

**FAIR HAVEN BOROUGH COUNCIL
REGULAR MEETING AGENDA
MARCH 25, 2024, 7:00 P.M.
HYBRID MEETING (IN-PERSON AND ZOOM)**

Zoom Link: [HTTPS://US02WEB.ZOOM.US/J/875 0408 5557](HTTPS://US02WEB.ZOOM.US/J/875_0408_5557)

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

Webinar ID: 875 0408 5557

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. **Presentation**
 - Rumson-Fair Haven Regional High School Budget
 - Fair Haven Shade Tree Commission 2023 Annual Report
 - Fair Haven Fields Natural Area Advisory Committee 2023 Annual Report
7. **Workshop Session**
 - Request for Lawn Signs from Jersey Shore Youth Rugby (April 1st-22nd): Spring Registration
8. **Public Comment on Agenda Items** (*Please observe a time limit of three minutes*)
9. **Approval of Minutes**
 - February 26, 2024 Regular Meeting
 - March 11, 2024 Executive Session
 - March 15, 2024 Special Meeting
10. **Old Business**
 - Hearing and Adoption of Ordinances**
 - Ordinance No. 2024-03, Amend Description for Bond Ordinance No. 2023-17
 - Ordinance No. 2024-04, Index Rate Ordinance (COLA)
 - Historic Site Management Grant Application for Bicentennial Hall (carried from 3/11 meeting)
 - Facilities Update
11. **New Business**
 - Consent Agenda**
 - Resolutions**
 - 2024-76 Executive Session: Personnel and Contract Negotiations
 - 2024-77 Approve Fire Department Associate Membership/First Aid - John Jarvis
 - 2024-78 Appoint Part Time School Crossing Guard - Dale Connor
 - 2024-79 Approve Temporary Emergency Appropriations
 - 2024-80 Authorize Execution of Tree Inventory Proposal with Arbor Pro (NJUCF Grant)
 - 2024-81 Approve Sidewalk Café Permit - Tavolo Pronto
 - 2024-82 Approve Sidewalk Café Permit - Dos Banditos
 - 2024-83 Approve Sidewalk Café Permit - Fairwinds
 - 2024-84 Payment of Vouchers
 - 2024-85 Authorize 2024 Introduced Budget to be read by title

Department Reports**February 2024**

-Tax Collector

-Police Department

-Municipal Court

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/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.**

THE NEXT COUNCIL MEETING WILL BE HELD ON MONDAY, APRIL 8, 2024

**BOROUGH OF FAIR HAVEN
IN THE COUNTY OF MONMOUTH**

BOND ORDINANCE NO. 2024-03

**BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2023-17 ADOPTED ON
OCTOBER 23, 2023 AND PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS, IN ORDER
TO AMEND ONE OF THE PURPOSES THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF
FAIR HAVEN, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

WHEREAS, the Borough of Fair Haven, in the County of Monmouth, New Jersey (the “Borough”) finally adopted Bond Ordinance No. 2023-17 on October 23, 2023 (the “Prior Ordinance”) providing for various capital improvements by and in the Borough; and

WHEREAS, the Borough has determined that the project descriptions set forth in Section 3. (a) (i) of the Prior Ordinance needs to be amended.

NOW, THEREFORE, BE IT ORDAINED by the BOROUGH COUNCIL of the BOROUGH OF FAIR HAVEN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. Section 3. (a) (i) of the Prior Ordinance is hereby amended to read as follows:

(i) **Public Works (DPW), Borough Hall, Police Department. Community Center and Road Project** – Capital facilities and road improvements, including, but not limited to: (i) the Borough’s DPW Allen Street Site and Borough Hall, including, but not limited to, demolition of existing structures; site preparation work and environmental remediation; construction of new structures; acquisition and installation, as applicable, of gasoline tanks, pumps, storage tanks and a salt dome, and stormwater management improvements; (ii) the demolition of the Borough’s existing Police Department Building; construction of a new Police Department Building and Community Center; site preparation work and environmental remediation, as applicable; and stormwater management improvements; and (iii) a road project consisting of offsite improvements to Maple Avenue (road adjacent to the DPW facility), with a total appropriation and estimated cost of \$6,050,650, estimated amount of bonds and notes therefor of \$5,748,117.50, and an average period of usefulness of thirty (30) years; and

Section 2. The 2024 capital budget of the Borough will conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 3. The Borough Attorney and other Borough officials and representatives are hereby authorized to do all things necessary to accomplish the purposes of the appropriation made herein.

Section 4. All other provisions of the Prior Ordinance remained unchanged.

Section 5. This ordinance shall take effect as provided by law.

**BOROUGH OF FAIR HAVEN
ORDINANCE NO. 2024-04**

**2024 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 2024 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 \$83,796.75 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 2024 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 \$293,288.64 and that the CY 2024 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:

RESOLUTION NO. 2024-76

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. DPW Staffing
2. Chief Financial Officer
3. Borough Administrator Position

Contract Negotiation

1. 21 Fair Haven 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:

RESOLUTION NO. 2024-77

**TITLE: RESOLUTION APPOINTING AN AFFILIATE MEMBER TO THE FAIR HAVEN FIRE
 COMPANY NO. 1 - First Aid - John Jarvis**

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that John Jarvis, [REDACTED]
[REDACTED] 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. 2024-78

**TITLE: APPOINTMENT OF PART-TIME SCHOOL CROSSING GUARD,
 DALE CONNOR**

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

WHEREAS, Chief Joseph McGovern has recommended that Dale Connor be appointed as a Part Time School Crossing Guard, effective March 26, 2024 at an hourly salary of \$20.50.

BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Dale Connor is hereby appointed as a 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. 2024-79

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 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 **\$4,903,031.85** 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			
4-01-20-100-101	Administration - Salaries	\$40,000.00	Temp Budget
4-01-20-20-101	Municipal Clerk - Salaries	\$25,000.00	Temp Budget
4-01-20-130-101	Finance Salaries	\$20,000.00	Temp Budget
4-01-20-130-202	Finance - Contractual Services	\$12,000.00	Temp Budget
4-01-20-150-101	Tax Assessment - Salaries	\$7,500.00	Temp Budget
4-01-20-150-211	Tax Assessment - Contractual Services	\$5,000.00	Temp Budget
4-01-20-155-211	Legal Services - Contractual	\$20,000.00	Temp Budget
4-01-20-165-101	Engineering - Salaries	\$50,000.00	Temp Budget
4-01-20-165-211	Engineering - Contractual	\$4,000.00	Temp Budget
4-01-21-180-101	Planning Board - Salaries	\$3,500.00	Temp Budget
4-01-21-185-101	Zoning Board - Salaries	\$3,500.00	Temp Budget
4-01-21-185-211	Zoning Board - Contractual	\$5,000.00	Temp Budget
4-01-21-186-101	Zoning Officer - Salaries	\$10,000.00	Temp Budget
4-01-22-209-101	Code Enforcement - Salaries	\$2,000.00	Temp Budget
4-01-23-210-228	Insurance - General Liability	\$30,000.00	Temp Budget
4-01-23-215-228	Workers' Compensation	\$21,000.00	Temp Budget
4-01-23-222-227	Waiver Medical	\$10,000.00	Temp Budget
4-01-25-240-101	Police - Salaries	\$300,000.00	Temp Budget
4-01-26-290-101	Streets & Roads - Salaries	\$80,000.00	Temp Budget
4-01-26-290-208	Street & Roads - Chemicals	\$5,000.00	Temp Budget
4-01-26-305-202	Solid Waste - Contractual	\$75,000.00	Temp Budget
4-01-26-310-101	Bldgs & Grounds - Salaries	\$2,000.00	Temp Budget
4-01-26-310-202	Bldgs & Grounds - Repairs	\$10,000.00	Temp Budget
4-01-26-315-235	Vehicle Maintenance - New Equip/Repair	\$10,000.00	Temp Budget

4-01-28-370-101	Recreation - Salaries	\$15,000.00	Temp Budget
4-01-29-390-104	Library - Salaries	\$10,000.00	Temp Budget
4-01-30-405-299	Cell Tower Property Lease	\$12,500.00	Temp Budget
4-01-31-430-276	Electricity - Utilities	\$15,000.00	Temp Budget
4-01-31-435-276	Street Lighting - Utilities	\$12,500.00	Temp Budget
4-01-31-440-276	Telephone - Utilities	\$5,000.00	Temp Budget
4-01-31-446-276	Natural Gas - Utilities	\$10,000.00	Temp Budget
4-01-31-460-276	Gasoline - Utilities	\$10,000.00	Temp Budget
4-01-32-465-201	Reclamation Fees - Tipping Fees	\$50,000.00	Temp Budget
4-01-36-472-299	PERS - Misc.	\$234,000.00	Temp Budget
4-01-36-472-299	Social Security Miscellaneous	\$10,000.00	Temp Budget
4-01-36-475-299	PFRS - Misc.	\$565,000.00	Temp Budget
4-01-36-477-299	DCRP	\$2,500.00	Temp Budget
4-01-42-200-101	ILSA - FH BOE SLEO III	\$20,000.00	Temp Budget
4-01-43-490-101	Municipal Court - Salaries	\$4,000.00	Temp Budget
4-01-23-494-202	Recycling Tax - Contractual Services	\$4,000.00	Temp Budget
4-01-45-930-299	Bond Interest - Misc	\$200,000.00	Temp Budget
4-01-45-935-299	Notes Interest - Misc.	\$170,000.00	Temp Budget
	TOTAL	\$2,100,000.00	

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. 2024-80

TITLE: AUTHORIZE EXECUTION OF TREE INVENTORY PROPOSAL WITH ARBOR PRO

WHEREAS, the Shade Tree Commission submitted for and was awarded an NJUCF Stewardship Grant in the amount of \$15,000 for a tree inventory to maintain their accreditation status; and

WHEREAS, proposals were solicited and three responses were received for tree inventory and assessment software; and

WHEREAS, the Shade Tree Commission recommends moving forward with the proposal received from Arbor Pro, 22605 La Palma Avenue, #509, Yorba Linda, California 92887 to conduct Fair Haven's tree inventory (including software) in the amount of \$14,950.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the proposal from Arbor Pro be accepted/awarded in the amount of \$14,950 which will be paid through the NJUCF Stewardship Grant.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2024-81

TITLE: APPROVAL OF SIDEWALK CAFÉ PERMIT FOR TAVOLO PRONTO

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

WHEREAS, Tavolo Pronto, 610 River Road, has filed the appropriate Sidewalk Café License Application and paid the appropriate fee; and

WHEREAS, the Police Chief has reviewed said application and submitted his approval dated March 7, 2024 for said permit as follows:

10 Tables and 40 chairs to accommodate 40 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, 2024.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2024-82

TITLE: APPROVAL OF SIDEWALK CAFÉ PERMIT FOR DOS BANDITOS

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

WHEREAS, Dos Banditos, 609 River Road, has filed the appropriate Sidewalk Café License Application and paid the appropriate fee; and

WHEREAS, the Police Chief has reviewed said application and submitted his approval dated March 7, 2024 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, 2024.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2024-83

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; and

WHEREAS, the Police Chief has reviewed said application and submitted his approval dated March 12, 2024 for said permit as follows:

3 Tables and 9 chairs to accommodate 9 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, 2024.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2024-84

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 25, 2024 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2023 CURRENT FUND ACCOUNT	\$ 2,108.00
2024 CURRENT FUND ACCOUNT	\$ 2,793,214.08
GENERAL CAPITAL	\$ 252,810.08
OTHER TRUST	<u>\$ 219,353.18</u>
	\$ 3,267,485.34

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2024-85

TITLE: AUTHORIZE THAT THE 2024 MUNICIPAL BUDGET BE READ BY TITLE

WHEREAS, N.J.S.A. 40A 4-8, as amended, provides that the Budget shall be read, in full, at the public hearing, or that it may be read by title only if:

1. At least one week prior to the date of the hearing a complete copy of the approved Municipal Budget is made available to each person requesting the same, during said week, and during the public hearing. The Budget document will also be made available online at www.fairhavennj.org.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Fair Haven that, it is hereby declared that the conditions of N.J.S.A. 40A:4-8, as amended, set forth in subsection 1, have been met and therefore the Municipal Budget shall be read by title only.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2024-86

TITLE: APPROVE INTRODUCTION OF THE BUDGET OF THE BOROUGH OF FAIR HAVEN, COUNTY OF MONMOUTH, FOR THE YEAR 2023

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the calendar year 2024.

BE IT FURTHER RESOLVED that said Budget be published in the April 8, 2024 issue of the Asbury Park Press.

BE IT FURTHER RESOLVED, that the governing body does hereby approve introduction of the Municipal Budget for Calendar Year 2024.