

**FAIR HAVEN BOROUGH COUNCIL
KNOLLWOOD SCHOOL
MARCH 27, 2023**

The meeting was called to order by Mayor Halpern at 1:32 p.m. The Flag Salute was followed by a Moment of Silent Reflection. The following Sunshine Law Statement was read:

THIS IS THE REGULAR MEETING OF THE MAYOR & COUNCIL OF THE
BOROUGH OF FAIR HAVEN.

THIS MEETING IS IN PERSON ONLY AND WAS CALLED PURSUANT TO THE PROVISIONS OF THE OPEN PUBLIC MEETINGS ACT. NOTICE OF THIS MEETING WAS INCLUDED IN A SCHEDULE OF MEETINGS SENT TO THE ASBURY PARK PRESS, THE TWO RIVER TIMES, THE HUB AND THE STAR LEDGER ON JANUARY 6, 2023, POSTED ON THE BULLETIN BOARD IN THE MUNICIPAL BUILDING AND HAS REMAINED CONTINUOUSLY POSTED AS REQUIRED UNDER THE STATUTE. IN ADDITION, COPIES OF THE ABOVE NOTICES ARE AND HAVE BEEN AVAILABLE TO THE PUBLIC AND ARE ON FILE IN THE OFFICE OF THE MUNICIPAL CLERK.

WITH ADEQUATE NOTICE HAVING BEEN GIVEN, THE BOROUGH CLERK IS DIRECTED TO INCLUDE THIS STATEMENT IN THE MINUTES OF THIS MEETING.

ROLL CALL

On Roll Call the following were present: Councilmembers Cole, Hoey, Koch, LaBarbera Rodriguez. Absent: Councilwoman Neff. Others present: Administrator Casagrande, Attorney Cannon, Police Chief McGovern and Engineer Gardella.

The following Student Council members were paired with the following Governing Body members and Administrative staff:

Mayor Joshua Halpern	Araceli English, President of Student Council
Councilwoman Tracy Cole	Elliot Quinn
Councilwoman Kristen Hoey	Ella Peoples
Council President, Elizabeth "Betsy" Koch	Finn Buckley
Councilman Andrew "Drew" LaBarbera	Colin Murphy
Councilwoman Laline Neff	Christian Larsen
Councilman Christopher Rodriguez	Levi Ashwal
Allyson Cinquegrana, Borough Clerk	Gavin Barber
Theresa Casagrande, Borough Administrator	Isabella Ryerson
Greg Cannon, Esq., Borough Attorney	Isabella Mazzucca

PRESENTATIONS

Mayor Halpern presented Borough banners to each of the four students who created them through a Student Art Contest. He asked that Lily Halpern, Claire Turoczi, Aviana Gambino and Declan McCormack come forward to receive the banner with their respective artwork on it. The Banners with the four different designs are hung and displayed on the street light poles along River Road.

The Mayor wished his wife (who was in the audience) a Happy Birthday and presented her with a gift.

INTRODUCTIONS

Mayor Halpern advised that this meeting being held is known as the "Marchese Meeting" started by former Councilman, Robert Marchese; held from 2010-2019 and then postponed for the years 2020-2022 due to COVID. We are happy to start the tradition, again. He asked that each Councilperson and Borough professional introduce themselves:

Attorney Cannon introduced himself and Isabella Mazzucca. He gave a brief description of what he does as the attorney for the Borough and Council i.e. provides legal advice, drafts agreements and other documents for meetings, corresponds with staff and Borough professionals.

Theresa Casagrande, Borough Administrator, introduced herself and Isabella Ryerson. She explained that she is appointed by the Mayor and Council and works with all Borough employees

and professionals.

Councilwoman Kristen Hoey introduced herself and Ella Peoples. She was recently elected and is new to Council. She has two children (twins); her daughter is a 5th grader at Knollwood.

Councilwoman Cole introduced herself and advised that it is her second year on Council. The governing body is responsible for the budget adoption and enacting local laws. She introduced Elliot Quinn.

Councilwoman Elizabeth “Betsy” Koch introduced herself and advised it is her 6th year on Council and this year she is Council President. She and her fellow Councilmembers serve on and work with the various committees and organizations in the Borough. She introduced Finn Buckley. Councilwoman Koch is a retired teacher; she taught Math and Science in the Fair Haven School District for 23 years.

Mayor Halpern introduced Araceli English, President of Student Council; she welcomed everyone to the meeting (the governing body and public) and read a prepared statement.

Mayor Josh Halpern advised that in 2021 he was selected to fill a vacancy for Mayor and was re-elected in 2022 for a four-year term. He puts together the agenda and, in the spirit of the Borough, he moves matters forward.

Councilman Rodriguez introduced Levi Ashwal. This is his 7th year as Councilmember, his son is Jack Rodriguez and he has two daughters that attend high school. He is liaison to the Police and Fire Departments and assist with their needs. He ran for office so that he could get involved. He encouraged the students to continue to be active.

Councilman LaBarbera advised that he is a new Councilmember just starting his term this year. He agreed with what the Councilmembers stated and said that there may be differing views and opinions, but they are one team at the dais working as a unit which is important. He introduced Colin Murphy and Christian Larsen.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 1:44 p.m. Araceli had a list of written questions; she asked what are some things that they achieved and are proud of. Councilwoman Hoey said the governing body has achieved good things and will continue to achieve good things moving forward. Councilwoman Cole advised that there have been a lot of accomplishments. She felt that amending the Land Use ordinances which set the laws for building in the Borough is something she is proud of, and she acknowledged the accomplishments of all of the Borough’s Boards, Commissions and Committees. Councilwoman Koch stated that she is the Planning Board liaison representing the governing body and she is also a member that can vote. The Borough is at the finish line to approving a new Police Facility; it has been six-years of hard work and we are finally close to breaking ground. There is a new committee this year (the Beautification Committee) who has met and are looking to improve Fair Haven and the downtown area. Mayor Halpern said when he became part of the governing body, there were a lot of projects that were still pending due to COVID. The governing body is “firing on all cylinders”. McCarter Pond will be hydrosraked in the next few weeks and the Police Department and DPW facilities are moving forward with credit to Councilmembers LaBarbera and Hoey who are moving it along. Land Use ordinance amendments are moving forward as well as plans for the pocket parks. The Mayor said that he brings a sense of community and attends everything in the Borough that he can. Councilman Rodriguez stated that the Police Department and DPW need a lot of repair, Fair Haven Day is back and will take place on June 10th (the event started in 2012 when Fair Haven turned 100 years old). Councilman LaBarbera agreed with all that was stated before him and said that the most important achievement is trust among the Council, public and Borough; we are a team.

The Council was asked what the challenges are of being on Council. Councilwoman Hoey said that the Borough has a lot of great committees, commissions and volunteers, but funding is “out of control” which can be a challenge so we work hard to secure grant money, rebates, etc. to help offset costs. Councilwoman Cole said time; there is so much going on in the community and with the staff with only so many hours in a day. It is important to set priorities and implement decisions for the community. Councilwoman Koch agreed with Councilwoman Cole that time is a challenge. We have a community of volunteers; everyone helps. There are a lot of meetings to set priorities and come up with a plan. She felt setting priorities for the DPW facility has been a challenge. Mayor Halpern said rules and money; we have budget CAPs that we have to stay within so decisions are made as a business and the responsibility of making them are done with the taxpayers in mind. Councilman Rodriguez echoed the Mayor’s comment. Prioritizing is tough because a balance needs to be found as well as being strict with certain matters. Councilman LaBarbera asked the students who has been told no when they want to do something or told someone no; they raised their hands.

He said, that it is a challenge to tell someone no, especially as a governing body. Saying and hearing no is not fun because we would love to do everything.

Ruth Blaser, River Road, requested that Mayor and Council not act on anything that involves money since the meeting is in-person only with no Zoom.

Will Rendina, asked what, if anything, is happening with the building across the street from the Fire Department. He was advised that there would be a building built with businesses on the bottom floor and housing on the top two floors.

Jake Silva asked if the potholes in the Borough were going to be fixed. Yes, some areas are part of our microprojects. Engineer Gardella advised that there is a Phase II Improvements to Third Street Project from Maple Place to Hance Road which will take place late spring/early summer.

Councilwoman Neff arrived at 1:59 p.m.

Jimmy Anderson asked what the micro-projects were; he was advised that Hunting Lane, sidewalks on Ridge Road, Gentry Drive, bike lane, fixing curbs and sidewalks, installing handicap ramps and creating a connection from Oaklawn to the pedestrian walkways so students can safely get to and from school.

Finn Buckley asked that the intersection of Fair Haven and Ridge Roads be improved with a traffic light because there are a lot of accidents that have occurred and there are also blind spots. Mayor Halpern noted that there is a hill that comes down to that intersection, so it is not a good place for a traffic light. Ridge Road is a County road and we have been working with them to improve the area.

Chip Carr asked about speed limit enforcement. Chief McGovern answered that his department tries to enforce the speed limits on all streets, and he will increase the monitoring.

Christian Santos asked how long the parking signs will be on Cambridge Avenue. Chief McGovern advised that the Borough is working with Little Silver to address issues with traffic there. The signs will be posted for a few more weeks. Councilman LaBarbera advised that there is a meeting with Cambridge Avenue residents and a Little Silver Councilperson this Friday with regard to traffic concerns on the street. There is a flow analysis being done for Red Bank Regional High School, post spring break. Councilman Rodriguez said the problem is Red Bank Regional High School students are parking on our streets vs. parking in the school's parking lot as well as students are crossing Ridge Road to the side streets.

Dillon asked about there being more infrastructure at McCarter Pond; he was advised that in a few weeks there will be a hydro raking project taking place. After this project is completed, the Borough will look at Schwenker Pond and its needs.

Hunter Curley asked if there are any future plans for Fair Haven Fields; Councilwoman Hoey advised that the Borough is looking at the fields and their condition. This location is considered Green Acres property. There will be field upgrades and work done at Field 4. AEDs will also be installed. Hunter stated that there needs to be field improvements with drainage. Engineer Gardella is looking at drainage for all sports. There have been discussions regarding turf, but the challenge is that it is expensive, and our park is Green Acres land. The Borough will continue to discuss improvements.

Logan asked if there were any future plans for Jackson Street; not in the short term.

Finn Buckley advised that the Kemp Avenue hill toward River Road has a lot of speeding and asked if there are planned improvements and if the speed limit can be lowered. Chief McGovern advised there are no improvements to be done and the Borough reduced the speed limit for Kemp Avenue to 25 mph.

Brady Dill asked if the sidewalk at the River Road and Fair Haven Road intersection can be fixed; there are a lot of potholes in the area as well. He was advised that this intersection is part of the micro-projects. The Mayor explained what micro-projects are and that they are bid together.

There being no further comments or questions, the meeting was closed to the public at 2:12 p.m.

WORKSHOP SESSION

A tree removal appeal from Lindsey and Brad Koechling, 37 Elmwood Lane. This matter was discussed at the March 13th meeting. Mayor Halpern advised that four (4) tree professionals

recommended removal of the tree. Mr. and Mrs. Koechling were in attendance and advised that they had four (4) arborists look at the tree (two being from the Borough; the Arborist and Tree Expert) who recommend removal because of the danger posed. The Koechlings advised that they would replant more trees than are being removed from the property; nine (9) Green Giants and other plantings. Motion to approve the appeal moved by Councilman LaBarbera, second by Councilwoman Koch with Ayes by all present. The Mayor and Councilman LaBarbera thanked them for going through the process and honoring the Borough's request.

Street Opening request from NJ American Water for a service line renewal at 2 Holly Lane. Motion to approve moved by Councilman LaBarbera, second by Councilwoman Cole with Ayes by all present.

Request from Fair Haven Green Team to post lawn signs, April 16th-May 10th, for Love Where You Live Day. Motion to approve moved by Councilman LaBarbera, second by Councilwoman Cole with Ayes by all present.

Mark Olsen came forward to speak about proposed plans for Arbor Day; he distributed handouts to the governing body. He advised that the vision is to plant trees on Arbor Day (April 28th). Arbor Day was established 150 years ago this year. Trees improve neighborhoods and cities, filter pollutants, manage stormwater, decrease energy usage and bring people together. Mr. Olsen asked for permission to plant trees on April 28th according to the handout provided. This is an attempt to improve Fair Haven's value by planting native trees which will impact the future and is hoped to outlast us all. Mayor Halpern advised that Sportsman's Field is Board of Education property; Sean McNeill advised that this was discussed with Mr. Olsen and Ms. Torcivia and everyone is on board. It was asked where the trees will be planted in Fair Haven Fields; near the basketball courts. Councilwoman Neff asked about tree size and scouts helping to water and maintain the trees. Mr. Olsen said the trees are a smaller caliper. It was asked if the number of trees and maintenance was capped; no. Councilman LaBarbera noted the volunteers that are supporting the project and asked if April 17th will be enough time. Mr. Olsen said that he will be reaching out to 1-800-Dig about 10 days before the project commences and they will be using the same volunteer waivers as used in the past. Administrator Casagrande suggested that Mr. Olsen check with DPW regarding roots and the sprinkler systems in our parks. Mr. Olsen noted that the Northern Red Oak is New Jersey's State Tree. Councilwoman Cole applauded this effort. This initiative is alive and well in Fair Haven (Shade Tree, Environmental Commission, FHFNAAC and the schools). The goal is to plant more trees than are taken down. Motion to approve the Arbor Day plan moved by Councilwoman Cole, second by Councilman Rodriguez with Ayes by all present. Mr. Olsen thanked the governing body for their time and approval.

Request from the Foundation of Fair Haven to post lawn signs advertising Fair Haven Day, June 10th. There will be between 100-150 firework signs that will be posted between May 19th and June 18th. Motion to approve moved by Councilman Rodriguez, second by Councilman LaBarbera with Ayes by all present.

A memo was submitted by the Borough Clerk advising of the Mid-JIF/MEL Local Official's Training and the credit we can receive for each governing body who completes the training. The governing body was asked if they want to do the training during Workshop at the April 17th Council Meeting or they would like to start the meeting at 6:30 p.m. and complete the training then. May 1st is the deadline, and the training video is approximately 20 minutes. The consensus was to start the meeting at 6:30 p.m. Motion to hold the training on April 17th at 6:30 p.m. moved by Councilman LaBarbera, second by Councilwoman Hoey with Ayes by all present.

The next item of business was the Fair Haven Fields Natural Area, Northwest section. Councilman LaBarbera said that there was a Power Point presentation with the Fair Haven Fields Natural Area Advisory Committee. The Committee has volunteered to oversee the replanting project. The governing body was provided a draft of the intake form/process. Councilman LaBarbera worked with Administrator Casagrande and Engineer Gardella on this; there are a few outstanding components.

Mayor Halpern thanked School Superintendent Sean McNeil, the staff and students for this meeting. At 2:30 p.m. the 8th grade students were excused; the Student Governing Body remained.

Councilman LaBarbera advised that since January 2023 there has been a process put together with prioritizing and balancing with the ecosystem. The process started with Borough vehicles and now projects are being addressed including how they will be prioritized; there will be a form posted on the Borough's website. Bonnie Torcivia, on behalf of the Fair Haven Fields Natural Area Advisory Committee (FHFNAAC), asked for the hiring of a tree service to clean up the northwest area; Carolyn Ferguson, Chairperson, had provided information at a previous meeting. Ms. Torcivia read a statement. Mark Olsen showed the public and governing body a sample of Devils Walking

Stick which is an invasive that is tough to cut. DPW is limited on time to assist so Frontier Tree provided a quote to assist with this work to commence this spring; they have done a lot of work for the Borough. The quote received is \$20,000 and there are funds through Community Appeals that would pay for this work. Support from the governing body is needed. Councilman LaBarbera stated that due to the amount of work and the quote, a second quote would be required for the cell tower area and permission from the church would be needed as well as a Certificate of Insurance from the contractor that would do the work. Councilman LaBarbera supported the project, Councilwoman Cole supported the project and asked that an intake form be completed (the invasives are everywhere), Councilwoman Koch verified the cost and number of days to complete, that it would be a one-time removal and is self-funding; yes, it is self-funding and would be 3-5 days of work. She requested a copy of the report. Councilwoman Neff supported the project and felt that it is good to let the governing body and public know what the Community Appeal money is being used for. She thanked the FHFNAAC for the project plan. Ms. Torcivia said the Committee would like to replant and replace trees with future Community Appeal money (in the fall). Administrator Casagrande advised that a second quote is needed so the vendor may not be Frontier Tree; more details are required including a start time and end time.

A Microproject Update was listed on the agenda but will be carried to the April 17th agenda as that meeting will be hybrid.

The Prioritization Matrix (rates the projects and allows the governing body to decide what will be acted on) was listed on the agenda and will also be discussed at the April 17th meeting. A handout was provided of the draft matrix. The governing body was asked to review the matrix and provide any comments and feedback to Administrator Casagrande and Engineer Gardella.

APPROVAL OF MINUTES

Councilmember LaBarbera made a motion to approve the Executive Session minutes of March 13, 2023, second by Councilmember Cole.

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: Councilwoman Neff

Absent: None

OLD BUSINESS

2023 Budget Finalization. Administrator Casagrande advised that the Finance Committee reviewed and discussed the budget on March 13th. Input from the governing body is needed on what is being kept, what is being added or taken away; nothing has been received to date. The budget will be introduced at the April 17th meeting and would be adopted at the end of May. Councilmembers LaBarbera and Rodriguez are meeting the Fire Department to discuss their budget and they will report back to Administrator Casagrande. Councilwoman Cole asked what the state of the draft budget is; after much review, the Finance Committee was able to get everything under the Levy Cap and Appropriations Cap.

At 2:54 p.m., the Mayor thanked the Student Council, wished them luck in high school and encouraged them to volunteer; they were dismissed. Councilwoman Neff left the meeting as well.

Once the budget is introduced, it will be advertised, there will be a public hearing and it will be adopted. State Aid figures are still needed, and we hope they are finalized in June. Once the State Aid numbers are provided and the County adopts their budget, we can set the tax rate and will mail the 2023/2024 tax bills out around July/August.

Waterfront Parks Update. A Zoom meeting was held with Paul Glietz, Monmouth County, last week to review our Open Space grant. Joe Rafferty, CME Associates, had presented the Waterfront Park plans for Grange Avenue, Hance Road and the Boat Ramp at the February 27th Council meeting. Monmouth County is willing to work with us; the grant is from 2014. Councilman LaBarbera said he and Councilwoman Cole attended the meeting and it was phenomenal. There was discussion on what qualifies for water access; activities must be to the bulkhead in order for it to be considered water access. The idea is to soften the connectivity at the top of Grange Avenue to the bulkhead with pervious block/brick. The grant application amount has been raised to \$500,000. The Battin Road Boat Ramp makes the most sense as well as softening the Grange Avenue bulkhead approach. We should apply in July for "Pirate Beach" through the MCOS grant program in the amount of \$500,000; if we receive and spend the grant money, the County will give us a check for \$250,000. Councilwoman Cole said the Borough needs to urgently address the bulkhead as it is failing; the Environmental Commission will be reviewing the bulkhead and seek public input. Administrator Casagrande advised that the governing body will need to authorize the projects to go out to bid at the April 17th meeting. Councilwomen Koch and Cole advised they want a new presentation to see the changes that have been made since the February 27th presentation. Engineer

Gardella advised CME Associates worked on the project and will need to update the scope of work if Hance Road is being removed and there is a need to finalize the payable line items. Any changes will impact the Borough's DEP permits; we may have to go back to the DEP with the changes made prior to bidding the work. The DEP will understand that we are prioritizing the project due to the condition of the bulkhead which is failing. Councilman LaBarbera said we will need to have the project plan updates, authorize them to do the work and put the bids, costs and contracts together. It is important to receive the public's feedback.

Borough Facilities Update. Discussion regarding an Owner's Representative for the Police, Community Center and DPW projects will take place in executive session with action being taken in open session. Councilman LaBarbera provided an updated Power Point Presentation for the DPW, Police Facility and Community Center which will be posted on the Borough's website. He advised that it was confirmed that the DPW roof can support solar panels. The schematic, next steps and milestones were reviewed. The Planning Board's Technical Design and Review Committee was briefed about the project on March 16th and there is a Special Planning Board meeting being held on April 3rd for plan review. There are many components when it comes to the furniture; this will be discussed at the April 17th meeting. Lorco will be removing the old fuel oil from the underground storage tank. Shari Spero, CME Associates, is a lighting expert and examined the trees on the property and determined that all but one tree needs to be removed. With regard to lighting, 5,000 lumens are very bright so we will use 3,000 lumens; she will provide a report. In a week or so, there will be a meeting with NJ American Water to discuss the upgrade of the 2" galvanized pipe. Stormwater Management will be a rain garden. The Community Center kitchen is considered a commercial kitchen with certain parameters (inspections, fire safety requirements); the Borough is working with Monmouth County Regional Health Commission No. 1 and Nick Fabiano, Construction Code Official. On March 19th, there was a meeting with Fisk Chapel's representatives with regard to a shared parking plan; they are on board.

We are going to the Monmouth County Improvement Authority for bonding. Councilman LaBarbera thanked Mayor Halpern, Councilwomen Hoey and Cole and Administrator Casagrande for their assistance with State Appropriate Funding by submitting an application to the State for the Community Center costs; the application was submitted without knowing the commitment required by the Borough. There was a tight window for submission and there are letters of support that are incoming. Councilwoman Hoey asked when we would hear back; approximately two months. Councilwoman Koch asked what we would be committed to; we are waiting to see what the commitment would be and if we accept the grant or not.

On March 20th, there was a tour of the Union Beach Police Department which makes it the second facility visited that was designed by The Goldstein Partnership. The generator for the police facility will be diesel, not gas. Councilman LaBarbera showed samples of flooring including what has been recommended (rubber tile with many options). The cost estimates are being refined the best they can be. Cost estimates and comparisons were provided, and both the police facility roof and community center roof will be able to support solar panels. There was discussion regarding the pros and cons of the buildings being constructed of steel vs. timber and the differences. Electric vs. natural gas was also discussed. Key next steps were reviewed. The Police Facility and Community Center drawings were provided to the Planning Board for their April 3rd Special Meeting with copies to the governing body. The Department of Corrections will need to sign off on the Police Facility portion.

Administrator Casagrande advised that there was a resolution on the agenda amending the Borough Architect costs for design changes.

NEW BUSINESS

Council Committee Reports

Finance - Councilwoman Neff was absent.

Personnel - Councilwoman Hoey advised that the Fair Haven Library will be going to summer hours beginning April 1st. There are pending positions with the Borough; Administrative Assistant for Engineering, a DPW hire and seasonal help. The Borough also has a need for Special Officer, Class II hires.

Parks and Recreation - Councilwoman Hoey advised the Easter Egg Hunt is scheduled for April 1st, the Mother/Son Brunch will take place on April 21st and 22nd, Baseball Opening Day and Parade is April 22nd, the Fishing Derby will take place on June 3rd. AEDs are being installed in the parks. Dogs on leash are being monitored.

Planning Board - Councilwoman Koch advised the Planning Board is holding a special meeting on April 3rd; the Technical Review and Design Committee reviewed the Police Facility plans. The regular meeting will be held on April 18th.

The Beautification Committee (newly formed) met and appointed a Chairperson and created a mission statement; there are 10 members.

At 3:50 p.m., Councilwoman Hoey left the meeting.

Fair Haven Day will be on June 10th. The committee has been meeting as well as the subcommittee. Everything is being brought back, full tilt.

Police, Fire & OEM - Councilman Rodriguez said the Police Facility and Cambridge Avenue parking were discussed earlier in the meeting. Councilman LaBarbera stated that they met with the 2023 Fire Chiefs; they should come before the governing body and give a presentation.

Engineering and DPW - Councilman LaBarbera advised that the Borough is working with Peter Avakian’s office regarding the River Road Light Project which will have to go to bid; he will report back. Third Street Phasing will be done immediately, and the Hance and Cooney Project will have an end of May start. The Fair Haven Dock light is up and running; the handrails and seat will need to be addressed. The split rail fence near the Fair Haven Natural Area needs to be replaced. The Mayor asked Administrator Casagrande if there is an upkeep cost required by the State for road repairs; no.

Borough Facilities - Councilman LaBarbera already reported on this matter earlier in the meeting.

Zoning Board of Adjustment - Councilman LaBarbera advised that the April 6th meeting has been cancelled due to lack of an agenda.

Borough Communications and Community Outreach - Councilwoman Cole reported a new goal for the Communications and Outreach Committee which is targeted texts on matters that pertain to certain sections in town such as leaf and brush pick up, construction, etc. She asked that the public provide feedback on target messaging. There are also goals for improved communications on construction projects and we will start with the Hance and Cooney Improvement Project.

The Environmental Commission will review the pocket park and boat ramp projects at their March 30th meeting. They are applying for a \$1,500 ANJEC grant for pollinators; there is a resolution on this meeting agenda supporting the grant submission. The Environmental Commission reviewed an Eagle Scout Project for signage near the trees that have been planted. Love Where You Live Day will be held on May 7th at Bicentennial Hall. The Garden Club’s Plant Sale will be held on May 14th. She acknowledged the Knollwood School’s Green Team has been doing great things and held many activities. The Shade Tree Commission is working with the schools on Arbor Day Art. They are encouraging the Tree Preservation Ordinance amendments be adopted and put in place. The Fair Haven Business Association is holding a Meet and Greet on April 19th.

County Clerk Hanlon is requesting items from Monmouth County municipalities for a COVID Archive Initiative. She has asked for 10-20 documents created as far as pandemic protocols, rules and regulations put in place locally, etc. The Borough Clerk advised that some documents have already been pulled and will be submitted.

INTRODUCTION OF ORDINANCES

- 1. Ordinance No. 2023-03, Create a Vacant/Abandoned Property Ordinance

AN ORDINANCE SUPPLEMENTING CHAPTER 14: “PROPERTY MAINTENANCE” OF THE BOROUGH’S REVISED GENERAL ORDINANCES WITH NEW SECTION 14-12: “VACANT AND FORECLOSED PROPERTIES; REGISTRATION” TO ESTABLISH REGULATIONS PERTAINING TO VACANT PROPERTIES WITHIN THE BOROUGH TO COMPORT WITH NEW STATE LAW

WHEREAS, the State of New Jersey recently enacted legislation requiring lenders to register with municipalities before foreclosing on properties, and imposing requirements on lenders governing the registration and maintenance of properties in foreclosure; and

WHEREAS, the new law requires that a lender in a foreclosure action must, within 10 days of serving the summons and complaint, notify the municipality in which the property is located that a summons and complaint have been filed against the property; and

WHEREAS, the new law also empowers municipalities to create their own property registration program for the purpose of identifying and monitoring both commercial and residential foreclosures, and to impose registration fees and fines for noncompliance on commercial and residential lenders; and

WHEREAS, the Borough of Fair Haven (the “Borough”) does not presently have a property registration program, or registration fees, or fines for noncompliance; and

WHEREAS, it is in the best interests of the Borough and its residents to create such a foreclosed property registration program and impose registration fees and fines for noncompliance upon lenders;

NOW, THEREFORE, BE IT ORDAINED by the Mayor & Council of the Borough of Fair Haven, in the County of Monmouth, in the State of New Jersey” as follows:

SECTION 1. Chapter 14, entitled “Property Maintenance” of the Revised General Ordinances of the Borough of Fair Haven is hereby supplemented with *new* Section 14-12, entitled “Vacant and Foreclosed Properties; Registration”, as follows:

CHAPTER 14: “PROPERTY MAINTENANCE”

* * *

4-12 VACANT AND FORECLOSED PROPERTIES; REGISTRATION.

§ 14-12.1 Establishment and Purpose.

The Borough of Fair Haven hereby establishes a vacant property registration program for the purposes of identifying and monitoring residential and commercial properties within the Borough against which a summons and complaint in an action to foreclose on a mortgage has been filed, and to regulate the care, maintenance, security, and upkeep of the exterior of vacant and abandoned residential and commercial properties against which a summons and complaint in an action to foreclose has been filed; as well as impose property registration fees upon the creditors of such residential or commercial properties on an annual basis.

§ 14-12.2 Definitions; Conditions for Determination.

CREDITOR

Means a mortgagee or an agent or assignee of a mortgagee, such as the servicer, who has filed a complaint in the Superior Court seeking to foreclose upon a residential or commercial mortgage. If the entity seeking to foreclose upon the residential or commercial mortgage changes as a result of an assignment, transfer, or otherwise after the filing of the foreclosure complaint in the Superior Court, the new entity shall be deemed the creditor for purposes of this section. For purposes of this section, a creditor shall not include the State, a political subdivision of the State, a State, county, or local government entity, or their agent or assignee, such as the servicer.

PROPERTY IN FORCLOSURE

Means residential and commercial properties within the Borough against which a summons and complaint in an action to foreclose on a mortgage has been filed.

VACANT AND ABANDONED PROPERTY

Means residential and commercial properties as to which a notice of violation has been issued under Section 14-12.6 hereinbelow, or where a notice of violation has not been issued, such property shall be deemed “vacant and abandoned” if it is not occupied by a mortgagor or tenant (evidenced by a lease agreement), and at least two of the following conditions exist:

- a. Overgrown or neglected vegetation;
- b. The accumulation of newspapers, circulars, flyers or mail on the property;
- c. Disconnected gas, electric, or water utility services to the property;
- d. The accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- e. The accumulation of junk, litter, trash or debris on the property;
- f. The absence of window treatments such as blinds, curtains or shutters;
- g. The absence of furnishings and personal items;
- h. Statements of neighbors, association management, delivery persons, or government employees indicating that the residence is vacant and abandoned;
- i. Windows or entrances to the property that are boarded up or closed off or multiple windowpanes that are damaged, broken and unrepaired;

- j. Doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- k. A risk to the health, safety or welfare of the public, or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- l. An uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- m. The mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
- n. A written statement issued by any mortgagor expressing the clear intent of all mortgagors to abandon the property;
- o. Any other reasonable indicia of abandonment.

§ 14-12.3 Registration of Properties in Foreclosure.

- a. A creditor filing a summons and complaint in an action to foreclose upon a real property within the Borough shall, within 10 days after serving such summons and complaint, and annually thereafter, file a registration statement for such property in foreclosure with the Borough Clerk on forms provided by the Borough for such purposes.
- b. Each property in foreclosure having a separate block and lot number as designated in the official tax maps of the Borough shall be registered separately.
- c. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a person 21 years or older, designated by the creditor as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such creditor in connection with the enforcement of this Section. The registration statement shall also include the name, street address, telephone number, and email address (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the property in foreclosure. The authorized agent and the responsible person(s) may be the same or different. All such persons shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.
- d. The registration statement shall identify the date the summons and complaint in an action to foreclose on a mortgage was filed against the subject property, the court in which it was filed, and the docket number of the filing.
- e. The registration statement shall further identify whether the property is vacant and abandoned in accordance with the definition set forth in Section 14-12.2 hereinabove.
- f. The creditor filing a summons and complaint in an action to foreclose shall, if the registered property becomes vacant and abandoned under the definition set forth in Section 14-12.2 after the property is initially registered with the Borough, update the property registration with the Borough to reflect the change in the property's status within 10 days thereof.
- g. The registration shall remain valid for one year from the date of registration except for the initial registration which shall be valid through December 31st of the year in which it was filed. The creditor shall be required to renew the registration annually and shall pay the registration fee prescribed in Subsection 14-12.4 for each property registered. The annual renewal shall be completed by January 1st each year. The initial registration fee shall be pro-rated for registration statements received less than 10 months prior to that date.
- h. The creditor shall notify the Borough Clerk within 10 days of any change in the registration information by filing an amended registration statement on a form provided by the Borough Clerk for such purpose.
- i. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough against the creditor.

§ 14-12.4 Registration Fees.

The annual registration fee shall be \$500.00 per property annually for any property that is

required to be registered because a summons and complaint in an action to foreclose was filed by the creditor. An additional \$2,000.00 per property annually shall be assessed upon registration or renewal if the property was vacant and abandoned under the definition set forth in Section 14-12.2 hereinabove when the summons and complaint in an action to foreclose was filed or becomes vacant and abandoned under the definition set forth in Section 14-12.2 hereinabove at any time thereafter while the property is in foreclosure.

§ 14-12.5 Creditor Responsibility for Properties in Foreclosure.

- a. A creditor filing a summons and complaint in an action to foreclose against a property within the Borough shall be immediately responsible for the care, maintenance, security and upkeep of the exterior of the property in accordance with this Chapter.
- b. A creditor filing a summons and complaint in an action to foreclose against a vacant and abandoned property as defined in Section 14-12.2 hereinabove, or against a property that thereafter becomes vacant and abandoned under the definition set forth in Section 14-12.2 hereinabove at any time while the property is in foreclosure, shall:
 - 1. Enclose and secure the property against unauthorized entry as provided in the applicable provisions of the Borough Code, or as set forth in any such rules and regulations supplementing same; and
 - 2. Post a sign affixed to the inside of the property and visible to the public indicating the name, address, and telephone number of the creditor or an out-of-State creditor's in-State representative or agent for the purpose of receiving service of process; and
 - 3. Ensure that the property, including yards, fences, sidewalks, walkways, retaining walls, attached or unattached accessory structures and driveways, are well-maintained and free from trash, debris, loose litter, and grass and weed growth; and
 - 4. Continue to maintain the property in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign is visible and intact until the property is again occupied, demolished, or until repair and/or rehabilitation of the property is complete.
 - 5. The creditor shall acquire or otherwise maintain liability insurance, in an amount of not less than \$300,000.00 for properties designed primarily for one-to-four-unit residential use and not less than \$1,000,000.00 for any other property, including, but not limited to, properties designed for multifamily, manufacturing, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the property. Any insurance policy acquired or renewed after the property has become vacant and abandoned shall provide for written notice to the Borough Clerk within 30 days of any lapse, cancellation or change in coverage. The creditor shall attach evidence of the insurance to the annual registration statement. Any registration statement for a vacant and abandoned property that does not include such evidence shall not be a valid registration.
- c. Where a creditor is located out-of-state, the creditor shall be responsible for appointing an in-State representative or agent to act on the creditor's behalf for the purpose of satisfying the requirements of Subsections 14-12.5(a) and 14-12.5(b) hereinabove. Notice of said representative or agent shall be provided to the Borough Clerk per Subsection 14-12.3(c).

§ 14-12.6 Notice of Violation.

- a. The enforcement officers designated in Section 14-12.7 hereof shall be authorized to issue a notice to any creditor that has filed a summons and complaint in an action to foreclose against a property within the Borough, if the enforcement officer determines that the creditor has violated this section by failing to provide for the care, maintenance, security, and upkeep of the exterior of a property in foreclosure or a vacant and abandoned property, or has failed to comply with any other provision or requirement of this Chapter.
- b. Where a creditor is an out-of-State creditor, the notice shall be issued to the representative or agent that has been identified by the creditor pursuant to Subsection 14-12.5(c).
- c. The notice referenced in Subsection 14-12.6(a) hereinabove shall require the creditor to correct the violation(s) within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety.
- d. The issuance of a notice pursuant to Subsection 14-12.6(a) hereinabove shall constitute proof

that a property is vacant and abandoned for the purposes of this section.

§ 14-12.7 Enforcement Officers.

The duty of administering and enforcing the provisions of this Section 14-12 is conferred upon the Code Enforcement Officer, and/or any other duly appointed representatives.

§ 14-12.8 Violations and Penalties.

- a. A creditor subject to this section that is found by the Municipal Court of the Borough, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this section shall be subject to a fine of \$1,500.00 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following the receipt of the notice referenced in Subsection 14-12.6(a), except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice referenced in Subsection 14-12.6(a).
- b. An out-of-state creditor subject to this section that is found by the Municipal Court of the Borough, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to this section shall be subject to a fine of \$2,500.00 for each day of the violation. Any fines imposed on a creditor for the failure to appoint an in-State representative or agent shall commence on the day after the ten-day period set forth in N.J.S.A. 46:10B-51 and/or N.J.S.A. 40:48-2.12s2 for providing notice to the Borough Clerk that a summons and complaint in an action to foreclose on a mortgage has been filed, and shall continue accruing until such proper registration is filed with the Borough.
- c. A creditor subject to this section that is found by the Municipal Court of the Borough, or by any other court of competent jurisdiction, to be in violation of the requirement to register a property pursuant to Subsection 14-12.3 shall be subject to a fine not exceeding \$2,000.00. Any fines imposed on a creditor under this Subsection 14-12.8(c) shall commence on the day after the ten-day period set forth in Subsection 14-12.3 to register such property and shall continue accruing until such proper registration is filed with the Borough.
- d. No less than 20% of any money collected by the Borough pursuant to this section shall be utilized by the Borough for municipal code enforcement purposes.

SECTION 2. 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 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fair Haven, 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 ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. After introduction, the Borough Clerk is directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Fair Haven for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Mayor & Council, within 35 days after referral, a report including identification of any provisions in this ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter the Board deems appropriate.

SECTION 5. This Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted ordinance by the Clerk with the Monmouth County Planning Board pursuant to N.J.S.A. 40:55D-16.

Offered for introduction by Councilmember Cole, second by Councilmember Koch

Affirmative: Councilmembers Cole, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Hoey and Neff

- 2. Ordinance No. 2023-04, Amend Chapter 15, Street Opening Regulation Ordinance

CHAPTER 15: “STREETS AND SIDEWALKS” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO UPDATE REGULATIONS PERTAINING TO STREET AND SIDEWALK EXCAVATIONS AND TO REQUIRE BETTER RESTORATION OF STREETS AND SIDEWALKS FOLLOWING EXCAVATIONS FOR PUBLIC AND PRIVATE PURPOSES

WHEREAS, the Borough of Fair Haven (the “Borough”) is responsible for the maintenance and repair of municipal streets, sidewalks, and rights-of-way within its limits; and

WHEREAS, the Borough has enacted certain regulations, under Chapter 15: “Streets and Sidewalks” of the Borough Code, as to the permitting of excavations and the requirements of restoration of municipal streets, sidewalks, and rights-of-way following said excavations; and

WHEREAS, the Borough’s Mayor & Council find that it is in the best interests of the Borough and its residents that such regulations be updated and revised to require and ensure better restoration of streets and sidewalks following excavations;

NOW, THEREFORE, BE IT ORDAINED by the Mayor & Council of the Borough of Fair Haven, in the County of Monmouth, in the State of New Jersey as follows:

SECTION 1. Section 2-56.1 entitled “Fee Schedule” of Article VI entitled “Administrative Policies and Procedures” of Chapter 2 entitled “Administration” of the Revised General Ordinances of the Borough of Fair Haven is hereby amended as follows (~~stricken~~ text deleted; underlined text added):

§ 2-56.1 Fee Schedule.

Description	Section Number	Amount
Street Openings: (Fees restated at subsections 15-1.5 and 15-1.25e2)		
Street Opening Permits	15-1.5	\$150 <u>\$250</u> application fee per application <u>\$300 inspection fee per application</u>
Excavating repaved street during five-year restriction period (non-emergency)	15-1.25e2	\$500 <u>\$1,000</u> for the first 2 years and \$300 <u>\$500</u> for years 3 through 5

SECTION 2. Subsection 15-1.4 entitled “Application for Permit” of Section 15-1 entitled “Street, Sidewalk, Curb, Driveway and Gutter Excavation” of Chapter 15 entitled “Streets and Sidewalks” of the Revised General Ordinances of the Borough of Fair Haven is supplemented and amended as follows (~~stricken~~ text deleted; underlined text added):

§ 15-1.4 Application for Permit.

- a. No excavation permit shall be issued unless a written application for the issuance of an excavation permit is submitted to the Borough Clerk on the form provided by the Borough of Fair Haven and signed by the applicant performing the work. The form must be completed in such a fashion as to contain a clear and definite description of the name, address, telephone number of the applicant, the nature, scope, location and purpose of the excavation, together with the approximate size of the opening to be made in a sketch which clearly shows the location and dimensions of the proposed opening, the proposed dates of commencement and completion of the excavation, which date shall be the expiration date of any permit issued pursuant to the application, and such other data as may be reasonably required by the Department of Public Works, including complete plans, profiles and details of any proposed curb, sidewalk, pavement or other proposed improvement or structure being installed. Upon receipt of the application, the Borough Clerk shall refer the same to the Superintendent of Public Works or his designee and the Construction Official for comments within five business days of receipt of a complete application. ~~All comments shall be made and the application returned to the Clerk with a recommendation of approval or disapproval (and the reasons therefor) within seven days of the receipt of the application by the Department of Public Works. The Clerk shall issue all permits approved within three days of receipt of application by the Department of Public Works or the expiration of the seven day comment period,~~

~~whichever occurs first.~~ The Superintendent of Public Works, or his or her designee, shall review the application and make a determination of completeness within 30 days of submission. An application will be deemed complete when the information required by this section, inclusive of the nonrefundable permit application fee, have been received by the Borough and approved for administrative completeness by the Superintendent of Public Works. In the event an application is deemed incomplete, the permit will be considered denied. If resubmitted within 90 days, all previously paid fees will be credited. In no case shall a permit be issued without compliance with this section. Within 30 days of the determination by the Superintendent of Public Works that the application is complete, the Superintendent of Public Works shall review submitted materials for technical compliance with these regulations and shall advise the Borough Clerk, who will issue a permit with conditions deemed to be reasonably necessary to carry out the purposes of this section, if any, or decline to issue a permit as inconsistent with the requirements of this section.

b. Work on any opening to be made under the permit provided for herein shall commence within 30 days from the date of the permit and prosecuted with diligence until its completion. If for any reason the work is not started within this period, the permit shall be void and any unused portion of its cash repair deposit or performance bond shall be refunded to the applicant.

~~c. — Moratorium. Street openings will not be permitted between November 15 and March 31 of any year unless it is determined by the Mayor and Council to be of an emergent nature and upon the recommendation of the Superintendent of Public Works, except with respect to subsections 15-1.29 and 15-1.30.~~

~~The Borough Clerk shall not issue any permit for a street opening, an excavation or the discharge of explosives in any street, public place or private property unless there is presented satisfactory proof to the issuing authority in the form of a written statement that there has been compliance with R.S. 2C: 17.4.~~

SECTION 3. Subsection 15-1.5 entitled “Permit Fees” of Section 15-1 entitled “Street, Sidewalk, Curb, Driveway and Gutter Excavation” of Chapter 15 entitled “Streets and Sidewalks” of the Revised General Ordinances of the Borough of Fair Haven is supplemented and amended as follows (~~stricken~~ text deleted; underlined text added):

§ 15-1.5 Permit and Inspection Fees.

A nonrefundable application fee of ~~\$60~~\$250 shall be paid to the Borough to cover the cost of processing the application ~~and providing inspection~~ as outlined herein. (Fees restated at 2-56.1, Fee Schedule.) Permit fees may be waived in the case of installation of new public improvements by a subdivider or site developer in accordance with approved plans without cost to the Borough.

For each road opening permit, the applicant also pay to the Clerk an inspection fee of \$300 to cover the costs of inspecting the applicant’s excavation and restoration.

SECTION 4. Subsection 15-1.7 entitled “Cash Repair Deposit” of Section 15-1 entitled “Street, Sidewalk, Curb, Driveway and Gutter Excavation” of Chapter 15 entitled “Streets and Sidewalks” of the Revised General Ordinances of the Borough of Fair Haven is supplemented and amended as follows (~~stricken~~ text deleted; underlined text added):

§ 15-1.7 Cash Repair Deposit.

a. The application for an excavation permit to perform excavation work under this section shall be accompanied by a cash repair deposit unless a performance guaranty is accepted in lieu thereof pursuant to subsection 15-1.8. Such cash repair deposit shall take the form of cash or certified check, payable to the Borough of Fair Haven, and shall be received by the Borough Clerk prior to the issuance of any permit. Any cash repair deposit made hereunder shall serve as security for the inspection, repair and performance of work necessary to put the street in as good a condition as it was prior to the excavation if the permittee fails to make the necessary repairs or to complete the proper refilling of the opening and the excavation work performed in accordance with the excavation permit. Upon the permittee's completion of the work covered by such permit, in conformity with this section as determined by the Borough, 1/2 of the remaining cash repair deposit shall be promptly refunded by the Borough to the permittee and the balance shall be refunded by the Borough to the permittee upon the expiration of two years from the date of final approval of the work upon the Borough's determination that the permittee has performed the work in conformity with this section.

- b. The amount of the cash deposit to be collected by the Borough Clerk shall be:
1. ~~Areas that are not within the traveled way or shoulders:~~
 - ~~(a) Openings not exceeding 10 square feet — \$2.50 per square foot or part thereof.~~
 - ~~(b) Openings exceeding 10 square feet — \$2.50 each for the first 10 square feet, and \$2 for each square foot, or part thereof in excess of 10 square feet.~~

For road opening permits of 200 square feet or less, the applicant must furnish to the Borough a cash deposit to guarantee that the opening made by the applicant will be properly restored as required by Subsection 15-1.25. The cash deposit amount shall be \$20 per square foot, calculated based upon the area required to be restored. A minimum cash deposit of \$500 shall be required.
 2. ~~Areas within the traveled way or shoulders:~~
 - ~~(a) Openings not exceeding 100 square feet — \$3 per square foot or part thereof.~~
 - ~~(b) Openings over 100 square feet — \$3 each for the first 100 square feet, and \$2.50 for each square foot or part thereof in excess of 100 square feet.~~

In the case of openings more than 200 square feet, or non-excavated activities such as installation of curbs, utility poles, or other disturbances of public improvements, the applicant must furnish to the Borough a cash deposit or surety bond to guarantee that the work by the applicant will be properly restored as required by Subsection 15-1.25. The amount of the cash deposit or surety bond shall be calculated by the Borough Engineer and/or the Superintendent of the Department of Public Works consistent with the same procedure outlined in N.J.S.A. 40:55D-1 et seq. for posting of performance bonds based upon the area required to be restored.
 3. In the case of excavation or removal or alteration of the public improvements such as drainage, sidewalks, driveways, driveway aprons, etc., the Borough Engineer shall determine in each case the amount of the cash repair deposit in sum total sufficient to allow the Borough to perform all required repairs and restoration. Said amount shall be estimated to include gross Borough costs, including fees, temporary maintenance costs, permanent restoration costs, engineering costs, etc.
 4. Cash repair deposits may be waived in the case of installation or repair of sidewalk by the owner or by a person acting for the owner of real property and may be waived in the case of installation of new public improvements by a subdivider or site developer in accordance with the approved plans and without cost to the Borough; provided, however, that such waiver will not be granted if, in the opinion of the Borough, a cash repair deposit is necessary to assure protection of existing improvements or to guarantee against damages during construction.

SECTION 5. Subsection 15-1.8 entitled “Surety” of Section 15-1 entitled “Street, Sidewalk, Curb, Driveway and Gutter Excavation” of Chapter 15 entitled “Streets and Sidewalks” of the Revised General Ordinances of the Borough of Fair Haven is supplemented and amended as follows (~~stricken~~ text deleted; underlined text added):

§ 15-1.8 Surety.

- a. If an individual cash repair deposit required by subsection 15-1.7 exceeds ~~\$1,000~~\$2,500 or if the aggregate of the cash repair deposits which any applicant expects to be required to provide within a period of one year exceeds ~~\$5,000~~\$10,000 or if the applicant is a public utility regulated by the Federal government and/or the State of New Jersey, then the Borough Council may allow the provisions of all or, at the Borough Council's discretion, a portion of the required cash repair deposits in the form of a surety bond. If a surety bond is to be provided in accordance with the requirement of this subsection, the applicant shall deposit it with the Borough Clerk in accordance with paragraph b of this subsection, made payable to the Borough of Fair Haven.
- b. The required bond must be:
 1. With good sufficient surety.
 2. By a surety company authorized to transact business in the State of New Jersey.
 3. Satisfactory to the Borough Attorney in form and substance.
 4. Conditioned upon the permittee's compliance with this section and to secure and hold the Borough and its officers harmless against any and all claims, judgments or other costs arising from the excavations and other work covered by the excavation permit or for

which the Borough, the Borough Council or any Borough Officer may be made liable by reason of any accident or injury to person or property through the fault of the permittee either in not properly guarding the excavation or for any other injury resulting from the negligence of the permittee, and shall be further conditioned to fill up, restore and place in good and safe condition as near as may be to its original condition all openings and excavations made in streets to the satisfaction of the Borough.

The amount of the performance bond to be submitted to the Borough Clerk shall be a minimum of double the amount of the cash repair deposit required pursuant to subsection 15-1.7. In the event that the Borough Engineer or Superintendent of Public Works or his designee determines that the cost of proper restoration of the excavation work will exceed the amount of the calculation, the additional bond for the particular job in question may be required by the Department of Public Works in a sum determined by the Borough Engineer.

- c. In lieu of a performance bond per job, any utility regulated by the Board of Regulatory Commissioners, or any contractor expecting to request multiple permits per year, may post a blanket performance guarantee in the minimum sum of ~~\$10,000~~\$25,000 with the Borough on an annual basis. In the event the Borough Engineer or Superintendent of Public Works or his designee determines that the cost of proper restoration of the area disturbed and pavement surface will exceed the amount of the blanket bond, an additional bond for that particular job, in an amount to be determined by the Borough Engineer, shall be posted by the permittee prior to the issuance of any permit(s).

SECTION 6. Subsection 15-1.25 entitled “Restoration of the Surface” of Section 15-1 entitled “Street, Sidewalk, Curb, Driveway and Gutter Excavation” of Chapter 15 entitled “Streets and Sidewalks” of the Revised General Ordinances of the Borough of Fair Haven is supplemented and amended as follows (~~stricken~~ text deleted; underlined text added):

§ 15-1.25 Restoration of the Surface.

- d. Restoration Procedures. Unless authorized by the Department of Public Works, all excavations shall require milling and restoration of the excavation work area extending from curb to curb, or edge of pavement to edge of pavement, to encompass the entire road width.
 1. Once the excavation work area has been properly saw cut, and the back fill tamped and compacted, the permittee shall install no less than eight inches of bituminous stabilized base course to the trench surface. If the distance from the edge of the excavation work area to the existing curb is less than two feet, the permittee shall be required to excavate to the curb and evenly install eight inches of bituminous stabilized base course in the entire area.
 2. The partially restored pavement shall be allowed to settle for no less than 90 days and no more than 180 days. If at any time during the settlement period the trench becomes unacceptable as determined by the Superintendent of the Department of Public Works, the permittee shall be notified of the condition requiring repair, and such repair shall be performed by the permittee within 24 hours of such notification by the Superintendent of the Department of Public Works. If the repair is not made in the time specified, the Borough may make the repair, and any cost thereof will be charged against the permittee's cash repair deposit and/or maintenance bond. At the end of the period of time of settlement required by the Superintendent of the Department of Public Works or his designee, an inspection shall be performed by the Superintendent of Public Works or his designee.
 3. ~~At this time, unless the Superintendent of the Department of Public Works, using a standard of reasonableness, authorizes a less stringent action, the permittee shall be required to mill and restore the excavation work area surface extending from the curb to the centerline of the road or a minimum of one foot beyond the outer edges of the excavation, whichever is greater, and install no less than two inches of FABC surface course. The permittee shall also be required to provide a tack coat on all existing bituminous and concrete surfaces and a hotpoured rubber asphalt joint sealer (per section 908 of DOT Standard Specifications for Roads and Bridges). If the excavation work area will be within two feet or less of a previous excavation made within one year (by the same permittee along the same side of the road), the permittee shall be required to mill and restore between the outermost excavation from the centerline of the roadway to the curb. At the time set forth in Subsection 2 above, the permittee shall be required to mill the excavation work area surface as specified and install no less than two inches of hot mix asphalt (HMA) material surface course. The permittee shall also be required to~~

provide a tack coat on all existing bituminous and concrete surfaces and a hot-poured, rubber asphalt joint sealer (per NJDOT Standard Specifications for Roads and Bridges 2019). As an alternative to the provisions in this subsection, but only if the Superintendent of the Department of Public Works deems it acceptable, the permittee may utilize infrared treatment as the final restoration of the pavement.

4. ~~If the distance from the edge of the excavation work area to the existing curb is greater than two feet and less than four feet, permittee shall be required to mill this area, as well as the surface of the excavation work area. In the event that the excavation work area opening is smaller than 10 square yards, the Superintendent of the Department of Public Works, or his designee, may determine that milling and/or other trench repair methods be used. Unless otherwise authorized by the Superintendent of the Department of Public Works, all excavations shall require milling and restoration of the excavation work area extending from the curb (or edge of pavement) of the road, and the permittee shall be required to mill and restore the entire roadway curb to curb and/or edge to edge.~~
 5. The pavement restoration shall extend 10 feet past the limits of the trench excavation in each direction.
 6. If the excavation extends beyond a curbline of any intersecting street, the restoration shall extend through the entire intersection to the opposite curbline.
 7. Traffic striping shall be replaced in kind.
 58. The permittee will be required to replace any structures including, but not limited to, curb, pavement and sidewalk, that had been undermined by the adjacent trench excavation and restoration work, at his or its expense. Such work shall be performed according to Borough standards.
 69. Rules and Regulations. Applicant shall comply with all BOCA Codes, Ordinances of the Borough of Fair Haven, resolutions or conditions of the Mayor and Council, or any duly constituted Board and any regulations which the Superintendent of Public Works or the Borough Engineer may establish.
- e. Maintenance Procedures.
1. ~~Maintenance Procedures.~~ When final pavement restoration is approved, as required in paragraph a above, the Superintendent of Public Works or his designee, shall notify the Borough Clerk, in writing, that the portion of the cash repair deposit or performance guarantee pertaining to the street opening permit posted by the permittee at the onset of the project may be released subject to the retainage requested herein below. Such release shall be subject to the permittee agreeing to maintain the restored excavation work area for a period of two years from the date of final approval of the work and posting a maintenance bond to guarantee same. The permittee shall also agree to repair any adjacent structures including but not limited to curb, pavement and sidewalk that are damaged as a result of any excavation work area settlement during this period of time. In furtherance of these agreements, the Borough Clerk shall retain as a cash retainage, 50% of the cash repair deposit and/or performance guarantee during the two-year maintenance period.
 2. If an inspection reveals that the restored excavation work area becomes unacceptable, the Superintendent of the Department of Public Works, or his designee shall notify the permittee that he must repair the area in accordance with the aforementioned procedure within 30 days from the date of notification or sooner if safety on public conveyances is involved. If the permittee fails to repair the trench within this time, the Superintendent of the Department of Public Works, or his designee shall notify the Borough Clerk and he shall allow the Borough to utilize the permittee's cash retainage and maintenance bond to pay for the cost of repairing the excavation work area. If the restoration costs exceed the maintenance bond, the permittee shall be liable for the additional costs.
 3. Upon the termination of the two year maintenance period, any remaining portion of said maintenance bond that has not been expended shall be returned to the permittee without interest.
- f. The permittee may be required to place a temporary surface over openings made in paved traffic lanes. Except when the permanent replacement pavement is to be replaced before the opening of the cut to traffic, the fill above the bottom of the existing pavement shall be tamped into place, properly graded and topped with a minimum of two inches of bituminous

patch material which is suitable to maintain the opening in good condition until permanent restoration can be made. The crown of the temporary restoration shall not exceed one inch above the adjoining pavement. The permittee shall exercise special care in making such temporary restorations and must maintain such restorations in safe traveling condition until such time as permanent restorations are made. If, in the judgment of the Borough Engineer, it is not expedient to replace the pavement over any cut or excavation made in the street upon completion of the work allowed under such permit by reason of the looseness of the earth or weather conditions or any other reason, he may direct the permittee to lay a temporary pavement of steel plate or other suitable material designated by him over such cut or excavation, to remain until such time as the repair of the original pavement may be properly made.

- g. Acceptance or approval of any excavation work by the Superintendent of the Department of Public Works, his designee, or the Borough Engineer shall not prevent the Borough from asserting a claim against the permittee and his or its surety under the surety bond required hereunder for incomplete or defective work if discovered within 24 months from the completion of the excavation work. The presence of a representative of the Department of Public Works or the Borough Engineer during the performance of any excavation work shall not relieve the permittee of its responsibilities hereunder.
- h. Additional Permit Fee for Excavations on Paved Streets Less than Five Years Old.
 - 1. No permit shall be issued by the Superintendent of Public Works of the Borough of Fair Haven which would allow an excavation or opening of a paved or improved street surface less than five years old unless the applicant can clearly demonstrate that public health or safety requires that the proposed work be permitted or unless an emergency condition exists.
 - 2. If, by special permission of the Superintendent of Public Works, a permit is issued to open any paved or improved street surface less than five years old, an additional fee shall be charged for the opening, except that the additional fee shall be waived in the event the work is of an emergency nature. The additional fee shall be equal to the sum of ~~\$500~~\$1,000 for the first two years and ~~\$300~~\$500 for years three through five.
 - 3. The Borough Council may, for good cause, allow an excavation or opening of a paved or improved street surface less than five years old, provided that the Borough Engineer approves a restoration plan for the area excavated or opened. (Fees restated at subsection 2-56.1, Fee Schedule.)

SECTION 7. 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 8. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fair Haven, 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 ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 9. This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

Offered for introduction by Councilmember Cole, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Hoey and Neff

- 3. Ordinance No. 2023-05, Amend Chapter 11, Building and Construction Code

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 11: “BUILDING AND CONSTRUCTION” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO COMPORT WITH SHARED SERVICES AGREEMENT WITH THE BOROUGH OF RUMSON

WHEREAS, pursuant to the State Uniform Construction Code, *et seq.*, the Borough of Fair Haven (the “Borough”) is required to enforce the Uniform Construction Code either locally or through a shared services agreement with another approved municipality; and

WHEREAS, the Borough has entered into a shared services agreement with the Borough of Rumson for housing and construction inspection and enforcement services; and

WHEREAS, the Borough must update its Revised General Ordinances to enable and implement said shared services agreement;

NOW, THEREFORE, BE IT ORDAINED by the Mayor & Council of the Borough of Fair Haven, in the County of Monmouth, in the State of New Jersey” as follows:

SECTION 1. Section 11-1, entitled “State Uniform Construction Code Enforcing Agency” of Chapter 11, entitled “Building and Construction” of the Revised General Ordinances of the Borough of Fair Haven is hereby replaced with *new* Section 11-1, entitled “State Uniform Construction Code”, as follows:

CHAPTER 11: “BUILDING AND CONSTRUCTION”

11-1 STATE UNIFORM CONSTRUCTION CODE

§ 11-1.1 Enforcing Agency Established.

- a. There is hereby established in the Borough a State Uniform Construction Code Enforcing Agency to be known as the building department, consisting of a construction official, building subcode official, plumbing subcode official, electrical subcode official, fire protection subcode official, and such other subcode officials for such additional subcodes as the Commissioner of the Department of Community Affairs, State of New Jersey, shall hereafter adopt as part of the State Uniform Construction Code. The construction official shall be the chief administrator of the enforcing agency.
- b. Each official position created in paragraph a hereof shall be filled by a person qualified for such position pursuant to N.J.S.A. 52:27D-126 et seq. N.J.A.C. 5:23; provided that, in lieu of any particular subcode official, an on-site inspection agency may be retained by contract pursuant to N.J.A.C. 5:23. More than one such official position may be held by the same person; provided that such person is qualified pursuant to N.J.S.A. 52:27D-126 et seq. and N.J.A.C. 5:23 to hold such position.
- c. The public shall have the right to do business with the enforcing agency at one office location except for emergencies, and unforeseen or unavoidable circumstances.
- d. No requested inspection, planning or zoning application or permit processing, will occur while the subject property is in violation of a Borough Ordinance, prior Borough Planning or Zoning approval, or prior County or State approval, including but not limited to, State of New Jersey Department of Environmental Protection or County Extension Office/Freehold Soil Conservation District. Exception shall be made to allow for the submission and review of a planning or zoning application, building permit, or engineering documentation to resolve the current violation(s). No other permit processing or inspections shall occur while the submission is under review and fines are not paid.
- e. The State Uniform Construction Code Enforcing Agency established pursuant to this Subsection 11-1.1 may be provided for and designated through a shared services agreement with an approved municipality.

§ 11-1.2. Smoke Alarm Inspection.

Every sale or rental of a one-family or multi-family home within the Borough shall be inspected for smoke sensitive alarm devices (smoke detectors) all in accordance with N.J.A.C. 5:70 and a certificate of smoke detector compliance must be obtained from the Borough fire official by the applicant prior to occupancy. The application fee for a certificate of smoke detector and carbon monoxide alarm compliance (CSDCMAC), as required by N.J.A.C. 5:70-2.3, shall be based upon the amount of time remaining before the change of occupant is expected, as follows:

- a. The fee for request for inspections received more than 10 business days prior to change of occupancy shall be \$45.
- b. The fee for request for inspections received fewer than 10 business days prior to change of occupancy shall be \$90.
- c. The fee for request for inspections received fewer than four business days prior to change of occupancy shall be \$125.

§ 11-1.3. Fee Schedule.

The fee for a construction permit shall be the sum of the subcode fees listed in a. through o. hereof and shall be paid before the permit is issued as determined by the construction official.

- a. General. The fees for various permits authorized pursuant to the Uniform Construction Code shall be in accordance with the provisions of Chapter 23 Uniform Construction Code of the Administrative Code (N.J.A.C.) 5:23-1.1 et seq. as amended from time to time.
 1. Plan Review. 25% of the fee for a construction permit which shall be paid at the time of the application.
 2. Construction Permit. The fees shall be the sum of all fees listed hereinafter, plus any special fees.
 3. The annual construction permit fee shall be the estimated cost of alterations as contained hereunder.
 4. All fees to be rounded off to the nearest full dollars.

Basic Construction.

5. New Construction and Addition Fees.
 - (a) New construction and additions in all use groups classification except for signs and structures or buildings and special fees for which volume cannot be computed.
 The fee shall be five hundredths (\$0.050) cents per cubic foot of volume of the building or structure.
 - (1) Residential: \$100 minimum.
 - (2) Nonresidential: \$150 minimum.
 - (3) Plan Review Fee: \$50.
6. Renovations, alterations, repairs, pre-manufactured construction and minor work fees.
 - (a) Renovations, alterations, installation of pre-manufactured units, foundation systems and all on site work for pre-manufactured construction, repairs and/or minor work. The fee shall be \$25 per \$1,000 of estimated cost.
 - (b) Roofing and non-residential siding. The fee shall be \$15 for each \$1,000 or part thereof based upon the value of the work.
 - (c) A combination of (a) and (b) shall be computed separately and the total fee shall be the total fees added together with any and all other applicable fees.
 - (d) Minimum fees.
 - (1) Residential: \$75.
 - (2) Nonresidential fees: \$110.
- (3) Special Fees. Structures for which volume cannot easily be computed.
 - (a) Swimming pools.
 - (1) The fee for the installation of a private inground swimming pool at least 24 inches deep or having a surface area of at least 250 square feet shall be \$250.
 - (2) The fee for installation of an aboveground swimming pool or hot tub at least 24 inches deep or having a surface area of at least 250 square feet shall be \$125.
 - (3) The fee for the installation and inspection of public inground swimming pools shall be \$250.
 - (4) The fee for the installation of a pool compliant fence shall be \$75.
 - (b) The permit fee for the installation of wood/coal burning stoves, fireplaces, and/or chimneys shall be \$75.
 - (c) The permit fee to install, erect or construct all utility and miscellaneous structures classified as Use Groups (U) shall be a fee of \$25 per \$1,000 of estimated cost, with a minimum fee of:
 - (1) Residential: \$75.
 - (2) Nonresidential: \$110.
 - (3) Plan Review: \$50.
 - (d) The permit to erect roof-mounted radio or television antennas exceeding 12 feet in

height shall be \$100.

- (e) The permit fee to erect radio, television, or other transceiving equipment shall be \$200.
 - (f) Elevator fees.
 - (1) Elevators, escalators, dumbwaiters, and conveying equipment. The fee shall be as set by statute of the State of New Jersey.
 - (g) The fee for complete tent permits, including electrical/fire/building permits, for charitable and nonprofit organizations shall be \$75.
 - (h) Retaining walls. The fee shall be: Less than 550 square feet \$100.00 More than 550 square feet \$200.00.
- b. Fees for Continued Inspection of Equipment Subject to Limitations as Per N.J.A.C. 5:23-2.23(i).
 - 1. Elevators. Fee shall be as set by statute of the State of New Jersey.
 - 2. Platform Lifts. Fee shall be as set by statute of the State of New Jersey.
 - 3. Dumbwaiters. Fee shall be as set by statute of the State of New Jersey.
 - 4. Hazard Uses and Places of Assembly. \$150.
 - 5. Cross-Connections and Back Flow Preventers. \$75.
 - 6. Sprinklers: \$150.
 - d. State of New Jersey Training Fees.
 - 1. This fee shall be in the amount of \$0.00334 per cubic foot volume of new construction. The fee for alterations and renovations shall be calculated based on \$.00190 per \$1,000 of estimated cost computed in accordance with N.J.A.C. 5:23-2.28.
 - e. Demolition, Removal, or Moving of Buildings and/or Structures. The fee shall be:
 - 1. Demolition.
 - (a) Minor accessory buildings, structures and inground pools: \$100.
 - (b) One- or two-family dwellings not exceeding 30 feet in height: \$300.
 - (c) All other use groups, buildings or structures: \$300.
 - 2. Removal of a building or structure from a lot within the Borough to a location outside the borders of the Borough. The fee shall be \$35 for the first \$1,000 of estimated costs of removal, plus \$15 for each additional \$1,000 of estimated costs or any part thereof. The minimum for the removal of a building or structure shall be \$75.
 - 3. Moving a building or structure from one lot to another or to a new location on the same lot. The fee shall be \$50 for the first \$1,000 of estimated costs, plus \$50 for each additional \$1,000 of cost or any part thereof. Estimated cost shall be the sum of the following: The cost of moving, plus the cost of the new foundation and all work required to place the building or structure in its completed condition in the new location. The minimum fee shall be \$75.
 - f. Estimated Costs. For the purpose of determining estimated costs, when referred to in this fee schedule, the applicant shall submit to the department cost data produced by the architect or engineer of record or by a recognized estimatory firm or by the contractor. A copy of the contractor's bid shall be submitted when available. The construction official will make the final decision regarding estimated cost based upon recommendations of the appropriate subcode officials.
 - g. Signs, Excluding Traffic Control Devices Meeting State Motor Vehicle Standards. The fee shall be \$5 per square foot of the surface area of the sign, computed on one side only for double faced signs. The minimum fee shall be \$75.
 - h. Bulkheads, Docks and Piers for Construction and Repair of the Construction. Permit fee shall be \$40 for the first \$1,000 of estimated cost and \$20 for each additional \$1,000 of estimated cost or part thereof.
 - i. Construction Trailers. The permit fee for a construction trailer to be used at a permitted construction site shall be \$75.
 - j. Certificate of Occupancy per U.C.C.

1. The fee for a certificate of occupancy for new construction shall be \$100.
 - (a) Use Group R-3, per principal dwelling unit shall be \$50. R-3, additions and alterations shall be \$50.

R-3, Accessory Uses shall be \$25.

Each additional tenant space or separate unit shall be \$50.

All other use groups, except Use Group T base fee shall be \$100.

Use Group T shall be \$25.
 - (b) The fees for a temporary certificate of occupancy or a renewal of a temporary certificate of occupancy for each structure shall be seventy- five (\$75.00) dollars for residential and \$100 for commercial.
 - (c) The fee for a multiple temporary certificate of occupancy shall be \$100 for each unit.
 - (d) The fee for a certificate of occupancy permit pursuant to a change in use shall be \$150.
 - (e) The fee for a certificate of continued occupancy shall be \$100.

k. Plumbing Subcode Fees.

1. Fixtures and stacks, including but not limited to sinks, urinals, water closets, bathtubs, shower stalls, floor drains, laundry tubs, sump pumps, drinking fountains, hose bibs, water conditioning systems, humidifiers, dishwashers, garbage disposals, clothes washers, and similar devices. The fee shall be \$20 each.
 - (a) Gas piping to each appliance. The fee shall be \$50.
2. Hot Water Heaters. The fee shall be:
 - (a) Residential: \$75 each.
 - (b) Nonresidential: \$80 each.
3. Oil or Gas Fired Boilers:
 - (a) Up to 250,000 BTU, the fee shall be \$100 per boiler.
 - (b) From 250,001 BTU and higher, the fee shall be \$150 per boiler.
 - (c) Radiant heat: \$75. An additional fee of \$10 per zone of each zone of the radiant system.
4. Sewer. The fee shall be:
 - (a) Residential: \$100 each.
 - (b) Nonresidential: \$125 each.
 - (c) Plan review Fee: \$50.
5. Special devices, including but not limited to gas fireplaces, pool drains, grease traps, oil separators, water-cooled air conditioner units, pumps and similar pump devices. The fee shall be \$75 each.
6. Yard Irrigation Systems. The fee shall be:
 - (a) Single-family homes: \$60 each.
 - (b) Other than single-family homes: \$100 each.
7. Roof Drains. The fee shall be \$20 each.
8. Back Flow Prevention Devices. The fee shall be \$75 each.
9. Indirect Connections. The fee shall be \$50 each.
10. Footing Drains and window wells. The fee shall be:
 - (a) Single-family homes: \$75 each.
 - (b) Other than single-family homes: \$100 each.
11. Water Service Lines. The fee shall be:

- (a) Residential: \$100 each.
 - (b) Nonresidential: \$125 each.
12. Heating Ventilation and Air Conditioning (HVAC). Air Conditioner Condensate Drains. The fee shall be:
- (a) 3/4 inch drain: \$50 each.
 - (b) 1 inch drain: \$60 each.
 - (c) 1 1/4 inch and larger drain: \$75 each.
 - (d) HVAC Ducts: \$75 each per zone (residential) and \$150 each per zone (non-residential).
 - (e) Furnaces: The fee shall be \$50 each.
13. Cross Connections. The fee shall be \$25 each.
14. Trench Inspections. The fee shall be \$35 each.
15. The minimum plumbing subcode fee shall be:
- (a) Residential: \$85.
 - (b) Nonresidential: \$100.
1. Fire Protection Subcode Fees.
- 1. New Construction, Renovations, Alterations or Repairs. The minimum fee shall be:
 - (a) Residential: \$75 for each system.
 - (b) Nonresidential: \$150 for each system.
 - (c) Plan Review Fee: \$50.
 - 2. Each gas or oil-fired appliances such as furnaces, ranges, stoves, generators and fireplaces not connected to the plumbing system shall be \$50.
 - 3. Special Fixtures and Equipment.
 - (a) Fire suppression systems, sprinkler systems, hood systems, and all other applications of fire suppression systems. The fees for a permit shall be \$200 plus \$4 per head.
 - (b) The fee for a permit and inspection of fire pumps shall be \$100.
 - (c) The fee for a permit and inspection of fire escapes shall be \$60 each.
 - (d) The fee for the permit and inspection for the installation or removal of above or underground storage tanks shall be:
 - (1) Up to 1,000 gallons: \$100 each.
 - (2) Over 1,000 gallons and not exceeding 3,000 gallons: \$200 each.
 - (3) Over 3,000 gallons: \$300 each.
 - (e) The fee for a permit inspection of gas pumps shall be \$100 per nozzle.
 - (f) Standpipes: The fee shall be \$150 each.
 - (g) Fees for smoke, CO and heat detectors, alarm systems, interconnected as wired or wireless systems:
 - (1) The fee for one to ten detectors shall be \$75.
 - (2) The fee for 11-20 detectors shall be \$150.
 - (3) The fee for 21-100 detectors shall be \$200.
 - (4) The fee for 101-500 detectors shall be \$300.
 - (5) The fee for over 500 detectors shall be \$500.
 - 4. The minimum fire subcode fee shall be:
 - (a) Residential: \$75.
 - (b) Nonresidential: \$85.
- m. Electrical Subcode Fees. Required for the installation, removal, alteration and/or

replacement of all listed items.

1. Common electrical fixtures and devices, including but not limited to lighting outlets, wall switches, fluorescent fixtures, convenience receptacles, and similar fixtures or devices and are not listed elsewhere in this schedule and connected to nominal 240/120 VAC, 20 amperes (or less) branch circuits. The fee shall be:

- (a) For one to ten fixtures or devices: \$35.
- (b) For each increment of 20 additional fixtures and devices: \$25.

NOTE: Every gang of a fixture box or outlet box including splice boxes shall count as a device. Each recessed lighting fixture in an insulated space shall add one unit to the fixture count.

2. All other electrical products, but not limited to electrical heating, cooling, service conductors, feeders, disconnect switches, switchboards, panel boards, motors, control equipment, generators, transformers, smoke detectors, air conditioners, cooling equipment, lighting standards, swimming pools, hot tubs, hydromassage bathtubs, spas and steam baths. The fee shall be:

- (a) Residential steam room, sauna, indoor installation of hot tub, and similar devices: The fee shall be \$100 each.
- (b) Indoor installations of hydromassage bathtubs: \$25 each.
- (c) Ceiling fans and exhaust fans:
 - (4) Ceiling fan assemblies less than 35 pounds in weight and rated less than one horsepower: The fee shall be \$10 each.
 - (5) Kitchen and bathroom exhaust fans rated less than one horsepower: The fee shall be \$20 each.
- (d) Circulator, pump, and blower motors that are part of a fossil fuel furnace system and are rated less than one horsepower: The fee shall be \$20 each.
- (e) Service, feeder, and branch circuit trenches: The fee for each trench shall be \$25 for the first 100 feet of trench plus \$10 for each additional 100 feet or part thereof.
- (f) Transformers with 16 ampere or less output for low voltage lighting or annunciation: The fee shall be \$20 each. If greater than 16 ampere output, the fee shall be \$60 each.
- (g) Swimming pools and hot tubs:
 - (1) Motors and pumps shall be \$25 each.
 - (2) Timers, low voltage transformers and similar devices, including a single receptacle shall be \$15 each.
 - (3) Bonding: The fee shall be \$20 each.
 - (4) Underwater lights: The fee shall be \$30 each.
 - (5) Underwater sound equipment: The fee shall be \$75 each.
- (h) Each motor or electrical device less than or equal to ten hp; and for each transformer, generator, and device less than or equal to ten kW: The fee shall be \$20 each. Air-conditioning condensers shall be priced at \$20.
- (i) Each motor or electrical device greater than ten hp and less than or equal to fifty hp; and for each transformer, generator, and device greater than ten kW and less than or equal to thirty-five kW: The fee shall be \$90 each. Air-conditioning condensers shall be priced at \$40.
- (j) Each motor or electrical device greater than 50 hp and less than or equal to 100 hp; and for each transformer, generator and device greater than 35 kW and less than or equal to 112.5 kW: The fee shall be \$100 each.
- (k) Each motor or electrical device greater than 100 hp; and for each transformer, generator, and each device greater than 112.5 kW: The fee shall be \$300 each.
- (l) Service panels, subpanels, automated transfer switches (ATS) or like components. The fees for each shall be:

100 amps or less	\$100.00
101 amps — 200 amps	\$150.00
201 amps — 300 amps	\$200.00
301 amps — 400 amps	\$250.00
401 amps or more	\$300.00

- (m) Radiant heat (electric): The fee shall be \$20 each.
 - (n) Solar Systems: New installations greater than one kW and less than or equal to 20 kW— The fee shall be \$150. New installations greater than 20 kW— The fee shall be \$300.
3. Protective Signaling Systems. This includes, but is not limited to fire alarms, smoke alarms, burglar alarms, nurse call systems, video systems, communication outlets, and other monitoring systems. The fee shall be:
 - (a) For one to 15 devices: \$75.
 - (b) For each additional one to five devices: \$10.
 - (c) In accordance with N.J.S.A. 52:27D-198.1 et seq. (Senate Bill 1968) the fee for fire alarm inspections required for the sale or rental of all one- family and two-family homes shall be \$60 per inspection.
 4. For weekend or other than normal work hour shut-downs and/or inspections such as service shutdowns: The fee shall be \$350.
 5. The minimum electrical subcode fees shall be: Residential: \$75
Nonresidential: \$85
 6. The minimum fee for amending or changing a permit shall be \$60.
 7. The minimum fee for a swimming pool or outdoor hot tub and pool compliant fence barriers.
 - (a) \$75 when underwater lighting is not to be used or when fiber optic lighting provides the light source.
 - (b) \$250 when underwater lighting is to be used.
 - (c) Pool compliant fence and gate barrier enclosures. The fee shall be \$75.
 - n. Mechanical Inspection Fees.
 1. Minimum Fee: \$85.
 2. Water heater: \$75.
 3. Fuel oil piping: \$20.
 4. Gas piping connection: \$50
 5. Steam boiler: \$100
 6. Hot water boiler: \$100
 7. Hot air furnace: \$50
 8. Fireplace: \$50
 9. Generator: \$50
 10. Condensate drain: \$60
 11. Chimney liner: \$50
 - o. Inspections by Borough Engineer. The fee shall be \$150 per inspection for all required periodic inspections by Borough Engineer as detailed in subsection 22-7.27.g and Final Certificate of Occupancy inspection. The required inspection fees shall be paid prior to the issuance of building permits.
 - p. Miscellaneous.
 1. The fee of \$100 for each application for a variation per U.C.C. 5:23-2.10.

§ 11-1.4. Biannual Report: Recommending New Fee Schedule.

The construction official shall, with the advice of the subcode officials, prepare and submit to the Borough Council biannually, a report recommending a fee schedule based on the operating expenses of the agency and any other expenses of the municipality fairly attributable to the enforcement of the State Uniform Construction Code Act.

§ 11-1.5. Surcharge: Reports Due.

In order to provide for the training, certification, and technical support programs required by the Uniform Construction Code Act and the Regulations, the enforcing agency shall collect in addition to the fees specified above, a surcharge fee of \$.00334 cents per cubic foot of volume of new construction. The surcharge fee shall be remitted to the Bureau of Housing Inspection, Department of Community Affairs, on a quarterly basis for the fiscal quarter ending September 30, December 31, March 31 and June 30, and not later than one month next succeeding the end of the quarter for which it is due. In the fiscal year in which the regulations first become effective, the fee shall be collected and remitted for the third and fourth quarters only. The enforcing agency shall report annually at the

end of each fiscal year to the Bureau of Housing Inspection, and not later than July 31, the total amount of the surcharge fee collected in the fiscal year. In the fiscal year in which the regulations first become effective, the report shall be for the third and fourth quarters only.

SECTION 2. 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 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fair Haven, 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 ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. After introduction, the Borough Clerk is directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Fair Haven for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Mayor & Council, within 35 days after referral, a report including identification of any provisions in this ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter the Board deems appropriate.

SECTION 5. This Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted ordinance by the Clerk with the Monmouth County Planning Board pursuant to N.J.S.A. 40:55D-16.

Offered for introduction by Councilmember Koch, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Hoey and Neff

- 4. Ordinance No. 2023-06, Amend Chapter 12, Fire Prevention Code

AN ORDINANCE AMENDING CHAPTER 2: “ADMINISTRATION” CHAPTER 12: “FIRE PREVENTION AND PROTECTION” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO COMPORT WITH FIRE PREVENTION SHARED SERVICES AGREEMENT WITH THE BOROUGH OF RUMSON

WHEREAS, pursuant to the Uniform Fire Safety Act, N.J.S.A. 52:27-192, *et seq.*, the Borough of Fair Haven (the “Borough”) is required to enforce the Uniform Fire Code either locally or through a shared services agreement with another approved municipality; and

WHEREAS, the Borough has entered into a shared services agreement with the Borough of Rumson for fire prevention services; and

WHEREAS, the Borough must update its Revised General Ordinances to enable and implement said shared services agreement;

NOW, THEREFORE, BE IT ORDAINED by the Mayor & Council of the Borough of Fair Haven, in the County of Monmouth, in the State of New Jersey” as follows:

SECTION 1. Section 2-56.1 entitled “Fee Schedule” of Article VI entitled “Administrative Policies and Procedures” of Chapter 2 entitled “Administration” of the Revised General Ordinances of the Borough of Fair Haven is hereby amended as follows (~~stricken~~ text deleted; underlined text added):

§ 2-56.1 Fee Schedule.		
Description	Section Number	Amount
Fire Code		
Annual Inspections		See 12-1.8-12-1.11
Permits (Fees restated at subsection 12-1.9-12-1.12)	12-1.9-12-1.12	
Type 1		\$42-\$54.00
Type 2		\$166-\$214.00
Type 3		\$331-\$427.00
Type 4		\$497-\$641.00
Type 5		\$1,000-Reserved
Smoke Detector Fee		\$35

SECTION 2. Section 12-1, entitled “Uniform Fire Safety Act” of Chapter 12, entitled “Fire Prevention and Protection” of the Revised General Ordinances of the Borough of Fair Haven is hereby replaced with *new* Section 12-1, entitled “Fire Prevention”, as follows:

CHAPTER 12: “FIRE PREVENTION AND PROTECTION”

12-1 FIRE PREVENTION

§ 12-1.1 Local Enforcement.

Pursuant to the Uniform Fire Safety Act, N.J.S.A. 52:27D-192 et seq., the New Jersey Uniform Fire Code shall be enforced in the Borough of Fair Haven, New Jersey, or shall be enforced through a shared services agreement with another approved municipality.

§ 12-1.2 Agency Designation.

The local enforcing agency shall be the Bureau of Fire Prevention within the Borough, or shall be enforced by the Bureau of Fire Prevention designated by a shared services agreement with another approved municipality.

§ 12-1.3 Duties.

The Bureau of Fire Prevention established by Section 12-1.2 shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures, and premises within the established boundaries of the Borough, other than owner-occupied one and two family dwellings, and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

§ 12-1.4 Life Hazard Uses.

The Bureau of Fire Prevention established by Section 12-1.2 shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of Community Affairs.

§ 12-1.5 Organization.

The Bureau of Fire Prevention established by Section 12-1.2 shall be part of the Administrative Department of the Borough or shall be organized pursuant to a shared services agreement with another approved municipality.

§ 12-1.6 Appointment.

The Bureau of Fire Prevention established by Section 12-1.2 shall be under the direct supervision of the Fire Official appointed pursuant to the Borough Code or shall be designated by a shared services agreement with another approved municipality.

§ 12-1.7 Term of Office.

The Fire Official appointed under Section 12-1.6 shall serve for a period of four years. Any vacancy shall be filled for the unexpired term.

§ 12-1.8 Inspections and Employees.

Such inspectors and other employees as may be necessary in the Bureau of Fire Prevention shall be appointed by the Mayor subject to confirmation by the Borough Council upon the recommendation of the Fire Official or shall be provided through a shared services agreement with another approved municipality.

§ 12-1.9 Removal from Office.

Inspectors and other employees of the Bureau of Fire Prevention shall be subject to removal by the Mayor and Council for inefficiency and misconduct when such removal is recommended by the Fire Official. Each inspector or employee to be so removed shall be afforded an opportunity to be heard by the appointing authority or a designated hearing officer.

§ 12-1.10 Board of Appeals.

Pursuant to the Uniform Fire Safety Act, any person aggrieved by any order of the Bureau of Fire Prevention shall have the right to appeal to the Construction Board of Appeals of Monmouth County.

§ 12-1.11 Additional Required Inspections and Fees.

In addition to the inspections and fees required pursuant to the Act and the regulations of the Department of Community Affairs, additional inspections and fees shall be required for all commercial properties. All of the commercial properties shall be subject to a cyclical inspection with a fee of \$500 per location.

§ 12-1.12 Permit Fees.

The permit fees established by the Uniform Fire Code shall apply and are as follows:

Type 1	—	\$54.00
Type 2	—	\$214.00
Type 3	—	\$427.00
Type 4	—	\$641.00
Type 5	—	Reserved.

§ 12-1.13 Permits Required.

Required permits shall be as specified in N.J.A.C. 5:70-2.7.

§ 12-1.14 Inspections Required.

Required inspection shall be as specified in N.J.A.C. 5:70-2.5.

SECTION 3. 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 4. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fair Haven, 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 ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 5. After introduction, the Borough Clerk is directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Fair Haven for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Mayor & Council, within 35 days after referral, a report including identification of any provisions in this ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter the Board deems appropriate.

SECTION 6. This Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted ordinance by the Clerk with the Monmouth County Planning Board pursuant to N.J.S.A. 40:55D-16.

Offered for introduction by Councilmember Koch, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Hoey and Neff

The above introduced ordinances will be listed for hearing and adoption on the April 17, 2023 Council Meeting agenda.

CONSENT AGENDA
RESOLUTIONS

1. Resolution No. 2023-97, Executive Session: Acquisition of Property, Contract Negotiations

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:

Acquisition of Property

1. 21 Fair Haven Road

Contract Negotiations

1. Interlocal Service Agreement with Rumson-Fair Haven Regional High School
2. Architect for DPW Facility
3. Owners Representative
4. Roof Maintenance Systems

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.

Offered for adoption by Councilmember Rodriguez, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Hoey and Neff

2. Resolution No. 2023-98, Authorize Issuance and Sale of Bond Anticipation Notes to Monmouth County Improvement Authority

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 March 8, 2023, 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 affected 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.

Offered for adoption by Councilmember Rodriguez, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Hoey and Neff

3. Resolution No. 2023-99, Approve Interlocal Service Agreement with Rumson - Fire Prevention Office

WHEREAS, the Borough of Fair Haven, County of Monmouth, State of New Jersey, has Determined that it would be beneficial for the Borough of Fair Haven to enter into an Interlocal Services Agreement with the Borough of Rumson; and

WHEREAS, the Boroughs of Fair Haven and Rumson have had successful Interlocal Services Agreements for the sharing of the Construction Office and Courts for both Boroughs; and

WHEREAS, the Administrations, with the help of the Construction and Fire Prevention Department of both Boroughs, have identified areas where working together through Shared Services will result in positive outcomes for both municipalities; and

WHEREAS, the Boroughs of Fair Haven and Rumson have agreed, in principle, that this Interlocal Services Agreement will include a combined Fire Prevention Office, as referenced in the Shared Services Agreement.

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 and directed to sign the Interlocal Services Agreement for Fire Prevention between the Borough of Fair Haven and the Borough of Rumson; and

BE IT FURTHER RESOLVED that the Borough Clerk shall forward a certified true copy of this Resolution to the Rumson Borough Clerk.

Councilwoman Cole stated the need to have better enforcement. Administrator Casagrande advised that this resolution pertains to Fire Prevention which is enforced by the Fire Marshal. It is the same service that we have always received; the State requested that the service be separated from our shared Construction Code agreement.

Offered for adoption by Councilmember Rodriguez, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Hoey and Neff

4. Resolution No. 2023-100, Approve Fire Department Membership Application - Social Member - David Scott III

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that David Scott, III, 176 Oxford Avenue, 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.

Offered for adoption by Councilmember Rodriguez, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Hoey and Neff

5. Resolution No. 2023-101, Support the Environmental Commission’s ANJEC Grant Application

WHEREAS, the Borough of Fair Haven has been proactive in applying for various grants to assist with funding for various projects within the Borough; and

WHEREAS, the Association of New Jersey Environmental Commissions provides opportunities for Environmental Commissions to apply for grant funding for projects that advance open space stewardship and help to raise the profile of the Environmental Commission in the community through publicity and public participation or collaboration with local groups on the project; and

WHEREAS, this project seeks to beautify and contribute to the natural habitat and ecosystem; and

WHEREAS, the amount requested from the Association of New Jersey Environmental Commissions is the maximum award of \$1,500 and a Borough volunteer contribution of 80 volunteer hours.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council authorizes the Environmental Commission to prepare the grant application necessary to apply for grant funding.

Councilman LaBarbera said that this project (pollinators) should be part of the Borough’s intake process.

Offered for adoption by Councilmember Rodriguez, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Hoey and Neff

6. Resolution No. 2022-102, Approve 2023 Temporary Budget 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 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 **\$3,792,538.14** 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:

Account Number	Description	Amount	Reason
Current Account			
3-01-20-100-101	Administration - Salaries	\$30,000.00	Temp Budget
3-01-20-120-101	Municipal - Clerk Salaries	\$15,000.00	Temp Budget
3-01-20-130-101	Finance - Salaries	\$10,000.00	Temp Budget
3-01-20-145-101	Tax Collection - Salaries	\$7,500.00	Temp Budget
3-01-20-150-101	Tax Assessment - Salaries	\$5,000.00	Temp Budget

3-01-20-165-101	Engineering - Salaries	\$35,000.00	Temp Budget
3-01-21-180-101	Planning Board - Salaries	\$3,500.00	Temp Budget
3-01-21-185-101	Zoning Board Salaries	\$3,500.00	Temp Budget
3-01-21-186-101	Zoning Officer - Salaries	\$5,000.00	Temp Budget
3-01-22-209-101	Code Enforcement - Salaries	\$3,000.00	Temp Budget
3-01-23-220-227	Health Benefits - Medical	\$250,000.00	Temp Budget
3-01-25-240-101	Police - Salaries	\$200,000.00	Temp Budget
3-01-25-255-207	Fire Department - Other Expenses	\$5,000.00	Temp Budget
3-01-25-260-219	First Aid - Supplies	\$5,000.00	Temp Budget
3-01-26-290-101	Streets & Roads - Salaries	\$80,000.00	Temp Budget
3-01-26-290-208	Streets & Roads - Chemicals	\$5,000.00	Temp Budget
3-01-26-305-202	Solid Waste - Contractual	\$25,000.00	Temp Budget
3-01-26-307-101	Recycling - Salaries	\$1,500.00	Temp Budget
3-01-26-310-101	Bldgs & Grounds - Salaries	\$1,000.00	Temp Budget
3-01-26-310-202	Bldgs & Grounds Repairs	\$10,000.00	Temp Budget
3-01-26-315-101	Vehicle Maintenance - Salaries	\$13,000.00	Temp Budget
3-01-26-315-235	Vehicle Maintenance - New Equip/Repair	\$10,000.00	Temp Budget
3-01-28-370-101	Recreation - Salaries	\$10,000.00	Temp Budget
3-01-28-370-301	Recreation - Easter Egg Hunt	\$5,000.00	Temp Budget
3-01-29-390-101	Library Salaries	\$12,500.00	Temp Budget
3-01-31-440-276	Telephone - Utilities	\$5,000.00	Temp Budget
3-01-31-447-276	Fuel Oil - Utilities	\$2,500.00	Temp Budget
3-01-31-460-276	Gasoline - Utilities	\$10,000.00	Temp Budget
3-01-36-472-299	Social Security Miscellaneous	\$10,000.00	Temp Budget
3-01-43-490-101	Municipal Court - Salaries	\$2,000.00	Temp Budget
TOTAL		\$780,000.00	

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.

Offered for adoption by Councilmember Rodriguez, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Hoey and Neff

7. Resolution No. 2023-103, Amend Resolution No. 2023-95, Awarding Proposal for Additional Costs associated with design changes for the Community Center - Goldstein Partnership

WHEREAS, Resolution No. 2023-95 was adopted by the Mayor and Council at their March 13, 2023 meeting with a not to exceed amount of \$46,550; and

WHEREAS, the resolution needs to be amended and the Not To Exceed amount should be \$51,220 as per the attached, Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the amount for the Community Center’s Architectural Services shall not exceed \$51,220.00.

Offered for adoption by Councilmember Rodriguez, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Hoey and Neff

8. Resolution No. 2023-104, 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 27, 2023 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2022 CURRENT FUND ACCOUNT	\$ 11,454.73
2023 CURRENT FUND ACCOUNT	\$3,171,257.70
GENERAL CAPITAL	\$ 68,574.96
GRANT FUND	\$ 246.76
OTHER TRUST	<u>\$ 20,086.25</u>
	\$3,271,620.40
LESS VOIDED CHECKS	<u>- 16,572.67</u>
	\$3,255,047.73

CURRENT CHECK NO. 63768, \$ 1,620.14
 CURRENT CHECK NO. 63836, \$ 4,100.00
 CURRENT CHECK NO. 63857, \$10,802.53
 CURRENT CHECK NO. 63863, \$ 50.00

Offered for adoption by Councilmember Rodriguez, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Koch, LaBarbera and Rodriguez
 Negative: None
 Abstain: None
 Absent: Councilmembers Hoey and Neff

9. Resolution No. 2023-105, Extend Appointment of Buildings and Grounds Foreman - Jared Okerson

WHEREAS, Resolution No. 2023-38 reappointed Jared Okerson as DPW Building Maintenance Technician until March 31, 2023 with a stipend of \$7,500; and

WHEREAS, the expiration of Resolution No. 2023-38 is approaching, and it is the recommendation of Richard Gardella, Director of Engineering and Public Works and Theresa Casagrande, Borough Administrator, that Jared Okerson continue as the DPW Building Maintenance Technician until December 31, 2023 with said stipend of \$7,500.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Jared Okerson continue as DPW Building Maintenance Technician until December 31, 2023.

BE IT FURTHER RESOLVED that a certified copy of this resolution will be provided to:

1. Jared Okerson
2. Teamster Local 177
3. The Borough's Finance/Payroll Department

Offered for adoption by Councilmember Rodriguez, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Koch, LaBarbera and Rodriguez
 Negative: None
 Abstain: None
 Absent: Councilmembers Hoey and Neff

Reports of Departments

February 2023

- Tax Collector
- Municipal Court
- Police Department

Motion to accept the reports, as submitted, moved by Councilmember Rodriguez, second by Councilmember LaBarbera with Ayes by all present.

GOOD OF THE BOROUGH

Mayor Halpern opened the meeting to the public for comments or questions at 4:05 p.m. Ruth Blaser, River Road, asked with regard to the street light installation, why mushroom lights were not installed (besides aesthetics and uniformity). Administrator Casagrande advised that upgrading the lights and changing all of the streetlights to LEDs is a very expensive change. Mayor Halpern stated that the newly installed lights match the prior streetscape project and it would be very expensive to reinstall and/or make changes.

Bonnie Torcivia, Battin Road, asked if the Beautification Committee will be handling the planters in the Borough; the Borough Hall, Memorial Park and Community Center planters are maintained by the Garden Club. DPW handles maintaining the River Road Streetscape planters. There are varied plants planted in the planters. Ms. Torcivia said that in the winter, the planters are filled with trash because there are no flowers; they are not garbage cans. Councilwoman Koch said that two Garden Club members are on the Beautification Committee and only one meeting has been held so far where the group brainstormed. Maintenance costs are an issue. Ms. Torcivia asked that landscapers be given the collection chart and information; she was advised that the information is provided when the companies register and renew their permits with the Borough.

There being no further comments or questions, the meeting was closed to the public at 4:12 p.m.

Council went into executive session at 4:20 p.m. and this meeting was reconvened at 4:43 p.m.

Councilman LaBarbera said the governing body met and discussed possible professional appointments for the Borough Facilities. Proposals were received and reviewed. There was an Ad-hoc item with discussion on steel vs. timber as materials used to build; the consensus was two for steel, one for timber and one undecided.

RESOLUTIONS

10. Resolution No. 2023-94, Appointment of Architect for DPW Facility

WHEREAS, there is a need for improvements to the Borough’s DPW Facility; and

WHEREAS, the Governing Body earmarked funds through Ordinance No. 2020-15 for the scope of work as follows:

- Various Improvements To The Borough’s DPW Allen Street Site Including, But Not Limited To, Demolition Of Existing Structures; Site Preparation Work And Environmental Remediation; Construction Of A New Structure; Acquisition And Installation, As Applicable, Of Gasoline Tanks, Pumps, Storage Tanks And A Salt Dome; And Stormwater Management Improvements.

WHEREAS, RFQs for architectural services for this project were received; and

WHEREAS, Ron Grammer, Grammer Designs, LLC., submitted a proposal to provide their professional services for this project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Ron Grammer’s Proposal for the above noted project is hereby accepted as per proposal dated March 24, 2023 (Addendum #2), attached as Exhibit A.

Offered for adoption by Councilmember Rodriguez, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Hoey and Neff

11. Resolution No. 2023-96, Authorize Bid Process for DPW and Borough Hall Roof Replacement

WHEREAS, there is a need to advertise for receipt of bids for roof replacement at the DPW Facility and a portion of Borough Hall; and

WHEREAS, advertisement will be done once the final plans have been created and the Borough Engineer has reviewed, signed and sealed the bid documentation.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that authorization is given to the Borough Clerk, Borough Engineer and QPA to advertise for receipt of bids for roof replacement at the DPW Facility and Borough Hall.

Offered for adoption by Councilmember Rodriguez, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Hoey and Neff

12. Resolution No. 2023-106, Appoint Owner’s Representative for Police Department, Community Center and DPW Facility

WHEREAS, the Borough of Fair Haven (the “Borough”) is currently planning the construction of a new Police Department Facility, Community Center and DPW Facility; and

WHEREAS, the Borough requires a qualified construction management firm to provide professional construction management services in connection with the construction of the Borough’s new Police Department Facility, Community Center and DPW Facility; and

WHEREAS, the Borough obtained proposals from two (2) construction management firms, setting forth their respective qualifications, proposed work, and cost proposals; and

WHEREAS, after review of the Proposals by the Borough’s Facilities Committee as to cost and other factors considered, the Committee recommends that the Borough approve the proposal submitted by GS Ferguson Group, LLC which proposal is attached hereto as Exhibit A, to provide professional construction management services during all phases of building the Borough’s new Police Department Facility, Community Center and DPW Facility; and

WHEREAS, after review by the Borough’s Mayor and Council as to cost and other factors considered, the Mayor and Council desire, at this time, to proceed with authorizing the document phase through project completion as submitted by GS Ferguson Group, LLC for the Borough’s new Police Department Facility, Community Center and DPW Facility; and

WHEREAS, the Borough has bonded for the various construction projects and will encumber funds to pay GS Ferguson Group, LLC for the document phase through project completion, attached hereto as Exhibit A, in an amount not to exceed \$12,500 per month.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, hereby:

- (1) Authorize the execution of a Professional Service Contract with GS Ferguson Group, LLC to provide construction management services from the document phase through completion of the Borough’s Police Department Facility, Community Center and DPW Facility; and
- (2) Authorize the Borough Administrator to accept and execute the submitted proposal attached hereto as Exhibit A from GS Ferguson Group, LLC. in an amount not to exceed \$12,500 per month; and
- (3) Provide notice that the retention of GS Ferguson Group, LLC is exempt from public bidding as a professional service under N.J.S.A. 40A:11-5.1(a)(i), and is being awarded under a non-fair and open process in accordance with New Jersey’s Pay-to-Play law; and
- (4) Direct that Notice of this contract award shall be published in the designated official newspapers as required by law within ten (10) days of the passage of this Resolution; and
- (5) Direct that GS Ferguson Group, LLC shall submit a Business Entity Disclosure Certification which certifies compliance with New Jersey’s Pay-to-Play law; and
- (6) Direct that the Borough’s Purchasing Agent shall ensure the appropriate public contracting language and documentary requirements are submitted by GS Ferguson Group, LLC prior to commencement of its work; and
- (7) Direct that a certified copy of this resolution shall be forwarded to the Borough Administrator, Chief Financial Officer, Borough Engineer, The Goldstein Partnership, and GS Ferguson Group, LLC; and

BE IT FURTHER RESOLVED that the Borough Administrator is hereby authorized to prepare the appropriate purchase order(s) for the document phase to project completion submitted by GS Ferguson Group, LLC and draw down from those encumbered funds, inclusive of work performed to date on these projects; and

BE IT FURTHER RESOLVED that the necessary funds to pay GS Ferguson Group, LLC for the document phase to project completion, attached hereto as Exhibit A, will be encumbered from existing bonds obtained by the Borough and payment to GS Ferguson Group, LLC will be made through purchase orders as services are provided.

Offered for adoption by Councilmember Koch, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Hoey and Neff

ADJOURNMENT

Motion to adjourn moved by Councilmember Rodriguez, second by Councilmember LaBarbera with Ayes by all present.

Time of Adjournment: 4:51 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk