

**FAIR HAVEN BOROUGH COUNCIL
REGULAR MEETING AGENDA
MAY 22, 2023, 7:00 P.M.
HYBRID MEETING (IN-PERSON AND ZOOM)**

Zoom Link: [HTTPS://US02WEB.ZOOM.US/J/85240528966](https://us02web.zoom.us/j/85240528966)
iPhone or Land Line Telephone Call In: 1-301-715-8592
Webinar ID: 852 4052 8966

1. **Call to Order:** pm
2. **Salute to the Flag:**
3. **Moment of Silent Reflection:**
4. **Sunshine Law Notice:**
5. **Roll Call:** Councilmembers Cole Hoey Koch
LaBarbera Neff Rodriguez
6. **Presentation**
-Michael Gianforte, Two Rivers Water Reclamation Authority
7. **Workshop Session**
- Stormwater Management:
 1. Municipal Stormwater Management General Permit
 - Leon S. Avakian Consulting Engineer's Proposal
 2. StormX and Stormwater System Operation-Potential Projects for NJDOT Grant Funding Cycle
-Draft Tree Preservation Ordinance
-Draft Short Term Rental Ordinance
-Draft Non-Domestic Animal Ordinance
8. **Public Comment on Agenda Items**
9. **Approval of Minutes**
-May 8, 2023 Regular Meeting
-May 8, 2023 Executive Session
10. **Old Business**
-Public Hearing on the 2023 Municipal Budget
-Borough Facilities Update
11. **New Business**
Council Committee Reports
Finance - Councilwoman Neff
Personnel - Councilwoman Hoey
Parks and Recreation - Councilwoman Hoey
Planning Board - Councilwoman Koch
Police, Fire & OEM - Councilman Rodriguez
Engineering and DPW - Councilman LaBarbera
Borough Facilities - Councilman LaBarbera
Zoning Board of Adjustment - Councilman LaBarbera
Borough Communications and Community Outreach - Councilwoman Cole

Consent Agenda
Resolutions

| | |
|----------|---|
| 2023-142 | Authorize Self Examination of the 2023 Budget |
| 2023-143 | Approve Adoption of 2023 Municipal Budget |
| 2023-144 | Authorize Execution of FY2024-2026 CDBG Interlocal Agreement |
| 2023-145 | Appoint Part-time Seasonal Laborer - Evan Quon |
| 2023-146 | Appoint Counselors for 2023 Rec-N-Crew Summer Camp |
| 2023-147 | Adopt Pre-Qualification Regulations for Bidders: New Police Facility and Community Center |
| 2023-148 | Executive Session: Personnel and Contract Negotiations |
| 2023-149 | Set Special Council Meeting for June 19, 2023 |
| 2023-150 | Payment of Vouchers |
| 2023-151 | Authorize Execution of Agreement with Meghan Ann Bennet, Dilworth Paxson, LLP |
| 2023-152 | Appoint Special Officer, Class II - Ryan Achyuthuni |
| 2023-153 | Appoint Special Officer, Class I - Jack Sullivan |

Department Reports

2021 Annual Report

-Zoning Board of Adjustment

April 2023

-Tax Collector

-Municipal Court

-Police Department

-Planning Board and Zoning Board

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: JUNE 12, 2023

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-142

TITLE: SELF EXAMINATION OF 2023 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 2023 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: 5/22/2023

By: _____
Chief Financial Officer

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-144

TITLE: AUTHORIZE THE MAYOR AND MUNICIPAL CLERK TO EXECUTE THE FY2024-FY2026 REVISED AMENDMENT AGREEMENT WITH MONMOUTH COUNTY FOR COOPERATIVE PARTICIPATION IN THE COMMUNITY DEVELOPMENT PROGRAM PURSUANT TO THE INTERLOCAL SERVICES ACT

WHEREAS, certain Federal funds are potentially available to Monmouth County under Title I of the Housing and Community Development Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, it is necessary to establish a legal basis for the County and its residents to benefit from this program; and

WHEREAS, a Revised Amendment Cooperation Agreement has been adopted under which the Borough of Fair Haven and the County of Monmouth in cooperation with other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8B-1; and

WHEREAS, it is in the best interest of the Borough of Fair Haven to enter into the revised amendment cooperation agreement.

NOW, THEREFORE, BE IT RESOLVED by the Fair Haven Council of the Borough of Fair Haen, that the Revised Amendment Agreement between the County of Monmouth and Certain Municipalities located herein for the establishment of a Cooperative Means of Conducting certain Community Development Activities, a copy of which is attached, thereto, be and same is hereby approved.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk be and same are hereby authorized to execute said agreement in accordance with the provisions of law; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its enactment.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-145

TITLE: APPOINT PART TIME SEASONAL PUBLIC WORKS LABORER - Evan Quon

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 Evan Quon, 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 Evan Quon, 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. 2023-146

TITLE: APPOINT COUNSELORS FOR THE 2023 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 2023 summer season; and

WHEREAS, DJ Breckenridge, Parks and Recreation Director has recommended the following individuals be appointed as part time Counselors for the 2023 program:

| Camp Employee | Hourly Salary | Title/Notes | Term |
|----------------------|----------------------|--------------------------|-------------------|
| Alex Componile | \$25.00 | Head Counselor | June 26 - July 28 |
| Giavonna Darcy | \$15.00 | Assistant Head Counselor | June 26 - July 28 |
| Chris Ryan | \$15.00 | Assistant Head Counselor | June 26 - July 28 |
| Alec Benedetto | \$11.00 | Counselor | June 26 - July 28 |
| Jack Butler | \$11.00 | Counselor | June 26 - July 28 |
| Antonio Darcy | \$11.00 | Counselor | June 26 - July 28 |
| Matteo Darcy | \$11.00 | Counselor | June 26 - July 28 |
| Sophia DePaulis | \$11.00 | Counselor | June 26 - July 28 |
| Philip Gambino | \$11.00 | Counselor | June 26 - July 28 |
| Carl Neff | \$11.00 | Counselor | June 26 - July 28 |
| Sophia Neff | \$11.00 | Counselor | June 26 - July 28 |
| Thomas Pantaleo | \$11.00 | Counselor | June 26 - July 28 |
| Sarah Rodriguez | \$11.00 | Counselor | June 26 - July 28 |
| Brendan Ryan | \$11.00 | Counselor | June 26 - July 28 |
| Brittany Stephan | \$11.00 | Counselor | June 26 - July 28 |
| Ben Turoczi | \$11.00 | Counselor | June 26 - July 28 |

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 2023 Summer Rec-N-Crew Camp Program at the program salaries listed above for the program beginning June 26, 2023 through July 28, 2023.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-147

TITLE: ADOPT PRE-QUALIFICATION REGULATIONS FOR BIDDERS IN CONNECTION WITH THE FAIR HAVEN BOROUGH NEW POLICE FACILITY AND COMMUNITY CENTER PROJECT

WHEREAS, N.J.S.A. 40A:11-25 permits a governing body to establish reasonable regulations appropriate for controlling the qualifications of prospective bidders for contracts awarded on behalf of the governing body; and

WHEREAS, N.J.S.A. 40A:11-25 further provides that the governing body may require each bidder to furnish a statement of their qualifications and may refuse to accept bids from a bidder unless the bidder satisfies the pre-qualification requirements; and

WHEREAS, the Borough of Fair Haven (“Borough”) desires to establish specific pre-qualification requirements for bidders in connection with the contract for the Borough of Fair Haven’s New Police Facility and Community Center Project; and

WHEREAS, in accordance with N.J.S.A. 40A:11-25, on May 19, 2023 notice was published in The Asbury Park Press and the Star Ledger regarding the hearing before the Borough Council on pre-qualification requirements; and

WHEREAS, in accordance with N.J.S.A. 40A:11-25, on June 12, 2023 the Borough will hold a public hearing on the pre-qualification requirements; and

WHEREAS, the Borough desires to adopt the pre-qualification requirements for a contract for the New Police Facility and Community Center Project as set forth in the advertisement and the Notice to Bidders as prepared by The Goldstein Partnership.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Borough of Fair Haven, County of Monmouth, State of New Jersey, they being the governing body thereof as follows:

1. Pursuant to N.J.S.A. 40A:11-25, the Borough hereby adopts the pre-qualification requirements for bidders on the contract for the Borough of Fair Haven’s New Police Facility and Community Center Project as set forth in the advertisement and the Notice to Bidders as prepared by The Goldstein Partnership.
2. The Municipal Clerk of the Borough of Fair Haven is hereby authorized and directed to forward a certified and sealed copy of this resolution and completed, certified and sealed Standard Certification Form to the Director of the Division of Local Government Services for approval pursuant to N.J.S.A. 40A:11-25.

3. The Mayor, Borough Attorney, and Municipal Clerk, together with all other appropriate employees and professionals are hereby authorized and directed to take any and all steps necessary to effectuate the purpose of this resolution.
4. This Resolution shall take effect immediately.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-148

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. Library Staffing
2. Tax and Finance Assistant

Contract Negotiations

1. Interlocal Service Agreement with Fair Haven BOE
2. Teamsters Contract

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

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

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-149

TITLE: AUTHORIZE THE MAYOR AND COUNCIL TO HOLD A SPECIAL MEETING ON MONDAY, JUNE 19, 2023 AT 5:30 PM, ZOOM PLATFORM, FOR APPROVAL OF JUNE 12TH COUNCIL MEETING MINUTES TO INITIATE PROCESS WITH DLGS FOR PRE-QUALIFICATION OF BIDDERS

WHEREAS, the Mayor and Council have determined that a special meeting is required to be held in order to approve the June 12, 2023 Council Meeting minutes to initiate the process with the Division of Local Government Services for Pre-Qualification of Bidders for the Police Department and Community Center Project; and

WHEREAS, the Mayor and Council have selected Monday, June 19, 2023 at 5:30 p.m. via Zoom Platform, for a Special Meeting to approve the June 12, 2023 Council Meeting minutes; and

WHEREAS, the Borough Clerk will notice for and advertise the special meeting in accordance with the requirements of the Open Public Meetings Act.

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 the Mayor and Council shall hold a special meeting on Monday, June 19, 2023, at 5:30 p.m. via Zoom Platform to approve the June 12, 2023 Council Meeting minutes to initiate the process with the Division of Local Government Services for Pre-Qualification of Bidders for the Police Department and Community Center Project.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-150

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 22, 2023 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

| | |
|---------------------------|-----------------------|
| 2023 CURRENT FUND ACCOUNT | \$4,213,418.39 |
| GENERAL CAPITAL | \$ 13,280.00 |
| GRANT FUND | \$ 1,200.00 |
| OTHER TRUST | \$ 13,892.69 |
| DOG TRUST | \$ <u>6.00</u> |
| | \$4,241,797.08 |
| LESS VOIDED CHECK | <u>- 2,925.00</u> |
| | \$4,238,872.08 |

CURRENT CHECK NO. 63992 - \$2,925.00

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-151

**TITLE: AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH MEGHAN
ANN BENNETT OF DILWORTH PAXSON LLP, AS BOND COUNSEL**

WHEREAS on January 3, 2023 Meghan Ann Bennett of GluckWalrath LLP was appointed as Bond Counsel; and

WHEREAS on June 1, 2023, Meghan Ann Bennett, Esq. of GluckWalrath LLP will become affiliated with the firm of Dilworth Paxson LLP; and

WHEREAS the governing body desires to amend the appointment of Bond Counsel and to enter into an agreement to reflect the affiliation of Meghan Ann Bennett with Dilworth Paxson LLP.

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

1. Effective June 1, 2023, Meghan Ann Bennett of the law firm Dilworth Paxson LLP is hereby retained for the provision of bond counsel services for the balance of the one-year term ending December 31, 2023, pursuant to an agreement that shall include the same terms, fees and conditions of the agreement previously authorized on January 23rd, 2023 for the calendar year 2023.
2. The Mayor is hereby authorized to execute and the Borough Clerk to attest to, respectively, the execution of said agreement with Meghan Ann Bennett of the law firm of Dilworth Paxson LLP.
3. This resolution shall take effect June 1, 2023.
4. That a certified copy of this resolution shall be forwarded by the Borough Clerk to the Chief Financial Officer and to Meghan Ann Bennett.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-152

**TITLE: APPOINT SPECIAL LAW ENFORCEMENT OFFICER, CLASS II, RYAN
ACHYUTHUNI**

WHEREAS, a request was made by Police Chief Joseph McGovern to appoint a Special Law Enforcement Officer Class II, effective July 1, 2023; and

WHEREAS, Joseph McGovern, Fair Haven Police Chief, has recommended that Ryan Achyuthuni be appointed as a Special Law Enforcement Officer, Class II.

WHEREAS, the rate of pay for this position is \$20.00 per hour.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Ryan Achyuthuni be appointed to the position of Special Class II Officer.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-153

TITLE: APPOINT SPECIAL LAW ENFORCEMENT OFFICERS, CLASS I: Jack Ryan

WHEREAS, a request has been made by Police Chief Joseph McGovern to appoint a Special Law Enforcement Officer Class I, effective May 23, 2023; and

WHEREAS, Joseph McGovern, Fair Haven Police Chief, has recommended that Jack Ryan 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 Jack Ryan be appointed to the position of Special Class I Officer.