



## Introduction of Ordinance

2023-07 Supplement Chapter 4 by Implementing a Short-Term and Seasonal Rental Ordinance

## Consent Agenda

### Resolutions

- 2023-122 Executive Session: Potential Litigation and Contract Negotiations  
2023-123 Approve 43<sup>rd</sup> Annual Red Bank CROP Walk - October 15, 2023  
2023-124 Approve Social Membership Application - Fair Haven Fire Department, John Reid  
2023-125 Approve Regular Membership Application - Fair Haven Fire Department, Rafael Buzgariu  
2023-126 Authorize Release of Performance Guarantees and Accept Maintenance Bond - Washington Phillips for 101 Princeton Road  
2023-127 Waive ABC Municipal Codes for Fair Haven Day  
2023-128 Appoint Special Officer, Class I - Timothy Wisely  
2023-129 Approve the Borough to work with BFI Furniture for the Police Building and Community Center Furnishings  
2023-130 Authorize Bid for Microprojects  
2023-131 Approve Execution of Architect Contract for DPW Rehabilitation - Grammer Designs, LLC.  
2023-132 Approve Execution of Owner's Representative Contract - G.S. Ferguson Group, LLC  
2023-133 Approve 2023 Temporary Emergency Appropriation  
2023-134 Approve Social Membership Application - First Aid Squad, Johanna Garcia-Momplaisir  
2023-135 Approve Sidewalk Café License - Lupo Pizzeria, 757 River Road  
2023-136 Approve Sidewalk Café License - Jack's Goal Line Stand, 583 River Road  
2023-137 Payment of Vouchers  
2023-138 Approve Execution of Service Agreement with BidNet Direct for Facilities Bids  
2023-139 Approve Starfire Corporation to conduct Fair Haven Day fireworks display

## Department Reports

### April 2023

- Dog License
- Municipal Clerk

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.**

**NEXT COUNCIL MEETING: MAY 22, 2023**

**BOROUGH OF FAIR HAVEN  
ORDINANCE NO. 2023-07**

**AN ORDINANCE SUPPLEMENTING CHAPTER 4: “GENERAL LICENSING” OF THE  
BOROUGH’S REVISED GENERAL ORDINANCES WITH NEW SECTION 4-4:  
“SHORT-TERM AND SEASONAL RENTALS” TO ESTABLISH REGULATIONS FOR  
DWELLING UNITS RENTED FOR ONE-HUNDRED-TWENTY-FIVE OR FEWER  
CONSECUTIVE DAYS TO PRESERVE RESIDENTS’ QUALITY OF LIFE WITHIN THE  
BOROUGH**

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**WHEREAS**, in recent years, the concept of a short-term rental, usually booked online as an alternative to hotels and motels by travelers, tourists, and visitors, has significantly increased in availability and popularity; and

**WHEREAS**, the State of New Jersey has long recognized a seasonal rental as the use a property for a term of not more than 125 days for residential purposes by a person having a permanent place of residence elsewhere, pursuant to N.J.S.A. 46:8-9.12; and

**WHEREAS**, the Borough of Fair Haven (the “Borough”) does not presently have any regulations pertaining to seasonal or short-term rentals, or their permissible operation, and is concerned about such operations affecting permanent residents’ quality of life; and

**WHEREAS**, it is likewise important, in cases of emergency, disturbance, or law enforcement activity, that the Borough have a record enabling the owner of any such short-term or seasonal rental to be contacted at any time; and

**WHEREAS**, it is in the best interests of the Borough and its residents to prohibit any owner of a residential dwelling unit to permit the occupancy of such a unit by non-owners without first having registered the dwelling unit as a short-term or seasonal rental within the Borough;

**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 4, entitled “General Licensing” of the Revised General Ordinances of the Borough of Fair Haven is hereby supplemented with *new* Section 4-4, entitled “Short-Term and Seasonal Rentals”, as follows:

**4-4 SHORT-TERM AND SEASONAL RENTALS.**

**§ 4-4.1 Purpose and Scope.**

This Section 4-4 shall regulate the practice of renting various types of dwellings, or segments thereof, located in residential neighborhoods, on a short-term or seasonal basis to transient guests. Left unregulated, this practice could adversely affect the health, safety, and general welfare of the citizens of the Borough. This Section seeks to balance the rights of owners of such units and the needs of the community at large. This Section shall not apply to lawfully established and operating hotels, motels, rooming houses, boardinghouses, and bed-and-breakfast establishments.

**§ 4-4.2 Definitions.**

As used in this Section, the following terms shall have the meanings indicated below:

**OWNER**

Shall mean an individual or entity holding title to a property proposed for short-term or seasonal rental, by way of a legally recorded Deed.

**OWNER-OCCUPIED**

Shall mean the owner of the property resides in the short term or seasonal rental property (also referenced as “STRP”), or in the principal residential unit with which the STRP is associated on the same lot, and identifies same as their principal residence as that term is defined in this Section.

**PRINCIPAL RESIDENCE**

Shall mean the address: (1) where at least one of the property owners spends the majority of his or her non-working time, and (2) which is identified on his or her driver’s license or State Identification Card as being his or her legal address. All the above requirements must be met in order for an address to constitute being a principal residence for purposes of this Section.

**PROPERTY**

Shall mean a parcel of real property located within the Borough of Fair Haven.

**RESPONSIBLE PARTY**

Shall mean both the short-term/seasonal rental property owner and a person (or property manager) designated by the owner to be called upon and be responsible at all times during the period of a short-term or seasonal rental and to answer for the maintenance of the property, or the conduct and acts of occupants of such rental property, and, in the case of the property manager, to accept service of legal process on behalf of the owner of the rental property.

**SHORT-TERM/SEASONAL RENTAL (ALSO REFERENCED AS “STR”)**

Shall mean the use of a dwelling unit as defined in Section 30-2.4 of the Code of the Borough of Fair Haven for occupancy by someone other than the owner or permanent resident for a period of 125 days or fewer consecutive days. Short-Term/Seasonal Rental properties must have a minimum stay period of seven (7) consecutive days. Any advertisement or rental of Short-Term/Seasonal Rental Properties must include this minimum stay requirement.

**SHORT-TERM/SEASONAL RENTAL PROPERTY (ALSO REFERENCED AS “STRP”)**

Shall mean a dwelling unit as defined in Section 30-2.4 of the Code of the Borough of Fair Haven, that is used and/or advertised for rent as a short-term or seasonal rental by transient occupants as guests, as those terms are defined in this Section. Dwelling units rented to the same occupant for more than ninety (90) continuous days, licensed Bed and Breakfast establishments, licensed rooming or boarding houses, hotels, and motels shall not be considered a Short-Term/Seasonal Rental Property.

**TRANSIENT OCCUPANT**

Shall mean any person or a guest or invitee of such person, who, in exchange for compensation, occupies or is in actual or apparent control or possession of residential property, which is either: (1) registered as a Short-Term/Seasonal Rental Property, or (2) satisfies the definition of a Short-Term/Seasonal Rental Property, as such term is defined in this Section. It shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an occupant of the short-term or seasonal rental is a transient occupant.

**TRANSIENT SPACE MARKETPLACE**

Shall mean a marketplace or travel agency through which a person may offer STRs to customers and through which customers may arrange for occupancies of STRs. The definition of a transient space marketplace does not include a marketplace or travel agency that exclusively offers transient accommodations in New Jersey

owned by the owner of the marketplace or travel agency. “Obtained through a transient space marketplace” means that payment for the accommodation is made through a means provided by the marketplace or travel agency, either directly or indirectly, regardless of which person or entity receives the payment, and where the contracting for the accommodation is made through the marketplace or travel agency.

#### **§ 4-4.3 Regulations Pertaining to Short-Term Rentals.**

- A. It shall be unlawful for the owner of any property within the Borough, to rent or operate a Short-Term/Seasonal Rental Property contrary to the procedures and regulations established in this Section or applicable State statute.
- B. Short-Term/Seasonal Rental Properties shall be permitted to be conducted in the following classifications of property in the Borough of Fair Haven:
  - (1) No more than one bedroom/living space within single-family dwellings, where the remainder of the dwelling unit is occupied by the owner and identified by the owner as his or her principal residence;
  - (2) One unit within a two-family residential dwelling, where the other unit is occupied by the owner and identified by the owner as his or her principal residence;
  - (3) Not more than two units in any multi-family residential dwelling, where one other unit in the same dwelling is occupied by the owner and identified by the owner as his or her principal residence.
- C. Notwithstanding the provisions of paragraph b above, short-term and seasonal rentals shall not be permitted in:
  - (1) Condominiums or townhomes; or
  - (2) A room within any dwelling unit, where the room shares common kitchen and bathroom facilities with the occupant(s) of the dwelling unit in which it is located, which occupant(s) is not the owner of the dwelling unit.
- D. The provisions of this Section shall apply to Short-Term/Seasonal Rental Properties as defined in Section 4-4.2 above. The following do not qualify as a STRP, as that term is used herein, and are not required to obtain a short-term/seasonal rental permit pursuant to this Section: any hotel, motel, studio hotel, rooming house, dormitory, public or private club, bed and breakfast inn, convalescent home, rest home, home for aged people, foster home, halfway house, transitional housing facility, or other similar facility operated for the care, treatment, or reintegration into society of human beings; any housing owned or controlled by an educational institution and used exclusively to house students, faculty or other employees with or without their families; any housing operated or used exclusively for religious, charitable or educational purposes; or any housing owned by a governmental agency and used to house its employees or for governmental purposes.

#### **§ 4-4.4 Short-Term/Seasonal Rental Permit, Permit Registration Fee/Application.**

- A. In addition to any land use requirement(s) set forth by the Land Use and Development Regulations of the Borough of Fair Haven, the owner of a Short-Term/Seasonal Rental Property shall obtain a short-term/seasonal rental permit from the Borough Clerk, before renting or advertising for rent any short-term/seasonal rental.
- B. No person or entity shall operate a STRP, or advertise a residential property for use as a STRP, without the owner of the property first having obtained a STR permit issued by the Borough of Fair Haven. The failure to obtain a valid STR permit prior to advertising the short-term/seasonal rental property in any print, digital, or internet advertisement or web-based platform, and/or in the MLS or any realtor’s property listing shall be a violation of

this Chapter. No STR permit issued under this Section may be transferred or assigned or used by any person or entity, other than the owner to whom it is issued, or at any property location or dwelling unit other than the property for which it is issued.

- C. An owner of property intended to serve as a short-term/seasonal rental property, or any agent acting on behalf of the owner, shall submit to the Borough Clerk, a short-term/seasonal rental permit application provided by the Borough, along with an annual application/registration fee of \$500.00.
- D. The short-term/seasonal rental permit, if granted, shall be valid for a period of one year from the date of issuance.
- E. The short-term/seasonal rental permit shall be renewed on an annual basis, based upon the anniversary of the original permit issuance, by submitting to the Borough Clerk, a short-term/seasonal rental permit application and registration fee as set forth in Section 4-4.4(C).
- F. The short-term/seasonal rental permit shall expire automatically when the STRP changes ownership, and a new initial application and registration fee will be required in the event that the new owner intends to use the property as a STRP. A new application and registration fee shall also be required for any short-term/seasonal rental that had its STR permit revoked or suspended.

#### **§ 4-4.5 Application Process for Short-Term/Seasonal Rental Permit and Inspections.**

- A. A Zoning Compliance Certificate, which states that the premises are not being occupied or used in violation of the Land Use and Development Regulations of the Borough, shall be required.
- B. Confirmation that there have been no prior revocations or suspensions of this or a similar license, in which event a license shall not be issued, which denial may be appealed as provided hereinafter.
- C. Attached to and concurrent with submission of the permit application described in this Section, the owner shall provide:
  - (1) Proof of the owner's current ownership of the short-term/seasonal rental unit;
  - (2) Proof of general liability insurance in a minimum amount of no less than \$500,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence, except in the case of the owner of a multifamily home which is four or fewer units, one of which is owner occupied, then coverage must be maintained for the foregoing in an amount no less than \$300,000, or such minimum amounts which may be set by State law; and
  - (3) Written certification from the responsible party that they agree to perform all of the respective duties specified in this Chapter.
- D. The STRP owner/permit holder shall publish the STR permit number issued by the Borough in every print, digital, or internet advertisement, and/or in the Multiple Listing Service (hereinafter "MLS") or other real estate listing of a real estate agent licensed by the NJ State Real Estate Commission, in which the STRP is advertised for rent on a short term or seasonal basis.
- E. Each and every time there is a change of occupancy by transient occupants during the year when the permit is active, the STRP owner, their agent, or the responsible party must provide the Borough with information as to the identity of all transient occupants who will be occupying the STRP, on a form to be made available by the Borough Clerk or in electronic format on the Borough website. The intent is that the Borough shall have basic identifying information of all occupants of the STRP at all times, which information shall include the occupant's or occupants'

name(s) and age(s), and the dates of the commencement and expiration of the term of each short-term/seasonal rental period of the respective occupant(s).

- F. In no event shall a STRP be rented to anyone younger than twenty-one (21) years of age. The primary occupant of all short-term/seasonal rentals executing the agreement between the owner and the occupant must be over the age of twenty-one (21), and must be the party who will actually occupy the property during the term of the rental. The primary occupant may have guests under the age of twenty-one (21) who will share and occupy the property with them. Both the primary occupant executing the rental agreement and the STRP owner shall be responsible for compliance with this provision, and shall both be liable for a violation, where the property is not occupied by at least one adult over the age of twenty-one (21), during the term of the short term/seasonal rental;

#### **§ 4-4.6 Issuance of Permit and Appeal Procedures.**

- A. Once an application is submitted, complete with all required information and documentation and fees, the Borough Clerk, following any necessary investigation for compliance with this Section, shall either issue the STR permit, or issue a written denial of the permit application (with the reasons for such denial being stated therein), within fifteen (15) business days.
- B. If denied, the applicant shall have ten (10) business days to appeal in writing to the Borough Administrator, by filing the appeal with the Borough Administrator's Office.
- C. Within thirty (30) days thereafter, the Borough Administrator or his or her designee shall hear and decide the appeal.

#### **§ 4-4.7 Short-Term/Seasonal Rental Operational Requirements.**

- A. All STRs must comply with all applicable rules, regulations and ordinances of the Borough of Fair Haven and all applicable rules, regulations and statutes of the State of New Jersey, including regulations governing such lodging uses, as applicable. The STRP owner shall ensure that the short-term/seasonal rental complies with all applicable laws, rules and regulations pertaining to the use and occupancy of such rental.
- B. A dwelling unit shall be limited to a single short-term/seasonal rental contract at a time.
- C. The owner of a STRP shall not install any advertising or identifying mechanisms, such as signage, including lawn signage, identifying the property for rent as a short-term/seasonal rental property.
- D. Transient occupants of the STRP shall comply with all ordinances of the Borough of Fair Haven including, but not limited to those ordinances regulating noise and nuisance conduct. Failure of transient occupants to comply shall subject the transient occupants, the owner of the STRP and the responsible party listed in the STR permit application, to the issuance of fines and/or penalties, and the possibility of revocation or suspension of the STR permit.
- E. The owner of a STRP shall post the following information in a prominent location within the short-term/seasonal rental:
  - (1) Owner name; if owner is an entity, the name of a principal in the entity, and phone number for the owner (individual);
  - (2) The name and phone number for the responsible party;
  - (3) The phone number for the Borough of Fair Haven Police Department;
  - (4) The maximum number of parking spaces available onsite;

- (5) Trash and recycling pick-up day, and all applicable rules and regulations regarding trash disposal and recycling;
  - (6) A copy of this Borough Code Section 4-4.
  - (7) Notification that a guest, transient occupant, the responsible party or STRP owner may be cited or fined by the Borough for violations of, and in accordance with any applicable ordinance(s) of the Borough of Fair Haven;
- F. In the event any complaints are received by the Fair Haven Police Department or Code Enforcement regarding the STR and/or the transient occupants in the STRP, and the owner of the STRP is unreachable or unresponsive, the responsible party listed in the STR permit application shall have the responsibility to take any action required to properly resolve such complaints, and shall be authorized by the STRP owner to do so.
  - G. While a STRP is rented, the owner, the responsible party shall be available twenty-four hours per day, seven days per week for the purpose of responding within two (2) hours to complaints regarding the condition of the STRP premises, maintenance of the STRP premises, operation of the STRP, or conduct of the guests at the STRP, or nuisance complaints from the Fair Haven Police Department or neighbors, arising by virtue of the short-term/seasonal rental of the property.
  - H. If the STRP is the subject of two (2) or more civil and/or criminal complaints which result in sustained violations of this Section, other provisions of the Borough Code or State law, the Borough Administrator or his or her designee may revoke the STR permit issued for the property, in which case, the STRP may not be the subject of a new STR permit application for one (1) year following the date of revocation of the permit.
  - I. Failure to make application for, or to obtain the issuance of, a STR permit prior to advertising the STRP in print publications or newspapers, on any internet-based booking platforms, or online, and/or in the MLS or other real estate listing of a real estate agent licensed by the NJ State Real Estate Commission, shall be equivalent to operation of the STRP without a permit, and shall constitute a violation of this Section, and will result in enforcement action and the issuance of a Summons, and shall subject the STRP owner and the responsible party to issuance of fines and/or penalties.
  - J. The person offering a dwelling unit for short-term/seasonal rental use must be the owner of the dwelling unit. A tenant of a property may not apply for a STR permit, nor shall the property or any portion thereof be sub-leased by the tenant on a short-term or seasonal basis, or operated as a STRP by the tenant. This STRP regulation shall supersede any conflicting provision in a private lease agreement permitting sub-leasing of the property, or any portion of the property. Violation of this Section will result in enforcement action against the tenant, the STRP owner, and the responsible party, and will subject all such parties to the issuance of a Summons and levying of fines and/or penalties.
  - K. The STRP owner must be current with all tax and sewer charges assessed to the property prior to the issuance of a STR permit. In the event that any code violations have been issued by the Borough relating to the STRP, a STR permit shall not be issued until such time as such violations have been properly abated. The STRP owner must also close any open construction permits for the property prior to the issuance of a STR permit.
  - L. All fines or penalties issued by the Municipal Court for the Borough of Fair Haven for any past code violations relating to the STRP, including penalties for failure to appear in Court, must be satisfied in full prior to the issuance of a STR permit.

#### **§ 4-4.8            Violations and Penalties.**

A violation of any provision of this Section may subject the STRP owner, transient occupant(s), and the responsible party or their agents to fines assessed by the Municipal Court. Penalties for non-compliances with the requirements set forth in the ordinance shall be as follows:

First Offense: \$100.00 to \$250.00 Fine.

Second Offense: \$500.00 to \$1,000.00 Fine; Possible Permit Revocation.

Third or More Offense(s): \$1,000.00 to \$2,000.00 Fine; Permit Shall Be Revoked.

**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.

**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. 2023-121**

**TITLE:     APPOINT SEAN LANGAN AS PROBATIONARY PATROLMAN**

**WHEREAS**, a resignation in the position of Police Patrolman was received effective May 1, 2023 which leaves a vacancy within patrol of the Fair Haven Police Department; and

**WHEREAS**, the position was posted and interviews were held by the Chief and second interviews were held with the Mayor and Council on April 17, 2023; and

**WHEREAS**, Police Chief Joseph McGovern recommends the appointment of Sean Langan to fill the vacancy in order to maintain the Department staffing model; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Sean Langan is hereby appointed as a Probationary Police Officer in the Fair Haven Police Department retroactive to May 4, 2023.

**BE IT FURTHER RESOLVED** that the annual salary will be \$52,350.00.

**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. 2023-122**

**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:

**Potential Litigation**

1. McCarter Pond Hydroraking

**Contract Negotiations**

1. Interlocal Service Agreement with Rumson-Fair Haven Regional Board of Education
2. Interlocal Service Agreement with Fair Haven Board of Education

**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. 2023-123**

**TITLE:        AUTHORIZING APPROVAL OF THE 43<sup>rd</sup> ANNUAL RED BANK AREA CROP WALK  
                 FOR THE HUNGRY**

**WHEREAS**, the annual Red Bank Area Crop Walk for the Hungry helps to make a difference in the lives of people here at home through fourteen local partner programs and around the world in eighty countries by raising money and peanut butter for food pantries; and

**WHEREAS**, the Annual Red Bank Area Crop Walk for the Hungry has been serving those in need for many years; and

**WHEREAS**, the Annual Red Bank Area Crop Walk for the Hungry has requested permission to conduct their 43<sup>rd</sup> Annual Walk through Fair Haven between the hours of 2:00 pm and 3:00 pm on Sunday, October 15, 2023; and

**WHEREAS**, Fair Haven Police Chief Joseph McGovern, has advised, in writing, his approval for this event.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Haven that the request to permit the 43<sup>rd</sup> Annual Red Bank Area Crop Walk for the Hungry in the Borough of Fair Haven is hereby approved to be held on Sunday, October 15, 2023 between the hours of 2:00 pm and 3:00 pm.

**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. 2023-124**

**TITLE: RESOLUTION APPOINTING A SOCIAL MEMBER TO THE FAIR  
HAVEN FIRE DEPARTMENT, John Reid**

**BE IT RESOLVED** by the Borough Council of the Borough of Fair Haven that John Reid, 19 McCarter Avenue, Fair Haven, NJ having been duly accepted as a social member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department.

**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. 2023-125**

**TITLE: RESOLUTION APPOINTING A REGULAR MEMBER TO THE FAIR  
HAVEN FIRE DEPARTMENT - Rafael D. Buzgariu**

**BE IT RESOLVED** by the Borough Council of the Borough of Fair Haven that Rafael D. Buzgariu, 84 Navesink 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. 2023-126**

**TITLE: RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR BLOCK 5, LOT 19 – BURLINGTON BUILDERS, LLC**

**WHEREAS**, Burlington Builders, LLC posted a Performance Bond and a 10% cash deposit as required for a Minor Subdivision for Block 5, Lot 19, 101 Princeton Road, Fair Haven, NJ; and

**WHEREAS**, Burlington Builders, LLC posted the cash bond in the amount of \$4,186.80 and Performance Bond NFB3437522 in the amount of \$37,682.00 on November 15, 2021; and

**WHEREAS**, on April 26, 2023, the Borough Engineer recommended the release of the 90% performance guarantee and the 10% cash deposit.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Fair Haven, that the Performance Bond in the amount of \$37,682.00 and cash deposit in the amount of \$4,186.80 for Block 5, Lot 19, 101 Princeton Road, Fair Haven, NJ, is hereby released.

**BE IT FURTHER RESOLVED** that the two-year Maintenance Bond posted by check 967 in the amount of \$5,652.18 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. 2023-127**

**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 10, 2023 (rain date June 11, 2023); 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 10, 2023 (rain date of June 11, 2023) 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. 2023-128**

**TITLE: APPOINT SPECIAL LAW ENFORCEMENT OFFICERS, CLASS I: Timothy Wisely**

**WHEREAS**, a request has been made by Police Chief Joseph McGovern to appoint a Special Law Enforcement Officer Class I, effective May 9, 2023; and

**WHEREAS**, Joseph McGovern, Fair Haven Police Chief, has recommended that Timothy Wisely be appointed as a Special Law Enforcement Officer, Class I.

**WHEREAS**, the rate of pay for this position is \$16.50 per hour.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Timothy Wisely be appointed to the position of Special Class I Officer.

**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. 2023-129**

**TITLE:       APPROVAL FOR THE BOROUGH TO WORK WITH BFI FURNITURE FOR THE  
NEW POLICE FACILITY AND COMMUNITY CENTER FURNISHINGS**

**WHEREAS**, the governing body has approved a new Police Facility and Community Center be built; and

**WHEREAS**, part of the plans for the new Police Facility and Community Center include furnishings once the buildings have been built; and

**WHEREAS**, the Facilities Committee and Borough Professionals have met with and had discussions with BFI Furniture to create a plan and preliminary budget for the furnishings that will be required to complete the Facilities Project; and

**WHEREAS**, BFI submitted a Preliminary Furniture Budget in the amount of \$279,898, attached as Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that the Borough and Facilities Committee are authorized to continue working with BFI Furniture and the preliminary furniture budget 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. 2023-130**

**TITLE:        **AUTHORIZE RECEIPT OF BIDS FOR MICROPROJECTS****

**WHEREAS**, at the April 17, 2023 Council Meeting, Borough Engineer, Richard Gardella, gave a presentation on the 2023 Microproject Program through the Borough of Fair Haven; and

**WHEREAS**, the consensus of Mayor and Council was to move forward with authorizing the Receipt of Bids for the projects, as presented for the following locations:

1. Park Lane
2. Hunting Lane
3. Lewis Lane
4. Harding Road
5. Fair Haven Road (Historic District)
6. Gentry Neighborhood
7. DeNormandie Avenue
8. If and Where Directed - 23 locations

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that authorization is given to the Borough Administrator and Richard Gardella, Borough Engineer, to advertise for receipt of bids for the Borough's Microprojects.

**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. 2023-131**

**TITLE:        AUTHORIZE EXECUTION OF ARCHITECT CONTRACT FOR DPW FACILITY  
                  REHABILITATION - GRAMMER DESIGNS, LLC**

**WHEREAS**, Resolution No. 2023-94 accepted an Architectural Services proposal, and approved the appointment of Grammer Designs, LLC., as the Architect for the DPW Facility Rehabilitation Project; and

**WHEREAS**, based on the proposal acceptance, Grammer Designs, LLC., submitted a contract for said work to be done, attached as Exhibit A, which was reviewed and approved by the Borough Attorney.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Mayor Joshua Halpern is authorized to execute said proposal.

**BE IT FURTHER RESOLVED** that the total amount for architectural services for this project shall not exceed \$200,000.

**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. 2023-132**

**TITLE:        AUTHORIZE EXECUTION OF OWNERS REPRESENTATIVE CONTRACT FOR THE  
BOROUGH'S NEW POLICE FACILITY, COMMUNITY CENTER AND DPW  
FACILITY**

**WHEREAS**, Resolution No. 2023-106 accepted a proposal and approved the appointment of GS Ferguson Group, LLC, as the Owner's Representative for construction services pertaining to the new Police Facility, Community Center and DPW Facility; and

**WHEREAS**, based on the proposal acceptance, GS Ferguson Group, LLC., submitted a contract for said work to be done, attached as Exhibit A, which was reviewed and approved by the Borough Attorney.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Mayor Joshua Halpern is authorized to execute said proposal.

**BE IT FURTHER RESOLVED** that the total amount for Owners Representative services for these projects shall not exceed \$225,000.

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. 2023-133**

**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 **\$4,238,538.14** for the Current Fund.

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

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

<b>Account Number</b>	<b>Description</b>	<b>Amount</b>	<b>Reason</b>
<b>Current Account</b>			
3-01-20-150-211	Tax Assessment - Contractual Services	\$6,000.00	Temp Budget
3-01-21-186-237	Zoning Officer Supplies	\$500.00	Temp Budget
3-01-23-215-228	Worker's Comp	\$25,000.00	Temp Budget
3-01-25-240-100	Police Salary & Wages	\$50,000.00	Temp Budget
3-01-26-305-202	Solid Waste Contractual Services	\$50,000.00	Temp Budget
3-01-26-307-101	Recycling Salaries	\$5,000.00	Temp Budget
3-01-26-310-204	Bldgs & Grounds Repairs	\$25,000.00	Temp Budget
3-01-27-330-216	Bd. Of Health - Dues	\$16,000.00	Temp Budget
3-01-30-420-299	Cele Pub Events Miscellaneous	\$6,000.00	Temp Budget
3-01-43-498-202	Fire Prevention ILSA	\$2,000.00	Temp Budget
<b>TOTAL</b>		<b>\$185,500.00</b>	

2. That said emergency temporary appropriations will be provided for in the 2023 budget under the appropriate titles.

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

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2023-134**

**TITLE: RESOLUTION APPOINTING A SOCIAL MEMBER TO THE FAIR  
HAVEN FIRE DEPARTMENT, John Reid**

**BE IT RESOLVED** by the Borough Council of the Borough of Fair Haven that Johanna Garcia-Momplaisir, 13 Jackson Street, 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. 2023-135**

**TITLE:       APPROVAL OF SIDEWALK CAFÉ PERMIT FOR LUPO PIZZERIA**

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

**WHEREAS**, Lupo Pizzeria, 757 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 May 3, 2023 for said permit as follows:

6 Tables with 24 chairs to accommodate 24 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:**

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**RESOLUTION NO. 2023-136**

**TITLE:       APPROVAL OF SIDEWALK CAFÉ PERMIT FOR JACK’S GOAL LINE STAND**

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

**WHEREAS**, Jack’s Goal Line Stand, 583 River Road, has filed the appropriate Sidewalk Café License Application and fee; and

**WHEREAS**, the Police Chief has reviewed said application and submitted his approval dated May 4, 2023 for said permit as follows:

6 Tables with benches to accommodate 36 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:**

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**RESOLUTION NO. 2023-137**

**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 May 8, 2023 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2022 CURRENT FUND ACCOUNT	\$ 5,920.39
2023 CURRENT FUND ACCOUNT	\$ 1,524,584.88
GENERAL CAPITAL	\$ 44,627.55
GRANT FUND	\$ 1,556.23
PAYROLL AGENCY	\$ 17,677.08
OTHER TRUST	<u>\$ 39,895.50</u>
	\$ 1,634,261.63
LESS VOIDED CHECKS	- 2,310.00
	<u><b>\$ 1,631,951.63</b></u>

Current Check No. 63257 - \$350.00  
Current Check No. 63439 - \$1,540.00  
Current Check No. 63557 - \$120.00  
Current Check No. 63648 - \$300.00

**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. 2023-138**

**TITLE:        AUTHORIZE MAYOR TO EXECUTE A SERVICE AGREEMENT WITH BIDNET  
              DIRECT FOR BOROUGH FACILITY BIDS**

**WHEREAS**, the Borough of Fair Haven will be advertising for Receipt of Bids for a new Police Facility and Community Center; and

**WHEREAS**, it has been recommended by the Borough's Architect that due to the scope of work involved with this project, that the Borough use the services of BidNet Direct, 15 British American Boulevard, Latham, New York 12110, a web-based solicitation system that provides on-line bidding services that will broaden the bidder pool; and

**WHEREAS**, BidNet Direct will track the companies that access the bid specification, provide any addenda to the bid (if applicable) and post the bid results and award; and

**WHEREAS**, there would be no cost to the Borough for this service.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Fair Haven that Mayor Halpern is hereby authorized to execute the attached agreement (Exhibit A) for BidNet Direct's 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. 2023-139**

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

**WHEREAS**, proposals were solicited for a fireworks display to be held on June 10, 2023  
(rain date June 11, 2023); and

**WHEREAS**, proposals were received from Garden State Fireworks and Starfire  
Corporation received.

**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 10,  
2023 (rain date of June 11, 2023).

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