

FAIR HAVEN BOROUGH COUNCIL
MAY 24, 2021

The meeting was called to order by Mayor Lucarelli at 7:01 p.m. The Flag Salute was followed by a Moment of Silent Meditation. The following Sunshine Law Statement was read:

IN ACCORDANCE WITH THE PROVISIONS OF THE OPEN PUBLIC MEETINGS ACT, PUBLIC MEETINGS MAY BE HELD IN PERSON OR BY MEANS OF COMMUNICATION EQUIPMENT TO INCLUDE STREAMING SERVICES AND OTHER ONLINE MEETING PLATFORMS (NJSA 10:4-8(b)).

DUE TO THE COVID-19 SITUATION, THE BOROUGH OF FAIR HAVEN'S MUNICIPAL FACILITIES ARE CLOSED TO THE PUBLIC. THIS MEETING IS BEING PRESENTED THROUGH THE ZOOM MEETING PLATFORM AND BEING BROADCAST FROM BOROUGH HALL, 748 RIVER ROAD, FAIR HAVEN, NJ. PUBLIC PARTICIPATION FOR THIS COUNCIL MEETING OF MAY 24, 2021 IS AVAILABLE BY CALL IN PHONE NUMBER OR THROUGH WEB CONFERENCE (ZOOM). MEMBERS OF THE PUBLIC WILL BE ON MUTE UNTIL PUBLIC QUESTIONS/COMMENT TIME, WHICH WILL BE ANNOUNCED. AT THAT TIME THE PUBLIC HAS THE OPPORTUNITY TO QUESTION/COMMENT BY PHONE OR THROUGH ZOOM BY THE "RAISE HAND" BUTTON AND WILL BE CALLED ON AT THE APPROPRIATE TIME.

NOTICE OF THIS MEETING WAS INCLUDED IN A SCHEDULE OF MEETINGS WHICH WAS ADOPTED BY RESOLUTION NO. 2021-13 AND SENT TO THE ASBURY PARK PRESS, THE TWO RIVER TIMES, THE HUB AND THE STAR LEDGER ON JANUARY 7, 2021 POSTED ON THE BOROUGH WEBSITE, THE BULLETIN BOARD IN THE MUNICIPAL BUILDING AND HAS REMAINED CONTINUOUSLY POSTED AS REQUIRED UNDER THE STATUTE.

WITH ADEQUATE NOTICE HAVING BEEN GIVEN, THE BOROUGH CLERK IS DIRECTED TO INCLUDE THIS STATEMENT IN THE MINUTES OF THIS MEETING.

ROLL CALL

On Roll Call the following were present: Councilmembers Chrisner-Keefe, Koch, Neff and Rodriguez. Absent: Councilman McCue. Others present: Administrator Casagrande and Attorney Cannon.

RESOLUTION

1. Resolution No. 2021-140, Executive Session – Property Acquisition

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:

Acquisition of Property

1. Fair Haven Road

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

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

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, Neff and Rodriguez

Negative: None

Abstain: None

Absent: Councilman McCue

Council went into executive session at 7:07 p.m. and this meeting was reconvened at 8:15 p.m. with the following members present: Councilmembers Chrisner-Keefe, Koch, Neff and Rodriguez.

PROCLAMATION

A proclamation was read in celebration of Rumson-Fair Haven's Rowing, Stotbury Cup victory. The Mayor congratulated Lauren Andersen and Mary Ciardiello on their win and wished them luck in their future endeavors.

Councilman McCue joined the meeting at 8:17 p.m.

WORKSHOP SESSION

Councilman Banahan resigned his position on Council and there is a need to fill his vacancy until December 31, 2021. Three candidate names were presented by the Republican Committee Chairperson. Council President Rodriguez asked that each person be given an opportunity to speak as was done for him when Councilwoman Aimee Humphreys vacated her seat. Tracy Cole was asked to speak for a few minutes. Mrs. Cole said serving on the Council would be an extension of what she has done and her background in planning, landscape architecture and downtown revitalization might be useful to Fair Haven. She gets along with the members of Council and feels she would be a great addition to the governing body; her heart and kids are in Fair Haven. Sheri D'Angelo apologized as she did not have anything prepared and thought the governing body was just voting based on the resumes submitted. She said that she is currently a member of the Board of Education and would step down if nominated. She was confident in all three names that were provided. Suzanne McCabe was not in attendance.

RESOLUTION

2. Resolution No. 2021-141, Appointment to fill Council Vacancy

WHEREAS, a vacancy exists on the Fair Haven Borough Council upon the resignation of Councilman James Banahan; and

WHEREAS, the Municipal Vacancy Law of NJSA 40A:16-7 requires "An appointment to fill a vacancy in the membership of the Governing Body shall be by a majority vote of the membership of the remaining members of the Governing Body"; and

WHEREAS, pursuant to NJSA 40A:6-11, Municipal Vacancy Law, the Fair Haven Republican Committee has recommended **Tracy Cole, Sheri D'Angelo and Suzanne McCabe** to fill the vacant seat for the remainder of 2021.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that pursuant to NJSA 40A:16-7, **Suzanne McCabe, 67 Lewis Point Road, Fair Haven, NJ** is appointed as a Councilmember to fill the unexpired term of James Banahan through December 31, 2021.

Offered for adoption by Councilman Rodriguez, second by Councilman McCue

Affirmative: Councilmembers Koch, McCue, Neff and Rodriguez

Negative: Councilwoman Chrisner-Keefe

Abstain: None

Absent: None

The Mayor thanked Tracy Cole and Sheri D'Angelo for attending the meeting and for their time and energy.

A tree appeal letter was received from Ryan Federer for 703 River Road. Motion to approve the appeal moved by Councilman Rodriguez, second by Councilwoman Koch with Ayes by all present.

A tree appeal letter was received from Navesink Fine Home Building for 182 Oxford Avenue. Councilwoman Chrisner-Keefe was unsure where the trees are located (the survey and sketch were unclear); she asked why are two being removed from the rear of the property. Black Locust are hazards as their limbs are heavy. If over 20% of the trees are to be removed, it has to be appealed, by Ordinance. The Forrester gives his opinion as to why the waiver should or should not be granted. We do get replacement trees for those trees that have been removed to benefit future generations. Councilman McCue said that there have been various appeals received in the past; this one seems to be more unclear than some of the others. There was discussion on the replacement plan and the number of trees to be replanted not matching the number of trees to be removed. After much discussion, this matter will be carried to the June 14th meeting for better clarification.

A request was received from the Fair Haven PTA to waive the Municipal Code(s) for consumption in the park. Administrator Casagrande advised that Superintendent McNeil had a request from the PTA for the 8th grade parents to use the tent for a parent after party post 8th grade graduation. An e-mail came from Jenni Lucci stating their request to use the tent for an event catered by Brennans to include alcohol; a waiver is needed. Mayor Lucarelli spoke with Superintendent McNeil and there would be two lease agreements for the tent (for liability reasons); one agreement for the Board of Education and one agreement for the Fair Haven PTA.

Councilwoman Koch asked that this be made an approval for this year only with a requirement that a request be made again for next year, if needed.

Councilman McCue said that he is sympathetic to the parents and the COVID situation, but there

needs to be a clean-up plan.

Jenni Lucci joined the meeting to address questions and concerns. There is a Clean Up Committee and there will be extra receptacles there for clean-up based on Parks and Recreation guidelines. Brennans will also clean as they go. The event is limited to the tent area only. No one but Brennans will make money since it is cash bar. Normally this event takes place at Raven and The Peach, however, this year the PTA had to make a plan because Governor Murphy still had restrictions in place until today. Only parents of the graduates will attend (not grandparents or other family). The event will end at 10 pm. Council was advised that there is a resolution waiving the ABC regulations in parks listed later on the meeting agenda. There will not be fireworks per the Fire Marshal.

A request was received from Jersey Shore Rugby to post lawn signs for sign-up (late May to late June). Motion to approve moved by Councilwoman Koch, second by Councilwoman Chrisner-Keefe with Ayes by all present.

A request was received from The Columbus Club a/k/a Knights of Columbus to post 3 lawn signs for their June 3rd Blood Drive; the signs will be posted in the morning and taken down that afternoon. Motion to approve moved by Councilman Rodriguez, second by Councilwoman Chrisner-Keefe with Ayes by all present.

Administrator Casagrande advised the governing body and the public that Borough Hall and the Library will open on Monday June 7th and summer hours will commence that week until Labor Day. We will follow protocols set by Governor Murphy. The entire Borough Hall staff has been vaccinated. We will be following summer hours with late Thursday hours; the central office will be open Monday through Wednesday from 8 am - 4 pm and Thursdays from 8 am-8pm and closed on Friday. There are precautions in Borough Hall already and there will be hand sanitizer available.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 8:49 p.m. Marti Egger, Hance Road, said that she has a question/comment on a previous agenda item, nothing listed on this agenda. She was asked to bring up her question/concern during Good of the Borough.

Tracy Cole, Grange Avenue, had Consent Agenda questions. She said the resolution for Mr. Goldstein’s proposal regarding Police Department storage refers to an exhibit and nothing was provided. The public needs to know the cost of the work that is proposed and asked if the Council has the proposal. Mayor Lucarelli said they do, and the proposal is to design the storage facility for OEM and public bathroom facilities which was discussed at the last Council meeting. Mrs. Cole said the public should know the scope of work and what it will cost. Administrator Casagrande read the proposal from Eli Goldstein totalling \$28,000 plus reimbursables not to exceed \$500; total authorization would be \$28,500. Mrs. Cole asked Attorney Cannon what the best practices for an exhibit are. He said that there is no legal requirement for the Clerk to publish the exhibit; the Open Public Meeting Act only requires the publication of the agenda 48 hours in advance of the meeting. Allyson Cinquegrana, Borough Clerk, said that the Clerk is not required to publish the supporting documents, we do it as a courtesy. Councilwoman Chrisner-Keefe said at the last meeting, she touched on receiving the agenda a few days before the meeting. She asked that we include as much as we can and publish everything, if we can with a longer lead on the receipt of agendas. Administrator Casagrande said the Clerk can post the back up on the website; this has been done for years.

Ruth Blaser, River Road, said with regard to the Office of Emergency Management and additional facilities, the original facility has a need for storage, locker rooms and there is not a lot of public access. There needs to be a cooling and warming center for the public and there is no place proposed in the new Police Department for it. Administrator Casagrande said BIC Hall was opened when the Police Department/Community Center air was not working last summer.

There being no further comments or questions, the meeting was closed to the public at 9:00 p.m.

APPROVAL OF MINUTES

Councilwoman Koch made a motion to approve the Regular Meeting minutes of May 10, 2021, second by Councilwoman Chrisner-Keefe

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez
 Negative: None
 Abstain: None
 Absent: None

Councilwoman Koch made a motion to approve the Executive Session minutes of May 10, 2021, second by Councilwoman Chrisner-Keefe

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez

Negative: None
Abstain: None
Absent: None

OLD BUSINESS
HEARING AND ADOPTION OF ORDINANCES

1. Ordinance No. 2020-06, Amend Fair Share Housing Ordinance

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF MONMOUTH AMENDING CHAPTER 30, LAND USE AND DEVELOPMENT REGULATIONS, BY AMENDING THE AFFORDABLE HOUSING ZONE

On motion of Councilwoman Koch, second by Councilman Rodriguez with Ayes by all present, Mayor Lucarelli opened the meeting for comments or questions at 9:01 p.m.

There being no comments or questions, the Hearing was closed to the public at 9:01 p.m. on motion of Councilwoman Koch, second by Councilman Rodriguez with Ayes by all present.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez
Negative: None
Abstain: None
Absent: None

2. Ordinance No. 2021-07, Amend Chapter 2 to Update Junior Firefighters’ Auxiliary Regulations

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF MONMOUTH AMENDING CHAPTER 2: “ADMINISTRATION” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO DELETE AND REPLACE SECTION 2-27.18: “JUNIOR FIREMAN’S AUXILIARY” TO COMPLY WITH NEW STATE LAW GOVERNING JUNIOR FIREFIGHTERS’ AUXILIARIES.

On motion of Councilwoman Koch, second by Councilman McCue with Ayes by all present, Mayor Lucarelli opened the meeting for comments or questions at 9:02 p.m.

There being no comments or questions, the Hearing was closed to the public at 9:02 p.m. on motion of Councilwoman Koch, second by Councilman McCue with Ayes by all present.

Offered for adoption by Councilwoman Koch, second by Councilwoman Chrisner-Keefe

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez
Negative: None
Abstain: None
Absent: None

NEW BUSINESS

Council Committee Reports

Finance - Councilwoman Neff asked Administrator Casagrande to remind everyone of the budget schedule for approval. The Finance Committee will be setting up meetings to begin for multi-year planning to budget over a longer period of time and also to allow everyone to understand the Department Head capital requests. Administrator Casagrande advised that the budget was advertised today, as introduced, with a hearing and adoption scheduled for June 14th.

Personnel - Councilwoman Chrisner-Keefe advised that a new Borough employee began today. She welcomed Nancy Britton as our Assistant CFO.

Planning & Zoning - Councilwoman Koch advised the next Zoning Board meeting will be held on June 3rd and possibly a second meeting on June 17th. The next Planning Board meeting will be held on June 15th.

Parks and Recreation and Communications - Councilwoman Koch advised that next Monday is Memorial Day and there will be a ceremony in Memorial Park; only Veterans and their families should attend. The ceremony will be live streamed on the Borough’s Facebook page.

The multi-purpose work in McCarter Park has been completed and residents are already using the turf for sports, exercise, stretching and working out.

Police, Fire & OEM - Councilman McCue advised that the Borough’s active COVID case number is now 11. The Fire Department is still considering the fair and will vote on it at their June meeting.

Engineering, DPW and Borough Facilities - Councilman Rodriguez said based on the last few meetings and letter that has come in from the Planning Board; action was taken at the most recent Facilities Meeting to incorporate some of the ideas into the building designs. The Borough is moving forward with the Police Department and DPW facilities and the Facilities Committee is happy with the progress. He thanked the community for being involved.

There was nothing to report for Engineering and DPW. There seems to be better compliance with the brush pick up schedule.

INTRODUCTION OF ORDINANCES

1. Ordinance No. 2021-08, Amend Affordable Housing Development Fee Ordinance

AN ORDINANCE ADDING SECTION 15.4 TO CHAPTER 30 (LAND USE AND DEVELOPMENT REGULATIONS) IN THE FAIR HAVEN BOROUGH CODE, WHICH WILL BE ENTITLED “DEVELOPMENT FEE ORDINANCE,” WHICH WILL COMPLY WITH CURRENT STATE AFFORDABLE HOUSING REGULATIONS

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

Section 1. Section 15.4 of Chapter 30 (Land Use and Development Regulations) of the Code of the Borough of Fair Haven entitled “Development Fee Ordinance”, under a new section entitled “Section 15 Affordable Housing Requirements,” is hereby created and established to read as follows:

Section 15: Affordable Housing Requirements

30-15.4 Development Fee Ordinance

A. Purpose

1. In Holmdel Builder’s Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing’s (COAH’s) adoption of rules.
2. Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or a court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.
3. In Re: Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), also known as the Mount Laurel IV decision, the Supreme Court remanded COAH’s duties to the Superior Court. As a result, affordable housing development fee collections and expenditures from the municipal affordable housing trust funds to implement municipal Third Round Fair Share Plans through July 1, 2025 are under the Court’s jurisdiction and are subject to approval by the Court.
4. This chapter establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH’s regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH’s rules on development fees, codified at N.J.A.C. 5:93-8.

B. Definitions

The following terms, as used in this chapter, shall have the following meanings:

1. **“Affordable housing development”** means a development included in the Borough’s Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.
2. **“COAH”** or the **“Council”** means the New Jersey Council on Affordable Housing established under the Act.
3. **“Development fee”** means money paid by a developer for the improvement of property as authorized by Holmdel Builder’s Association v. Holmdel Borough, 121 N.J. 550 (1990) and

the Fair Housing Act of 1985, N.J.S.A. 52:27d-301, *et seq.*, and regulated by applicable COAH regulations.

4. **“Developer”** means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
5. **“Equalized assessed value”** means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).
6. **“Green building strategies”** means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

C. Residential Development Fees

1. Imposed Fees

- a. Within all zoning districts, residential developers, the developers of all new development of principal and accessory residential buildings, except for developers of the types of development specifically exempted below, shall pay a fee of one and a half percent (1.5%) of the equalized assessed value for residential development provided no increased density is permitted.
- b. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a “d” variance) has been permitted, developers may be required to pay a development fee of six percent (6%) of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

2. Eligible Exactions, Ineligible Exactions, and Exemptions for Residential Development

- a. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
- b. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
- c. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use requiring a CO for reconstruction, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
- d. Nonprofit organizations which have received tax exempt status pursuant to section 501(c)(3) of the Internal Revenue Code, providing current evidence of that status is submitted to the municipal clerk, together with a certification that services of the organization are provided at reduced rates to those who establish an inability to pay existing charges, shall be exempted from paying a development fee.
- e. Federal, state, county and local governments shall be exempted from paying a development fee.
- f. Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.

D. Non-residential Development Fees

1. Imposed Fees

- a. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half percent (2.5%) of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- b. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half percent (2.5%) of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- c. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and one-half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

2. Eligible Exactions, Ineligible Exactions, and Exemptions for Non-Residential Development

- a. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and one-half percent (2.5%) development fee, unless otherwise exempted below.
- b. The two and one-half percent (2.5%) fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- c. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
- d. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
- e. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within forty-five (45) days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Borough of Fair Haven as a lien against the real property of the owner.

E. Collection Procedures

1. Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the Borough's Land Use Officer responsible for the issuance of a building permit.
2. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer in accordance with the instructions in Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments in keeping with the instructions in Form N-RDF.
3. The Land Use Officer responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
4. Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.

5. The Land Use Officer responsible for the issuance of a final certificate of occupancy shall notify the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
6. Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
7. Should the Borough of Fair Haven fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
8. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
9. Appeal of development fees
 - a. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Borough of Fair Haven. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - b. A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Borough of Fair Haven Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

F. Affordable Housing Trust Fund

1. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Borough's Chief Financial Officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
2. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - a. Payments in lieu of on-site construction of affordable units;
 - b. Developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - c. Rental income from municipally operated units;
 - d. Repayments from affordable housing program loans;
 - e. Recapture funds;
 - f. Proceeds from the sale of affordable units; and
 - g. Any other funds collected in connection with the Borough of Fair Haven's affordable housing program.
3. In the event of a failure by the Borough of Fair Haven to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved Spending Plan and to expend funds within the applicable required time period as set forth in In re Tp. of Monroe, 442 N.J. Super.

565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Borough of Fair Haven, or, if not practicable, then within the County or the Housing Region.

4. Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the non-compliant condition(s), and upon a finding of continuing and deliberate non-compliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund. The Court may also impose such other remedies as may be reasonable and appropriate to the circumstances.
5. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by the Court.

G. Use of Funds

1. The expenditure of all funds shall conform to a spending plan approved by the Court. Funds deposited in the housing trust fund may be used for any activity approved by the Court to address the Borough of Fair Haven's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:93-8 and specified in the approved spending plan.
2. Funds shall not be expended to reimburse the Borough of Fair Haven for past housing activities.
3. At least thirty percent (30%) of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning thirty percent (30%) or less of median income by region.
 - a. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
 - b. Affordability assistance to households earning thirty percent (30%) or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning thirty percent (30%) or less of median income.
 - c. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
4. The Borough of Fair Haven may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:94-7.
5. No more than twenty percent (20%) of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than twenty percent (20%) of the revenues collected from development fees shall be expended for such administrative expenses.

Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with monitoring requirements for the affordable housing in compliance with the Housing Element and Fair Share Plan. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

H. Monitoring

1. On an annual basis commencing with the first anniversary of the entry of the Order granting a Final Judgment of Compliance and Repose The Borough of Fair Haven shall provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs ("DCA"), COAH, or Local Government Services ("LGS"), or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the DCA, COAH, or LGS. This reporting shall include an accounting of all housing trust fund activity, including the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Borough's housing program, as well as to the expenditure of revenues and implementation of the plan approved by the court.

I. Ongoing Collection of Fees

1. The ability for the Borough of Fair Haven to impose, collect and expend development fees shall expire with its Judgment of Compliance and Repose unless the Borough of Fair Haven has filed an adopted Housing Element and Fair Share Plan with the court or other appropriate jurisdiction, has filed a Declaratory Judgment action and has received court approval of its development fee ordinance. If the Borough of Fair Haven fails to renew its ability to impose and collect development fees prior to the expiration of Judgment of Compliance and Repose, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). The Borough of Fair Haven shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its Judgment of Compliance and Repose, nor shall the Borough of Fair Haven retroactively impose a development fee on such a development. The Borough of Fair Haven shall not expend development fees after the expiration of its Judgment of Compliance and Repose.

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

Section 4. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Monmouth County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 5. After introduction, the Borough Clerk is hereby 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.

Section 6. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Monmouth County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

Administrator Casagrande explained the ordinance to the governing body and the public. Councilwoman Chrisner-Keefe had a question regarding the timing of the ordinance for renovations and the Certification of Occupancy. Administrator Casagrande said that the ordinance would kick in, in coordination with its original adoption date of January. Councilwoman Chrisner-Keefe clarified the timing piece that requires the Tax Assessor to give an estimate of the increased assessment on the renovation and she asked how it fits with the CO piece. Plans are submitted to the Construction office with a scope of work, and it is determined that the work would require a Certificate of Occupancy; the Assessor does an initial evaluation and after the close-out of permits, he reviews the improvements done.

There was discussion on the timing of the fees, inspection and Certificates of Occupancy.

Offered for introduction by Councilwoman Koch, second by Councilman Rodriguez

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez

Negative: None

Abstain: None

Absent: None

CONSENT AGENDA
RESOLUTIONS

3. Resolution No. 2021-142, Approve Refund for 2nd Quarter Tax Overpayment Refund – 162 Buena Vista Avenue

WHEREAS, the Tax Collector, has provided a request for a tax overpayment refund for 1st Quarter 2021 due to duplicate payment and advises that the following property owners qualify for a refund as follows:

Owner	Address	Block	Lot	Refund
Timothy and Janice Lake	162 Buena Vista Avenue	66	5	3,149.23

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Tax Collector and Chief Financial Officer are hereby authorized to pay said refunds in the amounts listed above.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez

Negative: None

Abstain: None

Absent: None

4. Resolution No. 2021-143, Hire 2021 Summer Camp Rec N Crew Counselors

WHEREAS, the Borough of Fair Haven will be offering a Rec-N-Crew Summer Camp Program through the Parks and Recreation Department for the 2021 summer season; and

WHEREAS, DJ Breckenridge, Parks and Recreation Director has recommended the following individuals be appointed as part time Counselors for the 2021 program:

Camp Employee	Hourly Salary	Title/Notes	Term
Alex Componile	\$19.00	Head Counselor	June 28 – July 30
Edward Messigner	\$19.00	Head Counselor	June 28 – July 30
Cam Lewis	\$12.00	Assistant Head Counselor	June 28 – July 30
Emily Pozzuto	\$12.00	Assistant Head Counselor	June 28 – July 30
Jack Benedetto	\$10.00	Counselor	June 28 – July 30
Christian Danielczyk	\$10.00	Counselor	June 28 – July 30
Giavonna Darcy	\$10.00	Counselor	June 28 – July 30
Francesca Darcy	\$10.00	Counselor	June 28 – July 30
Thomas Friedman	\$10.00	Counselor	June 28 – July 30
Jason Hall	\$10.00	Counselor	June 28 – July 30
Brody McGowan	\$10.00	Counselor	June 28 – July 30
P.J. Rawlins	\$10.00	Counselor	June 28 – July 30
Sarah Rodriguez	\$10.00	Counselor	June 28 – July 30
Chris Ryan	\$10.00	Counselor	June 28 – July 30
Luke Alex Turoczi	\$10.00	Counselor	June 28 – July 30
Ben Turoczi	\$10.00	Counselor	June 28 – July 30

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 2021 Summer Rec-N-Crew Camp Program at the program salaries listed above for the program beginning June 28, 2021 through July 30, 2021.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez

Negative: None

Abstain: None

Absent: None

5. Resolution No. 2021-144, Waive ABC Municipal Codes for Knollwood School Graduation Celebration

WHEREAS, the Fair Haven PTA will be holding an 8th Grade Graduation Parent Party on June 16, 2021 (rain date June 15, 2021); 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 event 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 Brennan’s of Rumson 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 16, 2021 (rain date of June 15, 2021) between the hours of 7:45 p.m. and 10:00 p.m. for Fair Haven PTA’s 8th Grade Graduation Parent Party and codes be waived for alcohol purchased through Brennan’s of Rumson as no outside alcohol will be permitted.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez

Negative: None

Abstain: None

Absent: None

6. Resolution No. 2021-145, Amend Temporary Budget Appropriations

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 2021 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 2021 for the Borough pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total **\$4,932,076.38** for the Current Fund.

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

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

Account Number	Description	Amount	Reason
Current Account			
1-01-25-255-235	Fire Department Equipment	\$20,000.00	Add to Temp Budget
1-01-26-300-237	Shade Tree Consulting	\$200.00	Add to Temp Budget
1-01-26-310-202	Buildings and Grounds	\$1,200.00	Add to Temp Budget
TOTAL		\$21,400.00	

2. That said emergency temporary appropriations will be provided for in the 2021 budget under the appropriate titles.

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

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez

Negative: None

Abstain: None

Absent: None

7. Resolution No. 2021-146, Support Sustainable New Jersey 2021 EDF Climate Corps Program Application

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Fair Haven strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, Fair Haven is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created the 2021 EDF Climate Corps Program; and

WHEREAS, the Mayor and Council of the Borough of Fair Haven has determined that Fair Haven should apply for the aforementioned 2021 EDF Climate Corps Program. The assistance will be beneficial in helping us better understand our current energy usage and identifying future ways to save energy costs and improve our community’s sustainability and assist us in applying for a Local Government Energy Audit for all municipal buildings through the NJ Clean Energy Program and find incentives for upgrades in appliance, lighting and other equipment.

WHEREAS, the Borough of Fair Haven will commit to providing staff support for the duration of the 2021 EDF Climate Corps Program, including access to data for energy projects such as utility billing data.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fair Haven, County of Monmouth and State of New Jersey, support and authorize the submission of the aforementioned application to the 2021 EDF Climate Corps Program.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez

Negative: None

Abstain: None

Absent: None

8. Resolution No. 2021-147, Refund 2nd Quarter 2021 Tax Payment Interest – 80 Buttonwood Drive

WHEREAS, the Tax Collector, has provided a request for a refund of interest on 2nd Quarter 2021 taxes that should not have been collected and advises that the following property owners qualify for a refund as follows:

<u>Owner</u>	<u>Address</u>	<u>Block</u>	<u>Lot</u>	<u>Refund</u>
Joshua and Nicole Halpern	80 Buttonwood Drive	71	2	\$17.36

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Tax Collector and Chief Financial Officer are hereby authorized to pay said refunds in the amounts listed above.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez

Negative: None

Abstain: None

Absent: None

9. Resolution No. 2021-148, Approve Borough Architect Proposal – New Police Storage Building

WHEREAS, The Goldstein Partnership (“Architect”), a licensed architect in the State of New Jersey, was retained by the Borough of Fair Haven (the “Borough”) to perform certain architectural services (the “Work”) by way of Contracts for Professional Services, dated December 11, 2017, October 9, 2018, February 12, 2020, and January 25, 2021; and

WHEREAS, the Architect has already completed and/or undertaken several aspects of the Work under the aforementioned Contracts, with which Work the Borough has been satisfied to date; and

WHEREAS, the Borough desires that the Architect continue to perform said Work in connection with the design of the Borough’s new police storage building; and

WHEREAS, the Architect has submitted a Proposal, revised as of May 14, 2021, and attached hereto as Exhibit A, for its design, inspection, and administration of construction for the Borough’s new police storage building; and

WHEREAS, the Borough has bonded for various construction projects and will encumber funds to pay the Architect for the Work;

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

- (1) Authorize the renewal of the Borough’s Professional Service Contracts with The Goldstein Partnership for a period not to exceed one year pursuant to N.J.S.A. 40A:11-5; and
- (2) Authorize the Borough Administrator to accept and execute the Proposal attached hereto as Exhibit A from The Goldstein Partnership pursuant to N.J.S.A. 40A:11-5; and
- (3) Provide notice that the retention of The Goldstein Partnership is exempt from public bidding as a professional service under N.J.S.A. 40A:11-5.1(a)(i), and is being awarded under a non-fair and open process in accordance with New Jersey’s Pay-to-Play law; and
- (4) Direct that Notice of this contract award shall be published in the designated official newspapers as required by law within ten (10) days of the passage of this Resolution; and
- (5) Direct that The Goldstein Partnership shall submit a Business Entity Disclosure Certification which certifies compliance with New Jersey’s Pay-to-Play law; and
- (6) Direct that the Borough Purchasing Agent shall ensure the appropriate public contracting language and documentary requirements are submitted by The Goldstein Partnership prior to commencement of the Work; and
- (7) Direct that a certified copy of this resolution be forwarded to the Borough Administrator, Chief Financial Officer, Borough Engineer, and The Goldstein Partnership; and

BE IT FURTHER RESOLVED that the Borough Administrator is hereby authorized to prepare the appropriate purchase order(s) for the full proposal amounts received from the Architect and draw down from those encumbered funds, inclusive of work performed to date on these projects; and

BE IT FURTHER RESOLVED that the necessary funds to pay the Architect for the Work described on Exhibit A hereto will be encumbered from existing bonds obtained by the Borough and payment to the Architect will be made through purchase orders as services are provided.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez

Negative: None

Abstain: None

Absent: None

10. Resolution No. 2021-149, Endorse Amended Fair Share Plan

WHEREAS, on or about March 19, 2020, the Borough of Fair Haven (“Borough”) filed a declaratory action (“Action”) with the Superior Court of New Jersey pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (“Mount Laurel IV”), seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan, to be amended as necessary, satisfies its obligation to create the realistic opportunity to meet its “fair share” of the regional need for low- and moderate-income housing pursuant to the “Mount Laurel doctrine” and

WHEREAS, the Borough simultaneously pursued, and ultimately secured, a protective order providing Fair Haven immunity from all exclusionary zoning lawsuits while it pursues approval of its Housing Element and Fair Share Plan, which is still in full force and effect; and

WHEREAS, the Borough engaged in negotiations with the Fair Share Housing Center (“FSHC”) and executed a settlement agreement with FSHC on February 12, 2020; and

WHEREAS, M&M Realty Partners at Fair Haven, LLC (“M&M”) is an interested party in

the Borough’s Action and on February 12, 2020 the Borough executed a settlement agreement with M&M; and

WHEREAS, a Fairness Hearing was held on June 18, 2018, at which time the settlement agreement was approved, and said approval was later memorialized in an Order dated June 4, 2020; and

WHEREAS, in accordance with the terms of the settlement agreements, the Borough’s planner, Heyer, Gruel & Associates, prepared an amended Housing Element and Fair Share Plan; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:44D-13, the Planning Board held a public hearing on the amended Housing Element and Fair Share Plan on May 18, 2021 and adopted the amended Housing Element and Fair Share Plan on the same day; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the amended Housing Element and Fair Share Plan is attached hereto as Exhibit A; and

WHEREAS, the Governing Body of the Borough of Fair Haven wishes to endorse the amended Housing Element and Fair Share Plan and seeks approval of the amended Housing Element and Fair Share Plan from the Court.

WHEREAS, on April 29, 2021 the Court held a Compliance Hearing to evaluate the Housing Element and Fair Share Plan;

WHEREAS, at the hearing, the Court found that the Borough’s HEFSP creates a realistic opportunity for the construction of the Borough’s fair share of the regional affordable housing need and therefore approved the Borough’s plan, as amended and as proposed to be adopted by the Borough at a Planning Board hearing.

WHEREAS, once the Borough’s Amended HEFSP is adopted and other minor outstanding items completed, the Borough will be entitled to a final Judgment of Compliance and Repose, which will insulate the Borough from builder’s remedy litigation until July 2025.

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

1. That it hereby endorses the amended Housing Element and Fair Share Plan, as adopted by the Fair Haven Borough Planning Board on May 18, 2021 via the Planning Board resolution, attached hereto as Exhibit A.
2. That it authorizes and directs its professionals to file with the Court or its Master (i) the Housing Element and Fair Share Plan, (ii) the resolutions of the Planning Board adopting and the Borough Council endorsing the Housing Element and Fair Share Plan, and (iii) any additional documents the professionals deem necessary or desirable.
3. That it authorizes its professionals to seek Court approval of the Amended Housing Element and Fair Share Plan through submission to the Court’s Special Master;
4. That it reserves the right to amend the Housing Element and Fair Share Plan, should that be necessary.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez

Negative: None

Abstain: None

Absent: None

11. Resolution No. 2021-150, 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 24, 2021 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2020 CURRENT ACCOUNT	\$ 8,311.75
2021 CURRENT ACCOUNT	\$ 257,703.65
OTHER TRUST	\$ 3,228.48
TOTAL	\$ 269,243.88

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez

Negative: None

Abstain: None

Absent: None

- 12. Resolution No. 2021-151, Approve Proposal from Monmouth Conservation Foundation

BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Mayor and Borough Clerk are authorized to execute an agreement with the Monmouth Conservation Foundation for consulting services at a rate of \$55.00 per hour, not to exceed \$5,500.

Offered for adoption by Councilwoman Koch, second by Councilwoman Chrisner-Keefe

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue and Neff

Negative: None

Abstain: Councilman Rodriguez

Absent: None

Reports of Departments

April 2021

-Police Department

-Municipal Court

-Budget Status

Motion to accept the reports, as submitted, moved by Councilman Rodriguez, second by Councilman Chrisner-Keefe with Ayes by all present.

GOOD OF THE BOROUGH

Mayor Lucarelli opened the meeting to the public for comments or questions at 9:15 p.m. Councilwoman Koch said with regard to the budget, she would like to thank Administrator Casagrande, CFO Lapp and the Finance Committee for the countless hours they spent on the budget. She reviewed the budget over the weekend and had some suggestions to decrease the budget numbers to reduce the financial burden for the residents. Recent Councils have been very successful in holding the annual increase to 2 1/2% over the years. This year's budget is being increased more than 5% which is unacceptable. It calculates to \$15 per month, per average household which does not seem like a lot of money, but there are still the final numbers needed from the Fair Haven Board of Education, R-FH Regional Board of Education and the County. She proposed that the Council look at cuts to be made to the budget especially with the facilities projects and new debt. Suggested cuts would be in salaries and wages \$60,000-\$70,000, reduction in IT by \$10,000 (it went up 150% this year from last year), there are reserves for about \$50,000-60,000 and each Committee could reduce their needs and wants by \$2,000. These suggestions could provide \$150,000 in savings. She requested Mayor and Council consider a Capital Needs Committee to review the line items.

Councilman Rodriguez shared his screen. He advised that his daughters donated their hair in the past. He tried to make a positive out of a long and dreadful COVID situation and grew his hair for over a year; he allowed his daughters to cut his hair so he could donate it to Hair We Share. Now they all have donated hair to organizations. Everyone should consider donating their hair to help those with health conditions.

Marti Egger, Hance Road, brought up that Councilman McCue and Engineer Gardella, said at a prior meeting that they would make themselves available to walk Hance Road for the Hance Road Phase II project discussion. She asked if there was a date put on the calendar? Administrator Casagrande said that the Borough Engineer does not have base mapping done for the area and this is needed for the discussion. Councilman McCue said that they need more information for the conversation. She asked Engineer Gardella for the timing. Engineer Gardella said that the survey and base map is done; he is now waiting for the rest.

Susan O'Brien, River Road, agreed that we need a new Police Department (she took a physical tour of the building). At last Planning Board meeting, Mrs. Brady mentioned the new building being too large and asked if the building can be reduced in size. It was asked if Bicentennial Hall has air conditioning? Yes. Councilman Rodriguez advised there is a firm plan in place. Chief McGovern said he heard the same comment at the Planning Board meeting. There is no requirement to have anything, but we need jail cells to be compliant with State regulations. With the plan, the Police Department is actually only gaining one office and a training room. Most of the square footage is the staircase, elevator and storage for Borough Hall; the sally port also takes up space. We are only adding 1,000 sq. feet to what we have now. Chief McGovern said that they tried containing it all on one floor, but it would not fit. The training room and extra office are needed; a staircase and elevator are a requirement for multiple

floors and they take most of the space. Administrator Casagrande said the Police Department generator will go to Bicentennial Hall. Mrs. O'Brien asked what will be used when the power goes out to keep the a/c and heat running. Chief McGovern said Borough Hall has a generator that works, Bicentennial Hall can be used as well as the Community Center (until construction).

There being no further comments or questions, the meeting was closed to the public at 9:32 p.m.

ADJOURNMENT

Motion to adjourn moved by Councilwoman Koch, second by Councilman Rodriguez with Ayes by all present.

Time of Adjournment: 9:32 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk