

**FAIR HAVEN BOROUGH COUNCIL  
REGULAR MEETING AGENDA  
MARCH 9, 2020, 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 Banahan Chrisner-Keefe Koch  
McCue Rodriguez Sorensen

6. **Workshop Session**  
-Proposed Resolution to Oppose the Northeast Supply Enhancement Project Pipeline

7. **Public Comment on Agenda Items**

8. **Approval of Minutes**  
-February 24, 2020 Regular Meeting

9. **Old Business**  
**Hearing and Adoption of Ordinances**  
2020-01 Index Rate (COLA) Ordinance  
2020-02 Authorize Purchase of 623 River Road

10. **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

**Consent Agenda**

**Resolutions**

2020-69 Executive Session: Personnel, Pending Litigation and Acquisition of Property  
2020-70 Approve Planning Board Escrow Refund - 5 Laurel Drive  
2020-71 Approve Planning Board Escrow Refund - 763 River Road  
2020-72 Appoint Fair Haven Green Team Members  
2020-73 Appointments to the Planning Board  
2020-74 Amend 2020 Temporary Budget  
2020-75 Payment of Vouchers

**Department Reports**

**2019 Annual Report**

-Tax Collector

**February 2020**

-Municipal Clerk

-Dog License

- Planning Board and Zoning Board
- Police Department

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. **Possible Resolution**  
2020-76 Authorize Execution of Documents for purchase of property known as 623 River Road
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.**

**BOROUGH OF FAIR HAVEN  
ORDINANCE NO. 2020-01**

**2020 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND  
TO ESTABLISH A CAP BANK**

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS**, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Borough Council of the Borough of Fair Haven in the County of Monmouth finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$67,979.30 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, Borough Council of the Borough of Fair Haven hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Fair Haven, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Borough of Fair Haven shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$237,927.55 and that the CY 2020 municipal budget for the Borough of Fair Haven be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years, and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days of such adoption.

Introduced: 2/24/2020

**BOROUGH OF FAIR HAVEN  
ORDINANCE NO. 2020-02**

**ORDINANCE AUTHORIZING THE BOROUGH OF FAIR HAVEN TO  
ACQUIRE THE PREMISES KNOWN AS 623 RIVER ROAD, BLOCK 25, LOT 10,  
IN THE BOROUGH OF FAIR HAVEN, MONMOUTH COUNTY, NEW JERSEY,  
PURSUANT TO N.J.S.A. 40A:12-1 ET SEQ.**

**WHEREAS**, the Borough of Fair Haven has identified that certain real property designated as Block 25, Lot 10 on the Tax Map of the Borough of Fair Haven, commonly known as 623 River Road in the Borough of Fair Haven (the “Property”), as being appropriate for and needed for a public purpose, to wit, the construction of a municipal building to potentially house the Borough’s police department, municipal offices and council chambers; and

**WHEREAS**, the Borough has negotiated an Agreement for Sale and Purchase of Real Estate to acquire title to the Property listed above with the record title owner of the Property; and

**WHEREAS**, the Borough has determined that acquisition of the Property, the compensation to be paid for the Property and all matters incidental thereto and arising therefrom will be pursued as provided by N.J.S.A. 40A:12-1 et seq.; and

**WHEREAS**, the Borough of Fair Haven has determined that the property is for use of public purpose; and

**WHEREAS**, the public purpose for said property is for a municipal building.

**NOW THEREFORE BE IT ORDAINED** by the Borough of Fair Haven that the Borough of Fair Haven has determined that the property designated as Block 25, Lot 10, on the tax map of the Borough of Fair Haven and commonly known as 623 River Road, in the Borough of Fair Haven, would be an appropriate site for the public purposes of constructing a municipal building to potentially house the Borough’s police department, municipal offices and council chambers; and

**BE IT FURTHER ORDAINED** by the Borough of Fair Haven that the Borough of Fair Haven hereby authorizes the acquisition of the Property designated hereinabove through agreement with the record title owner in accordance with the authority conferred by N.J.S.A. 40A:12-1, et seq.; and

**BE IT FURTHER ORDAINED** by the Borough of Fair Haven that the Borough of Fair Haven is hereby authorized to retain any and all professionals, including but not limited to appraiser(s), professional planners, engineers, environmental consultants and attorneys to effectuate the Borough’s acquisition of the Property for the purposes expressed hereinabove.

Introduced: February 24, 2020

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2020-69**

**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. Non-Aligned Employees

**Pending Litigation**

1. Yacht Works

**Acquisition of Property**

1. River Road

**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:**

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**RESOLUTION NO. 2020-70**

**TITLE: REFUND UNUSED PLANNING BOARD ESCROW FUNDS TO MEGAN DAVIS, 5 LAUREL DRIVE - BLOCK 57, LOT 13**

**WHEREAS**, Megan Davis, 5 Laurel Drive, Block 57, Lot 13 submitted an application to the Planning Board for a Variance Relief; and

**WHEREAS**, escrow money was posted by the applicant; and

**WHEREAS**, the applicant withdrew her application for Variance Relief and has requested return of any unused escrow from her application; and

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

Unused Escrow funds in the amount of \$1,215.00; 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 Planning Board escrow fees to Megan Davis, 5 Laurel Drive, 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:**

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**RESOLUTION NO. 2020-71**

**TITLE: REFUND UNUSED PLANNING BOARD ESCROW FUNDS TO JESSICA DALMEDO, 763 RIVER ROAD - BLOCK 49, LOT 06**

**WHEREAS**, Jessica Dalmedo, 763 River Road, Block 49, Lot 6 submitted an application to the Planning Board for a Minor Site Plan; and

**WHEREAS**, escrow money was posted by the applicant; and

**WHEREAS**, the applicant withdrew her application for a Minor Site Plan and has requested return of any unused escrow from her application; and

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

Unused Escrow funds in the amount of \$3,750.00; 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 Planning Board escrow fees to Jessica Dalmedo, 93 Black Point Road, Rumson, New Jersey 07760.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2020-72**

**TITLE: REAFFIRM FAIR HAVEN’S COMMITMENT AND OBJECTIVE OF THE FAIR HAVEN GREEN TEAM**

**WHEREAS**, the Borough of Fair Haven’s Green Team members serve as the Borough’s agents for the Sustainable Jersey Municipal Certification Process and are composed as follows:

Laline Neff  
Bonnie Torcivia  
Jacqueline Rice  
Joseph LoGioco  
Myriam Bindas  
Sonja Trombino  
Erin Howard  
Robert Thomson  
Kelly Flanagan  
Councilman Michael McCue

**WHEREAS**, these individuals are interested in advancing the efforts of Fair Haven in the Sustainable Jersey Municipal Certification program and will continue the work of the Green Team; and

**WHEREAS**, the Green Team has been creating and cataloging significant sustainability actions so that the Borough of Fair Haven may maintain its Bronze Level Certification under the Sustainable Jersey Program and pursue Silver Certification over the next 2-3 years.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Fair Haven that:

- The Green Fair Haven is active in the community and advancing sustainable practices and actions included in the Sustainable Jersey Municipal Certification Program;
- The Green Team has been and shall continue to be composed of individuals who have demonstrated interest in advancing the efforts of Fair Haven to pursue and maintain certification through the Sustainable Jersey Municipal Certification Program;
- The role of the Green Team has been and shall continue to be to lead and coordinate the sustainability activities of the community



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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2020-73**

**TITLE: APPOINTMENTS TO FAIR HAVEN PLANNING BOARD**

**WHEREAS**, there are vacancies on the Fair Haven Planning Board for Class II and Class IV that need to be filled.

**BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Todd Lehder be appointed to the Planning Board as the Class II member with an expiration date of December 31, 2021 and David Paolo be appointed as a Planning Board, Class IV, member with an expiration date of December 31, 2020.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2020-74**

**TITLE:       TEMPORARY EMERGENCY APPROPRIATION**

**WHEREAS**, emergent conditions have arisen with respect to the payment of bills in a number accounts and no adequate provision has been made in a Year 2020 temporary budget for the aforesaid purposes; and

**WHEREAS**, NJSA 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned; and

**WHEREAS**, the total temporary emergency resolutions adopted in the year 2020 for the Borough pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total \$2,019,264.29 for the Current Fund.

**NOW, THEREFORE, BE IT RESOLVED** that not less than two-thirds of all members of the Borough Council of the Borough of Fair Haven, New Jersey affirmatively concurring in accordance with the provisions of NJSA 40A:4-20:

1. An emergency temporary appropriation shall be and the same is hereby made for the following purposes:

<b>Account Number</b>	<b>Description</b>	<b>Amount</b>	<b>Reason</b>
<b>Current Account</b>			
0-01-20-155-211	Legal Services - Contractual	\$10,000.00	Add to Temp Budget
0-01-21-180-211	PB Contractual	\$ 5,000.00	Add to Temp Budget
0-01-25-255-207	Vol Fire Prevention Week	\$ 5,000.00	Add to Temp Budget
0-01-25-275-201	Municipal Prosecutor - Contractual	\$ 3,000.00	Add to Temp Budget
0-01-26-305-202	Solid Waste Contractual	\$10,000.00	Add to Temp Budget
0-01-26-307-270	Recycling Training / Conferences	\$ 2,500.00	Add to Temp Budget
0-01-28-375-209	Parks - Mutt Mitts	\$ 1,500.00	Add to Temp Budget
0-01-31-446-276	Natural Gas Utilities	\$ 5,000.00	Add to Temp Budget
<b>TOTAL</b>		<b>\$ 42,000.00</b>	

2. That said emergency temporary appropriations will be provided for in the 2020 budget under the appropriate titles.

3. That one certified copy of this resolution will be filed with the Director of Local Government Services.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2020-75**

**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 March 9, 2020 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2019 CURRENT ACCOUNT	\$ 93,136.37
2020 CURRENT ACCOUNT	\$2,270,332.81
PAYROLL AGENCY	\$ 13,009.52
OTHER TRUST	\$ 13,844.47
DOG TRUST	\$ 51.00
<b>TOTAL</b>	<b>\$2,390,374.17</b>

**POSSIBLE RESOLUTION FOR CONSIDERATION  
AFTER EXECUTIVE SESSION**

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2020-76**

**TITLE:        AUTHORIZING THE MAYOR AND BOROUGH CLERK TO SIGN ANY AND ALL  
DOCUMENTS FOR THE PURCHASE OF PROPERTY KNOWN AS 623 RIVER  
ROAD, BLOCK 25, LOT 10**

**WHEREAS**, the Borough has negotiated an Agreement for Sale and Purchase of Real Estate to purchase the property known as 623 River Road, Block 25, Lot 10 from Reiss Manufacturing for \$3,400,000.00; and

**WHEREAS**, the Borough Council has adopted an Ordinance authorizing the purchase of said property.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey that the Mayor and Borough Clerk are authorized to execute the Agreement for Sale and Purchase of Real Estate and any and all documents necessary to consummate the purchase of the property pursuant to said Agreement.