

**FAIR HAVEN BOROUGH COUNCIL
REGULAR MEETING AGENDA
MAY 13, 2024, 7:00 P.M.
HYBRID MEETING (IN-PERSON AND ZOOM)**

Zoom Link: [HTTPS://US02WEB.ZOOM.US/J/817 7794 8185](HTTPS://US02WEB.ZOOM.US/J/817_7794_8185)

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

Webinar ID: **817 7794 8185**

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. **Proclamations**
 - National Police Week: May 12-18, 2024
 - National Public Works Week: May 19-25, 2024
7. **Presentations**
 - NJDEP: Deer Management Plan
8. **Workshop Session**
 - Eagle Scout Project Concept: Fair Haven Bike Repair Station (Jack Rodriguez)
 - Sign Requests for Fair Haven Farmers Market
 - Request from Fair Haven PTA to hold Color Run event on September 22, 2024
 - Bicentennial Hall Repair Plan
9. **Public Comment on Agenda Items** (*please observe a 3 minute time limit*)
10. **Approval of Minutes**
 - April 8, 2024 Regular Meeting
 - April 23, 2024 Regular Meeting
 - April 23, 2024 Executive Session
11. **Old Business**

Public Hearing on the 2024 Municipal Budget
Ordinance No. 2024-05, Amend Chapter 30, Land Use, Section 3.3d11, Notice of Public Hearing
Borough Facilities Update (Councilman LaBarbera)

 - Long Term Parking Proposal for Fisk Chapel
12. **New Business**

Introduction of Ordinances
2024-06 Amend Chapter 3, Police Regulations, to add Section 21 entitled “Resident Protection”

Consent Agenda

Resolutions

- 2024-117 Approve ILSA Renewal with Monmouth County for Records Management System
- 2024-118A Authorize Self Examination of 2024 Municipal Budget
- 2024-118B Adopt 2024 Municipal Budget
- 2024-119 Appoint DPW PT Seasonal Laborer - Richard Shanley

2024-120	Appoint Chief Financial Officer - Nancy Britton
2024-121	Approve Change Order No. 2: Police Building - waterproofing (increase)
2024-122	Approve Change Order No. 3: Police Building - hand sink and related piping (increase)
2024-123	Approve Change Order No. 4: Police Building/Community Center Trap Guards (reduce)
2024-124	Approve Change Order No. 5: Community Center - steel work (increase)
2024-125	Revoke Appointment to Navesink River Municipalities Committee - Brian Rice
2024-126	Appoint Navesink River Municipalities Committee Member - Sean O'Sullivan
2024-127	Revoke Appointment to the Historic Preservation Commission - Michelle Mandia
2024-128	Request Modernization of OPRA and Swift Passage of S-2930/A-4045
2024-129	Approve Change Order No. 2: DPW Facility-Plywood Sheathing, Replace subfloor/carpentry
2024-130	Appoint Summer Rec-N-Crew Camp Counselors
2024-131	Authorize Mayor to Execute Contract for On-Line Auction: Fire Department Equipment
2024-132	Payment of Vouchers

(Temporary Appropriation Amendment – if budget does not pass)

Department Reports

April 2024

- Municipal Clerk
- Dog Licenses
- Municipal Court

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 MEETING WILL BE: TUESDAY, MAY 28TH

**BOROUGH OF FAIR HAVEN
ORDINANCE NO. 2024-05**

**AN ORDINANCE AMENDING CHAPTER 30: “LAND USE AND DEVELOPMENT
REGULATIONS” OF THE BOROUGH’S REVISED GENERAL ORDINANCES,
SECTION 3.3d11: “FORM OF NOTICE” TO MAKE THE NOTIFICATION OF
PROJECT HEARINGS MORE TRANSPARENT FOR THE PUBLIC**

WHEREAS, the Borough of Fair Haven (the “Borough”) has adopted various Ordinances amending its land use regulations from time-to-time; and

WHEREAS, it has come to the attention of the Borough that there is a need to amend Section 3.3d11 of Chapter 30 of the Borough Code, to provide clearer language for transparency purposes pertaining to the Form of Notice for the public hearing of a Planning Board or Zoning Board matter; and

WHEREAS, the Borough hereby adopts this Ordinance to correct the aforementioned section to ensure that the requirements of the Land Use Public Notice contains accurate information for the public to identify an applicant’s address.

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 30, Section 3.3 of the Revised General Ordinances of the Borough of Fair Haven is hereby amended:

CHAPTER 30: “LAND USE AND DEVELOPMENT REGULATIONS”

30-3.3d11: Form of Notice. All notices required to be given pursuant to the terms of this chapter shall state the date, time and place of the hearing, the nature of the matters to be considered and identification of the property proposed for development by street address, if any, ~~or by~~ **and** reference to lot and block numbers as shown on the current tax duplicate in the Borough Tax Assessor's office and the location and times at which any maps and documents for which approval is sought are available for public inspection as required by law.

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. 2024-06**

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF
MONMOUTH SUPPLEMENTING CHAPTER 3, POLICE REGULATIONS, BY ADDING SECTION 21
ENTITLED “RESIDENT PROTECTION”**

WHEREAS, pursuant to N.J.S.A. 40:48-1 et seq., the Mayor and Council of the Borough of Fair Haven are authorized under State law to establish ordinances to preserve the public peace and order; and

WHEREAS, the Borough and much of New Jersey, has seen a surge in motor vehicle thefts, burglaries, and home invasions; and

WHEREAS, the Mayor and Council seek to adopt the within ordinance to help protect residents from property, personal, and violent crimes.

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

SECTION 1. That Chapter 3 of the Borough Code, Police Regulations, shall be amended and supplemented to add a new section 21 as follows:

3-21 Resident Protection

3-21.1 Purpose and Scope

The purpose of this ordinance is to protect the health, safety, and welfare of the residents of Fair Haven by establishing certain provisions that are intended to protect the security residents in the Borough from activities related to property, personal, and violent crimes.

3-21.2 Motor Vehicle Protection

(a) It shall be illegal and a violation of this ordinance for a person to enter or remain on any private driveway, private parking lot or other location on private property in the presence of a stationary motor vehicle, knowing that he or she is not licensed or privileged to enter or remain, and commit any of the following acts:

(1) pull a door handle or take any action in an attempt to open or unlock a motor vehicle that the person does not own or have license or privilege to possess; or

(2) possess an electronic device that is capable of determining if an electronic key is located inside a motor vehicle.

(b) It shall be illegal and a violation of this ordinance for a person to be present inside a motor vehicle if another occupant of the motor vehicle committed a violation of subsection (a) prior to his or her entry into the motor vehicle.

3-21.3 Residence Protection

(a) It shall be illegal and a violation of this ordinance for a person to enter or remain on any private property he or she is not licensed or privileged to enter or remain, and commit any of the following acts:

(1) pull a door handle, turn a doorknob, or take any action in an attempt to open, unlock, or gain entry into a house, apartment, garage, or other structure that the person does not own or have license or privilege to enter or remain; or

(2) enter any house, apartment, garage, or other structure that the person does not own or have license or privilege to enter or remain.

(b) It shall be illegal and a violation of this ordinance for a person to be present inside any house, apartment, garage, or other structure if another occupant committed a violation of subsection (a) prior to his or her entry into the house, apartment, garage, or other structure.

(c) It shall be illegal and a violation of this ordinance for a person to be present inside a motor vehicle if another occupant of the motor vehicle committed a violation of subsection (a) prior to his or her entry into the motor vehicle.

3-21.4 Penalties

(a) A violation of the provisions of this section shall, upon conviction thereof, be punishable by a fine of not more than two-thousand dollars (\$2,000.00) and/or by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment, or by a period of community service not to exceed ninety (90) days at the discretion of the judge. Notwithstanding the foregoing, the minimum penalty shall be a fine of one-thousand dollars (\$1,000.00) for the first offense and two-thousand dollars (\$2,000.00) for each subsequent offense.

(b) Each act that constitutes a violation of this ordinance shall be considered a separate and distinct act that constitutes its own violation.

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, 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 hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2024-117

**TITLE: AUTHORIZE RENEWAL OF A SHARED SERVICES AGREEMENT WITH
MONMOUTH COUNTY FOR OPEN PUBLIC RECORDS SEARCH SYSTEM -
RECORDS INFORMATION MANAGEMENT MODULE**

WHEREAS, under the New Jersey Uniform Shared Services and Consolidation Act, namely 40A:65-1, *et seq.*, local units, such as the County of Monmouth and the Borough of Fair Haven, may enter into shared services agreements with each other; and

WHEREAS, the County of Monmouth has entered into an agreement with Sunrise Systems, Inc. (“Sunrise”), whereby the County is licensed to access and use Sunrise’s web-based system known as the Open Public Records Search System - Records Information Management (“OPRS-RIM”); and

WHEREAS, under the terms of its agreement with Sunrise, the County of Monmouth may sublicense access and use of OPRS-RIM to municipalities within Monmouth County; and

WHEREAS, the County of Monmouth, has offered to enter into a shared services agreement with this Municipality, whereby this Municipality will be authorized as a sublicensee to access and use OPRS-RIM; and

WHEREAS, a copy of the agreement is attached to this resolution; and

WHEREAS, the OPRS-RIM provides for the Inventory Management, Retention Management, and Disposition Management of official records and includes an imaging module that permits the scanning of paper records into TIFF images, which may be stored long-term, searched and retrieved electronically.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Mayor and Municipal Clerk are hereby authorized to enter into a renewed OPRS-RIM shared service agreement with the County of Monmouth.

BE IT FURTHER RESOLVED that the agreement period will be from July 1, 2024 through June 30, 2029 at cost of \$3,500 per year.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2024-118A

TITLE: SELF EXAMINATION OF 2024 MUNICIPAL BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the **Borough of Fair Haven** has been declared eligible to participate in the program by the Division of Local Government Services and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2024 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the **Borough of Fair Haven** that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

BOROUGH OF FAIR HAVEN
MONMOUTH COUNTY, NEW JERSEY

CERTIFICATION OF APPROVED BUDGET

It is hereby certified that the Approved Budget complies with the requirements of law and approval is given pursuant to N.J.S.A. 40A:4-78(b) and N.J.A.C. 5:30-7.

It is further certified that the municipality has met the eligibility requirements of N.J.A.C. 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with N.J.A.C. 5:30-7.6.

Dated: 5/13/2024

By: _____
Chief Financial Officer

SECTION 2 - UPON ADOPTION FOR YEAR 2024

RESOLUTION 2024-118

Be it Resolved by the **COUNCIL MEMBERS** of the **BOROUGH**

of **FAIR HAVEN**, County of **MONMOUTH** that the budget hereinbefore set forth is hereby

adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 8,077,494.57 (Item 2 below) for municipal purposes, and
- (b) \$ - (Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
- (c) \$ - (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S.A. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (d) \$ - (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) \$ - (Sheet 44) Arts and Culture Trust Fund Levy
- (f) \$ - (Item 5 Below) Minimum Library Tax

RECORDED VOTE

(Insert last name)

Ayes

Nays

Abstained

Absent

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SUMMARY OF REVENUES			
1. General Revenues			
Surplus Anticipated		08-100	\$ 1,590,000.00
Miscellaneous Revenues Anticipated		13-099	\$ 1,975,126.28
Receipts from Delinquent Taxes		15-499	\$ 140,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)		07-190	\$ 8,077,494.57
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:			
Item 6, Sheet 42		07-195	\$ -
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)		07-191	\$ -
TOTAL AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY			\$ -
4. To Be Added TO THE CERTIFICATE FOR THE AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:			
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)		07-191	
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY TAX		07-192	\$ -
Total Revenues		13-299	\$ 11,782,620.85

SUMMARY OF APPROPRIATIONS

SUMMARY OF APPROPRIATIONS									
5. GENERAL APPROPRIATIONS:									
Within "CAPS"									
(a & b) Operations Including Contingent									
								34-201	\$ 7,727,816.00
(e) Deferred Charges and Statutory Expenditures - Municipal									
								34-209	\$ 1,012,000.00
(g) Cash Deficit									
								46-885	\$ -
Excluded from "CAPS"									
(a) Operations - Total Operations Excluded from "CAPS"									
								34-305	\$ 1,000,654.85
(c) Capital Improvements									
								44-999	\$ 525,000.00
(d) Municipal Debt Service									
								45-999	\$ 642,150.00
(e) Deferred Charges - Municipal									
								46-999	\$ 250,000.00
(f) Judgments									
								37-480	\$ -
(n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40:48-17.1 & 17.3)									
								29-405	\$ -
(g) Cash Deficit									
								46-885	\$ -
(k) For Local District School Purposes									
								29-410	\$ -
(m) Reserve for Uncollected Taxes									
								50-899	\$ 625,000.00
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICT ONLY (N.J.S.A. 40A:4-13)									
								07-195	
Total Appropriations									
								34-499	\$ 11,782,620.85
<p>It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 13th day of May, 2024. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2024 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.</p>									
<p align="right">Certified by me this _____ day of _____, 2024, _____, Clerk</p>									

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2024-119

TITLE: APPOINT PART TIME SEASONAL PUBLIC WORKS LABORER - Richard G. Shanley

WHEREAS, there is a need for a part-time Seasonal Public Works Laborer; and

WHEREAS, Richard Gardella, Director of Engineering and Public Works has recommended that Richard G. Shanley, be appointed as a part-time Seasonal Laborer with hours not to exceed 30 hours weekly; and

WHEREAS, the rate of pay for this position is \$17.50 per hour.

NOW, THEREFORE, BE IT RESOLVED that the appointment of Richard G. Shanley, as part-time Seasonal Laborer is hereby confirmed.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2024-120

TITLE: APPOINT FULL-TIME CHIEF FINANCIAL OFFICER - NANCY BRITTON

WHEREAS, a vacancy will exist in the Finance Office for the position of Chief Financial Officer effective May 31, 2024; and

WHEREAS, Borough Code 2-8 states the Chief Financial Officer shall be appointed by the Governing Body with a four-year term of office which shall run from January 1st of the year in which appointed; and

WHEREAS, Nancy Britton is a licensed Certified Municipal Finance Officer by the State of New Jersey and is hereby appointed to the position of full-time Chief Financial Officer for the Borough of Fair Haven at an annual salary in the amount of \$100,000; and

WHEREAS, the salary and terms and conditions for the Chief Financial Officer position, negotiated with the Personnel Committee, are memorialized by an executed, written contract between the Borough and Mrs. Britton effective June 1, 2024.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2024-121

TITLE: APPROVE CHANGE ORDER NO. 2, WATERPROOFING POLICE BASEMENT WALLS - NEW POLICE AND COMMUNITY CENTER FACILITY - HALL BUILDING CORP.

WHEREAS, Resolution No. 2023-234 awarded a contract for a new Police Facility and Community Center to Hall Building Corp., 33 Main Street, P.O. Box 904, Farmingdale, New Jersey 07727 in the amount of \$8,285,000; and

WHEREAS, in January 2024, Change Order No. 1 to disconnect and reroute gas piping at the community center to allow the generator to remain in use which added \$2,470.65 to the contract amount; and

WHEREAS, the Project Architect has requested Change Order No. 2 which increases the contract in the amount of \$4,368.26 for waterproofing to the Police Department basement wall resulting in a revised contract amount of \$8,291,838.91.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Change Order No. 2 for waterproofing the Police Department basement wall in the amount of \$4,368.26 will result in a new contract amount of \$8,291,838.91 between the Borough of Fair Haven and Hall Building Corp.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2024-122

**TITLE: APPROVE CHANGE ORDER NO. 3, ADD HAND SINK AND RELATED PIPING FOR
 THE NEW POLICE AND COMMUNITY CENTER FACILITY - HALL BUILDING CORP.**

WHEREAS, Resolution No. 2023-234 awarded a contract for a new Police Facility and Community Center to Hall Building Corp., 33 Main Street, P.O. Box 904, Farmingdale, New Jersey 07727 in the amount of \$8,285,000; and

WHEREAS, in January 2024, Change Order No. 1 increased the contract for said project by \$2,470.65 and Change Order No. 2 approved in May 2024 increased the contract by \$4,368.26; and

WHEREAS, the Project Architect has requested Change Order No. 3 which increases the contract in the amount of \$6,192.90 to add a hand sink and related piping resulting in a revised contract amount of \$8,298,031.81.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Change Order No. 3 to add a hand sink and related piping in the amount of \$6,192.90 will result in a new contract amount of \$8,298,031.81 between the Borough of Fair Haven and Hall Building Corp.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2024-123

TITLE: APPROVE CHANGE ORDER NO. 4, REPLACE TRAP PRIMERS WITH TRAP GUARDS - NEW POLICE AND COMMUNITY CENTER FACILITY - HALL BUILDING CORP.

WHEREAS, Resolution No. 2023-234 awarded a contract for a new Police Facility and Community Center to Hall Building Corp., 33 Main Street, P.O. Box 904, Farmingdale, New Jersey 07727 in the amount of \$8,285,000; and

WHEREAS, Change Order Nos. 1, 2 and 3 increased the contract amount for said project, by \$13,031.81; and

WHEREAS, the Project Architect has requested Change Order No. 4 which reduces the contract in the amount of \$3,323.00 to replace trap primers with trap guards resulting in a revised contract amount of \$8,294,708.81.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Change Order No. 4 to replace trap primers with trap guards for a reduced amount of \$3,323.00 will result in a new contract amount of \$8,294,708.81 between the Borough of Fair Haven and Hall Building Corp.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2024-124

TITLE: APPROVE CHANGE ORDER NO. 5, ADDITIONAL STEEL WORK - NEW POLICE AND COMMUNITY CENTER FACILITY - HALL BUILDING CORP.

WHEREAS, Resolution No. 2023-234 awarded a contract for a new Police Facility and Community Center to Hall Building Corp., 33 Main Street, P.O. Box 904, Farmingdale, New Jersey 07727 in the amount of \$8,285,000; and

WHEREAS, Change Order Nos. 1, 2 and 3 increased the contract amount for said project by \$13,031.81 and Change Order No. 4 reduced the contract by \$3,323.00; and

WHEREAS, the Project Architect has requested Change Order No. 5 which increases the contract in the amount of \$9,786.00 to perform additional steel work at the Community Center resulting in a revised contract amount of \$8,304,494.81.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Change Order No. 5 to perform additional steel work at the Community Center for an increased amount of \$9,786.00 resulting in a new contract amount of \$8,304,494.81 between the Borough of Fair Haven and Hall Building Corp.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2024-125

TITLE: REMOVE BRIAN RICE AS THE BOROUGH'S NAVESINK RIVER MUNICIPALITIES COMMITTEE REPRESENTATIVE

WHEREAS, Brian Rice was appointed as a Fair Haven representative to the Navesink River Municipalities Committee for a one-year term effective January 1, 2024; and

WHEREAS, due to conduct unbecoming of a volunteer, it has been determined that Mr. Rice's appointment to the Navesink River Municipalities Committee is hereby revoked.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Brian Rice is hereby removed as Fair Haven's representative to the Navesink River Municipalities Committee, retroactive to April 24, 2024.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2024-126

**TITLE: APPROVE APPOINTMENT OF NAVESINK RIVER MUNICIPALITIES COMMITTEE
 REPRESENTATIVE, SEAN O’SULLIVAN**

WHEREAS, there is a vacancy to be filled as a Fair Haven representative on the Navesink River Municipalities Committee; and

WHEREAS, Mayor Halpern has found a volunteer willing to fill said vacancy as follows:

Sean O’Sullivan, for an unexpired term set to expire December 31, 2024

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2024-127

TITLE: REMOVE MICHELLE MANDIA AS A MEMBER OF THE HISTORIC PRESERVATION COMMISSION

WHEREAS, Michelle Mandia was reappointed as a member of the Historic Preservation Commission for an additional four-year term effective January 1, 2023; and

WHEREAS, due to Mrs. Mandia's lack of attendance at monthly scheduled Historic Preservation Commission meetings, her appointment is revoked.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Michelle Mandia is hereby removed as a member of the Historic Preservation Commission effective immediately.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2024-128

**TITLE: CALLING FOR THE MODERNAZATION OF THE OPEN PUBLIC RECORDS ACT
(OPRA) AND THE SWIFT PASSAGE OF S-2930/A-4045**

WHEREAS, in the 2002 “lame duck” session the Open Public Records Act (OPRA) was approved to make government records, “readily accessible for inspection, copying, or examination by the citizens of this State, with certain exceptions, for the protection of the public interest” while protecting “a citizen’s right to a reasonable expectation of privacy”; and

WHEREAS, as local leaders we reaffirm our support and commitment to open and transparent government and public access to records, at the same time, we strongly support necessary reforms; and

WHEREAS, in the twenty years since the enactment of OPRA and with the advent of new technologies, we have witnessed unintended consequences and, in some cases, abuses of OPRA that place an unfair burden on local governments and taxpayers; and

WHEREAS, municipal staff and budgets are increasingly utilized to accommodate the requestors and commercial entities who inundate municipalities with public records requests to the extent that in some instances, additional personnel are hired primarily to handle such requests; and

WHEREAS, OPRA has become broadly construed in favor of access and the requestor who prevails in any proceeding in appealing a denial of access of records is permitted to collect exorbitant attorney’s fees, which impacts the taxpayers and municipalities who must pay these fees; and

WHEREAS, municipalities have seen outside businesses and interests who abuse OPRA for marketing and commercial gains while utilizing municipal employees paid by the taxpayers for this benefit; and

WHEREAS, due to court decisions over the years, reasonable expectations of privacy have been diminished when it comes to the balance of transparency and OPRA perpetuates for-profit data-mining, unsolicited marketing, and uncontrolled publications of records on internet search engines specifically designed to circumvent and bypass what few protective measures currently exist under OPRA, all while allowing the requestor to remain cloaked in anonymity, should they choose to exercise that option; and

WHEREAS, when commercial entities are constantly emailing OPRA requests looking for the latest lists of dogs licensed that month, inground pool permits issued, solar roof permits issued, etc., it causes our residents to not want to license their dogs, comply with permits, or interact with the municipality because they don’t want to lose their privacy and/or have their information tracked and monetized for commercial purposes; and

WHEREAS, reforms to modernize OPRA are long overdue, among them: the need to address requests by commercial entities that utilize public records and the services of local government employees to generate

profits, mandatory prevailing attorney fees, which created a cottage industry, and to add language so that such fees are based on facts and circumstances and not an automatic granting; and

WHEREAS, Senators Sarlo and Bucco and Assemblyman Danielsen and Assemblywoman Flynn have introduced S-2930/A-4045, which makes commonsense reforms that do not hinder residents or journalists from using OPRA to access public records, but will protect citizens' personal information from disclosure, addresses the burdensome commercial requests and provide discretion when awarding prevailing attorney fees.

NOW, THEREFORE, BE IT RESOLVED, the governing body of the Borough of Fair Haven, County of Monmouth respectfully request the adoption of much-needed reforms to modernize and strengthen the legislative intent of the Open Public Records Act (OPRA) and urges the swift passage of S-2930/A-4045; and

BE IT FURTHER RESOLVED, as local leaders, we reaffirm our support and commitment to open and transparent government and public access to records but at the same time, we strongly support necessary reforms; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Senate President Scutari, Assembly Speaker Coughlin, Senator Gopal, Assemblywomen Donlon and Peterpaul, Governor Murphy, and the New Jersey League of Municipalities.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2024-129

**TITLE: APPROVE CHANGE ORDER NO. 2 - 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, in April 2024, Change Order No. 1 for additional excavation and concrete work for floor drains increased the contract by \$12,613.84; and

WHEREAS, Ron Grammer, Project Architect, has requested Change Order No. 2 for plywood sheathing installation and replacing the subfloor on the second floor for the DPW Facility Project increasing the contract amount by \$74,998.16.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven that Change Order No. 2 for plywood sheathing installation and replacing the subfloor on the second floor for the DPW Facility Corp is hereby approved in the amount \$74,998.16 resulting in a new contract amount of \$3,108,267.00 between the Borough of Fair Haven and Hall Building.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2024-130

TITLE: APPOINT COUNSELORS FOR THE 2024 REC-N-CREW SUMMER CAMP PROGRAM IN THE PARKS & RECREATION DEPARTMENT

WHEREAS, the Borough of Fair Haven will be offering a Rec-N-Crew Summer Camp Program through the Parks and Recreation Department for the 2024 summer season; and

WHEREAS, DJ Breckenridge, Parks and Recreation Director has recommended the following individuals be appointed as part time Counselors for the 2024 program:

Camp Employee	Hourly Salary	Title/Notes	Term
Alex Componile	\$26.00	Head Counselor	June 24 - July 26
Brendan Doherty	\$22.00	Head Counselor	June 24 - July 26
Mary Verange	\$18.00	Assistant Head Counselor	June 24 - July 26
Grace Cavalchire	\$11.00	Counselor	June 24 - July 26
Jack Chubrik	\$11.00	Counselor	June 24 - July 26
Antonio Darcy	\$11.00	Counselor	June 24 - July 26
Matteo Darcy	\$11.00	Counselor	June 24 - July 26
Aaron Del Tin	\$11.00	Counselor	June 24 - July 26
Colin DerAsadourian	\$11.00	Counselor	June 24 - July 26
Mica Garofalo	\$11.00	Counselor	June 24 - July 26
Gus McCarthy	\$11.00	Counselor	June 24 - July 26
James Presti	\$11.00	Counselor	June 24 - July 26
Sarah Rodriguez	\$11.00	Counselor	June 24 - July 26
Brittany Stephan	\$11.00	Counselor	June 24 - July 26
Logan Terranova	\$11.00	Counselor	June 24 - July 26
Emma Tuohy	\$11.00	Counselor	June 24 - July 26
Zachary Winig	\$11.00	Counselor	June 24 - July 26

WHEREAS, the Summer Playground Program is offset through the fees paid by participants of the programs by way of the Recreation Trust Fund.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that the above Counselors be appointed for the 2024 Summer Rec-N-Crew Camp Program at the program salaries listed above for the program beginning June 24, 2024 through July 26, 2024.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2024-131

TITLE: AUTHORIZE SALE OF PERSONAL PROPERTY VIA ON-LINE AUCTION
<http://www.govauctionlistservices.com/>

WHEREAS, there are certain vehicles and equipment owned by the Borough of Fair Haven which are no longer of use to the Borough and the Borough Council has recommended that they be sold; and

WHEREAS, Local Public Contracts Law N.J.S.A. 40A:11-36 requires authorization of municipal surplus via the adoption of a Resolution; and

WHEREAS, the Borough Administrator is authorized to set the minimum bid for items to be sold.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Borough Administrator be authorized to dispose of municipally-owned property not needed for public use through the process of a public auction to be held May 28, 2024 until June 11, 2024 via on-line auction handled by <http://www.govauctionlistservices.com/>

BE IT RESOLVED that the items to be sold are listed in Exhibit A attached hereto.

BE IT FURTHER RESOLVED that Mayor Halpern is hereby authorized to execute a contract with <http://www.govauctionlistservices.com/> which is attached as Exhibit B.

BE IT FURTHER RESOLVED that any items not purchased at auction may be disposed of by the Borough.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2024-132

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 13, 2024 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2023 CURRENT FUND ACCOUNT	\$	8,202.98
2024 CURRENT FUND ACCOUNT	\$	250,871.43
GENERAL CAPITAL	\$	1,313,044.37
GRANT FUND	\$	1,668.83
PAYROLL AGENCY	\$	15,815.22
OTHER TRUST	\$	32,862.83
DOG TRUST	\$	<u>681.70</u>
TOTAL	\$	1,623,147.36