

**FAIR HAVEN BOROUGH COUNCIL  
REGULAR MEETING AGENDA  
MARCH 13, 2023, 7:00 P.M.  
HYBRID MEETING (IN-PERSON AND ZOOM)**

Zoom Link: <HTTPS://US02WEB.ZOOM.US/J/89908526225>

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

Webinar ID: 899 0852 6225

1. **Call to Order:** pm
2. **Salute to the Flag:**
3. **Moment of Silent Reflection:**
4. **Sunshine Law Notice:**
5. **Roll Call:** Councilmembers Cole Hoey Koch  
LaBarbera Neff Rodriguez
6. **Presentation**
  - 2022 Annual Report - Fair Haven Shade Tree Commission
  - Leon S. Avakian Engineering:
    - ❖ Matt Mariano, Avakian Engineer: McCarter Pond Hydro-raking Update
7. **Workshop Session**
  - Tree Removal Appeal from Lindsey and Brad Koechling, 37 Elmwood Lane
  - Finance Update:**
    - ❖ Issuance and Sale of Bond Anticipation Notes to the Monmouth County Improvement Authority
    - ❖ 2023 Municipal Budget
  - Fence Ordinance (Corner Lots)
  - Vacant/Abandoned Property Ordinance
  - Short Term Rental Ordinance
  - Street Opening Ordinance Amendment
8. **Public Comment on Agenda Items**
9. **Approval of Minutes**
  - February 27, 2023 Regular Meeting
  - February 27, 2023 Executive Session
10. **Old Business**
  - Facilities Update:
    - ❖ Gabel Report: Solar - Cash Flow Analysis
    - ❖ Roof Maintenance Systems Report: DPW and Borough Hall Roof
11. **New Business**
  - Council Committee Reports**
    - Finance** - Councilwoman Neff
    - Personnel** - Councilwoman Hoey
    - Parks and Recreation** - Councilwoman Hoey
    - Planning Board** - Councilwoman Koch
    - Police, Fire & OEM** - Councilman Rodriguez
    - Engineering and DPW** - Councilman LaBarbera
    - Borough Facilities** - Councilman LaBarbera
    - Zoning Board of Adjustment** - Councilman LaBarbera
    - Borough Communications and Community Outreach** - Councilwoman Cole

## **Introduction of Ordinances**

2023-02 Amendments to Land Use Code

## **Consent Agenda**

### **Resolutions**

2023-81 Executive Session: Personnel and Contract Negotiations  
2023-82 Approve 2023 Non-Aligned Employee Salaries  
2023-83 Approve Borough Engineer Contract (2022-2024)  
2023-84 Approve Interlocal Service Agreement with Rumson - Construction Code Services  
2023-85 Approve Personnel Policy Amendment, Holidays - Christmas Eve  
2023-86 Approve Tax Overpayment Refund - 50 Laury Drive  
2023-87 Authorize Monmouth County Mosquito Control Division to conduct Aerial Mosquito Control Operations  
2023-88 Amend 2023 Temporary Appropriations  
2023-89 Appoint Part-time Class II Special Officer - Christopher Lackner  
2023-90 Appoint Part-time School Crossing Guard - Timothy Wisely  
2023-91 Approve Irrevocable License for 68 Battin Road - Drainage Easement Encroachment  
2023-92 Payment of Vouchers

## **Department Reports**

### **2022 Annual Report**

-Tax Collector

### **February 2023**

-Municipal Clerk

-Dog License

-Planning Board and Zoning Board

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. **Executive Session**

### **Possible Resolutions to be considered after Executive Session**

2023-93 Appoint PT Temporary Library Assistant - Laura Anderson  
2023-94 Appointment of Architect for DPW Facility  
2023-95 Approve Additional Costs for Community Center  
2023-96 Authorize Bid Process for DPW and Borough Hall Roof Replacement

14. **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, March 27<sup>th</sup>, 1:30 p.m. @ Knollwood School  
**IN PERSON ONLY**

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

---

**RESOLUTION NO. 2023-81**

**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. Library Staffing

**Contract Negotiations**

1. Architect for DPW Facility
2. Goldstein Partnership

**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. 2023-82**

**TITLE: ESTABLISH 2023 SALARIES FOR NON-UNION BOROUGH EMPLOYEES**

**WHEREAS**, Borough Salary Ordinance No. 2022-07, provides for salary ranges for designated municipal employees; and

**WHEREAS**, the exact amount of each salary is to be determined by the Borough Council of the Borough of Fair Haven with the recommendation of the Borough Administrator.

**NOW, THEREFORE, BE IT RESOLVED** that the following non-contractual individuals shall be paid the regular base salary for the year 2023, for their services to the Borough of Fair Haven in the designated positions as follows:

<b>EMPLOYEE</b>	<b>POSITION</b>	<b>2023</b>
Allyson Cinquegrana	Borough Clerk	\$81,395.00
Allyson Cinquegrana	Assistant Administrator	14,582.00
Nancy Britton	Assistant Chief Financial Officer	65,344.00
Nancy Britton	Qualified Purchasing Agent	10,200.00
Betty Ann Berube	Administrative Assistant/Registrar	47,048.00
Betty Ann Berube	Director of Communications	5,100.00
Gregory Hutchinson	Tax Assessor	30,842.00
Peter Lucas	Municipal Court Judge	15,623.00
Darryl Breckenridge, Jr.	Director of Parks and Recreation, Events	67,984.00
Darry Breckenridge, Jr.	Special Project Administrator	10,455.00
Donna Powers	Librarian	53,300.00
Annette Bufano	Assistant Librarian	39,159.00
Nicolas Poruchynsky	Assistant Director of Engineering and Public Works	80,521.00
Nicolas Poruchynsky	Zoning Officer	28,155.00
Nicolas Poruchynsky	Flood Plain Administrator	7,212.00
Various Employees	Permanent Crossing Guard	14,688.00

**Hourly Employees**

Joseph Mulé	Planning & Zoning Code Compliance	25.50/hour
Jeffrey Jarvis	Part-Time Public Works Laborer	23.50/hour
Krystie Larsen	Part-Time Central Office Administrative Assistant	25.50/hour
Sandra Papa	Part-Time Planning Board and Zoning Board Secretary	25.50/hour
Catherine Palma	Part Time Library Assistant	20.50/hour
Erin Hendrickson	Part Time Police Records Clerk	23.25/hour
Bonnie Ferris	Part Time Police Records Clerk	22.25/hour
Various Employees	Part Time Crossing Guards	20.50/hour
	Special Officers - Class I	16.50/hour
	Special Officers - Class II	20.00/hour
	Police Matron	19.00/hour
	DPW Seasonal	17.50/hour

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

---

**RESOLUTION NO. 2023-83**

**TITLE:        AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH RICHARD GARDELLA, DIRECTOR OF ENGINEERING AND DEPARTMENT OF PUBLIC WORKS AND PLANNING BOARD ENGINEER: 2022-2024**

**WHEREAS**, Richard Gardella currently serves as the Director of Engineering and Department of Public Works and Planning Board Engineer; and

**WHEREAS**, the Borough Council has agreed to enter into a three (3) year contract from 2022-2024 with Mr. Gardella as further described below.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, that Mayor Halpern is authorized to execute an agreement with Richard Gardella for a three (3) year term as per the contract attached as Exhibit A.

**BE IT FURTHER RESOLVED** that this resolution and contract become retroactive to January 1, 2022.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

---

**RESOLUTION NO. 2023-84**

**TITLE:        AUTHORIZE EXECUTION OF AN INTERLOCAL SERVICE AGREEMENT WITH  
                  THE BOROUGH OF RUMSON FOR CONSTRUCTION CODE SERVICES (2023-2026)**

**WHEREAS**, the Borough of Rumson presently provides Uniform Construction Code services to the Borough of Fair Haven; and

**WHEREAS**, the Borough of Rumson will continue to serve as the Interlocal Enforcing Agency pursuant to N.J.A.C. 5:23-4.6 et seq and said services shall include that of the Construction Code Official and of the Building, Electrical, Fire and Plumbing Subcodes; and

**WHEREAS**, the proposed agreement under the Interlocal Service Act, N.J.S.A. 40:8A-1, is in the best interests of the municipalities and will tend to promote economy and efficiency in governing.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that the Mayor and Borough Clerk be and hereby are authorized to enter into an agreement with the Borough of Rumson for the provision of Construction Code Services to the Borough of Fair Haven for the period of January 1, 2023 through December 31, 2026.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

---

**RESOLUTION NO. 2023-85**

**TITLE:        AMEND THE BOROUGH'S PERSONNEL POLICY REGARDING PAID HOLIDAYS**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that the Borough Administrator is hereby authorized to amend the Paid Holiday Section of the Borough's Personnel Policy as per the attached (Exhibit A):



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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

---

**RESOLUTION NO. 2023-86**

**TITLE: REFUND OF 1<sup>st</sup> QUARTER, 2023 PROPERTY TAX OVERPAYMENT - 50 LAURY DRIVE**

**WHEREAS**, the Tax Collector, has provided a request for a tax overpayment refund for 1<sup>st</sup> Quarter 2023 and advises that the following property owner qualifies for a refund as follows:

<b>Owner</b>	<b>Address</b>	<b>Block</b>	<b>Lot</b>	<b>Refund</b>
Joan Aufderhar	50 Laury Drive	22	42	\$1,627.70

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that the Tax Collector and Chief Financial Officer are hereby authorized to pay said refund in the amount listed above.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

---

**RESOLUTION NO. 2023-87**

**TITLE:        AUTHORIZING THE MONMOUTH COUNTY MOSQUITO CONTROL DIVISION TO  
                 CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS WITHIN THE  
                 BOROUGH OF FAIR HAVEN**

**WHEREAS**, the Monmouth County Board of Commissioners, pursuant to NJSA 26:9-27, et seq., has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the County; and

**WHEREAS**, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control and chemical control to exterminate the mosquito population within the County of Monmouth; and

**WHEREAS**, prior to conducting aerial dispensing operations over a designated “congested area”, the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

**WHEREAS**, the Borough of Fair Haven is designated as a “congested area” by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

**NOW THEREFORE BE IT RESOLVED** as follows:

1. The Mayor and Council of the Borough of Fair Haven hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides, by aircraft, for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard or both with the understanding that:
  - a. The County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies; and
  - b. Such operations will be performed in compliance with applicable Federal and State regulations; and
  - c. The County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

**RESOLUTION NO. 2023-88**

**TITLE: TEMPORARY EMERGENCY APPROPRIATION**

**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 2023 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 2023 for the Borough pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total **\$3,012,538.14** 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>			
3-01-21-185-211	Zoning Bd. - Contractual	\$5,000.00	Temp Budget
3-01-23-222-227	Waiver - Medical	\$6,000.00	Temp Budget
3-01-25-255-207	Fire Department-Other Expenses	\$5,000.00	Temp Budget
3-01-25-260-219	First Aid - Supplies	\$4,000.00	Temp Budget
3-01-25-265-276	Fire Hydrants	\$23,500.00	Temp Budget
3-01-26-315-235	Vehicle Mtn. - New Equipment/Repair	\$5,000.00	Temp Budget
3-01-26-330-211	Board of Health Contractual	\$500.00	Temp Budget
3-01-31-446-276	Natural Gas - Utilities	\$10,000.00	Temp Budget
3-01-36-471-299	PERS Miscellaneous	\$225,000.00	Temp Budget
3-01-36-475-299	PFRS Miscellaneous	\$540,000.00	Temp Budget
3-01-43-494-202	Recycling Tax	\$2,500.00	Temp Budget
3-01-43-495-211	Public Defender - Contractual	\$600.00	Temp Budget
<b>TOTAL</b>		<b>\$827,100.00</b>	

2. That said emergency temporary appropriations will be provided for in the 2023 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. 2023-89**

**TITLE: APPOINT SPECIAL LAW ENFORCEMENT OFFICER, CLASS II, CHRISTOPHER LACKNER**

**WHEREAS**, a request was made by Police Chief Joseph McGovern to appoint a Special Law Enforcement Officer Class II, effective March 14, 2023; and

**WHEREAS**, Joseph McGovern, Fair Haven Police Chief, has recommended that Christopher Lackner be appointed as a Special Law Enforcement Officer, Class II.

**WHEREAS**, the rate of pay for this position is \$20.00 per hour.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Christopher Lackner. 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. 2023-90**

**TITLE: APPOINTMENT OF PART-TIME SCHOOL CROSSING GUARD**

**WHEREAS**, there is a need for part-time School Crossing Guards; and

**WHEREAS**, Chief Joseph McGovern has recommended that Timothy Wisely be appointed as a Part Time School Crossing Guard, effective March 14, 2023 at an hourly salary of \$20.50

**BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Timothy Wisely is hereby appointed as part-time School Crossing Guard as noted above.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

---

**RESOLUTION NO. 2023-91**

**TITLE:        APPROVING IRREVOCABLE LICENSE FOR 68 BATTIN ROAD, ALSO KNOWN AS  
              BLOCK 27, LOT 31 – DRAINAGE EASEMENT ENCROACHMENT**

**WHEREAS**, the Borough of Fair Haven (the “Borough”) maintains various easements and rights-of-way for the purpose of facilitating municipal infrastructure throughout the Borough; and

**WHEREAS**, Tracy D. Hubbell (the “Owner”) is the titled owners of 68 Battin Road, Fair Haven, NJ 07704, also known as Block 27, Lot 31 (the “Property”); and

**WHEREAS**, the Property was encumbered by a 10 foot-wide drainage easement along the northern property line, dated November 29, 1956, which was recorded in Deed Book 2737 Page 152 on February 14, 1957, (“Drainage Easement”); and

**WHEREAS**, prior to the establishment of the Drainage Easement through the date hereof, there has been a dwelling structure and a secondary structure already existing upon the Property (the “Structures”) and within the Drainage Easement area; and

**WHEREAS**, the circumstances are unclear as to why the Drainage Easement was drawn such that it created encumbrances from its inception; and

**WHEREAS**, a drainage pipe was constructed in the Drainage Easement, such pipe being located close to the northern property line of the subject property and not located under the Structures; and

**WHEREAS**, the Owner has recently purchased the property and a requirement of the Owner’s title company is to obtain this license; and

**WHEREAS**, the existence of the Drainage Easement was a significant obstacle in the sale of the property which affects title and an escrow was established pending a resolution of the issue.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Fair Haven hereby approve an Irrevocable License, attached to this Resolution as Exhibit “A”, with the Owner of the Property to resolve the encroachment until such time as the Structures on the Property are demolished or destroyed, and the Mayor is hereby authorized to execute the appropriate paperwork to effectuate same.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

---

**RESOLUTION NO. 2023-92**

**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 13, 2023 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2022 CURRENT FUND ACCOUNT	\$ 30,461.74
2023 CURRENT FUND ACCOUNT	\$ 157,571.99
GENERAL CAPITAL	\$ 47,571.40
GRANT FUND	\$ 245.00
PAYROLL AGENCY	\$ 15,717.82
OTHER TRUST	\$ 4,547.07
DOG TRUST	\$ <u>61.20</u>
	\$ 256,176.22
LESS VOIDED CHECKS	- <u>6,179.14</u>
	<b>\$ 249,997.08</b>

CURRENT CHECK NO. 63709, \$ 415.20

CURRENT CHECK NO. 63784, \$5,763.94