

**FAIR HAVEN BOROUGH COUNCIL  
REGULAR MEETING AGENDA  
TUESDAY, APRIL 23, 2024, 7:00 P.M.  
HYBRID MEETING (IN-PERSON AND ZOOM)**

Zoom Link: [HTTPS://US02WEB.ZOOM.US/J/899 7072 1570](HTTPS://US02WEB.ZOOM.US/J/899_7072_1570)

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

Webinar ID: **899 7072 1570**

1. **Call to Order:** pm
2. **Salute to the Flag:**
3. **Moment of Silent Reflection:**
4. **Sunshine Law Notice:**
5. **Roll Call:** Councilmembers Cole DiMiceli Hoey  
Koch LaBarbera Olson
6. **Presentation**
  - Stormwater Management
  - Beautification Committee Fundraiser Proposal
7. **Workshop Session**
  - Request for Lawn Sign, Holy Cross Academy Golf Outing (April 24-May 18<sup>th</sup>)
  - Amend Borough Code 3, Police Regulations to add Section 21 entitled “Resident Protection”
8. **Public Comment on Agenda Items** (*please observe a 3 minute time limit*)
9. **Approval of Minutes**
  - April 8, 2024 Special Meeting
  - April 8, 2024 Executive Session (2 sets)
10. **Old Business**
11. **New Business**
  - Consent Agenda**
  - Resolutions**
    - 2024-102 Executive Session: Personnel
    - 2024-103 Amend Resolution No. 2024-32, Salary Adjustment for Assistant CFO
    - 2024-104 Amend Resolution No. 2024-93, NJDOT Grant Award Extension-Improvements to Fair Haven Rd, Phase I
    - 2024-105 Amend Resolution No. 2024-101, Payment of Vouchers
    - 2024-106 Approve Fair Haven Day Fireworks Contract with Starfire
    - 2024-107 Waive ABC Codes for Fair Haven Day (June 8<sup>th</sup>)
    - 2024-108 Appoint Joseph Mule to the Housing Element and Fair Share Planning Subcommittee
    - 2024-109 Approve Block Party, Parker Avenue, September 14th
    - 2024-110 Authorize Performance Bond Return and Accept Maintenance Bond - Morgan Sackman
    - 2024-111 Approve Temporary Appropriation
    - 2024-112 Change Order No. 1 - 2023 Road, Sidewalk and Drainage Program
    - 2024-113 Change Order No. 1 - DPW Renovation
    - 2024-114 Approve Fire Department Affiliate Membership, Fire Police - Ana Anttonen
    - 2024-115 Approve Fire Department Regular Membership – Vaughn Lynch
    - 2024-116 Payment of Vouchers

## Department Reports

March 2024

-Tax Collector

-Municipal Court

-Police Department

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

13. **Adjournment**

### **PROCEDURE FOR CITIZEN PARTICIPATION AT COUNCIL MEETINGS**

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

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

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

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

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

**THE NEXT MEETING WILL BE MONDAY, MAY 13<sup>TH</sup>**

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2024-102**

**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. Chief Financial Officer
2. Borough Administrator Position

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

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

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2024-103**

**TITLE:        AMEND RESOLUTION NO. 2024-32, SALARY ADJUSTMENT FOR ASSISTANT CFO AND QUALIFIED PURCHASING AGENT, NANCY BRITTON**

**WHEREAS**, Resolution No. 2024-32 was adopted by the Mayor and Council of the Borough of Fair Haven at the Reorganization Meeting of January 2, 2024; and

**WHEREAS**, this resolution approved a salary adjustment for the Assistant Chief Financial Officer and Qualified Purchasing Agent to reflect an annual salary of \$87,500; and

**WHEREAS**, there is a need to amend the resolution to reflect the appropriate salary breakdown for each position, which shall be as follows:

Assistant Chief Financial Officer	\$77,000.00
Qualified Purchasing Agent	\$10,500.00

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Resolution No. 2024-32 is hereby amended to reflect the appropriate salaries for Assistant Chief Financial Officer and Qualified Purchasing Agent as listed above.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be provided to the Finance Department and Nancy Britton, Assistant Chief Financial Officer/QPA.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2024-104**

**TITLE:        AMEND RESOLUTION NO. 2024-93 REQUESTING AN NJDOT GRANT AWARD  
                  SECOND EXTENSION FOR IMPROVEMENTS TO FAIR HAVEN ROAD, PHASE I  
                  (LA-2022 MA)**

**WHEREAS**, Resolution No. 2024-93 was adopted by the Mayor and Council of the Borough of Fair Haven at their April 8, 2024 Council meeting requesting a six-month extension to the New Jersey Department of Transportation for LA-2022-MA project; and

**WHEREAS**, the extension should have been for three-months.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that they formally approve the request for a three-month award extension for the above stated project and that the Mayor and Borough Clerk are hereby authorized to sign said request on behalf of the Borough of Fair Haven and that their signatures constitute acceptance of the terms and conditions of the grant agreement

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2024-105**

**TITLE:        AMEND RESOLUTION NO. 2024-101, PAYMENT OF VOUCHERS TOTAL**

**WHEREAS**, Resolution No. 2024-101 was adopted by the Mayor and Council at their April 8<sup>th</sup> meeting which approved the Payment of Vouchers in the amount of \$2,159,822.59; and

**WHEREAS**, an error in the amount of \$898.39 was discovered in the 2024 Current Fund amount; and

**WHEREAS**, the correct amount for the 2024 Current Fund should have been \$1,342,072.56.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that the Payment of Vouchers approved on April 8, 2024 reflect the total amount of \$2,158,924.20 and a copy of this amending resolution be provided to the Finance Department for their records.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2024-106**

**TITLE:        AUTHORIZE MAYOR TO EXECUTE THE FIREWORKS DISPLAY CONTRACT  
              WITH STARFIRE CORPORATION FOR FAIR HAVEN DAY**

**WHEREAS**, proposals were solicited from Starfire Corporation, Advanced Pyrotechnics and Blue Sky Fireworks for a fireworks display to be held on June 8, 2024 (rain date June 9, 2024); and

**WHEREAS**, only one proposal was received from the solicitation.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that the Mayor and Borough Clerk are hereby authorized to execute a contract with Starfire Corporation in the amount of \$15,000 for Fair Haven Day which will take place on June 8, 2024 (rain date of June 9, 2024).

**BE IT FURTHER RESOLVED** that the Borough had budgeted \$10,000 for the fireworks and the balance of \$5,000 will be paid by the Foundation of Fair Haven.

**BE IT FURTHER RESOLVED** that fire prevention code fees for this Borough event be waived by the Fire Marshal.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2024-107**

**TITLE: WAIVE BOROUGH CODE 3-19, SECTION 3-19.1 PROHIBITION OF OPEN CONSUMPTION OF ALCOHOL AND SECTION 9-1.22 ALCOHOLIC BEVERAGES PROHIBITED ON PUBLIC PROPERTY**

**WHEREAS**, the Borough of Fair Haven will be holding a picnic for Fair Haven Day on June 8, 2024 (rain date June 9, 2024); and

**WHEREAS**, Borough Code 3-19.1 “prohibits open consumption of any alcoholic beverages on public property within the Borough unless authorized by the Governing Body, or on private property without consent of the owner of the property or the person, over the age of twenty-one (21) years, in possession or control of the property” and Borough Code 9-1.22 “prohibits alcoholic beverages while in a public park, open space, sanctuary, or recreation area and all persons shall conduct themselves in a proper and orderly manner and, in particular, no person shall bring alcoholic beverages, drink same at any time nor shall any person be under the influence of intoxicating liquor”; and

**WHEREAS**, the picnic will take place at Fair Haven Fields and will include the provision of alcoholic beverage requiring that the above-mentioned codes be waived for alcohol purchased through the Foundation of Fair Haven as no outside alcohol will be permitted.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Borough Codes 3-19.1 and 9-1.22 be waived on June 8, 2024 (rain date of June 9, 2024) between the hours of 3:00 p.m. and 10:00 p.m. for Fair Haven Day and codes be waived for alcohol purchased through the Foundation of Fair Haven as no outside alcohol will be permitted.



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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2024-108**

**TITLE:       APPOINT JOSEPH MULE TO THE HOUSING ELEMENT AND FAIR SHARE  
              PLANNING SUBCOMMITTEE**

**WHEREAS**, Resolution No. 2024-33 adopted by the Mayor and Council at their Reorganization meeting appointed the Housing Element and Fair Share Planning Subcommittee member; and

**WHEREAS**, there is a need to appoint an additional member to the subcommittee.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Joseph Mule be appointed as a Housing Element and Fair Share Planning Subcommittee member.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2024-109**

**TITLE:     APPROVING A BLOCK PARTY TO BE HELD ON PARKER  
              AVENUE (BETWEEN CEDAR AND SMITH) - SEPTEMBER 14<sup>TH</sup>**

**WHEREAS**, a request was received to hold a Block Party on Parker Avenue on Saturday, September 14, 2024 from 6:00 pm to 10:00 pm with a rain date of Saturday, September 21<sup>st</sup>; and

**WHEREAS**, Police Chief McGovern reviewed the application and submitted his approval on April 8, 2024; and

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Fair Haven that approval is hereby granted for a block party to be held on Parker Avenue on Saturday, September 14, 2024 from 6:00 pm to 10:00 pm with a rain date of Saturday, September 21<sup>st</sup>.

**BE IT FURTHER RESOLVED** that Permit No. BP 2024-01 will be issued for said event.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2024-110**

**TITLE: RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEE AND ACCEPTANCE OF MAINTENANCE BOND FOR PRELIMINARY AND MINOR SUBDIVISION (BLOCK 77, LOT 4.01) - 304 FAIR HAVEN ROAD**

**WHEREAS**, Morgan Sackman is the owner of the real property known as Block 77, Lot 4.01; and

**WHEREAS**, Resolution No. 2021-89 adopted March 22, 2021 accepted a rider to the Subdivision/Site Improvement Bond (800047616) as the 90% bond in the amount of \$22,140.00, Check No. 416 in the amount of \$2,460.00 as the 10% cash performance guarantee and Check No. 402 in the amount of \$1,025.00 for engineering inspection posted pursuant to NJSA 40:55D-1, et seq.; and

**WHEREAS**, on February 20, 2024, the Borough Engineer authorized the release of the performance guarantees in exchange for a two-year maintenance bond in accordance with Municipal Land Use Law; and

**WHEREAS**, Ms. Sackman has provided a two-year maintenance bond (800166491) through Atlantic Specialty Insurance Company in the amount of \$3,321.00.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Haven, County of Monmouth and State of New Jersey that Bond (800047616) in the amount of \$22,140.00, the 10% cash in the amount of \$2,460.00 and the balance of engineering inspection fees in the amount of \$478.25 is hereby released and the two-year Maintenance Bond is hereby accepted.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2024-111**

**TITLE:        TEMPORARY EMERGENCY APPROPRIATION**

**WHEREAS**, emergent conditions have arisen with respect to the payment of bills in a number of accounts and no adequate provision has been made in a Year 2024 temporary budget for the aforesaid purposes; and

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

**WHEREAS**, the total temporary emergency resolutions adopted in the year 2024 for the Borough pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total **\$5,093,531.85** for the Current Fund.

**NOW, THEREFORE, BE IT RESOLVED** that not less than two-thirds of all members of the Borough Council of the Borough of Fair Haven, New Jersey affirmatively concurring in accordance with the provisions of NJSA 40A:4-20:

1. An emergency temporary appropriation shall be and the same is hereby made for the following purposes:

<b>Account Number</b>	<b>Description</b>	<b>Amount</b>	<b>Reason</b>
<b>Current Account</b>			
4-01-20-135-001	Audit – Contractual Services	\$16,500.00	Temp Budget
4-01-25-265-276	Fire Dept. – Fire Hydrants	\$25,000.00	Temp Budget
4-01-26-300-216	Shade Tree – Dues	\$1,500.00	Temp Budget
4-01-26-310-204	Buildings & Grounds – Repairs	\$10,000.00	Temp Budget
4-01-27-330-211	Bd. Of Health – Contractual	\$500.00	Temp Budget
4-01-27-335-229	Environmental Health – Misc	\$1,000.00	Temp Budget
4-01-30-420-299	Cele Pub Events – Misc	\$6,000.00	Temp Budget
4-01-31-440-276	Telephone Utilities	\$10,000.00	Temp Budget
4-01-31-446-276	Natural Gas – Utilities	\$10,000.00	Temp Budget
4-01-42-200-101	ILSA FH BOE SLEO III	\$1,000.00	Temp Budget
	<b>TOTAL</b>	<b>\$81,500.00</b>	

2. That said emergency temporary appropriations will be provided for in the 2024 budget under the appropriate titles.

3. That one certified copy of this resolution will be filed with the Director of Local Government Services.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2024-112**

**TITLE:       APPROVE CHANGE ORDER NO. 1 - 2023 ROAD, SIDEWALK AND DRAINAGE  
PROGRAM - DISCOVER CONSTRUCTION, LLC**

**WHEREAS**, Resolution No. 2023-211 awarded a contract for the Roads, Sidewalks and Drainage Project to Discover Construction, Dayton, NJ 08810 in the amount of \$1,129,965.77; and

**WHEREAS**, the Director of Engineering and Public Works has requested a change order for additional items increasing the contract amount by \$180,545.00.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Haven that Change Order No. 1 for the 2023 Roads, Sidewalks and Drainage Project authorizing an increase to the contract between the Borough of Fair Haven and Discover Construction, LLC for a total contract amount of \$1,310,510.77 is hereby approved.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2024-113**

**TITLE:       APPROVE CHANGE ORDER NO. 1 - DPW FACILITY RENOVATION - HALL  
BUILDING CORPORATION**

**WHEREAS**, Resolution No. 2023-282 awarded a contract for the DPW Facility Renovation Project to Hall Building Corporation, Farmingdale, NJ 07727 in the amount of \$3,020,655.00; and

**WHEREAS**, Ron Grammer, Project Architect, has requested a change order for additional items increasing the contract amount by \$12,613.84.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Haven that Change Order No. 1 for the DPW Facility Renovation Project authorizing an increase to the contract between the Borough of Fair Haven and Hall Building Corporation for a total contract amount of \$3,033,268.84 is hereby approved.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2024-114**

**TITLE: RESOLUTION APPOINTING A SOCIAL MEMBER TO THE FAIR  
HAVEN FIRE DEPARTMENT, Diana Anttonen**

**BE IT RESOLVED** by the Borough Council of the Borough of Fair Haven that Diana Anttonen, 92 Battin Road, Fair Haven, NJ having been duly accepted as a social member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2024-115**

**TITLE: RESOLUTION APPOINTING A REGULAR MEMBER TO THE FAIR  
HAVEN FIRE DEPARTMENT - Vaughn Lynch**

**BE IT RESOLVED** by the Borough Council of the Borough of Fair Haven Vaughn Lynch, 21 N. Ward Avenue, Rumson, NJ having been duly accepted as a regular member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department.



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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2024-116**

**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 23, 2024 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2023 CURRENT FUND ACCOUNT	\$        282.00
2024 CURRENT FUND ACCOUNT	\$ 1,754,576.75
GENERAL CAPITAL	\$    26,379.33
OTHER TRUST	<u>\$    59,192.78</u>
<b>TOTAL</b>	<b>\$ 1,840,380.86</b>