

**FAIR HAVEN BOROUGH COUNCIL
REGULAR MEETING AGENDA
MAY 13, 2013, 7:00 P.M.**

1. **Call To Order:** PM
2. **Salute to the Flag:**
3. **Moment of Meditation:**
4. **Sunshine Law Notice:**
5. **Roll Call:** Councilmembers Jaeger Koch Marchese
Peters Sorensen Wilhelm
6. **Administrator's Report**
7. **Workshop Session**
 - No Smoking Ordinance
 - Sidewalk Dining Ordinance
 - Lunch Break Food Drive
8. **Public Comment on Agenda Items**
9. **Approval of Minutes**
 - Regular Meeting Minutes of April 22, 2013
 - Executive Session Minutes of April 22, 2013
10. **Old Business**
 - Hearing on 2013 Municipal Budget
 - Adoption, pending review from DLGS
11. **New Business**
 - Consent Agenda**
 - Resolutions**
 - 2013-86 Memorialize approval of Sidewalk Café Permit for Kind Burger
 - 2013-87 Tax Reimbursement Certification for Recycling Program
 - 2013-88 Certify 2012 LOSAP Participants
 - 2013-89 Approve Contract with Cavanaugh's for pest control
 - 2013-90 Approve Escrow Refund for 86 Laurel Drive
 - 2013-91 Approve Escrow Refund for 100 Grange Avenue
 - 2013-92 Approve Block Party for Forrest Avenue – June 8, 2013
 - 2013-93 Waive Code 3-19, Section 3-19.1 Prohibiting Open Consumption of Alcohol and Code 9-1.22 Alcoholic Beverages prohibited on Public Property
 - 2013-94 Authorize the Public Display of Fireworks on June 15, 2013
 - 2013-95 Executive Session – Personnel and Contract Negotiations
 - 2013-96 Authorize Execution of a Commodity Resale Agreement with Monmouth County
 - 2013-97 Approve 2013 Edmunds Contract
 - 2013-98 Authorize Pilot Program for Borough Hall Evening Hours
 - 2013-99 Authorize Execution of Blue Acres Grant Agreement
 - 2013-100 Payment of Vouchers
 - 2013-101 Approve Sidewalk Dining Permit for Fairwinds Deli

Department Reports

April 2013

- Municipal Clerk
- Tax Collector
- Planning Board and Zoning Board
- Tax Assessor
- Chief Financial Officer
- Municipal Court
- Police Department
- Dog Report

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 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. 2013-86

TITLE: MEMORIALIZE THE APPROVAL OF SIDEWALK CAFÉ PERMIT FOR KIND BURGERS

WHEREAS, Chapter 4-2.1 governs Sidewalk Cafes and Restaurants in the Borough of Fair Haven; and

WHEREAS, Kind Burgers, 609 River Road, filed the appropriate Sidewalk Café License Application and paid the appropriate fee to the Borough Clerk; and

WHEREAS, the Police Chief has reviewed said application and submitted his approval for said permit as follows:

4 Tables and 8 chairs to accommodate 8 patrons.

WHEREAS, the Mayor and Council approved said application at their April 22, 2013 meeting; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Sidewalk Café Permit is hereby approved and memorialized and will be issued by the Municipal Clerk with an expiration date of December 1, 2013.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2013-87

TITLE: TAX REIMBURSEMENT CERTIFICATION FOR RECYCLING PROGRAM

WHEREAS, the Recycling Enhancement Act, P.L. 2007, Chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant monies received by the municipality shall be expended only for its recycling program.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Fair Haven that the Borough of Fair Haven hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, Chapter 311 in 2012 in the amount of \$7,462.58. Documentation supporting this submission is available at 748 River Road, Fair Haven, New Jersey and shall be maintained for no less than five years from this date.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2013-88

**TITLE: ACCEPT LENGTH OF SERVICE AWARD PROGRAM LIST OF ACTIVE
 VOLUNTEER MEMBERS - 2012**

WHEREAS, pursuant to Ordinance 485 (Length of Service Awards Program) of the Borough of Fair Haven, New Jersey, the emergency service organization (Fair Haven Volunteer Fire Department) is to certify a list of active volunteer members who are eligible to participate in the Plan to the Plan Administrator; and

WHEREAS, the Plan Administrator is to forward said certified list to the Borough Council for approval; and

WHEREAS, in accordance with the aforementioned citation, the emergency service organization has certified a list of eligible members to the Plan Administrator a copy of which is attached hereto and made a part hereof:

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Borough Council of the Borough of Fair Haven grant approval of the attached list of active Volunteer Members of the Fair Haven Volunteer Fire Department for eligibility in the Length of Service Awards Program for 2012.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2013-89

TITLE: AUTHORIZE CONTRACT FOR AN INTEGRATED PEST MANAGEMENT PROGRAM WITH CAVANAUGH’S, INC.

WHEREAS, there is a need for an Integrated Pest Management Program for various Borough buildings; and

WHEREAS, Cavanaugh’s, Inc. will provide interior and exterior inspections and treatment services three times per year and on an “as needed” basis for the following:

- All crawling non-wood destroying insects
- Pavement ants
- Cockroaches
- Silverfish
- Rats
- Mice
- Wasps
- Hornets
- Yellow Jackets (up to 25’)

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Borough Administrator is hereby authorized to sign a contract, attached as Exhibit A, with Cavanaugh’s, Inc. for an Integrated Pest Management Program.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2013-90

TITLE: REFUND ESCROW MONEY TO MR. AND MRS. ROBERT ABBOT, 86 LAUREL DRIVE, BLOCK 60, LOT 26

WHEREAS, Mr. and Mrs. Robert Abbot submitted a variance application to the Fair Haven Zoning Board for an addition at 86 Laurel Drive, Block 60, Lot 26; and

WHEREAS, escrow money was posted by the applicant; and

WHEREAS, Mr. and Mrs. Abbot withdrew their application and have requested that the remaining escrow from their application be refunded; and

WHEREAS, the Zoning Board Secretary has calculated and provided, in writing, the escrow account balance of \$600.00 for Mr. and Mrs. Robert Berry, Block 60, Lot 26.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Chief Financial Officer refund the escrow account balance of \$600.00 to Mr. and Mrs. Robert Abbot.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2013-91

TITLE: REFUND ESCROW MONEY TO MR. AND MRS. ULF MARXEN, 100 GRANGE AVENUE, BLOCK 23, LOT 14

WHEREAS, Mr. and Mrs. Ulf Marxen submitted a variance application to the Fair Haven Zoning Board for an addition at 100 Grange Avenue, Block 23, Lot 14; and

WHEREAS, escrow money was posted by the applicant; and

WHEREAS, Mr. and Mrs. Marxen have requested that the remaining escrow from their application be refunded; and

WHEREAS, the Zoning Board Secretary has calculated and provided, in writing, the escrow account balance of \$934.50 for Mr. and Mrs. Marxen, Block 23, Lot 14.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Chief Financial Officer refund the escrow account balance of \$934.50 to Mr. and Mrs. Ulf Marxen.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2013-92

TITLE: APPROVING A BLOCK PARTY TO BE HELD ON FORREST AVENUE

WHEREAS, a request was received to hold a Block Party on Forrest Avenue on Saturday, June 8, 2013 from 4 pm to 10 pm with a raindate of Saturday, June 22, 2013; and

WHEREAS, Police Chief Breckenridge reviewed the application and submitted his approval on May 3, 2013; 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 Forrest Avenue on Saturday, June 8, 2013 from 4 pm to 10 pm with a raindate of Saturday, June 22, 2013.

BE IT FURTHER RESOLVED that Permit No. BP 2013-01 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. 2013-93

TITLE: WAIVE BOROUGH CODE 3-19, SECTION 3-19.1 PROHIBITION OF OPEN CONSUMPTION OF ALCOHOL AND SECTION 9-1.22 ALCOHOLIC BEVERAGES PROHIBITED ON PUBLIC PROPERTY

WHEREAS, the Borough of Fair Haven will be holding a picnic for Fair Haven Day on June 15, 2013 (rain date June 16, 2013); and

WHEREAS, Borough Code 3-19.1 “prohibits open consumption of any alcoholic beverages on public property within the Borough unless authorized by the Governing Body, or on private property without consent of the owner of the property or the person, over the age of twenty-one (21) years, in possession or control of the property” and Borough Code 9-1.22 “prohibits alcoholic beverages while in a public park, open space, sanctuary, or recreation area and all persons shall conduct themselves in a proper and orderly manner, and in particular, no person shall bring alcoholic beverages, drink same at any time nor shall any person be under the influence of intoxicating liquor”; and

WHEREAS, the picnic will take place at Fair Haven Fields and will include the provision of alcoholic beverage requiring that the above mentioned codes be waived for this event.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Borough Codes 3-19.1 and 9-1.22 be waived on June 15, 2013 (rain date of June 16, 2013) between the hours of 4:00 p.m. and 9:00 p.m. for the Centennial Celebration picnic.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2013-94

TITLE: AUTHORIZE THE PUBLIC DISPLAY OF FIREWORKS ON JUNE 15, 2013

BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that pursuant to the New Jersey Uniform Fire Code, N.J.A.C. 5:70-3.2(A), Chapter 33, Section 3301.2.4.3, the Mayor and Council of the Borough of Fair Haven authorize and grant a permit for the public display of fireworks to Garden State Fire for a display at Fair Haven Fields on June 15, 2013 with a rain date of June 16, 2013.

BE IT FURTHER RESOLVED that the fee for the fireworks display should be waived in this case.

BE IT FURTHER RESOLVED that the Fire Official shall insure that all applicable regulations are enforced, all required permits obtained and all necessary insurance documents filed.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2013-95

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. Assistant Director of Parks and Recreation

Contract Negotiations

1. PBA Negotiation
2. Teamster Negotiation
3. Borough Administrator

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. 2013-96

**TITLE: AUTHORIZED THE EXECUTION OF A COMMODITY RESALE AGREEMENT
 WITH THE COUNTY OF MONMOUTH**

WHEREAS, N.J.A.C. 5:34-7.15 authorizes local contracting units to enter into a Commodity Resale Agreement for the purchase of certain commodities for other contracting units; and

WHEREAS, the County of Monmouth has authorized the renewal of the Monmouth County Commodity Resale System (SYSTEM IDENTIFIER 99174-MCCRS) for the period of September 30, 2013 through September 30, 2018; and

WHEREAS, it would be in the best interest of this Municipality to remain a member of the Monmouth County Commodity Resale System.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Mayor and Municipal Clerk be and they are hereby authorized to execute the attached Commodity Resale Agreement with the County of Monmouth.

BE IT FURTHER RESOLVED that the Municipal Clerk forward a certified copy of this resolution, along with the executed Commodity Resale Agreement to the Stephen G. Callas, Director , Office of Shared Services, County of Monmouth, Hall of Records Annex, First Floor, 1 East Main Street, Freehold, New Jersey 07728.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2013-97

**TITLE: AUTHORIZE CONTRACT WITH EDMUNDS & ASSOCIATES, INC. FOR
2013 SOFTWARE MAINTENANCE**

WHEREAS, the Borough of Fair Haven is provided Tax Collection, Finance and Animal Licensing software maintenance services through Edmunds & Associates, Inc. 301A North Tilton Road, Northfield, New Jersey 08225 for its 2013 software maintenance; and

WHEREAS, the Borough desires to enter into a maintenance contract for the year 2013 to provide continued service for the tax, finance and animal licensing programs; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the 2013 maintenance contract with Edmunds & Associates, Inc. be approved in the amount of \$9,299.00.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2013-98

TITLE: AUTHORIZE PILOT PROGRAM FOR BOROUGH HALL OFFICE EVENING HOURS

WHEREAS, in response to requests for evening hours and to increase services to our residents, especially those who work full time and commute, the Borough is looking into expanding office hours through a pilot program that will take place between Memorial Day and Labor Day; and

WHEREAS, the Borough Administrator has proposed the following schedule:

Monday, Tuesday and Wednesday – 8:00 am to 4:00 p.m.

Thursday – 8:00 a.m. to 8:00 p.m. (coordinating with the late opening of the Borough Library)

Friday – The Clerk, Finance and Tax Collector’s offices will be closed

The Library and Court Office will remain open on Fridays.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the pilot program for Borough Office hours is hereby approved.

BE IT FURTHER RESOLVED that these hours are part of a pilot program between Memorial Day and Labor Day and if the program is found to be non-advantageous, it can be terminated, any time, at the Borough Administrator’s discretion.

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2013-99

**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES ENABLING RESOLUTION**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides grants to municipal and county governments for assistance in the acquisition of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Fair Haven desires to further the public interest by obtaining funding in the amount of \$655,750.00 from the State to fund the following Coastal Blue Acres project(s):

**1314-12-CBA
WATERFRONT PARK ACQUISITION**

NOW, THEREFORE, the governing body/board resolves that Theresa S. Casagrande or the successor to the office of Business Administrator is hereby authorized to:

- (a) make application for such a grant,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE Mayor and Council of the Borough of Fair Haven

1. That the Business Administrator and Borough Attorney of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as the Acquisition of 78 DeNormandie for the purposes of creating a waterfront park;
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$655,750.00;
3. That, in the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That 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. 2013-100

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 May 13, 2013 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2012 CURRENT ACCOUNT	\$ 21,727.02
2013 CURRENT ACCOUNT	\$1,951,355.28
OTHER TRUST	\$ 10,945.01
GENERAL CAPITAL	\$ 89,547.84
GRANT FUND	\$ 8,154.00
TOTAL	\$ 2,081,729.15

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2013-101

TITLE: APPROVAL OF SIDEWALK CAFÉ PERMIT FOR FAIRWINDS DELI

WHEREAS, Chapter 4-2.1 governs Sidewalk Cafes and Restaurants in the Borough of Fair Haven;
and

WHEREAS, Fairwinds Deli, 798 River Road, has filed the appropriate Sidewalk Café License Application and paid the appropriate fee to the Borough Clerk; and

WHEREAS, the Police Chief has reviewed said application and submitted his approval for said permit as follows:

5 Tables and 20 chairs to accommodate 20 patrons.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Sidewalk Café Permit is hereby approved and shall be issued by the Municipal Clerk with an expiration date of December 1, 2013.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION #2013-102

TITLE: APPROVAL OF SIDEWALK CAFÉ PERMIT FOR UMBERTOS PIZZERIA

WHEREAS, Chapter 4-2.1 governs Sidewalk Cafes and Restaurants in the Borough of Fair Haven;
and

WHEREAS, Umbertos Pizzeria, 583 River Road, has filed the appropriate Sidewalk Café License Application and paid the appropriate fee to the Borough Clerk; and

WHEREAS, the Police Chief and Borough Engineer have reviewed said application and submitted their approval for said permit as follows:

4 Tables and 12 chairs to accommodate 12 patrons with the possibility of adding a third table.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Sidewalk Café Permit is hereby approved and shall be issued by the Municipal Clerk with an expiration date of December 1, 2013.