

**FAIR HAVEN BOROUGH COUNCIL
REGULAR MEETING AGENDA
JULY 10, 2023, 7:00 P.M.
HYBRID MEETING (IN-PERSON AND ZOOM)**

Zoom Link: [HTTPS://US02WEB.ZOOM.US/J/88358339352](https://us02web.zoom.us/j/88358339352)

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

Webinar ID: 883 5833 9352

1. **Call to Order:** pm
 2. **Salute to the Flag:**
 3. **Moment of Silent Reflection:**
 4. **Sunshine Law Notice:**
 5. **Roll Call:** Councilmembers Cole Hoey Koch
LaBarbera Neff Rodriguez
 6. **Workshop Session**
-Proposed Knox Box Concept
 7. **Public Comment on Agenda Items**
 8. **Approval of Minutes**
-June 26, 2023 Regular Meeting
-June 26, 2023 Executive Session
 9. **Old Business**
Hearing and Adoption of Ordinance
2023-08 Amendment to the Non-Domestic Animal Ordinance

-Facilities Update
 10. **New Business**
Council Committee Reports
Finance - Councilwoman Neff
Personnel - Councilwoman Hoey
Parks and Recreation - Councilwoman Hoey
Planning Board - Councilwoman Koch
Police, Fire & OEM - Councilman Rodriguez
Engineering and DPW - Councilman LaBarbera
Borough Facilities - Councilman LaBarbera
Zoning Board of Adjustment - Councilman LaBarbera
Borough Communications and Community Outreach - Councilwoman Cole
- Consent Agenda**
Resolutions
- | | |
|----------|---|
| 2023-181 | Amend Borough Architect's contract for additional engineering services by Frank H. Lehr Associates - Police Department and Community Center |
| 2023-182 | Approve Collier's Engineering Proposal for additional LSRP Work |
| 2023-183 | Executive Session: Personnel and Possible Litigation |
| 2023-184 | Appointment of Seasonal DPW Laborer - Nicholas Moore |
| 2023-185 | Authorize the Execution of an ILSA with the Fair Haven Board of Education - IT |
| 2023-186 | Approve Block Party Application for Parker Avenue (between Smith & Cedar)-September 9 th |
| 2013-187 | Payment of Vouchers |

Department Reports

June 2023

-Municipal Clerk

-Planning Board and Zoning Board

-Dog License

11. **Good of the Borough - Please stand and identify yourself by clearly stating your name and address for the record** (*Please observe a time limit of three minutes*)
12. **Adjournment**

PROCEDURE FOR CITIZEN PARTICIPATION AT COUNCIL MEETINGS

The Fair Haven Borough Council and the Mayor welcome comments, suggestions and inquiries from residents of Fair Haven. To that end, provision is made for a public discussion period at each meeting. It is listed as:

“Public Discussion” – near the end of the meeting where any topic may be addressed.

You must wait to be recognized by the Mayor. **IDENTIFY YOURSELF BY CLEARLY STATING YOUR NAME AND ADDRESS FOR THE RECORD.** Limit your comments to three (3) minutes. Once a particular topic has been addressed by a member of the public, he/she will not be recognized to talk again on the same topic until all others have been heard a first time.

If you wish to reserve time to speak in advance, you may address your request to Allyson Cinquegrana at 732-747-0241 extension *221, by noon on the Friday preceding the meeting.

You will **NOT** be recognized, **NOR SHOULD YOU COMMENT OR CARRY ON A DEBATE OR DIALOGUE WHILE BUSINESS OF THE BOROUGH IS BEING ADDRESSED BY MAYOR AND COUNCIL.**

**BOROUGH OF FAIR HAVEN
ORDINANCE NO. 2023-08**

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

WHEREAS, the Borough of Fair Haven (the “Borough”) finds that the keeping, harboring, or possession by a person of a non-domestic animal and/or farm animal within the limits of the Borough represents a health, safety, and/or welfare risk to the Borough and its residents; and

WHEREAS, to protect the health, safety and welfare of persons and property within the Borough, it is necessary to prohibit the keeping, harboring, and possession of non-domestic animals and/or farm animals as defined in this Ordinance; and

WHEREAS, if any non-domestic animal or farm animal remains within the Borough, for a period of more than twelve (12) hours, the person(s) keeping, harboring, or possessing such animal(s) shall be in violation of this Ordinance; and

WHEREAS, this Ordinance shall not apply to service animals within the Borough;

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

SECTION 1. Section 5-18: “Prohibited Non-Domestic Animals and Farm 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 AND FARM ANIMALS.

§ 5-18.1 Purpose and Intent.

This section is adopted in order to protect the health, safety and/or ~~welfare~~ well-being of persons and property by prohibiting ~~certain non-domestic animals and farm animals~~ certain non-domestic animals and farm animals within the Borough of Fair Haven. The Borough of Fair Haven finds and determines that the harboring of ~~certain non-domestic animals and farm animals~~ certain non-domestic animals and farm animals within the Borough may ~~present a health, safety and/or welfare risk to persons and property.~~ 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 Definitions.

- A. “Animal” shall mean any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as follows:
- (1) “Domestic Animals” shall mean those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, nonpoisonous, non-venomous, and non-constricting reptiles or amphibians, and other similar animals.
 - (2) “Non-Domestic Animals” shall mean those animals commonly considered to be naturally wild or exotic and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:

- i. Any member of a large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards, and jaguars, but excluding commonly accepted domesticated house cats.
- ii. Any natural wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
- iii. Any crossbreeds such as a crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a crossbred domesticated animal.
- iv. Any member or relative of a rodent family including skunk (whether or not de-scented), raccoon, fox, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.
- v. Any poisonous, venomous, constricting, or inherently dangerous member the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
- vi. Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this subsection, including, but not limited to bears, deer, monkeys, and game fish.

(3) “Farm Animals” shall mean those animals commonly associated with a farm or performing work in an agricultural setting, including members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese potbellied pigs), goats, and other animals associated with a farm, ranch, or stable. Farm animals shall not include honey bees or any other apiary activities regulated by State law.

B. “Owner” shall mean any person or persons, firm, association or corporation owning, keeping, harboring or possessing an animal.

§ 5-18.23 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 non-domestic animal or farm animal as defined in this section ~~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 a non-domestic animal, a farm animal, or otherwise presents a risk to the health, safety, and/or welfare of persons or property ~~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.

§ 5-18.34 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 proper 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.~~

§ 5-18.5 Expiration of Pre-Existing Permits

As of July 15, 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 or farms animals, the permit holder shall remove all non-domestic and farm animal(s) from within the Borough and no further keeping, harboring, controlling, or possession of non-domestic or farm animals shall be permitted.

§ 5-18.96 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~~250 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.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-181

**TITLE: AMEND BOROUGH ARCHITECT’S CONTRACT FOR ADDITIONAL
ENGINEERING SERVICES BY FRANK H. LEHR ASSOCIATES**

WHEREAS, the Borough has an approved contract for Architectural Services with The Goldstein Partnership; and

WHEREAS, Frank H. Lehr Associates is the Site Engineering Consultant firm for The Goldstein Partnership and has provided a supplemental proposal for engineering services for the Police and Community Center; and

WHEREAS, due to a survey change, certain revisions may be required to the site plan (replacing a drawing background to adjustment of the proposed buildings on the site requiring grading revisions to accommodate boundary conditions; and

WHEREAS, Rick Adelsohn of Frank H. Lehr Associates has provided a supplemental proposal with a not-to-exceed amount of \$5,000.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the supplemental proposal from Frank H. Lehr Associates and amendment to the Borough Architect contract be approved for an amount not to exceed \$5,000 with all other terms and conditions remaining the same.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-182

TITLE: AWARD PROPOSAL FOR ADDITIONAL LSRP WORK FOR THE POLICE DEPARTMENT, COMMUNITY CENTER AND DPW FACILITIES TO COLLIERS ENGINEERING & DESIGN

WHEREAS, there is a need for additional LSRP Work to be conducted for the Police Department, Community Center and DPW Facilities as part of the pre-demolition assessment; and

WHEREAS, Colliers Engineering & Design submitted a proposal to the Borough of Fair Haven on July 5, 2023 that the total costs for this work, broken down as follows, shall not exceed a total of \$17,400:

Task	Fee
Project Coordination & HASP Preparation	\$1,500
Supplemental Asbestos Survey	\$4,000
Laboratory Analysis	\$3,000
Hazardous Materials Screening	\$ 400
Summary Report for Specifications	\$5,500
Finalize Specifications	\$3,000
TOTAL	\$17,400

WHEREAS, this proposal is being awarded as a professional service through the non-fair and open process.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, that the proposal received from Colliers Engineering & Design, be accepted and awarded for additional LSRP work for the Fair Haven Police Department, Community Center and DPW Facilities at a cost not to exceed \$17,400 and the Mayor is authorized to execute paperwork, if required.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-183

TITLE: EXECUTIVE SESSION

WHEREAS, the Open Public Meetings, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body may wish to discuss the following matters:

Personnel

1. Library Staffing

Possible Litigation

1. K.M. Hughes Enterprises: Colonial Court

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

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

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-184

TITLE: APPOINT PART TIME SEASONAL PUBLIC WORKS LABORER - Nicholas Moore

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 Nicholas Moore, 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 Nicholas Moore, as part-time Seasonal Laborer is hereby confirmed.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-185

TITLE: AUTHORIZE THE MAYOR AND MUNICIPAL CLERK TO SIGN AN INTERLOCAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF FAIR HAVEN AND FAIR HAVEN BOARD OF EDUCATION FOR INFORMATION TECHNOLOGY SERVICES

WHEREAS, the Interlocal Services Act, N.J.S.A. 40A:65-1 authorizes joint activities among municipalities and was enacted with the intent to facilitate and promote Interlocal Services Agreements; and

WHEREAS, the Borough of Fair Haven and Fair Haven Board of Education have agreed that the Interlocal Services Agreement for Information Technology services will be in accordance with the attached agreement, at an annual amount of \$12,000, paid quarterly; and

WHEREAS, it is in the best interest of the Borough of Fair Haven and Fair Haven Board of Education to begin the services listed below as follows:

Technology Services to begin on or about July 1, 2023

WHEREAS, it is agreed by the Borough of Fair Haven and Fair Haven Board of Education that the Agreement may be extended for two (2) additional terms of three (3) years up to a total of nine (9) years; and

WHEREAS, a copy of the Interlocal Services Agreement is on file in the office of the Municipal Clerk; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Mayor and Municipal Clerk of the Borough of Fair Haven are hereby authorized to sign said Agreement.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-186

**TITLE: APPROVING A BLOCK PARTY TO BE HELD ON PARKER
 AVENUE (BETWEEN CEDAR AND SMITH) - SEPTEMBER 9TH**

WHEREAS, a request was received to hold a Block Party on Parker Avenue on Saturday, September 9, 2023 from 5:30 pm to 10:00 pm with a rain date of Saturday, September 16th; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on July 5, 2023; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that approval is hereby granted for a block party to be held on Parker Avenue on Saturday, September 9, 2023 from 5:30 pm to 10:00 pm with a rain date of Saturday, September 16th.

BE IT FURTHER RESOLVED that Permit No. BP 2023-01 will be issued for said event.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-187

TITLE: PAYMENT OF VOUCHERS

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the July 10, 2023 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2023 CURRENT FUND ACCOUNT	\$	105,494.71
GENERAL CAPITAL	\$	29,721.43
PAYROLL AGENCY	\$	18,008.37
OTHER TRUST	\$	<u>5,827.99</u>
	\$	159,052.50