

**FAIR HAVEN BOROUGH COUNCIL**  
**JUNE 12, 2023**

The meeting was called to order by Mayor Halpern at 7:02 p.m. The Flag Salute was followed by a Moment of Silent Reflection. 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)).

THIS MEETING IS BEING HELD IN-PERSON AND THROUGH THE ZOOM MEETING PLATFORM, BEING BROADCAST FROM BOROUGH HALL, 748 RIVER ROAD, FAIR HAVEN, NJ. PUBLIC PARTICIPATION FOR THIS REGULAR COUNCIL MEETING OF JUNE 12, 2023 IS AVAILABLE BY CALL IN PHONE NUMBER OR THROUGH WEB CONFERENCE (ZOOM). MEMBERS OF THE PUBLIC WILL BE ON MUTE UNTIL IT IS TIME FOR QUESTIONS AND COMMENTS, 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. 2023-13 AND SENT TO THE ASBURY PARK PRESS, THE TWO RIVER TIMES, THE HUB AND THE STAR LEDGER ON JANUARY 6, 2023 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 Hoey (via Zoom), Koch, LaBarbera and Rodriguez. Absent: Councilmembers Cole and Neff. Others present: Administrator Casagrande, Attorney Sobel and Chief McGovern.

Councilmember Cole arrived at 7:05 p.m.

Mayor Halpern thanked the entire community for a fantastic Fair Haven Day this past Saturday. He thanked the Foundation of Fair Haven led by Susan Sorensen and supported by Michael Halfacre and Council President Koch, he thanked the Borough staff and all of Fair Haven's volunteers (fire and first aid), Fire Marshal and Police Department.

Administrator Casagrande advised the Borough is looking to go out to bid for a new Police Facility and Community Center; we have had a number of presentations and there is a resolution on the agenda authorizing receipt of bids for the project. As part of the discussions, Council decided that they wanted to go through the pre-qualification of bidders' process which is allowed and sanctioned by the State of New Jersey; we need to hold a public hearing and submit required documentation. Bidders must be prequalified through the State Division of Property Management and Construction in Trade Category C008 (which is General Construction) and have an aggregate qualification limit in excess of their bid amount plus the value of any work they have, on hand, at the time of the bid. Bidders must submit, with their bid, a valid and active prequalification classification certificate from the Department of Treasury, Division of Property Management and Construction. They must complete and submit an experience records form along with a prequalification affidavit as contained in the bid documents. The reason for the prequalification process is because, by law, we have to take the lowest qualified bidder and we would like to avoid contractors that do not have the experience and expertise that we need to move the project forward. We printed the most recent listing of bidders that meet the criteria and there is a total of 132 bidders that are qualified to bid on this project. Tonight's hearing is required by the Division of Local Government Services, and we are willing to take any public comments or questions regarding the prequalification process.

**HEARING ON PRE-QUALIFICATION OF BIDDERS FOR THE  
POLICE FACILITY AND COMMUNITY CENTER**

Mayor Halpern opened the hearing to the public at 7:08 p.m. on motion of Councilmember LaBarbera, second by Councilmember Koch with Ayes by all present.

Councilmember LaBarbera said as the Borough has embarked on this process and through meetings with our Owner's Representatives, there has been a heavy focus on reduction of risk; we cannot avoid risks, but we can try to mitigate risk and that is what we are trying to do with this process (based on our discussions and relationship built with Colts Neck, who went through the

same process for their project which was similar in size, if not larger).

There were no public comments or questions from the public who attended, both in person and via Zoom. Motion to close the hearing to the public at 7:09 p.m. was moved by Councilmember Koch, second by Councilmember LaBarbera with Ayes by all present.

### WORKSHOP SESSION

Mayor Halpern stated that he has tried to keep meetings as streamlined as possible and asked that with presentations, moving forward, there not be interruptions. Any questions or comments should be written down and asked after the presentation has been made.

With regard to an AED Installation Update, Chief McGovern advised that the AED boxes just arrived a few days ago. We are waiting on the batteries for them, so they are fully operational. Jared Okerson, Building Maintenance Technician, is working with an electrician to have them installed outside the buildings at various locations.

The proposed tree removal ordinance will not be discussed this evening. It will be discussed at our June 26<sup>th</sup> meeting; an updated version will be provided but requires time to read through the two versions.

Administrator Casagrande presented the Proposed Amendment to Ordinance No. 2020-07, Habitat Rezoning Ordinance, which was adopted as part of our Fair Share Housing Settlement Agreement through the courts. The version that is before the governing body is not finalized but will be forthcoming. We have a better understanding of what Habitat for Humanity wants to build there and the Borough's staff (Assistant Engineer Poruchynsky, Code Compliance Officer Mule, Susan Gruel and Mike Edwards) is working with Habitat so there is a smooth process before they go before the board for waiver relief. Once we have a final version of the amendment, it will be circulated to Habitat and their professionals and presented to the governing body for introduction and adoption. Councilman LaBarbera asked if the governing body could see a comparison of what Habitat will have to follow vs. what a resident would have to follow (i.e. 18 out of 20 conditions) for relief through the Planning Board. Administrator Casagrande said that information should be reflected in the ordinance.

With regard to an Open Space Tax Referendum, Administrator Casagrande advised that this was requested by the Finance Committee when they were discussing the budget and future Borough finances. Information on referendums was sent to the governing body for review/consideration. The referendum question must be provided to the County no later than August 18<sup>th</sup> for the General Election ballot. It would allow the Borough's residents to vote affirmatively or negatively as to whether they would want a Local Open Space Tax. The tax is very limited in what it can be used for (acquisition of lands for recreation and conservation purposes, development of those lands or any other land for recreation and conservation purposes, maintenance of land for recreation and conservation purposes, acquisition of farmland, debt service for that property, etc.) was reviewed. CFO Lapp gave a breakdown of what a Local Open Space tax could bring for 2023; a 1% Open Space Tax could bring in \$235,799. A list of the municipalities in Monmouth County that have a Local Open Space Tax was provided (there are 22 out of 53 that have one). Mayor Halpern advised that he is fundamentally against this tax because it is a tax; he wants to be as tax neutral as possible. We have financial challenges that need to be considered. Councilmember Cole was also opposed to another tax, as well, and felt we can acknowledge our natural resources are abundant in Fair Haven (she named the areas). There is a need for a conservation plan with stewardship to maintain natural resources. Councilmember Rodriguez does not like taxes or giving away money. Residents would vote affirmatively or negatively to have this tax every year. Councilmember Koch asked if this would be 1% residents would be subjected to, in addition to the normal taxes? Yes. It was asked if we designate areas of concern that the taxes would pay for, can the dedication be changed to pay for something else not directly associated with open space. Administrator Casagrande explained how the Trust works and that it is accumulative. The money must go to open space (i.e. parks, playgrounds, etc). CFO Lapp provided information as to what could be paid for through the current fund budget, with examples. Administrator Casagrande said the Borough has 100 acres of open space with riparian areas such as the park on DeNormandie, etc. Councilmember Hoey advised the Borough could use a portion of the tax each year with park maintenance costs being paid for through this tax, not to purchase new property. We have some upcoming maintenance costs that we could use for that priority. Administrator Casagrande said the funds can be used for either a purchase or maintenance; the governing body decides what the tax would go to. Councilmember Hoey has advocated for an upgrade to the fields so we should look at all fundraising avenues. It was felt we should look harder at our budget before instituting a tax. Councilmember LaBarbera explained why the discussion of a Local Open Space Tax came up in the Finance Committee meeting. The State changed what is included and not included in CAP. Next year's budget could be \$185,000 plus over CAP and we are looking for cuts, this was one of many levers discussed to help offset any shortage or cuts. Councilmember Rodriguez said this referendum gives the residents the choice to impose a tax on

themselves. The tax will help fund the shortfall if there is one next year. Mayor Halpern explained his feeling on this idea and for future governing bodies. Councilman LaBarbera said the restrictions that come with an Open Space Tax could unravel from its intended use. Administrator Casagrande advised that this governing body is facing a CAP issue in the future especially with the new facilities coming on which will need to be maintained. The State may not give us waivers again which may change the budget's overage or shortfall. Councilmember Cole read the Environmental Commission Environmental Resource Inventory report. We have a little under 200 acres not including wetlands and we need to plan for good stewardship of our amenities. Councilmember LaBarbera addressed Councilmember Koch regarding an additional 1% tax; he read the 2022 tax rate certification and collection. We want to maintain our open spaces, but we need to know how funds build up. He requested a Survey Monkey be sent to Borough residents for their thoughts on this; the results would provide more data which we need. Councilmember Hoey agreed with getting community feedback. The governing body was advised that they would have to adopt a resolution with the referendum question (if they choose), and it has to be received by August 18<sup>th</sup> (81 days prior to the General Election date).

### **PUBLIC COMMENT ON AGENDA ITEMS**

The meeting was opened to the public for comments or questions at 7:40 p.m. Marti Egger, Hance Road, asked the governing body to look at the amendments that have been introduced. Tax is a complex issue, and she was not sure the Borough would get all of the public input required because of the complexity and complications this could present; it is not a great idea to have an open space tax. She asked how many referendums the Borough has had that have been voted down; the Borough has not had a referendum. Mayor Halpern asked how many negative votes were received in municipalities that proposed an Open Space Tax; Administrator Casagrande would find out the information.

Anita Esser, Dartmouth Avenue, clarified Councilmember Hoey's comment that the Open Space Tax of 1% would not be spent on acquisition of a property or a future project, but maintenance of what we have now. The money can be used for those things that we currently have. Ms. Esser said the Borough is over budget and does not have money for acquisition or maintenance. Councilmember LaBarbera said there is a fear for what happens a few years from now and the tax is not used as it was intended.

Mark Olsen, Cambridge Avenue, asked how many dollars equal 1%; \$235,799 for 2023. He asked if it could be ¼ or ½% open space tax; yes, but we would have to double check. He asked if the tax can be increased by referendum if the Borough felt it needed to; yes. He said he has looked at the bill list and was surprised by the line items and that they are voted as a whole. Mayor Halpern said it is hard to respond to his inquiry; we need specifics to answer. He asked if anything gets questioned on the bill list by the governing body or public; yes. Administrator Casagrande explained the process. The public can question or review the bills, also. We provide the bill list to everyone in advance of the meeting.

Ruth Blaser, River Road, asked what the improvements to Forman Street would be; drainage, ADA improvements, curbing, milling and paving. The whole length? Yes. She asked about Resolution 2023-155 and why there is a needed reduction of \$55,000; CFO Lapp did a cancellation on this prior and is addressing what has not been spent. She questioned Ordinance No. 2023-10 and why the Borough is spending \$215,000 if we do not have it; this is the Borough's pay as you go ordinance that we pass this every year; there will be a more detailed resolution when we move to charge against it. Mrs. Blaser said the ordinance is vague. She was advised that the Mayor and Council will have a more descriptive resolution when spending; this allows us to pay for small capital expenditures without charging debt.

Stephanie Adams, Oxford Avenue, advised that ANJEC has a lot of info on financing for open space. She recommended a transfer tax instead. She will send Councilmember LaBarbera the link to the ANJEC site. Mayor Halpern explained a transfer tax would be penalizing those leaving the Borough to fund those residents moving into the Borough. A portion of what you sell your property for would go towards the acquisition and maintenance of land for the people coming into Fair Haven. This option was noted.

There being no further comments or questions, the meeting was closed to the public at 7:54 p.m.

### **APPROVAL OF MINUTES**

Councilmember LaBarbera made a motion to approve the Regular Meeting minutes of May 22, 2023, second by Councilmember Rodriguez

Affirmative: Councilmembers Cole, Hoey, LaBarbera and Rodriguez

Negative: None

Abstain: Councilmember Koch  
Absent: Councilmember Neff

Councilmember LaBarbera made a motion to approve the Executive Session minutes of May 22, 2023, second by Councilmember Rodriguez

Affirmative: Councilmembers Cole, Hoey, LaBarbera and Rodriguez  
Negative: None  
Abstain: Councilmember Koch  
Absent: Councilmember Neff

### OLD BUSINESS

Councilman LaBarbera asked that Amanda O'Lear of Heyer Gruel be promoted as a panelist to provide a report/overview of the Open Houses held for the DPW Facility Renovation. Amanda highlighted the open house (May 19<sup>th</sup> and 31<sup>st</sup>) feedback and the main takeaways. Residents were asked to comment on DPW site size, recycling center, landscaping, fencing and building facade. Most preferred a smaller site, there was overall support for the landscape buffer and improvements to the recycling center (concrete pad for cardboard recycling) however circulation was a concern. Based on the first open house, three new site plans were presented at the second open house. She explained the circulation options of the recycling center with and without on-street parking. Enforcement of violations was a concern, so security cameras were requested as well as fines. A majority of the attendees wanted an 8' sealed fence to block the residents' view of the facility; wood or stone and wood combo for fencing were presented. Stone veneer was most preferred for the building and that it be gray. There was a lot of feedback about the Community Center Fields. Councilmember LaBarbera said Amanda did a great job and he thanked her and Heyer Gruel. Amanda left the meeting at 8:00 p.m.

Councilman LaBarbera reviewed his PowerPoint on facilities beginning with DPW. At the June 20<sup>th</sup> Planning Board meeting, there will be Capital Review for the DPW renovation. There will be a public hearing at the June 26<sup>th</sup> Council meeting for pre-qualification of bidders with approval of those minutes at the July 10<sup>th</sup> Council Meeting. The DPW project will take place about 4-6 weeks after the Police Facility and Community Center. There is a concern about this year's winter weather. Some of the resident concerns about the DPW facility were reviewed. Most preferred the site plan reduction; use would be decreased by 6,100 square feet. A photo of the proposed fence was shown. Inflection points were reviewed through slides 8 and 9. There will be bollard lighting for the new fuel tanks and residential friendly lighting on the DPW building. Vinyl siding will be the material for the building which is low maintenance and easy to replace (5-year warranty prorated for up to 50 years).

The DPW Facility update was provided through slides 10 and 11. On June 6<sup>th</sup> the Technical Design and Review Committee met regarding the project and gave approval. The Planning Board will provide a capital review on June 20<sup>th</sup>. There is no evidence of underground storage tanks on the property. There are 271 contractors that can bid on this project because it is a smaller scale. Next steps were provided in slide 12.

A Police Department Facility and Community Center update was given. The Owners Representatives and professionals feel that we should close the Police Department and Community Center sooner than plan due to the site's ingress and egress, for safety reasons. Councilmember LaBarbera said conversations have taken place with DJ Breckenridge, Parks and Recreation Director and Sean McNeil, Superintendent of Schools, for alternate recreation facility space. Chief McGovern said he tried hard to keep the buildings open, but safety is key, and our professionals feel it should be closed. Staging will take up the east and west side of the building and pipes will be run in the area. Councilmember Cole said the Borough needs to ensure recreation and other programs continue during construction, in an alternate way. Slide 14 provided cost estimates with five categories, beyond the building and site sub-total, that add an additional 25% in costs. We are still saving a little over \$1 million but added in more components (provided in slide 15). A Schematic vs Construction Drawing comparison was provided in slide 16 and cost components (building construction and site work) were provided in slide 17. The facilities team provided 15-25 pages of feedback on plans from the architect which shows how serious we are about a smooth project and less change orders or redesign. Since January, there have been 140 decision points/steps that have been approved by the governing body. We are authorizing the project be bid this evening. Once we receive the cost estimate for the DPW, there will be a breakdown of costs and how they will affect taxes (June 26<sup>th</sup> Council meeting). There will be pre-testing and monitoring of the project of the surrounding neighbors' homes for construction; pictures will be taken before the project begins and after the project to reduce risk. One year maintenance has been built into the project. There will be a meeting with Colts Neck about lessons learned (bidding process/contractor- pros, cons, punch lists, etc).

Councilmember Cole noted pedestrian and circulation issues around the DPW area which are separate from the project. She had inspection and process questions and requested final costs.

There was discussion on assessment to reduce risk. It was asked if Borough insurance covers us, why we would need a third party to oversee? Administrator Casagrande explained our JIF coverage and discussion with the Risk Manager who felt the process we are following is proactive to help mitigate risk. Councilmember Cole asked what formatting and protocols are in place for the Owners Representative to report to Mayor and Council; Councilmember LaBarbera advised there are minutes as a formal record of the weekly meetings. The Owners Representative and Architect will be on site, weekly; this is still being worked out. Councilmember Rodriguez asked about discussions with Congressman Pallone's office; Councilmember LaBarbera will provide an update once he hears back on grant funds (hopefully by June 26<sup>th</sup>).

## NEW BUSINESS

### Council Committee Reports

**Finance** - Councilmember Neff was absent. Councilmember LaBarbera stated finances were discussed earlier in this meeting. The Committee is looking at facility numbers. The final payment for COVID expenses were received from the State.

**Engineering and DPW** - Councilmember LaBarbera advised the brush and leaf meeting on June 15<sup>th</sup> will have solutions for implementation which will be provided to the governing body. Fair Haven Road (Phase I and II) between River and Ridge Roads is being fully funded by the NJDOT which will allow the Borough to focus on Forman Street upgrades. The Hance Road and Cooney Terrace project is on hold; there is a meeting with all key stake holders scheduled for June 15<sup>th</sup>. There is a project prioritization completed with a five-year plan for small engine vehicles. The work by Frontier Tree that was supposed to start today has been pushed to June 15<sup>th</sup>. With regard to the amended street opening ordinance and curb to curb restoration, there may be a need to consider the cash repair deposit/bond for utilities.

**Borough Facilities** - Councilmember LaBarbera provided a presentation earlier. With regard to technology, he thanked and gave kudos to Chris Alworth, IT, who completed an application for a State cyber security grant program to improve/secure our cyber security posture.

**Zoning Board of Adjustment** - Councilmember LaBarbera advised there has not been a meeting in two months as there have not been any applications. The next meeting will be July 6<sup>th</sup>. There will be a meeting with the Zoning Office to discuss the Zoning Board of Adjustment's annual report recommendations.

Councilmember LaBarbera and Chief McGovern were supposed to meet with a Little Silver Council representative regarding Cambridge Avenue, but he had a conflict. The meeting will take place this week. There is a list of Cambridge Avenue residents that will be invited to an open house discussion to advise of the plan for relief on their street (parking signs, stop signs, etc.). There will need to be governing body approval to finalize the plan.

**Personnel** - Councilwoman Hoey advised there is a DPW seasonal hire, and one temporary employee hired to replace an employee on leave. The Parks and Recreation camp counselors have been finalized for the June 26<sup>th</sup> start of summer camp. In the Executive Session meeting, there will be a discussion regarding the Tax and Finance Assistant position. There will be a Personnel Committee meeting held on June 15<sup>th</sup>.

**Parks and Recreation** - Councilwoman Hoey advised the June 3<sup>rd</sup> fishing derby was a success, the Parks and Recreation Summer Camp will begin June 26<sup>th</sup> and end on July 28<sup>th</sup>; registration is closed. The Fair Haven Fields #4 work has been completed. The field has been closed for two weeks so the sod can root and take hold. No dogs on the field, at any time. The next Recreation Committee meeting will be held on July 11<sup>th</sup>.

Councilmember LaBarbera gave kudos to Councilmember Hoey for her assistance with the facilities schedule timeline.

**Planning Board** - Councilmember Koch advised the next meeting will be held on June 20<sup>th</sup>; the agenda will include the annual report of the Zoning Board and the DPW Facility presentation as well as a recommendation from the Technical Design and Review Committee. She and Councilmember LaBarbera met with them along with the Borough's Architect and Borough Engineer. All Planning Board members have received digital copies of the proposed renovation and recommendation of the Technical Design and Review Committee.

The Beautification Committee will be meeting on June 21<sup>st</sup>. The first project is to redistribute some of the River Road flowerpots to other areas in the Borough; one near Booskerdoo. The Memorial Bench and Tree Program will be brought back.

**Police, Fire & OEM** - Councilmember Rodriguez said there are no updates for the Police Department. There was a Fire Department meeting held with Councilmember LaBarbera and the Fire Chiefs on

May 31<sup>st</sup>. The Fire Department is interested in hosting a Council meeting; if the meeting cannot take place at the firehouse due to logistics and technology, they still would like to give a presentation on Fire Department. He and Councilmember LaBarbera met with the Mayor and Administrator Casagrande regarding a Knox Box program for residences and commercial entities; the Fire Chiefs would have a key to the location for access in the event of a fire emergency. The Borough needs an ordinance, or it can be completely voluntary. Some municipalities have a formal ordinance; there should be a discussion regarding this by the Council (information will be provided with options). The Chiefs are “living in a gray area” with this.

**Borough Communications and Community Outreach** - Councilmember Cole advised the next meeting is scheduled for June 22<sup>nd</sup>. The last meeting was held on May 25<sup>th</sup> where a macro timeline for facilities was discussed. She will work with Councilmembers LaBarbera and Hoey regarding construction updates so we can give residents fair warning and precautions, if necessary.

There is an Environmental Commission meeting on June 14<sup>th</sup>, and they will meet with Joanie Powers, regarding Deer Management and the DEP standards that are used for deer management plans. There may be a proposal possibly next month provided by the Environmental Commission. The meeting is at the Methodist Church at 5 p.m. and there will be the regularly scheduled meeting for further discussion. There needs to be an intake process on Japanese Knotweed (extremely invasive). Vendors do not want to use their equipment on Knotweed because it is so invasive, and they do not want to contribute to a possible spread. Knotweed is at Bicentennial Hall, the Bird Sanctuary, Fourth Creek, northwest edge of Fair Haven Fields, Third Street trail and the Natural Area. The Green Team secured a \$2,000 grant for a pollinator garden in the Third Street Trail area. She thanked Sarah Schiavetti, Kelly Flanagan and Stephanie Adams who were instrumental in securing the grant.

The Shade Tree Commission advised a tree inventory needs to be in place for our Community Forestry Plan. We were waiting for requirements from the Department of Forestry which has now be released. The grant requirements have also been released for the application process; the grant can help fund this task. Shari Spero, Certified Tree Expert, has been asked to fast track a proposal to work up the plan. August 25<sup>th</sup> is the grant submission deadline so there will need to be a resolution of support from the Mayor and Council. The grant would partially fund a vendor to create the inventory. There will be an in-kind 25% match from the Borough (this could be each hour that a volunteer spends on this in the field and handling the paperwork). The grant is for public land trees not private land. Shade Tree has been putting together a resident tree buying program where a resident purchases a tree to be planted by a vendor who will secure mark outs, staking, etc. This will take place for the fall and the resident takes on ownership and maintenance.

The Grant Committee held a meeting; it is a great group with great ideas. The Committee will provide an executive summary of the grants (type of grant, project, grant dollar amount, amount we would apply for, etc.) that are available and what we want to apply for moving forward.

Fair Haven Business Association members and Councilmembers Cole, LaBarbera and Koch met with Heyer Gruel to look at supporting the Business District to preserve our small-town charm. Councilmember LaBarbera said it was helpful to start a conversation with how to approach the Business District and next steps. It was a productive discussion. Councilmember Koch said Susan Gruel provided great guidance. The Mosaic Animal Health Center will hold a Grand Opening with an Open House on June 17<sup>th</sup>, 11 am-3 pm.

### **INTRODUCTION OF ORDINANCES**

1. Ordinance No. 2023-07, Create a Short-Term Property Rental Ordinance

**AN ORDINANCE SUPPLEMENTING CHAPTER 30: “LAND USE AND DEVELOPMENT REGULATIONS” OF THE BOROUGH’S REVISED GENERAL ORDINANCES WITH NEW SECTION 30-7.34: “SHORT-TERM RENTALS IN RESIDENTIAL ZONES” TO PROHIBIT THE RENTAL OF RESIDENTIAL STRUCTURES AND DWELLINGS, IN WHOLE OR IN PART, FOR LESS THAN NINETY-FIVE DAYS TO PRESERVE RESIDENTS’ QUALITY OF LIFE WITHIN THE BOROUGH**

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

**WHEREAS**, the Borough of Fair Haven (the “Borough”) is concerned about the potential for short-term rental operations to negatively affect permanent residents’ quality of life within their

neighborhoods; and

**WHEREAS**, it is in the best interests of the Borough and its residents to prohibit any owner of a residential structure or dwelling from renting same, in whole or in part, for any period less than 95 days;

**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.** The Revised General Ordinances of the Borough of Fair Haven are hereby supplemented to include *new* Section 30-7.34 entitled “Short-Term Rentals in Residential Zones” within Chapter 30 entitled “Land Use and Development Regulations” as follows:

**CHAPTER 30: “LAND USE AND DEVELOPMENT REGULATIONS”**

\* \* \*

**§ 30-7 GENERAL ZONING PROVISIONS**

\* \* \*

**§ 30-7.34 Short Term Rentals in Residential Zones.**

- a. *Rentals Less than 95 Days Prohibited.* All rentals of residential structures, in whole or part, and all rentals of dwellings, in whole or part, for any period less than 95 days, in the R-5, R-7.5, R-10, R-10A, R-10B, R-15, R-20, R-30, and R-40 Districts, are prohibited.
- b. *Enforcement.* Any person, firm or corporation who shall be convicted of violating this section, in addition to any other penalties for violations of applicable ordinances, shall, upon conviction, be subject to a fine of not less than \$500.00 for each and every day of the term of any rental that is non-compliant with this section.

**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.

Mayor Halpern clarified with Attorney Sobel that the ordinance is finalized and moves to Chapter 30 (Land Use) so that we are more solidified so that we do not have loopholes that licensing has. Attorney Sobel said Fair Haen does not have rental licensing, administration or enforcement. This approach is more straight forward through a zoning regulation. This ordinance states there cannot be a short-term rental in residential zones of less than 95 days. Mayor Halpern stated this version takes licensing out of the ordinance and refers to regulation and asked if it would change the threshold.

Councilmember LaBarbera requested a window for the fine with a ceiling in the enforcement section of not less than \$500 or more than \$1,000 per day. Attorney Sobel stated the Borough would have to prove each and every day there is a violation of the ordinance; it does not impact what we are doing here. There was suggestion of a \$1,000 fine per day with each day considered a separate offense. The Mayor was concerned about a new resident who was not aware of the ordinance regulations being penalized. The property owner can bring it to municipal court and/or appeal to Superior Court. The fine in the ordinance should remain.

Offered for introduction by Councilmember LaBarbera, second by Councilmember Cole

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmember Neff

2. Ordinance No. 2023-08, Amendment to the Non-Domestic Animal Ordinance

**AN ORDINANCE AMENDING CHAPTER 5: “ANIMAL CONTROL” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO PROHIBIT THE KEEPING, HARBORING, CONTROLLING, AND/OR POSSESSION OF CERTAIN NON-DOMESTIC ANIMALS WITHIN THE BOROUGH**

**WHEREAS**, the Borough of Fair Haven (the “Borough”) finds that the harboring of certain non-domestic animals may be offensive to other residents so as to constitute a public nuisance and may pose a threat to the safety of the Borough’s residents and their properties; and

**WHEREAS**, in order to protect the health, safety and well-being of persons and property within the Borough, it is necessary to prohibit the keeping, maintaining, or possessing of certain non-domestic animals within Borough limits;

**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.** Section 5-18: “Prohibited Non-Domestic Animals” of Article IV: “Regulations Applicable to All Animals” of Chapter 5: “Animal Control” of the Revised General Ordinances of the Borough of Fair Haven is hereby amended as follows (~~stricken~~ text deleted; underlined text added):

**§ 5-18 PROHIBITED NON-DOMESTIC ANIMALS.**

**§ 5-18.1 Purpose and Intent.**

This section is adopted in order to protect the health, safety and well-being of persons and property by prohibiting certain animals within the Borough of Fair Haven. The Board of Health of the Borough of Fair Haven finds and determines that the harboring of certain animals within the Borough may be offensive to other residents so as to constitute a public nuisance and may pose a threat to the safety of its inhabitants and their property.

**§ 5-18.2 Prohibited Animals.**

It shall be unlawful for any person to keep, maintain, have in his or her possession or under his or her control or to permit another to keep, maintain or have under his or her control within the Borough limits of the Borough of Fair Haven any cattle, goats, chickens, bees, hens, hogs, horses, ocelots, pigs, (including potbelly pigs), pigeons, sheep, swine or any other animal that is deemed to be dangerous to humans. The foregoing enumeration is not intended to be all-inclusive. The determination of whether or not an animal is deemed to be dangerous to humans shall be made by either the Borough's Animal Control Officer or a Police Officer of the Fair Haven Police Department or the Mayor and Borough Council.

**§ 5-18.3 Enforcement.**

This section shall be enforced by the Borough's Animal Control Officer and/or Police Department.

~~**§ 5-18.4 Application for Waiver; Notice.**~~

~~An owner desirous of owning and maintaining a non-domestic prohibited animal as provided for herein shall have the right to make application to the Mayor and Council of the Borough for a waiver under this section. The application for a hearing before the Mayor and Council must be submitted not less than 10 days prior to a regularly scheduled meeting, with notice published in the official newspaper of the Borough of Fair Haven not less than 10 days prior to said meeting, and giving written notice to all property owners within 200 feet of the applicant's property. The applicant shall obtain a certified list of all property owners within 200 feet of his/her property from the Borough of Fair Haven's Tax Assessor's office.~~

~~A. Type of Notice. Notice must be made to all property owners within 200 feet of the applicant's property by regular and certified mail, return receipt requested, with proof of service being presented to the Mayor and Council at the time of the hearing with an affidavit setting forth that the mailing has been made to the appropriate property owners.~~

~~B. Form of Notice. The notice shall set forth the following:~~



- ~~(1) Name and address of the applicant.~~
- ~~(2) The address and lot and block number of the household or dwelling unit for which the applicant intends to harbor the non-domestic animal.~~
- ~~(3) The nature of the waiver requested, setting forth the number and identity of the proposed non-domestic animal.~~
- ~~(4) The date, time and place of the hearing before the Mayor and Council.~~

~~C. Consideration for Granting of Waiver, Burden of Proof and Vote. By majority vote of quorum of the Borough Council, the Mayor and Council may grant or deny an application for a request for a waiver based upon a preponderance of evidence that the applicant has demonstrated good cause for the granting of such waiver. In examining whether or not a waiver should be granted, the following shall be considered:~~

- ~~(1) The size of the property of the applicant where the non-domestic animal(s) are intended to be kept.~~
- ~~(2) The distance between the location of where the non-domestic animal is intended to be kept on the applicant's property and the physical location of an adjacent property owner's home or dwelling unit.~~
- ~~(3) Whether the applicant's property is fenced so as to shield the non-domestic animals from the sight of the surrounding property owners.~~
- ~~(4) Whether the non-domestic animals are kept in the applicant's home or remain primarily outside of the applicant's home.~~
- ~~(5) The proposed non-domestic animal and its size.~~
- ~~(6) The prior history of complaints filed against the applicant for violation of this section, or previous ordinances pertaining to animal control.~~
- ~~(7) The zoning district of the applicant's property,~~
- ~~(8) Whether the non-domestic animals serves some purpose other than the desire to have a non-domestic animal as a pet.~~
- ~~(9) For other such reasons as the Mayor and Council may feel appropriate to consider according in the case, facts and circumstances presented at the time the application is heard.~~

~~D. State Number of Non-Domestic Animals. Should the applicant's request for a waiver be granted, the Mayor and Council shall set the number of proposed non-domestic animals permitted.~~

~~E. Revocation of Waiver. A waiver granted by the Mayor and Council may be revoked upon proper application made by a Borough official, member of the Borough Police Department or an individual by making applications to the Mayor and Council at least 10 days prior to a Council meeting and by serving notice upon the owner by regular and certified mail, return receipt requested, of the application for revocation of the waiver. The notice shall also include a factual basis for the requested revocation. A hearing shall then be held by the Council on the application for revocation. The Mayor and Council will evaluate the application for revocation of waiver based upon the same criteria previously set forth herein under this section.~~

~~F. Vaccinations. All non-domestic animals as authorized by a waiver shall be vaccinated against rabies and any other disease as required by a licensed veterinarian and all vaccines shall be done in accordance with the following:~~

- ~~(1) Vaccination shall be performed by a veterinarian licensed to practice in the State of New Jersey. The vaccine used shall be from a manufacturer licensed by the Bureau of Animal Husbandry of the United States Department of Agriculture or such other agency as shall be approved by the State Department of Health. The dosage shall be as recommended by the manufacturer. All animals shall be revaccinated before the expiration of the period of time for which the vaccine used is known to be effective.~~
- ~~(2) No waiver shall be granted until the certificate indicating that the animal has been vaccinated or otherwise inoculated has been presented to the Borough Clerk. The certificate shall be~~

~~submitted with the request for a waiver application but no later than the hearing date schedule for the waiver application hearing.~~

~~§ 5-18.5 — Limitations on Granting of Waiver/Permit.~~

~~The granting of a waiver and permit hereunder shall in no way authorize the creation of a nuisance or the maintenance of an obnoxious condition and shall in no way regulate or prevent the passing of future ordinances concerning the prohibition of or the limitation upon the keeping of non-domestic animals.~~

~~§ 5-18.6 — Term of Permit; Expiration; Fee.~~

~~Any permit granted after obtaining a waiver, shall be valid for a period of one year from the date it is issued. A permit must be obtained on annual basis. The permit fee shall be \$25.~~

~~§ 5-18.7 — Building, Feeding and Operational Requirements.~~

~~Any person having obtained a waiver as set forth herein shall comply with the following provisions:~~

- ~~A. The storage of any such non-domestic animal shall be such as to preclude odors and sounds therefrom from interfering with the comfortable enjoyment of life and property on neighboring premises.~~
- ~~B. Building, food storage bins, appliances, equipment, feeding areas and other facilities on the premises which might provide food or shelter are to be constructed and maintained in such a fashion as to permit proper cleansing.~~
- ~~C. The water supply shall be adequate for proper sanitation.~~
- ~~D. Water or other liquids to which mosquitoes may have access shall be properly treated to prevent their breeding.~~
- ~~E. Rodents to insects hazardous to public health shall be controlled so that they do not exist or reproduce therein or thereon.~~
- ~~F. Adequate equipment shall be available to maintain all yards, enclosures or premises in which such non-domestic animals shall be kept, raised or maintained in a sanitary condition at all times.~~

~~§ 5-18.8 — Fencing.~~

~~The area wherein the non-domestic animals are kept, except where they are housed in closed buildings, shall be completely fenced with a sturdy, well-constructed closely woven wire fence or other equally effective fence so as to prevent trespassing on adjoining property.~~

~~§ 5-18.4 — Expiration of Pre-Existing Permits~~

~~As of July 1, 2023, within sixty (60) days of the expiration of any previously issued and unexpired permit or waiver for the keeping, harboring, controlling, or possession of non-domestic animals, the permit holder shall remove all non-domestic animal(s) from within the Borough and no further keeping, harboring, controlling, or possession of non-domestic animals shall be permitted.~~

~~§ 5-18.9-5-18.5 — Violations and Penalties.~~

~~A person guilty of violating the provisions of this section shall be subject to a fine in an amount not to exceed \$100 for the first offense and no more than \$500 for all subsequent offenses.~~

~~**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.** This Ordinance shall hereby take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.~~

Offered for introduction by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmember Neff

3. Ordinance No. 2023-09, Amend Bond Ordinance No. 2020-15 to amend descriptions

**BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2020-15  
ADOPTED ON DECEMBER 14, 2020 AND PROVIDING FOR VARIOUS  
2020 GENERAL CAPITAL IMPROVEMENTS, IN ORDER TO AMEND TWO OF  
THE PURPOSES THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF FAIR  
HAVEN, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

**WHEREAS**, the Borough of Fair Haven, in the County of Monmouth, New Jersey (the “Borough”) finally adopted Bond Ordinance No. 2020-15 on December 14, 2020 (the “Prior Ordinance”) providing for various 2020 general capital improvements by and in the Borough; and

**WHEREAS**, the Borough has determined that the project descriptions set forth in Section 3. (a) (i) and (ii) of the Prior Ordinance needs to be amended.

**NOW, THEREFORE, BE IT ORDAINED** by the **BOROUGH COUNCIL** of the **BOROUGH OF FAIR HAVEN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring), **AS FOLLOWS:**

**Section 1.** Section 3. (a) (i) and (ii) of the Prior Ordinance are hereby amended to read as follows:

(i) **Public Works (DPW) and Borough Hall** – Various improvements to the Borough’s DPW Allen Street Site and Borough Hall, including, but not limited to, demolition of existing structures; site preparation work and environmental remediation; construction of new structures; acquisition and installation, as applicable, of gasoline tanks, pumps, storage tanks and a salt dome, and stormwater management improvements; and

(ii) **Police Department and Community Center** – Demolition of the Borough’s existing Police Department Building; construction of a new Police Department Building and Community Center; site preparation work and environmental remediation, as applicable; and stormwater management improvements.

**Section 2.** The 2023 capital budget of the Borough will conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

**Section 3.** The Borough Attorney and other Borough officials and representatives are hereby authorized to do all things necessary to accomplish the purposes of the appropriation made herein.

**Section 4.** All other provisions of the Prior Ordinance remained unchanged.

**Section 5.** This ordinance shall take effect as provided by law.

Offered for introduction by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmember Neff

4. Ordinance No. 2023-10, Generic Bond Ordinance (\$215,000)

**AN ORDINANCE OF THE BOROUGH OF FAIR HAVEN, IN THE  
COUNTY OF MONMOUTH, NEW JERSEY PROVIDING FOR THE  
ACQUISITION OF VARIOUS EQUIPMENT, INFRASTRUCTURE,  
IMPROVEMENTS TO PUBLIC BUILDINGS AND GROUNDS AND  
APPROPRIATING THE SUM OF \$215,000.00 THEREFOR,  
AUTHORIZED IN AND BY THE BOROUGH OF FAIR HAVEN, IN THE  
COUNTY OF MONMOUTH, NEW JERSEY**

**WHEREAS**, the Borough of Fair Haven, in the County of Monmouth, New Jersey (the “Borough”), has determined to acquire various equipment and make improvements to infrastructure and public buildings and grounds; and

**WHEREAS**, the Borough has \$215,000.00 in the Capital Improvement Fund.

**NOW, THEREFORE, BE IT ORDAINED** and enacted by the Borough Council (the “Governing Body”) of the Borough, AS FOLLOWS:

**SECTION 1.** The sum of \$215,000.00 is hereby appropriated from the Borough’s Capital Improvement Fund for the acquisitions or improvements described in Section 2 of this ordinance and such acquisitions and improvements are hereby authorized as a General Capital authorization to be undertaken in and by the Borough.

**SECTION 2.** The acquisitions and improvements hereby authorized to be undertaken consist of:

- a. Any capital equipment, so determined as to be necessary by the Governing Body;
- b. Roadway and Infrastructure Improvements, so determined to be necessary by the Governing Body;
- c. Buildings and Grounds Improvements, so determined to be necessary by the Governing Body;
- d. Information technology hardware and software, so determined to be necessary by the Governing Body;

together with all items necessary, incidental or appurtenant thereto.

**SECTION 3.** The capital budget or temporary capital budget, as applicable, of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable, and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

**SECTION 4.** All ordinances or parts of ordinances inconsistent with the terms of this ordinance be and the same hereby are repealed to the extent of their inconsistency.

**SECTION 5.** This ordinance shall take effect as provided by law.

Offered for introduction by Councilmember Cole, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmember Neff

**CONSENT AGENDA**  
**RESOLUTIONS**

- 1. Resolution No. 2023-154, Executive Session: Personnel and Contract Negotiations

**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 Office Assistant
- 3. DPW Staffing
- 4. Police Staffing

**Contract Negotiations**

- 1. Interlocal Service Agreement with Monmouth County

**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 Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmember Neff

2. Resolution No. 2023-155, Amend Resolution No. 2022-207, Cancelling Unfunded Bond Authorizations

**WHEREAS**, on September 19, 2022 the Mayor and Borough Council of the Borough of Fair Haven, in the County of Monmouth, New Jersey (the “Borough”) adopted Resolution 2022-207 (the “Resolution”) which cancelled the unfunded and authorized balances of Bond Ordinance No. 2018-21 as amended by Bond Ordinance No. 2019-02 in the total amount of \$3,571,750.00 (the “2022 Cancellation Amount”); and

**WHEREAS**, it has been determined that a portion of the 2022 Cancellation Amount needs to be reduced by \$52,996.00.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough that the 2022 Cancellation Amount is hereby reduced by \$52,996.00 resulting in a total cancellation amount of \$3,518,754.00; and

**BE IT FURTHER RESOLVED THAT** a certified copy of this resolution shall be forwarded to the Borough Chief Financial Officer and the Borough Auditor.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmember Neff

3. Resolution No. 2023-156, Approve Chapter 159: Clean Communities Grant - \$13,329.88

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such items of revenue in the Budget of the County or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount; and

**WHEREAS**, the Borough of Fair Haven has received a \$13,329.88 grant from State of New Jersey for a Clean Communities Grant and wishes to amend its 2023 budget to include this amount as revenue; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Haven, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2023 in the amount of \$13,329.88 which items in now available as revenue from:

The State of New Jersey  
Clean Communities Grant

**BE IT FURTHER RESOLVED** that a like sum of \$13,329.88 be and the same is hereby appropriated under the caption of General Appropriations – Operations Excluded from CAPS:

The State of New Jersey  
Clean Communities Grant

**BE IT FURTHER RESOLVED** that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmember Neff

4. Resolution No. 2023-157, Approve Chapter 159: Sustainable Jersey Grant - \$2,000.00

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such items of revenue in the Budget of the County or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount; and

**WHEREAS**, the Borough of Fair Haven has received a \$2,000.00 grant from State of New Jersey for a 2023 Sustainable Jersey Grant and wishes to amend its 2023 budget to include this amount as revenue; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Haven, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2023 in the amount of \$2,000.00 which items in now available as revenue from:

The State of New Jersey  
Sustainable Jersey Grant

**BE IT FURTHER RESOLVED** that a like sum of \$2,000.00 be and the same is hereby appropriated under the caption of General Appropriations - Operations Excluded from CAPS:

The State of New Jersey  
Sustainable Jersey Grant

**BE IT FURTHER RESOLVED** that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmember Neff

5. Resolution No. 2023-158, Approve Chapter 159: Alcohol Education and Rehabilitation Enforcement - \$648.97

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such items of revenue in the Budget of the County or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount; and

**WHEREAS**, the Borough of Fair Haven has received a \$648.97 grant from State of New Jersey for an Alcohol Education Rehabilitation and Enforcement Fund and wishes to amend its 2023 budget to include this amount as revenue; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Haven, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2023 in the amount of \$648.97 which items in now available as revenue from:

The State of New Jersey  
Alcohol Education Rehabilitation and Enforcement Fund

**BE IT FURTHER RESOLVED** that a like sum of \$648.97 be and the same is hereby appropriated under the caption of General Appropriations - Operations Excluded from CAPS:

The State of New Jersey  
Alcohol Education Rehabilitation and Enforcement Fund

**BE IT FURTHER RESOLVED** that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmember Neff

- 6. Resolution No. 2022-159, Approve 2023/2024 Liquor License Renewal - Shrewsbury River Yacht Club

**WHEREAS**, an application for renewal of a club license has been made to the Mayor and Council of the Borough of Fair Haven; and

**WHEREAS**, the Borough Clerk certifies that the requisite fee has been paid and a Tax Clearance Certificate is on file in her office.

**NOW, THEREFORE, BE IT RESOLVED** that a club liquor license be issued by the Borough of Fair Haven and the appropriate officer of the Borough of Fair Haven is authorized to issue and sign the same in the name of the Borough of Fair Haven for the period commencing July 1, 2023 and ending June 30, 2024 upon application filed by:

1313-31-006-001 Shrewsbury River Yacht Club

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmember Neff

- 7. Resolution No. 2022-160, Approve 2023/2024 Liquor License Renewal - Columbus Club of Red Bank

**WHEREAS**, an application for renewal of a club license has been made to the Mayor and Council of the Borough of Fair Haven; and

**WHEREAS**, the Borough Clerk certifies that the requisite fee has been paid and a Tax Clearance Certificate is on file in her office.

**NOW, THEREFORE, BE IT RESOLVED** that a club liquor license be issued by the Borough of Fair Haven and the appropriate officer of the Borough of Fair Haven is authorized to issue and sign the same in the name of the Borough of Fair Haven for the period commencing July 1, 2023 and ending June 30, 2024 upon application filed by:

1313-31-005-001 Columbus Club of Red Bank

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmember Neff

- 8. Resolution No. 2022-161, Approve 2023/2024 Liquor License Renewal - Little Silver Liquors a/k/a The Cellar

**WHEREAS**, an application for renewal of a plenary retail distribution license has been made to the Mayor and Council of the Borough of Fair Haven; and

**WHEREAS**, the Borough Clerk certifies that the requisite fee has been paid and a tax clearance certificate is on file in her office.

**NOW, THEREFORE, BE IT RESOLVED** that a plenary retail distribution license be issued by the Borough of Fair Haven and the appropriate officer of the Borough of Fair Haven is authorized to issue and sign the same in the name of the Borough of Fair Haven for the period commencing July 1, 2023 and ending June 30, 2024 upon application filed by:

1313-44-001-007 Little Silver Liquors, Inc

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmember Neff

9. Resolution No. 2022-162, Approve 2023/2024 Liquor License Renewal - Nauvoo Grill Club

**WHEREAS**, an application for renewal of a plenary retail consumption license has been made to the Mayor and Council of the Borough of Fair Haven; and

**WHEREAS**, the Borough Clerk certifies that the requisite fee has been paid and a Tax Clearance Certificate is on file in her office.

**NOW, THEREFORE, BE IT RESOLVED** that a plenary retail consumption liquor license be issued by the Borough of Fair Haven and the appropriate officer of the Borough of Fair Haven is authorized to issue and sign the same in the name of the Borough of Fair Haven for the period commencing July 1, 2023 and ending June 30, 2024 upon application filed by:

1313-33-002-010                      Nauvoo Grill Club Corp

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmember Neff

Councilmember LaBarbera prefaced his comments that he supports all businesses in the Borough. He noted that Raven and The Peach has not come back from COVID; it does not offer what it did prior to the pandemic. There have been past discussions with other businesses in the Borough that would like a liquor license. He asked if the Borough should approach Raven and The Peach for some sort of business plan that puts the location in full operation, not just the Tea Room and occasional event upstairs. We want what is best for our town with a fully operational business district. He asked for input from the governing body members. Councilmember Cole echoed what was stated and touched upon. Councilmember Koch said that they serve alcohol at lunch in the Tea Room and have had private parties in the room upstairs, but there are other businesses that would benefit from having the liquor license. Mayor Halpern advised he had a private discussion with the owner months ago and asked what the plans are for the location. The Borough Clerk was asked if the governing body can approve renewal at the June 26<sup>th</sup> Council meeting. The Clerk advised that the liquor licenses expire on June 30<sup>th</sup> so it could be approved at the next Council Meeting. She advised that the licensee is in compliance with the requirements of the ABC (he has paid his renewal fee to the ABC and the Borough, received Tax Clearance from the State, he does use the liquor license and there have not been any license violations). Attorney Sobel encouraged the governing body to approve the license renewal this evening as the license owner is in compliance. He advised the Council can have a discussion with the business owner and ask for a business plan, separately. Councilman Rodriguez noted that the resolution is procedural, and the Borough cannot force him to sell his license as he owns it. He felt the approval should be acted on tonight and also supported having a discussion with the business owner.

10. Resolution No. 2023-163, Approve 2023/2024 Liquor License Renewal - Raven and The Peach

**WHEREAS**, an application for renewal of a plenary retail consumption license has been made to the Mayor and Council of the Borough of Fair Haven; and

**WHEREAS**, the Borough Clerk certifies that the requisite fee has been paid and a Tax Clearance Certificate is on file in her office.

**NOW, THEREFORE, BE IT RESOLVED** that a plenary retail consumption liquor license be issued by the Borough of Fair Haven and the appropriate officer of the Borough of Fair Haven is authorized to issue and sign the same in the name of the Borough of Fair Haven for the period commencing July 1, 2023 and ending June 30, 2024 upon application filed by:

1313-32-004-014                      Raven and The Peach

Offered for adoption by Councilmember Cole, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera and Rodriguez

Negative: None



Abstain: None  
Absent: Councilmember Neff

11. Resolution No. 2023-164, Adopt Pre-Qualification Regulations for Bidders: DPW Facility Renovations

**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 DPW Facility Renovation Project; and

**WHEREAS**, in accordance with N.J.S.A. 40A:11-25, on June 5, 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 26, 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 DPW Facility Renovation Project as set forth in the advertisement and the Notice to Bidders as prepared by Ron Grammer, Grammer Designs, LLC.

**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 DPW Facility Renovation Project as set forth in the advertisement and the Notice to Bidders as prepared by Grammer Designs, LLC.
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.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera and Rodriguez  
Negative: None  
Abstain: None  
Absent: Councilmember Neff

12. Resolution No. 2023-165, Appoint Additional 2023 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 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
Brendan Doherty	\$20.00	Head Counselor	June 26 - July 28
Aaron DelTin	\$11.00	Counselor	June 26 - July 28
Sean Trinder	\$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.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmember Neff

13. Resolution No. 2023-166, Approve NJDOT FY2024 Grant Application: Improvements to Forman Street

**NOW, THEREFORE BE IT RESOLVED** that the Council of the Borough of Fair Haven formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that the Borough Engineer and Borough Clerk are hereby authorized to submit an electronic grant application identified as **MA-2024-Improvements to Forman Street**, to the New Jersey Department of Transportation on behalf of the Borough of Fair Haven identified as follows:

Improvements to Forman Street Project

**BE IT FURTHER RESOLVED** that the Administrator and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Fair Haven and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmember Neff

14. Resolution No. 2023-167, Payment of Vouchers

**BE IT RESOLVED** by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the June 12, 2023 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2023 CURRENT FUND ACCOUNT	\$	171,116.24
GENERAL CAPITAL	\$	85,725.44
PAYROLL AGENCY	\$	17,936.32
OTHER TRUST	\$	7,174.25
DOG TRUST	\$	2.40
	\$	281,954.65
LESS VOIDED CHECKS	-	12,766.68
	\$	<b>269,187.97</b>

CURRENT CHECK NO. 64140 - \$12,500.00

PAYROLL AGENCY CHECK NO. 6191 - \$115.40

PAYROLL AGENCY CHECK NO. 6196 - \$151.28

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmember Neff

15. Resolution No. 2023-168, Approve Fire Department Membership - Joseph Duva

**BE IT RESOLVED** by the Borough Council of the Borough of Fair Haven Joseph Duva, 71 Grange Avenue, Fair Haven, NJ having been duly accepted as a regular member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmember Neff

- 16. Resolution No. 2023-169, Authorize Receipt of Bids for the Police Facility and Community Center

**BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that authorization is given to the Borough Administrator and Borough Professionals to advertise for receipt of bids in both the official Borough newspapers and through the services of BidNet Direct for a new Police Department Facility and Community Center.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmember Neff

- 17. Resolution No. 2023-170, Authorize Receipt of Bids for the Pocket Park and Boat Ramp Projects

**BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that authorization is given to the Borough Administrator and Borough Engineer to advertise for receipt of bids for the Pocket Park and Boat Ramp Projects.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: None

Absent: Councilmember Neff

- 18. Resolution No. 2023-171, Re-establish DPW Summer Hours

**WHEREAS**, the Borough of Fair Haven has a contractual agreement with Teamsters Local 177, which covers employees who work in the Borough’s Department of Public Works; and

**WHEREAS**, Article 7N of the agreement allows for summer work hours, as 6:00 am to 2:30 pm, from Memorial Day to Labor Day; and

**WHEREAS**, Article 7 (O) of the agreement establishes a mechanism for the Borough Council to set work hours; and

**WHEREAS**, Resolution No. 2014-149 was adopted June 16, 2014 set summer work hours as 7:00 am to 3:30 pm; and

**WHEREAS**, the Director of Public Works and the Borough Administrator continue to recommend that the Department of Public Works hours remain as a 7:00 am to 3:30 pm workday all year long, based on the following:

- The Borough of Fair Haven has a contract with an outside vendor for solid waste and recycling services and it is unlikely that the Borough’s Public Works Department will resume trash and recycling pickup.
- In response to numerous concerns from residents, the Borough of Fair Haven continues to enforce the Borough’s Noise Ordinance, which prohibits various activities before 8:00 am, Monday through Friday.

**WHEREAS**, based on the conditions stated above, the Borough Council concurs with the recommendation of the Director of Public Works and the Borough Administrator regarding work hours for the Department of Public Works.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that in accordance with Article 7 (O) of the Agreement between the Borough of Fair Haven and Teamsters Local 177, summer work hours for the Department of Public Work shall be 7:00 am to 3:30 pm, until further notice.

**BE IT FURTHER RESOLVED** that the Borough Clerk will forward a certified copy of this resolution to representatives of Teamsters Local 177 and all Department of Public Works employees on June 13, 2023, in accordance with the agreement which requires the Borough to provide a minimum of two weeks’ notice to employees of a change in work hours.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera and Rodriguez  
Negative: None  
Abstain: None  
Absent: Councilmember Neff

19. Resolution No. 2023-172, Appoint Part-Time Seasonal DPW Laborer

**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 Kevin Hofmann, 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 Kevin Hofmann, as part-time Seasonal Laborer is hereby confirmed.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera and Rodriguez  
Negative: None  
Abstain: None  
Absent: Councilmember Neff

20. Resolution No. 2023-173, Appoint Temporary, Part-time DPW Laborer for the Recycling Center - John “Vinny” Feeny

**WHEREAS**, there is a need for a Temporary, Part Time Public Works Laborer to maintain the Borough’s Recycling Center; and

**WHEREAS**, the Director of Engineering and Public Works submitted his recommendation for John “Vinny” Feeny to be appointed as a Temporary, Part Time DPW Laborer with hours not to exceed 15 hours per week; and

**WHEREAS**, the Borough Administrator concurs with this recommendation; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the appointment of John “Vinny” Feeny as a Temporary, Part Time DPW Laborer for the Recycling Center is hereby confirmed and effective June 13, 2023.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera and Rodriguez  
Negative: None  
Abstain: None  
Absent: Councilmember Neff

**Reports of Departments**

**May 2022**

- Borough Clerk
- Dog License
- Planning Board and Zoning Board

Motion to accept the reports, as submitted, moved by Councilmember LaBarbera, second by Councilmember Koch with Ayes by all present.

**GOOD OF THE BOROUGH**

Mayor Halpern opened the meeting to the public for comments or questions at 9:40 p.m.

Iona (Scott) Bielek, Dartmouth Avenue, asked to comment on the amendment to the Non-Domestic Animal Ordinance as it pertains to chickens. She read a statement about her chickens, the history and the neighborhood kids who love them. The eggs are given to the neighbors. She made a comparison of chickens to dogs and maintenance of each.

Marti Egger, Hance Road, asked for a work status on the Hance Road Project and if there is a target date; there is not a target date, however, there is a meeting on June 15<sup>th</sup> to discuss the issue holding up the project. Mayor Halpern said it should take 2-3 days for the project to be completed, which he hopes will be by the end of the summer. Councilmember LaBarbera said the delay is due to a Verizon pole, a tree component and a homeowner that is bringing in another electrical phase. Phase III electric is to bring the wire down the street.

Anita Esser, Dartmouth Avenue, asked about the Non-Domestic Animal Ordinance, how it came up and why the ordinance is being revamped. Mayor Halpern advised this matter was discussed at four separate Council meetings and does not target one specific situation. It has come up over the last two years by residents. Fair Haven is a small community with houses close together and chickens are affecting neighbors. There has been a lot of consideration and discussion on the matter and found to not be right for Fair Haven, moving forward. Ms. Esser asked that the governing body not revamp the ordinance by listening to the most vocal. She read the opening paragraph in the new ordinance and stated not all residents are offended by these pets. She read from a National Geographic article on what a domesticated animal is. She felt that dogs constantly barking are offensive. The Borough should look at the properties on a case-by-case basis and deal with them accordingly. Ms. Esser stated that Fair Haven needs a Knox Box Ordinance and could not believe there is not one in place.

Gotran de Quillacq, River Road, was surprised by the decision for an ordinance amendment. He has had chickens for the past 3 years and one person out of 33 neighbors made a complaint. One of his neighbors has cancer and can only eat chicken eggs. He advised that many neighbors benefit from his chickens and the neighbors behind him grew up on a farm. Chickens are not dangerous, and he asked why the Council is targeting him and what he has on his property. Mayor Halpern said there are only two residents who have a non-domestic animal license; we do not want them on small property because it causes a quality-of-life issue and it was a unanimous decision of the Council. Mr. de Quillacq asked who finds chickens offensive. He was advised that this ordinance amendment is best for Fair Haven

Mark Olsen, Cambridge Avenue, asked about the McCarter Pond hydroraking process. He was advised that the vendor could not complete the work by the deadline when fish spawning season began so it will be revisited in the fall. He asked if it was paid for by a grant and how much the project cost is; the vendor has not been paid.

Mike Criscola, Gillespie Avene, asked what chicken complaints were received besides rodents. He was advised that they are affecting the quality of life for the neighbors; chickens are roaming off property which affects the surrounding residences. Mr. Criscola said his neighbor's cats and dogs walk on his property; he felt the ordinance is an overreach by the Mayor and Council. There are two licenses held in the Borough, and there have been complaints received regarding both licenses. Dogs and cats are domestic animals that can live inside a home and chickens live outdoors, in a lives, Mr. Criscola said he was disappointed that the Council has decided to intrude in other people's lives and felt this is egregious.

There being no further comments or questions, the meeting was closed to the public at 9:58 p.m.

The Council went into executive session at 10:05 p.m. and this meeting was reconvened at 11:05 p.m.

#### **ADJOURNMENT**

Motion to adjourn moved by Councilmember Koch, second by Councilmember LaBarbera with Ayes by all present.

Time of Adjournment: 11:05 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR  
Borough Clerk