

**FAIR HAVEN BOROUGH COUNCIL
REGULAR MEETING AGENDA
AUGUST 17, 2020, 7:00 P.M.**

Zoom Link: <https://us02web.zoom.us/j/82704421200>

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

Webinar Number: **827 0442 1200** (this is used for computer or whatever dial in you prefer)

1. **Call to Order:** pm
2. **Salute to the Flag:**
3. **Moment of Meditation:**
4. **Sunshine Law Notice:**
5. **Roll Call:** Councilmembers Banahan Chrisner-Keefe Koch
McCue Rodriguez Sorensen
6. **Resolution**
2020-139 Executive Session: Personnel, Pending Litigation and Contract Negotiations
7. **Proclamation**
Overdose Awareness Day – August 31, 2020
Hunger Action Month - September
8. **Monmouth County Open Space Grant Hearing**
-Stone Dust Walking Trail (Fair Haven and Ridge Roads)
9. **Workshop Session**
-Request from Fair Haven Business Association regarding sidewalk sale lawn signs
-Overdose Awareness Day request for signs and flags
-2020 Budget Status
-2020 Capital Bond Ordinance
-Special Meeting: Facilities
-Tropical Storm Isaias Review
-Buttonwood Tree Report from Zig Panek
10. **Public Comment on Agenda Items**
11. **Approval of Minutes**
-July 27, 2020 Regular Meeting
-July 27, 2020 Executive Session
12. **Old Business**
13. **New Business**
Council Committee Reports
Finance - Councilman Banahan
Personnel - Councilwoman Chrisner-Keefe
Planning & Zoning - Councilwoman Koch
Police, Fire & OEM - Councilman McCue

Engineering, DPW and Borough Facilities - Councilman Rodriguez
Parks and Recreation and Communications - Councilwoman Sorensen

Introduction of Ordinance

2020-04 Amend Chapter 30, Land Use, by Creating a New Zone, “Affordable Housing Zone”

Consent Agenda

Resolutions

- 2020-140 Support Monmouth County Open Space Grant
- 2020-141 Award Contract for River Road Streetscape Project
- 2020-142 Award Non-Fair and Open Contract: Real Estate Financial Advisory Services
- 2020-143 Approve Refund of Tax Overpayment and grant full tax exemption-29 Dogwood Lane
- 2020-144 Approve Refund of Construction Board of Appeal Judgement -163 Park Road
- 2020-145 Approve Block Party Request: Cedar Avenue (Third to Jackson Streets) - August 29th
- 2020-146 Approve Block Party Request: Maple Avenue (Fisk to Third Streets) - September 12th
- 2020-147 Payment of Vouchers

Department Reports

July 2020

- Borough Clerk
- Dog License
- Planning Board and Zoning Board
- Tax Collector
- Police Department
- Municipal Court
- 2020 Budget Status (8/11/2020)

- 14. **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*)
- 15. **Adjournment**

PROCEDURE FOR CITIZEN PARTICIPATION AT COUNCIL MEETINGS

The Fair Haven Borough Council and the Mayor welcome comments, suggestions and inquiries from residents of Fair Haven. To that end, provision is made for a public discussion period at each meeting. It is listed as:

“Public Discussion” – near the end of the meeting where any topic may be addressed.

You must wait to be recognized by the Mayor. **IDENTIFY YOURSELF BY CLEARLY STATING YOUR NAME AND ADDRESS FOR THE RECORD.** Limit your comments to three (3) minutes. Once a particular topic has been addressed by a member of the public, he/she will not be recognized to talk again on the same topic until all others have been heard a first time.

If you wish to reserve time to speak in advance, you may address your request to Allyson Cinquegrana at 732-747-0241 extension *221, by noon on the Friday preceding the meeting.

You will **NOT** be recognized, **NOR SHOULD YOU COMMENT OR CARRY ON A DEBATE OR DIALOGUE WHILE BUSINESS OF THE BOROUGH IS BEING ADDRESSED BY MAYOR AND COUNCIL.**

NEXT COUNCIL MEETING WILL BE MONDAY, SEPTEMBER 14, 2020

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-139

TITLE: EXECUTIVE SESSION

WHEREAS, the Open Public Meetings, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body may wish to discuss the following matters:

Personnel

1. Police Department/Social Security

Pending Litigation

1. Yacht Works

Contract Negotiations

1. Fair Share Housing Agreement
2. Memorandum of Agreement with Habitat for Humanity

WHEREAS, minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW THEREFORE BE IT RESOLVED that the public be excluded from this meeting.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-140

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of the Borough of Fair Haven desires to obtain County Open Space Trust Funds in the amount of \$100,000 to fund trail linkage and expansion throughout Fair Haven Fields (Ridge and Fair Haven Roads, Block 77 Lot 1); and

WHEREAS, the total cost of the project including all matching funds is \$200,000; and

WHEREAS, the Borough of Fair Haven is the owner and controls the project site.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR OF THE BOROUGH OF FAIR HAVEN THAT:

1. Theresa Casagrande, Borough Administrator, is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the principal contact person and correspondent of the above named municipality; and
2. The Borough of Fair Haven is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Theresa Casagrande, Borough Administrator is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-141

TITLE: RECOMMENDING AWARD FOR A CONTRACT FOR 2020 ROAD AND SIDEWALK PROGRAM – RIVER ROAD STREETSCAPE

WHEREAS, sealed bids were opened on August 13, 2020 in the Borough Hall Council Chambers for the 2020 Road and Sidewalk Program; and

WHEREAS, the following base bids were received:

	<u>CONTRACTOR</u>	<u>LOCATION</u>	<u>AMOUNT BID</u>
1.	Black Rock Industries	Old Bridge, NJ	\$ 587,704.00
2.	Precise Construction	Freehold, NJ	\$ 596,905.00
3.	Fernandes Construction, Inc.	Monroe, NJ	\$ 669,710.90
4.	AA Berms, LLC	Belleville, NJ	\$ 707,689.00
5.	Earle Asphalt	Farmingdale, NJ	\$ 711,733.13
6.	A-Tech Concrete	Edison, NJ	\$ 735,025.00
7.	Seacost Construction	East Brunswick, NJ	\$ 841,812.90
8.	S. Batata Construction, Inc.	Parlin, NJ	\$ 872,590.00
9.	Berto Construction	Rahway, NJ	\$ 961,588.00

WHEREAS, Richard Gardella, PE, PP, CME, Borough Engineer and Salvatore Alfieri reviewed the second lowest bid and hereby recommend that a contract award be made for the Base Bid to Black Rock Industries, 1316 Englishtown Road, Old Bridge, NJ, 08857 in the amount of \$587,704.00; and

WHEREAS, a Certification of Funds for the Base Bid is available in Capital Fund Appropriations, as attached; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that it hereby recommends award of a contract for the 2020 River Road Streetscape Program to Black Rock Industries, 1316 Englishtown Road, Old Bridge, NJ 08857

BE IT FURTHER RESOLVED, the Mayor and Clerk are hereby authorized to execute an agreement with Black Rock Industries.

OR

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-141A

TITLE: RECOMMENDING AWARD FOR A CONTRACT FOR 2020 ROAD AND SIDEWALK PROGRAM – RIVER ROAD STREETScape

WHEREAS, sealed bids were opened on August 13, 2020 in the Borough Hall Council Chambers for the 2020 Road and Sidewalk Program; and

WHEREAS, the following base bids were received:

	CONTRACTOR	LOCATION	BASE BID	OPTION 1	BASE+OPT 1
1	Precise Construction	Freehold, NJ	\$ 596,905.00	\$ 97,275.00	\$ 694,180.00
2	Black Rock Industries	Old Bridge, NJ	\$ 587,704.00	\$ 116,641.00	\$ 704,345.00
3	Fernandes Construction, Inc.	Monroe, NJ	\$ 669,710.90	\$ 84,239.50	\$ 753,950.40
4	Earle Asphalt	Farmingdale, NJ	\$ 711,733.13	\$ 87,500.00	\$ 799,233.13
5	AA Berms, LLC	Belleville, NJ	\$ 707,689.00	\$ 107,468.00	\$ 815,157.00
6	A-Tech Concrete	Edison, NJ	\$ 735,025.00	\$ 103,025.00	\$ 838,050.00
7	Seacost Construction	East Brunswick, NJ	\$ 841,812.90	\$ 153,050.00	\$ 994,862.90
8	S. Batata Construction, Inc.	Parlin, NJ	\$ 872,590.00	\$ 150,150.00	\$1,022,740.00
9	Berto Construction	Rahway, NJ	\$ 961,588.00	\$ 140,757.50	\$1,102,345.50

WHEREAS, Richard Gardella, PE, PP, CME, Borough Engineer and Salvatore Alfieri reviewed the bids and hereby recommend that a contract award be made for the Base Bid including Option #1 to Precise Construction, 1016 Highway 33, Freehold, NJ, 07728 in the amount of \$694,180.00; and

WHEREAS, a Certification of Funds for the Base Bid plus Option #1 is available in Capital Fund Appropriations, as attached; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that it hereby recommends award of a contract for the 2020 River Road Streetscape Program to Precise Construction, 1016 Highway 33, Freehold, NJ, 07728.

BE IT FURTHER RESOLVED, the Mayor and Clerk are hereby authorized to execute an agreement with Precise Construction.

OR

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-141B

TITLE: RECOMMENDING AWARD FOR A CONTRACT FOR 2020 ROAD AND SIDEWALK PROGRAM – RIVER ROAD STREETScape

WHEREAS, sealed bids were opened on August 13, 2020 in the Borough Hall Council Chambers for the 2020 Road and Sidewalk Program; and

WHEREAS, the following base bids were received:

	<u>CONTRACTOR</u>	<u>LOCATION</u>	<u>BASE BID</u>	<u>BASE+1</u>	<u>OPTION #2</u>	<u>BASE+1&2</u>
1	Precise Construction	Freehold, NJ	\$ 596,905.00	\$ 694,180.00	\$280,700.00	\$ 974,880.00
2	Black Rock Industries	Old Bridge, NJ	\$ 587,704.00	\$ 704,345.00	\$325,655.00	\$1,030,000.00
3	AA Berms, LLC	Belleville, NJ	\$ 707,689.00	\$ 815,157.00	\$378,423.00	\$1,193,580.00
4	Earle Asphalt	Farmingdale, NJ	\$ 711,733.13	\$ 799,233.13	\$395,500.00	\$1,194,733.13
5	A-Tech Concrete	Edison, NJ	\$ 735,025.00	\$ 838,050.00	\$366,200.00	\$1,204,250.00
6	Fernandes Construction, Inc.	Monroe, NJ	\$ 669,710.90	\$ 753,950.40	\$561,100.00	\$1,315,050.40
7	S. Batata Construction, Inc.	Parlin, NJ	\$ 872,590.00	\$1,022,740.00	\$302,400.00	\$1,325,140.00
8	Seacost Construction	East Brunswick, NJ	\$ 841,812.90	\$ 994,862.90	\$362,415.00	\$1,357,277.90
9	Berto Construction	Rahway, NJ	\$ 961,588.00	\$1,102,345.50	\$424,962.00	\$1,527,307.50

WHEREAS, Richard Gardella, PE, PP, CME, Borough Engineer and Salvatore Alfieri reviewed the bids and hereby recommend that a contract award be made for the Base Bid including Option #1 and #2 to Precise Construction, 1016 Highway 33, Freehold, NJ, 07728 in the amount of \$974,880.00; and

WHEREAS, a Certification of Funds for the Base Bid plus Options #1 and #2 is available in Capital Fund Appropriations, as attached; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that it hereby recommends award of a contract for the 2020 River Road Streetscape Program to Precise Construction, 1016 Highway 33, Freehold, NJ, 07728.

BE IT FURTHER RESOLVED, the Mayor and Clerk are hereby authorized to execute an agreement with Precise Construction.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-142

**TITLE: AUTHORIZING AWARD OF CONTRACT FOR PROFESSIONAL SERVICE
PURSUANT TO N.J.S.A. 19:44A-20.5: ROBERT POWELL, NASSAU CAPITAL
ADVISORS, LLC**

WHEREAS, the Borough of Fair Haven has a need to retain a professional service pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Borough Administrator has determined and certified that the value of said service may exceed \$17,500 for the year 2020; and

WHEREAS, a contract proposal for said professional service has been received by the Borough; and

WHEREAS, said professional has completed and submitted a Business Entity Disclosure Certification, which certifies that said professional has not made any reportable contributions to a political or candidate committee in the previous one year, and that the contract will prohibit said professional from making any reportable contributions throughout the term of the contract; and

WHEREAS, funds for this purpose will be appropriated in the 2020 Municipal Budget; and

WHEREAS, said professional has been duly appointed by the Borough Council of the Borough of Fair Haven pursuant to N.J.S.A. 40A:11-5.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that the Mayor and Municipal Clerk are hereby authorized to execute a contract with the following:

- Robert Powell, Nassau Capital Advisors, LLC

BE IT FURTHER RESOLVED that contract for said service and the Business Disclosure Entity Certification and Determination of Value are on file with the Borough Clerk and available for public inspection; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the following:

1. Robert Powell, Nassau Capital Advisors, LLC
2. Chief Financial Officer
3. Borough Administrator

BE IT FURTHER RESOLVED that a copy of this resolution shall be published in the Asbury Park Press as required by law within ten (10) days of its passage.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-143

**TITLE: AUTHORIZE REFUNDING OF TAXES AND GRANTING FULL EXEMPTION FOR
 29 DOGWOOD LANE (BLOCK 73, LOT 9)**

WHEREAS, Arthur Maloney, a resident and taxpayer in the Borough of Fair Haven, residing at Block 73 Lot 9, filed a Property Tax Exemption form for 100% Disabled Veterans; and

WHEREAS, the Tax Assessor has granted a full exemption pursuant to Chapter 398 of the Laws of 1948; and

WHEREAS, a full exemption status was granted to Arthur Maloney effective as of July 15, 2020.

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 Tax Assessor and any other appropriate official be and are hereby authorized and directed to correct the Borough's records to reflect a full 100% Disabled Veteran's Exemption status for Arthur Maloney, Block 73 Lot 9, known as 29 Dogwood Lane.

BE IT FURTHER RESOLVED, the Chief Financial Officer refund \$3,083.55 from the August 1, 2020 tax quarter.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-144

TITLE: APPROVE CONSTRUCTION BOARD OF APPEALS REFUND FOR 163 PARK ROAD (BLOCK 8, LOT 10)

WHEREAS the property owner listed below filed an appeal of a Notice and Order of Penalty in the amount of \$2,000.00 with the Monmouth County Construction Board of Appeals; and

WHEREAS, said appeal was heard and considered by the Monmouth County Construction Board of Appeals and a judgment has been entered that the fine for said Certificate of Occupancy violation be reduced and property owner below qualifies for a refund as follows:

<u>Owner</u>	<u>Address</u>	<u>Block</u>	<u>Lot</u>	<u>Refund</u>
Colin Conway	163 Park Road	8	10	\$1,750.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Chief Financial Officer is hereby authorized to pay said refund in the amount of \$1,750.00 to Mr. Colin Conway at the above referenced address.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-145

**TITLE: APPROVING A BLOCK PARTY TO BE HELD ON
 CEDAR AVENUE – AUGUST 29TH**

WHEREAS, a request was received to hold a Block Party on Cedar Avenue on Saturday, August 29, 2020 from 4 pm to 10 pm; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on August 11, 2020; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that approval is hereby granted for a block party to be held on Cedar Avenue on Saturday, August 29, 2020 from 4 pm to 10 pm.

BE IT FURTHER RESOLVED that Permit No. BP 2020-02 will be issued for said event and that attendees with comply with the Governor's order regarding social gatherings.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-146

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

WHEREAS, a request was received to hold a Block Party on Maple Avenue on Saturday, September 21, 2020 from 4 pm to 10 pm with a rain date of Sunday, September 13, 2020; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on August 11, 2020; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that approval is hereby granted for a block party to be held on Maple Avenue on Saturday, September 12, 2020 from 4 pm to 10 pm with a rain date of Sunday, September 13, 2020.

BE IT FURTHER RESOLVED that Permit No. BP 2020-03 will be issued for said event and that attendees with comply with the Governor's order regarding social gatherings.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-147

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 17, 2020 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2020 CURRENT ACCOUNT	\$	161,004.44
2019 CURRENT ACCOUNT	\$	2,355.00
GRANT FUND	\$	815.50
PAYROLL AGENCY	\$	12,859.32
OTHER TRUST	\$	18,985.48
DOG TRUST	\$	1.20
TOTAL	\$	196,020.94