

**FAIR HAVEN BOROUGH COUNCIL
REGULAR MEETING AGENDA
APRIL 17, 2023, 6:30 P.M.
HYBRID MEETING (IN-PERSON AND ZOOM)**

Zoom Link: <https://us02web.zoom.us/j/81234191883>

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

Webinar ID: **812 3419 1883**

1. **Call to Order:** pm
2. **Salute to the Flag:**
3. **Moment of Silent Reflection:**
4. **Sunshine Law Notice:**
5. **Roll Call:** Councilmembers Cole Hoey Koch
LaBarbera Neff Rodriguez
6. **Elected Officials Training**
7. **Proclamation and Presentations**
 - Arbor Day Proclamation (4/28)
 - DPW Matrix
 - Micro-project Scope of Work
 - Pocket Park Update
8. **Workshop Session**
 - Tree Removal Appeal from James and Catherine Keane, 44 McCarter Avenue
 - Tree Removal Appeal from Cambridge Custom Homes, 78 Parker Avenue
 - Request from Jersey Shore Youth Rugby to post lawn signs advertising registration (4/24-5/22)
 - Request from Dermer Dreams to post lawn signs advertising their May 6th Collection (4/24-5/7)
 - Request from Girls On The Run to post lawn signs for their June 4th event (5/21-6/5)
9. **Public Comment on Agenda Items**
10. **Approval of Minutes**
 - March 13, 2023 Regular Meeting
 - March 27, 2023 Regular Meeting
 - March 27, 2023 Executive Session
11. **Old Business**
 - Hearing and Adoption of Ordinances**
 - Ordinance No. 2023-02, Amendments to Land Use Code
 - Ordinance No. 2023-03, Create a Vacant/Abandoned Property Ordinance
 - Ordinance No. 2023-04, Amend Chapter 15, Street Opening Regulation Ordinance
 - Ordinance No. 2023-05, Amend Chapter 11, Building and Construction Code
 - Ordinance No. 2023-06, Amend Chapter 12, Fire Prevention Code

 - Fence Ordinance
 - Borough Facilities Update
12. **New Business**
 - Council Committee Reports**
 - Finance** - Councilwoman Neff
 - Personnel** - Councilwoman Hoey

Parks and Recreation - Councilwoman Hoey
Planning Board - Councilwoman Koch
Police, Fire & OEM - Councilman Rodriguez
Engineering and DPW - Councilman LaBarbera
Borough Facilities - Councilman LaBarbera
Zoning Board of Adjustment - Councilman LaBarbera
Borough Communications and Community Outreach - Councilwoman Cole

Consent Agenda

Resolutions

2023-107 Authorize 2023 Introduced Budget to be read by title
2023-108 Introduce 2023 Municipal Budget
2023-109 Approve Execution of Release Agreement with Robert Townshend, Police Captain
2023-110 Approve Sidewalk Café License for Dos Banditos - 609 River Road
2023-111 Approve Sidewalk Café License for Tavolo Pronto - 610 River Road
2023-112 Appoint Deputy Emergency Management Coordinator - Cpl. John Koetzner
2023-113 Executive Session - Personnel and Acquisition of Property
2023-114 Temporary Budget Amendment
2023-115 Approve Sidewalk Café License for Fairwinds Deli -798 River Road
2023-116 Approve Borough Personnel for Fair Haven Day Event
2023-117 Award Proposal: Survey and Base Map Services for Fisk Street (Police Dept and Fisk AME)
2023-118 Payment of Vouchers
2023-120 Award Proposal for Environmental Consultant for Police Department/Community Center

Department Reports

March 2023

-Municipal Clerk
-Dog License
-Municipal Court
-Tax Collector
-Planning Board and Zoning Board
-Police Department

13. **Good of the Borough - Please stand and identify yourself by clearly stating your name and address for the record** (*Please observe a time limit of three minutes*)
14. **Adjournment**

PROCEDURE FOR CITIZEN PARTICIPATION AT COUNCIL MEETINGS

The Fair Haven Borough Council and the Mayor welcome comments, suggestions and inquiries from residents of Fair Haven. To that end, provision is made for a public discussion period at each meeting. It is listed as:

“Public Discussion” – near the end of the meeting where any topic may be addressed.

You must wait to be recognized by the Mayor. **IDENTIFY YOURSELF BY CLEARLY STATING YOUR NAME AND ADDRESS FOR THE RECORD.** Limit your comments to three (3) minutes. Once a particular topic has been addressed by a member of the public, he/she will not be recognized to talk again on the same topic until all others have been heard a first time.

If you wish to reserve time to speak in advance, you may address your request to Allyson Cinquegrana at 732-747-0241 extension *221, by noon on the Friday preceding the meeting.

You will **NOT** be recognized, **NOR SHOULD YOU COMMENT OR CARRY ON A DEBATE OR DIALOGUE WHILE BUSINESS OF THE BOROUGH IS BEING ADDRESSED BY MAYOR AND COUNCIL.**

THE NEXT COUNCIL MEETING WILL BE MONDAY, MAY 8TH

**BOROUGH OF FAIR HAVEN
ORDINANCE NO. 2023-03**

**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.

1. § 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.

2. § 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.

3. § 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.

4. § 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.

5. § 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.

AN ORDINANCE AMENDING CHAPTER 2: “ADMINISTRATION” AND 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</u> inspection fee per application
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.
- e. ~~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.

8. 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.

9. 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.

**BOROUGH OF FAIR HAVEN
ORDINANCE NO. 2023-05**

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.
- b. Basic Construction.
 1. 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.
 - (b) (1) Residential: \$100 minimum.
 - (2) Nonresidential: \$150 minimum.
 - (3) Plan Review Fee: \$50.
 2. 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.
- c. 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:

(1) Ceiling fan assemblies less than 35 pounds in weight and rated less than one horsepower: The fee shall be \$10 each.

(2) 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.

**BOROUGH OF FAIR HAVEN
ORDINANCE NO. 2023-06**

**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 <u>12-1.11</u>
Permits (Fees restated at subsection 12-1.9 <u>12-1.12</u>)	12-1.9 <u>12-1.12</u>	
Type 1		\$42 <u>\$54.00</u>
Type 2		\$166 <u>\$214.00</u>
Type 3		\$331 <u>\$427.00</u>
Type 4		\$497 <u>\$641.00</u>
Type 5		\$1,000 <u>Reserved</u>
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.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-107

TITLE: AUTHORIZE THAT THE 2023 MUNICIPAL BUDGET BE READ BY TITLE

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

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

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

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-108

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

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the calendar year 2023.

BE IT FURTHER RESOLVED that said Budget be published in the May 1, 2023 issue of the Asbury Park Press.

BE IT FURTHER RESOLVED, that the governing body does hereby approve introduction of the Municipal Budget for Calendar Year 2023.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-109

**TITLE: AUTHORIZE ACCRUED LEAVE TIME RELEASE PAYMENT FOR ROBERT
 TOWNSHEND**

WHEREAS, Robert Townshend retired from the Fair Haven Police Department effective April 1, 2023 and will execute an Accrued Leave Time Release Agreement, as per the collective bargaining agreement between the Borough of Fair Haven and PBA Local 184; and

WHEREAS, Article XVI of the PBA Local 184 contract addresses Sick Leave Accrual (attached as Exhibit A) and states that the maximum payment, regardless of the total number of sick days accumulated, is \$15,000.

WHEREAS, there is a need to subtract medical insurance back deductions for the 1st Quarter 2023 in the amount of \$609.90.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Finance Department is hereby authorized to process a payment release in the amount of \$14,390.10 (unused accrued leave time minus medical insurance back deductions) to Robert Townshend.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-110

TITLE: APPROVAL OF SIDEWALK CAFÉ PERMIT FOR DOS BANDITOS

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

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

WHEREAS, the Police Chief has reviewed said application and submitted his approval dated April 12, 2023 for said permit as follows:

5 Tables and 32 chairs to accommodate 32 patrons.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Sidewalk Café Permit is hereby approved and shall be issued by the Municipal Clerk with an expiration date of December 1, 2023.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-111

TITLE: APPROVAL OF SIDEWALK CAFÉ PERMIT FOR TAVOLO PRONTO

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

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

WHEREAS, the Police Chief has reviewed said application and submitted his approval dated April 12, 2023 for said permit as follows:

11 Tables and 52 chairs to accommodate 52 patrons.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Sidewalk Café Permit is hereby approved and shall be issued by the Municipal Clerk with an expiration date of December 1, 2023.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-112

TITLE: APPOINT DEPUTY EMERGENCY MANAGEMENT COORDINATOR

BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that John Koetzner be appointed as a Deputy Emergency Management Coordinator for a term to expire December 31, 2025.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-113

TITLE: EXECUTIVE SESSION

WHEREAS, the Open Public Meetings, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body may wish to discuss the following matters:

Personnel

1. Police Hiring

Acquisition of Property

1. 21 Fair Haven Road

WHEREAS, minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW, THEREFORE, BE IT RESOLVED that the public be excluded from this meeting.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-114

TITLE: TEMPORARY EMERGENCY APPROPRIATION

WHEREAS, emergent conditions have arisen with respect to the payment of bills in a number of accounts and no adequate provision has been made in a Year 2023 temporary budget for the aforesaid purposes; and

WHEREAS, NJSA 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned; and

WHEREAS, the total temporary emergency resolutions adopted in the year 2023 for the Borough pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total **\$4,048,038.14** 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			
3-01-20-100-202	Administration - Contractual Services	\$10,000.00	Temp Budget
3-01-21-185-211	Zoning Board - Contractual Services	\$10,000.00	Temp Budget
3-01-23-215-228	Worker's Comp Insurance	\$25,000.00	Temp Budget
3-01-25-258-220	Water Rescue - Equip Maintenance	\$4,500.00	Temp Budget
3-01-26-310-204	Buildings & Grounds - Repairs	\$5,000.00	Temp Budget
3-01-28-375-209	Recreation - Park Maintenance	\$1,000.00	Temp Budget
3-01-30-405-299	Cell Tower Property Lease	\$30,000.00	Temp Budget
3-01-31-430-276	Electricity Utilities	\$10,000.00	Temp Budget
3-01-31-435-276	Street Lighting	\$10,000.00	Temp Budget
3-01-31-440-276	Telephone Utilities	\$5,000.00	Temp Budget
3-01-31-447-276	Fuel Oil Utilities	\$5,000.00	Temp Budget
3-01-31-460-276	Gasoline Utilities	\$10,000.00	Temp Budget
3-01-31-465-299	Reclamation Fees Misc	\$25,000.00	Temp Budget
3-01-36-477-299	DCRP	\$5,000.00	Temp Budget
3-01-45-930-299	Bond Interest	\$105,000.00	Temp Budget
	Total	\$256,500.00	

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.

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

Motion by: **Second by:**

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-115

TITLE: APPROVAL OF SIDEWALK CAFÉ PERMIT FOR FAIRWINDS DELI

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

WHEREAS, Fairwinds Deli, 798 River Road, has filed the appropriate Sidewalk Café License Application and paid the appropriate fee; and

WHEREAS, the Police Chief has reviewed said application and submitted his approval dated April 13, 2023 for said permit as follows:

3 Tables and 12 chairs to accommodate 12 patrons.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Sidewalk Café Permit is hereby approved and shall be issued by the Municipal Clerk with an expiration date of December 1, 2023.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-116

TITLE: ESTABLISH PERSONNEL FOR THE FAIR HAVEN DAY EVENT

WHEREAS, the Mayor and Council of the Borough of Fair Haven that the Borough Administrator is authorized to allocate Borough resources, including Borough Personnel and budgeted funds, to successfully carry out the Fair Haven Day event on June 10, 2023.

BE IT FURTHER RESOLVED that Police personnel will receive the Special Duty Rate of \$50.00 per hour as per Ordinance 2022-17.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-117

**TITLE: AWARD PROPOSAL: SURVEY AND BASE MAP SERVICES FOR FISK STREET
(POLICE DEPARTMENT AND FISK AME PROPERTY) TO LEON S. AVAKIAN, INC.**

WHEREAS, Resolution No. 2023-01 appointed Peter R. Avakian, P.E., P.L.S., of Leon S. Avakian, Inc. as the Borough's Consulting Engineer; and

WHEREAS, there is a need for Surveying and Base Map Services for the Fair Haven Police Department Site and Fisk AME Property; and

WHEREAS, Leon S. Avakian, Inc. has provided a proposal for said work in the amount of \$9,750.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, that Leon S. Avakian, Inc. is authorized to conduct said work and the Finance Department is authorized to pay the \$9,750 upon completion of the work.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-118

TITLE: PAYMENT OF VOUCHERS

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the April 17, 2023 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2022 CURRENT FUND ACCOUNT	\$ 3,462.45
2023 CURRENT FUND ACCOUNT	\$ 327,112.85
GENERAL CAPITAL	\$ 84,937.39
GRANT FUND	\$ 1,620.14
PAYROLL AGENCY	\$ 15,455.16
OTHER TRUST	\$ 7,899.63
DOG TRUST	\$ <u>16.80</u>
	\$ 440,504.42
LESS VOIDED CHECKS	- <u>494.70</u>
	\$ 440,009.72

CURRENT CHECK NO. 63891, \$ 494.70

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-120

**TITLE: AWARD PROPOSAL FOR ENVIRONMENTAL CONSULTANT TO COLLIERS
ENGINEERING AND DESIGN: POLICE DEPARTMENT AND COMMUNITY
CENTER**

WHEREAS, there is a need for an Environmental Consultant to assist with the bid specifications, demolition and oil tank removal for the Police Department and Community Center site; and

WHEREAS, two proposals were received for said service; one from Colliers Engineering & Design and one from RJB Environmental, Inc.; and

WHEREAS, the proposal dated April 14, 2023 received from Colliers Engineering & Design to provide Environmental Consultant Services states that the total costs for this work, broken down as follows, shall not exceed a total of \$28,500:

Task Name	Fee
Task 1.0 Bid Specifications	\$6,000
Task 2.0 Abatement Monitoring	\$15,000
Task 3.0 UST Closure Monitoring and Testing	\$4,000
Task 4.0 UST Closure Report	\$3,500
TOTAL	\$28,500

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, that the proposal received from Colliers Engineering & Design, be accepted and awarded as Environmental Consultant for the Fair Haven Police Department and Community Center at a cost not to exceed \$28,500 and the Mayor is authorized to execute paperwork, if required.