

**FAIR HAVEN BOROUGH COUNCIL
REGULAR MEETING AGENDA
FEBRUARY 5, 2024, 7:00 P.M.
HYBRID MEETING (IN-PERSON AND ZOOM)**

Zoom Link: <https://us02web.zoom.us/j/84203253154>

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

Webinar ID: **842 0325 3154**

1. **Call to Order:** pm
2. **Salute to the Flag:**
3. **Moment of Silent Reflection:**
4. **Sunshine Law Notice:**
5. **Roll Call:** Councilmembers Cole DiMiceli Hoey
Koch LaBarbera Olson
6. **Workshop Session**
 - 25 Poplar Avenue Tree Appeal
 - Fair Haven Green Team: Pollinator Sign
 - Proposed Brush and Leaf Collection Ordinance
7. **Public Comment on Agenda Items**
8. **Approval of Minutes**
 - January 22, 2024 Regular Meeting
 - January 22, 2024 Executive Session
9. **Old Business**
Hearing and Adoption
Ordinance No. 2024-01, Supplement Chapter 7, “Traffic” Sections 14 (Parking Prohibited At All Times on Certain Streets), 15 (Parking Prohibited During Certain Hours on Certain Streets) and 21 (Multi-Way Stop Intersections)
10. **New Business**
Council Committee Reports
Finance - Councilman LaBarbera
Police, Fire & OEM - Councilman LaBarbera
Borough Facilities - Councilman LaBarbera
Personnel - Councilwoman Hoey
Borough Communications and Community Outreach - Councilwoman Hoey
Parks and Recreation - Councilwoman Hoey
Planning Board - Councilwoman Koch
Engineering and DPW - Councilwoman Cole
Zoning Board of Adjustment - Councilwoman Cole

Consent Agenda
Resolutions
2024-48 Amend Resolution No. 2023-263, authorizing execution of NJDEP Green Acres Agreement
2024-49 Executive Session: Personnel and Contract Negotiations
2024-50 Approve Fire Department Affiliate Membership (First Aid) - Alexander Farlow
2024-51 Authorize Issuance and Sale of Bond Anticipation Notes
2024-52 Authorize Execution of 2022 Community Development Block Grant Extension Agreement

2024-53 Temporary Budget Amendment
2024-54 Payment of Vouchers

Department Reports

2023 Year End

-Fair Haven Library

January 2024

-Dog License

-Municipal Clerk

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.**

NEXT COUNCIL MEETING: MONDAY, FEBRUARY 26, 2024

**BOROUGH OF FAIR HAVEN
ORDINANCE NO. 2024-01**

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF MONMOUTH SUPPLEMENTING CHAPTER 7, VEHICLES AND TRAFFIC, BY AMENDING SECTION 14, “PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS”, SECTION 15, “PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS” AND SECTION 21, MULTI-WAY STOP INTERSECTIONS

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 has enacted certain regulations, under Chapter 9: “Parks and Recreation Areas” of the Borough’s Revised General Ordinances, to establish regulations for permissible fishing and crabbing activities on public streets, rights-of-way, and Borough Waterfront properties; and

WHEREAS, the Mayor and Council find it to be in the best interests of the Borough residents to implement certain measures to enhance pedestrian and traffic safety, including the limitation and prohibition of parking in certain places; and

WHEREAS, the Mayor and Council find it to be in the best interests of the Borough’s residents, as well for the peace and tranquility of the Borough’s neighborhoods, 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>Fair Haven Road</u>	<u>Both</u>	<u>Fairwaters Lane northerly to terminus at Navesink River</u>

SECTION 2. Section 7-15 entitled “Parking Prohibited During Certain Hours 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>Sides</u>	<u>Time</u>	<u>Location</u>
<u>Fairwaters Lane</u>	<u>Both</u>	<u>Two-hour parking between 8:00 a.m. and 9:00 p.m.</u>	<u>Entire Street</u>
<u>Fair Haven Road</u>	<u>East</u>	<u>Two-hour parking between 8:00 a.m. and 9:00 p.m.</u>	<u>Clay Street northerly to Fairwaters Lane</u>
<u>Fair Haven Road</u>	<u>West</u>	<u>Two-hour parking between 8:00 a.m. and 9:00 p.m.</u>	<u>Riverlawn Drive to Clay Street</u>

SECTION 3: Section 7-21 entitled “Multi-Way Stop Intersections” 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):

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersection herein described is designated as Multi-Way Stop Intersections. Stop signs shall be installed as provided herein:

Fair Haven Road at Clay Street

Both sides of Fair Haven Road and Clay Street

SECTION 4. 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 5. 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 6. 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. 2024-48

**TITLE: STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES PROGRAM - ENABLING RESOLUTION**

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

WHEREAS, the Borough of Fair Haven desires to further the public interest by obtaining a Green Acres grant of \$500,000.00 from the State to fund the following project(s):

Acquisition of 21 Fair Haven Road, Block 47, Lot 1, Fair Haven, NJ

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

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required,
- (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 RESOLVED BY THE Borough Council THAT:

1. Joshua Halpern of the above-named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Spagnuolo Acquisition, and;
2. The applicant has its 75% matching share of the project, in the amount not to exceed \$1,500,000.00.
3. 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, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
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. 2024-49

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
2. DPW Staffing
3. 2024 Non-Aligned Salaries
4. Borough Administrator Position

Contract Negotiations

1. Solid Waste/Recycling Contract
2. Sale of Borough Property
3. ILSA with Rumson - Municipal Court

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. 2024-50

**TITLE: RESOLUTION APPOINTING AN AFFILIATE MEMBER TO THE FAIR HAVEN FIRE
DEPARTMENT - First Aid - Alexander Farlow**

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that Alexander Farlow, 41 Willow Street, Fair Haven, NJ 07704 having been duly accepted as an affiliate member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department/First Aid Squad.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2024-51

TITLE: RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$18,000,000 BOND ANTICIPATION NOTES OF THE BOROUGH OF FAIR HAVEN, IN THE COUNTY OF MONMOUTH, NEW JERSEY TO THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY, AND DETERMINING VARIOUS MATTERS IN CONNECTION THEREWITH

WHEREAS, the Borough of Fair Haven, in the County of Monmouth, New Jersey (the “Borough”) has heretofore adopted, from time to time, various bond ordinances (the “Bond Ordinances”) authorizing various capital improvements, and the issuance and sale, from time to time, of its bonds and bond anticipation notes in order to finance such capital improvements; and

WHEREAS, the Bond Ordinances authorize the Chief Financial Officer to sell any bond anticipation notes thereunder at public or private sale, as determined by the Chief Financial Officer; and

WHEREAS, the Borough has applied to The Monmouth County Improvement Authority (the “MCIA”) to participate in its pooled governmental note financing program (the “Program”); and

WHEREAS, under the Program, the MCIA will issue and sell its pooled notes (the “MCIA Notes”), which MCIA Notes will be secured by (i) payments by various governmental entities located in Monmouth County (including the Borough) under various notes issued by such entities to the MCIA and (ii) the unconditional guaranty of the County of Monmouth (the “County”); and

WHEREAS, on January 10, 2024, the New Jersey Local Finance Board held a hearing and issued positive findings in respect of the issuance of the MCIA Notes by the MCIA; and

WHEREAS, the Borough wishes to participate in the Program, and to issue and sell all or a portion of its bond anticipation notes to the MCIA; and

WHEREAS, the Borough will receive a proposal for the purchase of such bond anticipation notes from the MCIA, which purchase will be effected through a note purchase agreement to be entered into between the Borough and the MCIA; and

WHEREAS, the Borough acknowledges that the MCIA intends to execute a contract of purchase with an underwriter pertaining to the sale of the MCIA Notes, the proceeds of which shall be used by the MCIA, inter alia, to purchase the such bond anticipation notes of the Borough; and

WHEREAS, the Borough now wishes to authorize the issuance and sale of its bond anticipation notes, and the issuance and sale of all or a portion thereof to the MCIA;

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FAIR HAVEN, IN THE COUNTY OF MONMOUTH, NEW JERSEY, as follows:

SECTION 1. The Chief Financial Officer is hereby authorized to cause all or a portion of its bond anticipation notes (the “Program Notes”) to be issued and sold to the MCIA in accordance with the Program.

SECTION 2. The terms and conditions of the sale of the Program Notes to the MCIA shall be set forth in a Note Purchase Agreement to be dated on or about the date of pricing of the MCIA Notes, between the MCIA and the Borough. The execution and delivery by the Mayor, the Business Administrator or the Chief Financial Officer of the Borough (each, an “Authorized Officer”) of the Note Purchase Agreement, in such form as shall be approved by such officer, is hereby authorized, such approval to be conclusively evidenced by such officer’s execution thereof.

SECTION 3. The Borough hereby authorizes the use of certain information concerning the Program Notes and the Borough in the Preliminary Official Statement and final Official Statement of the MCIA, to be used in connection with the marketing and sale of the MCIA Notes.

SECTION 4. The execution and delivery by an Authorized Officer of a Continuing Disclosure Agreement, if any, to be dated as of the date of closing of the MCIA Notes, between the Borough and the trustee for the MCIA Notes, in such form as shall be approved by such officer, is hereby authorized, such approval to be conclusively evidenced by such officer’s execution thereof.

SECTION 5. A portion of the proceeds of sale of the Program Notes to the MCIA may be retained by the MCIA as payment for the Borough’s allocable share of issuance expenses and expenses related to the County Guaranty. Any Authorized Officer is hereby authorized and directed to pay all of the costs associated with the sale and issuance of the Program Notes.

SECTION 6. The Authorized Officers and any other officer of the Borough, and the staff and consultants of the Borough, are hereby authorized and directed to take all actions and execute any other agreement which may be necessary or convenient to effectuate the terms of this resolution in connection with the issuance, sale and delivery of the Program Notes, which includes the review and delivery of a preliminary official statement and official statement on behalf of the Borough, and the execution of the Note Purchase Agreement, the Continuing Disclosure Agreement, if any, and any other agreement to be executed in connection with the issuance of the Program Notes or the MCIA Notes.

SECTION 7. 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. 2024-52

**TITLE: AUTHORIZE EXECUTION OF THE 2022 COMMUNITY DEVELOPMENT BLOCK
 GRANT EXTENSION AGREEMENT**

WHEREAS, the Borough of Fair Haven has a Community Development Block Grant for Bicentennial Hall ADA Improvements (G-14-56-892-220-284); and

WHEREAS, the Borough of Fair Haven requested and was granted an extension for the project until October 1, 2024; and

WHEREAS, there is a need to execute the Project Agreement Extension with Monmouth County's Office of Community Development for Project No. G-14-56-892-220-284, Bicentennial Hall ADA Improvements.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Mayor and Borough Clerk are hereby authorized to execute the Project Agreement Extension.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2024-53

TITLE: TEMPORARY EMERGENCY APPROPRIATION AMENDMENT

WHEREAS, emergent conditions have arisen with respect to the payment of bills in a number of accounts and no adequate provision has been made in a Year 2024 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 2024 for the Borough pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total **\$2,475,031.85** 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:

Account Number	Description	Amount	Reason
Current Account			
4-01-23-210-225	Insurance - General Liability	\$35,000.00	Temp Budget
4-01-23-215-228	Worker's Comp Insurance	\$40,000.00	Temp Budget
4-01-25-240-202	Police - Ammunition/Firearms	\$25,000.00	Temp Budget
4-01-26-290-208	Streets & Roads - Chemicals	\$20,000.00	Temp Budget
4-01-26-315-235	Vehicle Maint. - New Equipment	\$25,000.00	Temp Budget
G-02-03-023-001	Body Armor Grant	\$1,313.85	Grant
	Total	\$146,331.85	

2. That said emergency temporary appropriations will be provided for in the 2024 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:

RESOLUTION NO. 2024-54

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 February 5, 2024 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2023 CURRENT FUND ACCOUNT	\$ 15,344.15
2024 CURRENT FUND ACCOUNT	\$ 1,537,579.89
GENERAL CAPITAL	\$ 16,259.50
PAYROLL AGENCY	\$ 23,783.26
OTHER TRUST	\$ 13,229.23
DOG TRUST	\$ <u>550.00</u>
	\$ 1,606,746.03
LESS VOIDED CHECK	- <u>494.70</u>
	\$ 1,606,251.33

CURRENT CHECK NO. 64905, \$494.70