

**FAIR HAVEN BOROUGH COUNCIL
REGULAR MEETING AGENDA
OCTOBER 26, 2020, 7:00 P.M.**

Zoom Link: <https://us02web.zoom.us/j/85155946586>
iPhone or Land Line Telephone Call In: 1-301-715-8592
Webinar ID: 851 5594 6586

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**
2020-189 Executive Session: Personnel and Contract Negotiations
7. **Workshop Session**
 - Request from Fair Haven Fire Department to post lawn signs on Borough property
 - Department Capital Recommendations: DPW, Police Department/OEM and Fire Department
 - Proposed 2021 Council Meeting Dates
 - Meeting Minute Protocol (Attorney Alfieri)
 - Tax Exemption for Disabled Veterans (Attorney Alfieri)
 - Best Practices Inventory
8. **Public Comment on Agenda Items**
9. **Approval of Minutes**
 - October 13, 2020 Regular Meeting
 - October 13, 2020 Executive Session
10. **Old Business**
Hearing and Adoption of Ordinances
2020-11 Create No Parking on River Road (between Hance Road to Lake Avenue)
11. **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 Ordinances
2020-12 Bond Ordinance for General Capital

Consent Agenda

Resolutions

- 2020-190 Authorize Release of the Performance Bond/Accept Maintenance Bond-Laval Home Development, LLC
- 2020-191 Hire Part-time Seasonal DPW Laborer – Robert Keenan
- 2020-192 Appoint a Borough Facilities Committee
- 2020-193 Payment of Vouchers
- 2020-194 Appoint Special Officer, Class II, Liam Stephens
- 2020-195 Waive Interest on Real Property Taxes Owed on Block 45, Lot 22

Department Reports

September 2020

- Police Department
- Municipal Court
- Chief Financial Officer

- Budget Status

12. **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*)

13. **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. 2020-189

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

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.

**BOROUGH OF FAIR HAVEN
BOND ORDINANCE NUMBER 2020-12**

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	\$434,000	\$413,333	\$20,667	20 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
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				
(iii) Roads Department - 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, 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.	\$620,000 (Inclusive of the Grant)	\$254,677	\$15,323	20 years
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.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-190

TITLE: RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEE FOR MINOR SUBDIVISION (BLOCK 77, LOT 78) – 134 THIRD STREET

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.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-191

TITLE: APPOINT PART TIME SEASONAL PUBLIC WORKS 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.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-192

TITLE: APPOINTMENT OF BOROUGH FACILITIES COMMITTEE MEMBERS

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
Annmarie Berger

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-193

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 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

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-194

TITLE: APPOINT SPECIAL LAW ENFORCEMENT 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.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2020-195

TITLE: 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.