



## **Consent Agenda**

### **Resolutions**

2023-58	Authorize Fair Haven Police Department's Participation in the LESO 1033 Program
2023-59	Executive Session: Personnel
2023-60	Authorize Paper Shred Agreement with Monmouth County and Agreement
2023-61	Authorize Shared Service Agreement with Monmouth County-Dispatch Services
2023-62	Accept Maintenance Bond, Improvements to Willow Street from Fernandes Construction Co.
2023-63	Authorize Execution of Contract with The Goldstein Partnership for a new Police Department Building and Community Center
2023-64	Release Maintenance Bond, Oceanside Builders, Inc. for 127 Hance Road
2023-65	Authorize Request for an Appropriation Cap Waiver from the Local Finance Board
2023-66	Approve Fire Department Application, Social Membership - Jeffrey Jarvis
2023-67	Payment of Vouchers

### **Department Reports**

#### **January 2023**

- Municipal Clerk
- Dog License

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 27, 2023 @ 7:00 P.M.**

**BOROUGH OF FAIR HAVEN  
ORDINANCE NO. 2023-01**

**2023 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 2023 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 \$78,458.12 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 2023 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 \$274,603.42 and that the CY 2023 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.

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. 2023-58**

**TITLE: RESOLUTION AUTHORIZING THE BOROUGH OF FAIR HAVEN THROUGH THE BOROUGH OF FAIR HAVEN POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE FAIR HAVEN POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT**

**WHEREAS**, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

**WHEREAS**, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

**WHEREAS**, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

**WHEREAS**, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

**WHEREAS**, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that the Fair Haven Police Department is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31, 2023; and

**NOW THEREFORE BE IT FURTHER RESOLVED** that Fair Haven Police Department is hereby authorized to acquire items of non-controlled property designated "DEMIL A," which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the Fair Haven Police Department without restriction; and

**NOW THEREFORE BE IT FURTHER RESOLVED** that Fair Haven Police Department is hereby authorized to acquire the following "DEMIL B through Q" property, if it shall become available in the period of time for which this resolution authorizes:

*specifically listed controlled property items authorized for acquisition, including quantity, e.g., (3) utility trucks, (12) 5.56 millimeter rifles, or (1) MRAP, etc.]; and*

**BE IT FURTHER RESOLVED** that Joseph McGovern, Police Chief, shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

**BE IT FURTHER RESOLVED** that the Fair Haven Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately and shall be valid to authorize requests to acquire “DEMIL A” property and “DEMIL B through Q” property that may be made available through the 1033 Program during the period of time for which this resolution authorizes; with Program participation and all property request authorization terminating on December 31, 2023.

**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. 2023-59**

**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 Employee Salaries
2. Deputy Borough Clerk Position

**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. 2023-60**

**TITLE:        AUTHORIZE MAYOR TO EXECUTE A PAPER SHRED AGREEMENT WITH THE  
                  COUNTY OF MONMOUTH**

**WHEREAS**, the Borough has scheduled a paper shred event with Monmouth County for Saturday, July 15, 2023; and

**WHEREAS**, an agreement is required between the Borough of Fair Haven and the County of Monmouth in order to hold the event.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Mayor Halpern is authorized to sign said agreement.

**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. 2023-61**

**TITLE:        AUTHORIZE INTERLOCAL SHARED SERVICES AGREEMENT FOR DISPATCH  
COMMUNICATION SERVICES WITH THE COUNTY OF MONMOUTH**

**WHEREAS**, the “Shared Services and Consolidation Act” at N.J.S.A. 40A:65-1 et seq. (The “Act”) allows a local unit to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating local units; and

**WHEREAS**, the Borough of Fair Haven and the County of Monmouth desire to share facilities, equipment and staff in order to converse resources and to provide for a more efficient and more economically sound local dispatch service for police, fire and emergency medical services; and

**WHEREAS**, Monmouth County has agreed to allow Fair Haven to continue to utilize Monmouth County’s local dispatch facilities retroactive to January 1, 2023 in accordance with the terms of an Agreement to Share Local Dispatch Services to be entered into by each party.

**NOW THEREFORE, BE IT RESOLVED** with the foregoing incorporated herein by this reference and in consideration of the mutual covenants contained herein the parties hereto, intending to be legally bound, hereby agree as follows:

1. Fair Haven shall enter into a Shared Service Agreement for Dispatch Communication Services with the County of Monmouth commencing on January 1, 2023 and ending December 31, 2025.
2. Fair Haven will pay \$65,683.00 to Monmouth County for the year 2023 with at 2% increase for the year 2024 and a 2% increase for 2025 in accordance with said agreement.
3. The Mayor shall be and is hereby authorized to execute the Shared Service Agreement for Dispatch Communications Services on behalf of the Borough of Fair Haven, attached as Exhibit A.



**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. 2023-62**

**TITLE:       ACCEPTANCE OF A MAINTENANCE BOND FOR IMPROVEMENTS TO WILLOW STREET FROM FERNANDES CONSTRUCTION**

**WHEREAS**, Resolution No. 2021-164, adopted June 28, 2021 awarded a contract for Improvements to Willow Street to Fernandes Construction, Monroe, NJ and Resolution No. 2023-51 approved the final Change Order for said project; and

**WHEREAS**, based on project close out, a two-year Maintenance Bond in an amount of 15% of the final project cost is required to be provided by Fernandes Construction Company; and

**WHEREAS**, Fernandes Construction posted their two-year maintenance bond (Bond No. 55594), through The Service Insurance Company Inc. in the amount of \$41,398.11 for a term of August 31, 2022 through August 30, 2024; and

**WHEREAS**, the submitted maintenance bond was reviewed and found to be in order by the Borough Attorney.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Fair Haven, that Maintenance Bond No. 55594 in the amount of \$41,398.11 for Improvements to Willow Street is hereby accepted.

**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. 2023-63**

**TITLE:        AUTHORIZE EXECUTION OF CONTRACT WITH THE GOLDSTEIN  
PARTNERSHIP, FOR PROFESSIONAL SERVICES RELATED TO THE A NEW  
POLICE DEPARTMENT BUILDING AND COMMUNITY CENTER**

**WHEREAS**, a proposal dated January 27, 2023 was received from Eliot Goldstein of The Goldstein Partnership, Borough Architect, for professional services related to a new Police Department Building and Community Center in the amount not to exceed \$281,320; and

**WHEREAS**, the proposal from The Goldstein Partnership, which includes the breakdown of fees, was accepted by Resolution No. 2023-55 adopted at the January 30, 2023 Special Council Meeting; and

**WHEREAS**, based on proposal acceptance, The Goldstein Partnership, submitted a contract for said work to be done, attached as Exhibit A, which was reviewed and approved by the Borough Attorney.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Mayor Joshua Halpern is authorized to execute said proposal.

**BE IT FURTHER RESOLVED THAT** the total amount for the architectural design for these projects shall not exceed \$281,320.

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

**Motion by:**  
**AFFIRMATIVE:**  
**NEGATIVE:**  
**ABSTAIN:**  
**ABSENT:**

**Second by:**

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**RESOLUTION NO. 2023-64**

**TITLE: RESOLUTION AUTHORIZING RELEASE OF A TWO-YEAR MAINTENANCE BOND FROM OCEANSIDE BUILDERS, INC FOR 129 HANCE ROAD (BLOCK 33, LOT 34)**

**WHEREAS**, Oceanside Builder, Inc., was the developer of a property that was subdivided on Hance Road; and

**WHEREAS**, Resolution No. 2020-86 adopted April 27, 2020 authorized the release of performance guarantees in exchange for the acceptance of a two-year maintenance bond; and

**WHEREAS**, the developer requested that the Borough hold \$1,650.00 from the performance bond that was posted as the two-year maintenance bond; and

**WHEREAS**, the Borough Engineer has performed the appropriate inspections and advised that the Maintenance Bond should be released to Oceanside Builders, Inc.

**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 two-year maintenance bond posted in the amount of \$1,650.00 and that the Chief Financial Officer release said money to Oceanside Builders, Inc. to close out the project.

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. 2023-65**

**TITLE: MAKE APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO  
N.J.S.A 40A:4-45.3 et seq**

**WHEREAS**, the Mayor and Council of the Borough of Fair Haven in the County of Monmouth desires to make application to the Local Finance Board for its approval of a proposed Appropriation Cap Waiver pursuant to N.J.S.A. 40:4-45.3 et. seq; and

**WHEREAS**, the Borough of Fair Haven believes that:

- (a) it is in the public interest to accomplish such purpose; and
- (b) the Appropriation Cap Waiver is for the health, wealth, convenience or betterment of the inhabitants of the Borough of Fair Haven; and
- (c) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Borough of Fair Haven and will not create an undue financial burden to be placed upon the Borough of Fair Haven.

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

**Section 1.** The application to the Local Finance Board is hereby approved, and the Chief Financial Officer, along with other representatives of the Borough of Fair Haven are hereby authorized to prepare such application and to represent the Borough of Fair Haven in matters pertaining thereto.

**Section 2.** The Municipal Clerk of the Borough of Fair Haven is hereby directed to file a copy of the proposed Appropriation Cap waiver with the Local Finance Board as part of such application.

**Section 3.** The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

**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. 2023-66**

**TITLE: RESOLUTION APPOINTING A SOCIAL MEMBER TO THE FAIR  
HAVEN FIRE DEPARTMENT, Jeffrey Jarvis**

**BE IT RESOLVED** by the Borough Council of the Borough of Fair Haven that Jeffrey Jarvis, 167 Hunting Lane, Fair Haven, NJ having been duly accepted as a social member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department.

**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. 2023-67**

**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 6, 2023 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2022 CURRENT FUND ACCOUNT	\$	21,766.33
2023 CURRENT FUND ACCOUNT	\$	33,432.21
GRANT FUND	\$	4,540.00
PAYROLL AGENCY	\$	15,046.94
OTHER TRUST	\$	<u>84.00</u>
<b>TOTAL</b>	<b>\$</b>	<b>74,869.48</b>