posted to the department's budget, such as Purchase Orders, is valid, proper and authorized by the Department Head.
 9. Claims for payment are submitted to Finance Office by each department. Invoices are reviewed to verify that work was performed as authorized and that prices are consistent with original proposals.

10. Invoices attached to the Purchase Order are submitted to Finance Office for payment. A responsible person with direct knowledge that the work was performed or goods received signs the Purchase Order to authorize payment.
11. In processing Purchase Orders (and invoices) for payment, Finance Office staff review for:
 - a. Certification by responsible person attesting that services were performed, or goods delivered.
 - b. Verify that payment is applied to proper contract, if applicable.
 - c. Verify that the invoice does NOT pre-date the Purchase Order (Legal Compliance). (from item 1 above) No goods or services will be procured without a valid Purchase Order containing the signature of the Borough's Assistant CFO.
 - d. Review for proper accounting treatment (proper budget account and proper budget year).
 - e. Compliance with any relevant Borough's policy.
 - f. Reasonable business purpose.
12. Questions regarding Purchase Orders/Invoices are reviewed with user departments. As necessary, certain issues are escalated to review by the Administrator or CFO.
13. In preparing the annual Borough Budget, the CFO reviews trends and query detail as considered necessary. All unusual items are researched.

b. _____ The bill or claim duly certified shall be presented to the Municipal Clerk for inclusion in the proceedings of the next immediate formal meeting of the Borough Council and it shall be the duty of the Chief Financial Officer to examine all bills or claims submitted for payment in order to ascertain if proper administrative procedures have been followed.

c. _____ All claims or bills to be considered by the Borough Council shall be listed systematically and without preference and the list shall be made available to every member of the Borough Council at least three full days prior to formal action by the Borough Council

* * *

§ 2-50.6 Required Signatures Procedure.

After the Municipal Clerk has certified that the claims have been approved, ~~he~~ the Municipal Clerk shall turn the same over to the Chief Financial Officer, who shall forthwith prepare the necessary checks for the payment thereof, which said checks shall be signed by the Mayor and ~~Administrator~~ Chief Financial Officer, and thereafter signed by the ~~Chief Financial Officer~~ Administrator or Municipal Clerk. After preparing checks for the payment of claims, ~~he~~ the Chief Financial Officer shall record them in proper books of account and thereafter mail the checks to the claimants.

SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fair Haven, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Fair Haven are ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

**BOROUGH OF FAIR HAVEN
ORDINANCE NO. 2022-13**

**AN ORDINANCE AMENDING CHAPTER 7: “VEHICLES AND TRAFFIC” OF THE
BOROUGH’S REVISED GENERAL ORDINANCES TO PROHIBIT PARKING ON
THE EAST SIDE OF CHESTNUT STREET BETWEEN FIRST STREET AND RIVER
ROAD AND TO PROHIBIT PARKING ON THE SOUTH SIDE OF RIVER ROAD
BETWEEN LAKE AVENUE STREET AND HANCE ROAD**

WHEREAS, the Mayor & Council of the Borough of Fair Haven (the “Borough”) consider pedestrian and traffic safety to be a significant and important priority for the Borough and the welfare of its residents; and

WHEREAS, the Borough’s Police Department has recommended the implementation of certain measures to enhance pedestrian and traffic safety; and

WHEREAS, the Mayor and Council find it to be in the best interests of the Borough’s residents to implement such measures recommended by the Borough’s Police Department;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Fair Haven, in the County of Monmouth, in the State of New Jersey as follows:

SECTION 1. Section 7-14 entitled “Parking Prohibited At All Times On Certain Streets” of Chapter 7 entitled “Vehicles and Traffic” of the Revised General Ordinances of the Borough is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
<u>Chestnut Street</u>	<u>East</u>	<u>River Road to First Street</u>
<u>River Road</u>	<u>South</u>	<u>Lake Avenue to Hance Road</u>

SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Fair Haven are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2022-176

TITLE: DENYING APPLICATION FOR EXPANSION OF PRIOR 2021-2022 WAIVER FOR THE KEEPING OF HENS BY GONTRAN DE QUILLACQ AT 444 RIVER ROAD

WHEREAS, Section 5-18 of the Borough Code provides that the keeping of non-domesticated animals, including chickens, is generally prohibited within the Borough of Fair Haven (the “Borough”); and

WHEREAS, under Section 18-5.4 of the Borough Code, upon good cause shown, the Mayor & Council may grant a waiver to those owners desirous of keeping non-domesticated animals under certain conditions; and

WHEREAS, Gontran de Quillacq was previously granted a waiver by the Mayor & Council in September 2020 for the keeping of no more than five (5) hens upon his property located at 444 River Road; and

WHEREAS, said waiver was renewed in September 2021, with no changes, to permit Gontran de Quillacq to continue the keeping of no more than five (5) hens upon his property located at 444 River Road; and

WHEREAS, due to the recent discovery of more than five (5) hens being kept upon 444 River Road, Gontran de Quillacq has made application and served proper notices seeking to expand his waiver to keep up to ten (10) hens upon his property located at 444 River Road; and

WHEREAS, after hearing held on July 25, 2022, and following consideration of the presentations of the applicant and certain objectors, the Mayor & Council did not find good cause to grant an expansion of the existing waiver issued to Gontran de Quillacq for the keeping of no more than five (5) hens upon his property located at 444 River Road; and

WHEREAS, given the testimony and materials presented at the hearing held on July 25, 2022, the Mayor & Council further advised the applicant, Gontran de Quillacq, that any further violation(s) of his original waiver for no more than five (5) hens, contained to his own property, would be considered by the Mayor & Council in deciding whether to renew said original waiver when it expires in September 2022;

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Borough of Fair Haven hereby deny the request of Gontran de Quillacq to expand his waiver for the keeping of additional hens upon his property located at 444 River Road.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2022-177

TITLE: RESOLUTION OF THE BOROUGH OF FAIR HAVEN ACCEPTING PERFORMANCE GUARANTEES FOR PROPERTY KNOWN AS BLOCK 30, LOT 15 (32 FISK STREET)

WHEREAS, Capital Home Builders, Inc. obtained minor subdivision approval from the Fair Haven Planning Board pursuant to a Resolution adopted by the Planning Board on July 20, 2021; and

WHEREAS, the Planning Board Engineer prepared a bond estimate for this minor subdivision by way of letter dated December 29, 2021 which is annexed hereto; and

WHEREAS, on July 25, 2022, Capital Home Builders posted performance guarantees in conformance with the bond estimate as well as additional fees as follows:

Check No. 1547 in the amount of \$150.00 (Tax Map Revision Fee, first lot)

Check No. 1548 in the amount of \$150.00 (Tax Map Revision Fee, second lot)

Check No. 1677 in the amount of \$1,406.70 (Engineer Inspection Fee)

Check No. 1678 in the amount of \$33,760.80 (120% Performance Guarantee)

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, that the aforementioned performance guarantees are accepted by the Borough in order to secure performance by the property owner of a minor subdivision to effectuate the terms and conditions of the subdivision approval.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2022-178

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. PBA Negotiations
2. Director of Engineering and Public Works

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. 2022-179

TITLE: REFUND UNUSED ZONING BOARD ESCROW FUNDS TO PATRICK MCELDUFF, 31 HEIGHTS TERRACE - BLOCK 68, LOT 6

WHEREAS, Patrick McElduff, 31 Heights Terrace, Block 68, Lot 6 submitted an application to the Zoning Board of Adjustment for Variance Relief; and

WHEREAS, escrow money was posted by the applicant; and

WHEREAS, Mr. McElduff has withdrawn his Zoning Board application and has requested that unused escrow funds be refunded; and

WHEREAS, the Zoning Board Secretary has calculated and provided, in writing, an escrow refund amount as follows:

Unused Escrow funds in the amount of \$1,360.50; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Chief Financial Officer will refund the unused Zoning Board escrow fees to Patrick McElduff, 31 Heights Terrace, Fair Haven, New Jersey 07704.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2022-180

TITLE: APPROVE MEMORANDUM OF UNDERSTANDING WITH MONMOUTH COUNTY SPCA FOR THE TRAP, NEUTER AND RELEASE PROGRAM

WHEREAS, the Borough Council of the Borough of Fair Haven approved Resolution No. 2022-34 which authorized an agreement with the Monmouth County SPCA for Animal Control Services; and

WHEREAS, there is a need to have services through their Trap, Neuter and Release Program; and

WHEREAS, the Monmouth County SPCA has provided a Memorandum of Understanding which limits this service which includes neutering, ear tip, rabies vaccination and micro-chip for no more than 100 cats per year at a cost to the Borough of \$37.50 per cat which will be billed monthly with a detailed list of activities.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, hereby authorizes the Memorandum of Agreement for this service (attached as Exhibit A) with the Monmouth County SPCA; and

BE IT FURTHER RESOLVED that Mayor Halpern is hereby authorized to execute the Memorandum of Agreement and the appropriate purchase order(s) will be prepared and submitted to the Finance Department.



**MEMORANDUM OF UNDERSTAND
BETWEEN
MONMOUTH COUNTY S.P.C.A
AND
BOROUGH OF FAIR HAVEN
FOR**



TRAP, NEUTER AND RELEASE PROGRAM

WHEREAS, the Monmouth County S.P.C.A, being a duly authorized animal shelter under the authority of New Jersey State Law Title 4, and having such authority within the County of Monmouth to act as so, shall enter into a “Memorandum of Understanding (MOU)” for a “Trap, Neuter and Release (TNR)” program with the Borough of Fair Haven, being a duly authorized Municipality within the County of Monmouth.

WHEREAS, the Monmouth County SPCA shall assume the role as the approved sponsor for the TNR program within the Borough of Fair Haven and shall set forth the requirements for this program which shall be listed in this MOU.

WHEREAS, the Monmouth County SPCA shall provide the Borough of Fair Haven with a certificate of insurance naming the Borough of Fair Haven as additionally insured. The following guidelines shall be set forth and be agreed upon by both the Monmouth County SPCA and the Borough of Fair Haven.

I. Monmouth County SPCA sponsorship requirements:

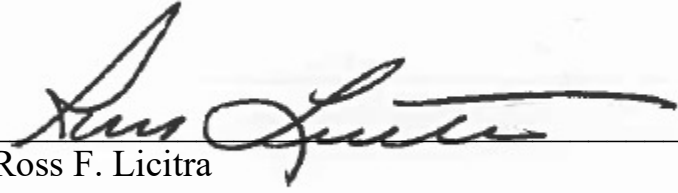
- Review and approve colony caregivers
- Schedule surgical dates for all TNR activities
- Maintain records provided by colony caregivers
- Maintain all medical records
- Set TNR standards and guidelines
- Be responsible with the Township for humanely trapping, neutering, vaccinating and spaying or neutering of feral cats

II. The established fee to TNR a feral cat for this program shall be \$75.00. The Borough of Fair Haven shall be responsible for \$37.50 of this cost while the Monmouth County SPCA shall be responsible for \$37.50. The fee for this program shall include the neutering, ear tip, rabies vaccination and micro-chip for each cat. The Monmouth County SPCA shall bill the Borough of Fair Haven monthly with a detailed list of activities. There shall be a limit of 100 cats per year under this program or until funding for this program expires.

III. The Monmouth County SPCA shall designate a member of the SPCA to serve as the TNR representative for the program and shall coordinate all TNR activities with the Borough of Fair Haven’s appointed designee. The appointed Borough and appointed SPCA designee shall maintain an open channel of communications with Borough Officials as well as Monmouth County SPCA Officials.

IV. The Monmouth County SPCA TNR Animal Control Officer and approved caregivers shall coordinate the transportation to and from the Monmouth County SPCA for the purpose of this TNR program. The Monmouth County SPCA reserves the right not to release any cat that is deemed adoptable and to offer that cat up for private adoption from the shelter.

This memorandum of understanding may be canceled by either party. A thirty (30) day notice of cancelation must be provided by the canceling party.


7/29/2022
Ross F. Licitra
Executive Director

Joshua Halpern, Mayor
Borough of Fair Haven

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2022-181

TITLE: APPROVE 2ND AND FINAL CHANGE ORDER - IMPROVEMENTS TO BATTIN ROAD - BLACK ROCK ENTERPRISES

WHEREAS, Resolution No. 2020-57 awarded a contract for the Improvements to Battin Road Project to Black Rock Enterprises, Old Bridge, NJ 08857 in the amount of \$291,650.00; and

WHEREAS, Resolution No. 2021-45 was adopted by the governing body on January 25, 2021 and approved Change Order No. 1 for said project.

WHEREAS, the attached final change order details additional amendments to the contract resulting in a revised contract amount of \$311,550.99.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven that Change Order #2 - Final to the Improvements to Battin Road Project will result in a final contract amount of \$311,550.99 between the Borough of Fair Haven and Black Rock Enterprises.

BE IT FURTHER RESOLVED that that the two-year Maintenance Bond (CA-3414393M) received from Great American Insurance Company in the amount of \$43,747.50 is hereby accepted.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2022-183

TITLE: RESOLUTION AUTHORIZING CONTRACT FOR THE LEASE OF A 2022 CHEVY TAHOE FOR THE POLICE DEPARTMENT

WHEREAS, the Borough of Fair Haven, County of Monmouth, State of New Jersey has determined that there is a need for the replacement of a police vehicle in the Borough of Fair Haven; and

WHEREAS, the vehicle that will be replaced in patrol is a 2012 Dodge Charger with 121,000 miles; and

WHEREAS, this purchase is being made through State Contract No. ESCNJ 20/21-09 and was approved by Mayor and Council through the 2022 Municipal Budget (Police Department Line Item 2-01-25-240-205).

NOW THEREFORE, BE IT RESOLVED that by the Borough of Fair Haven that Borough Administrator Casagrande is hereby authorized to enter into a contract with Mall Chevrolet, Cherry Hill, NJ for a three-year lease of a 2022 Chevy Tahoe PPV for the Police Department in the amount of \$16,693.91 per year for three years with the option to purchase for \$1 at the end of the lease agreement.

BE IT FURTHER RESOLVED, the Chief Financial Officer has certified that free and unencumbered funds in the amount of \$16,693.91 are available for this purpose in account/line-item number(s) 2-01-25-240-205. Availability of funds for the remaining balance of the contract amount is contingent upon the necessary funds being appropriated by the governing body in the 2023 and subsequent Municipal Budgets, inclusive of amount appropriated in the temporary budget as required by N.J. A.C. 5:34-5.3 (a). A copy of said certification is attached hereto and made part hereof.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2022-184

TITLE: REFUND OF 3rd QUARTER, 2022 PROPERTY TAX OVERPAYMENTS

WHEREAS, the Tax Collector, has provided a request for a tax overpayment refund for 3rd Quarter 2022 due to duplicate payment and advises that the following property owner qualifies for a refund as follows:

Owner	Address	Block	Lot	Refund
Estate of Herbert Reed, Jr.	100 Parker Avenue	37	9	\$435.17

Payment to: Wyndham Reed
77 Wesley Avenue
Atlantic Highlands, NJ 07716

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Tax Collector and Chief Financial Officer are hereby authorized to pay said refund in the amount listed above.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2022-185

TITLE: RESOLUTION AUTHORIZING RELEASE OF A TWO-YEAR MAINTENANCE BOND FOR (BLOCK 51, LOTS 27 AND 30) - 20 GILLESPIE AVENUE, LLC.

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

WHEREAS, Resolution No. 2020-132 adopted July 27, 2022 authorized the release of performance guarantees in exchange for the acceptance of a two-year maintenance bond; and

WHEREAS, the developer submitted Letter of Credit No. 68104100 in the amount of \$99,562.50 as the two-year maintenance bond; and

WHEREAS, the Borough Engineer has performed the appropriate inspections and advised that the Maintenance Bond should be released to 20 Gillespie Avenue, LLC.

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 two-year maintenance bond posted as a Letter of Credit in the amount of \$99,562.50 and that the Borough Clerk return the original Maintenance Bond to the developer to close out the project.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2022-186

**TITLE: APPROVING A BLOCK PARTY TO BE HELD ON CHURCH STREET
 (BETWEEN RIVER ROAD AND HAYES PLACE)**

WHEREAS, a request was received to hold a Block Party on Church Street (between River Road and Hayes Place) on Sunday, September 25, 2022 from 3:00 pm to 8:00 pm (Rain date: Sunday, October 2, 2022); and

WHEREAS, Police Chief Joseph McGovern reviewed the application and submitted his approval on August 9, 2022.

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 Church Street (between River Road and Hayes Place) on Sunday, September 25, 2022 from 3:00 pm to 8:00 pm. (Rain date: Sunday, October 2, 2022).

BE IT FURTHER RESOLVED that Permit No. BP 2022-04 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. 2022-187

TITLE: REFUND OF 3rd QUARTER, 2022 PROPERTY TAX OVERPAYMENT – 142 LINCOLN AVENUE

WHEREAS, the Tax Collector, has provided a request for a tax overpayment refund for 3rd Quarter 2022 due to duplicate payment and advises that the following property owner qualifies for a refund as follows:

Owner	Address	Block	Lot	Refund
William Garavente	142 Lincoln Avenue	14	3	\$4,467.85

Payment to: Simplicity Title, LLC
70 Grove Street
Somerville, NJ 08876

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Tax Collector and Chief Financial Officer are hereby authorized to pay said refund in the amount listed above.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2022-188

**TITLE: AUTHORIZE BOROUGH ADMINISTRATOR TO APPROVE CINGULAR WIRELESS
D/B/A AT&T EQUIPMENT MODIFICATION ON THE CELL TOWER**

WHEREAS, the Borough's Cell Tower Consultant, FSD Enterprises, LLC., received and reviewed a request from AT&T to modify their equipment (replace existing equipment and antennas with comparable equipment and antennas) on Fair Haven's cell tower; and

WHEREAS, the Borough Administrator has been advised that the submitted request complies with their rights in the executed lease agreement, and she can approve AT&T's modification.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the Borough Administrator is hereby authorized to approve the modification request and act on behalf of the Borough of Fair Haven, based on the advice given by the Borough's Cell Tower Consultant, FSD Enterprises, LLC.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2022-189

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 August 15, 2022 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2022 CURRENT ACCOUNT		\$2,626,976.41
GENERAL CAPITAL		\$ 56,854.23
PAYROLL AGENCY		\$ 14,346.12
OTHER TRUST		\$ 18,438.74
		<u>\$2,716,615.56</u>
LESS VOIDED CHECKS	-	\$ 459.24
TOTAL		\$2,716,156.32

CURRENT CHECK NO. 62909, \$459.24