

**FAIR HAVEN BOROUGH COUNCIL  
REGULAR MEETING AGENDA  
TUESDAY, SEPTEMBER 26, 2023, 7:00 P.M.  
HYBRID MEETING (IN-PERSON AND ZOOM)**

Zoom Link: [HTTPS://US02WEB.ZOOM.US/J/82208464057](https://us02web.zoom.us/j/82208464057)

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

Webinar ID: 822 0846 4057

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**
  - Request from Dermer Dreams to place 50 lawn signs and 2 banners for food drive (month of October)
  - Facilities Financing with Borough Finance Professionals
  - Create hours for crabbing from Fair Haven Dock
  - Proposed Riparian Buffer Ordinance
  - Collier's Engineering Proposal for additional Scope of Work: Pocket Parks and Boat Ramp
7. **Public Comment on Agenda Items**
8. **Approval of Minutes**
  - September 11, 2023 Regular Meeting
  - September 11, 2023 Executive Session
  - September 18, 2023 Special Meeting
9. **Old Business**
  - Hearing and Adoption of Ordinance**
  - 2023-12 Amend Ordinance No. 2020-07, Creating a Habitat Rezoning Ordinance
  - 2023-13 Amend Salary Ordinance No. 2022-02 to include additional Police positions

Borough Facilities (Councilman LaBarbera)
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
  - Introduction of Ordinances**
  - 2023-14 Create Lead Paint Inspection Ordinance
  - 2023-15 Long Term Parking Agreement with Fisk Chapel A.M.E. Church

## Consent Agenda

### Resolutions

2023-235	Executive Session: Personnel, Litigation and Acquisition of Property
2023-236	Special Meeting - October 3, 2023 - Police Promotion Interviews
2023-237	Approve Block Party on Fairwaters Lane - October 14 <sup>th</sup>
2023-238	Approve Block Party on Church Street - October 8 <sup>th</sup>
2023-239	Approve Block Party on Sycamore Lane - October 15 <sup>th</sup>
2023-240	Approve Block Party on Dartmouth Avenue - October 21 <sup>st</sup>
2023-241	Approve Block Party on William Street - October 7 <sup>th</sup>
2023-242	Approve Proposal from Colliers Engineering & Design for Pocket Park and Boat Ramp Construction Administration and Construction Inspection Services
2023-243	Approve Fire Department Affiliate Membership Application/First Aid/Isabella Bulhoes
2023-244	Appoint Martin Owens Hawley, Jr. as Fire Prevention Official
2023-245	Amend Resolution No. 2023-03 to appoint Councilman Rodriguez as Finance Chairman
2023-246	Appoint Part-time School Crossing Guards
2023-247	Approve Rental Agreement with Knight of Columbus for meeting space
2023-248	Approve Frank H. Lehr Associates Proposal, Earthwork Monitoring Services-PD/CC
2023-249	Approve Amendment to Colonial Court Developer's Agreement
2023-250	Approve Block Party on Jackson Street - October 14 <sup>th</sup>
2023-251	Payment of Vouchers

### Department Reports

#### August 2023

- Municipal Court
- Tax Collector
- Planning Board and Zoning Board
- Police Department

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.**

**NEXT COUNCIL MEETING: TUESDAY, OCTOBER 10, 2023**

**Borough of Fair Haven  
Ordinance No. 2023-12**

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF  
MONMOUTH AMENDING CHAPTER 30, LAND USE AND DEVELOPMENT REGULATIONS,  
AMENDING THE R-5 SINGLE-FAMILY RESIDENTIAL ZONE TO PERMIT AN AFFORDABLE  
TWO-FAMILY DWELLING ON A PORTION OF BLOCK 45**

**WHEREAS**, in March 2019, the Borough Council of the Borough of Fair Haven, Monmouth County, New Jersey (the “Borough”) voluntarily petitioned the Court via Declaratory Judgment Action (“DJ Action”) for approval of its Housing Element and Fair Share Plan (“HEFSP”), which was also adopted in March of 2019; and

**WHEREAS**, as a result, the Borough and its Planning Board obtained immunity from builder’s remedy and Mount Laurel litigation, while its plan was processed; and

**WHEREAS**, the Borough Council of the Borough of Fair Haven, Monmouth County, New Jersey, entered into a Settlement Agreement with Fair Share Housing Center (FSHC) on February 12, 2020 that resolves the Borough’s DJ Action globally; and

**WHEREAS**, a Court Order was signed by the Honorable Judge Linda Grasso-Jones on June 5, 2020, that found that the Borough’s proposed affordable housing strategy as set forth within the FSHC Settlement Agreement is facially constitutionally compliant and provides a fair and reasonable opportunity for the Borough to meet its obligations under Mount Laurel IV; and

**WHEREAS**, pursuant to the executed Settlement Agreements and Court Order, the Borough proposes to dedicate a minimum 5,000 square foot portion of a municipally owned lot at the corner of Hendrickson Place and Allen Street to Habitat for Humanity or another qualified non-profit entity for the purpose of constructing two affordable housing units; and

**WHEREAS**, in order to permit the construction of two residential units on one minimum 5,000 square foot lot, the Borough desires to amend the standards of the R-5 Zone District as they pertain to Block 45, Lot 10.02; and

**WHEREAS**, this Ordinance implements and incorporates the Borough’s executed Settlement Agreement with FSHC, the Court Order, and the New Jersey Fair Housing Act of 1985.

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

The Schedule of Permitted Uses as they pertain to the R-5 Zone District is hereby amended as follows:

**Section 1.** Section 30-5.3 Permitted and Prohibited Uses is hereby amended as follows:

- a. Permitted principal uses, accessory uses, and conditional uses within each zone district are set forth in the schedules of permitted uses. The letter "P" means that the use is a permitted principal use in the zone. The letter "C" means the use is a permitted conditional use. The letter "A" means permitted accessory use in the zone. Any use, except for essential services, which is not specifically listed as a permitted use, an accessory use or a conditional use on the schedule of uses shall be deemed a prohibited use.

1. **For Block 45, Lot 10.02 in the R-5 Zone (the “Lot”), the only permitted use is a 100% affordable housing development consistent with the following parameters:**
  - (a) **One (1) two-family dwelling consisting of affordable residential units with a minimum lot area of 5,000 square feet. A two-family dwelling is defined as: A building occupied or intended for occupancy as separate living quarters for no more than two families, with separate access, cooking, sleeping and sanitary facilities for the exclusive use of the occupants of each unit, which units are separated from each other either by vertical walls to the underside of the roof or by horizontal floors.**
  - (b) **One unit shall be an affordable for-sale family unit and one unit shall be a very low-income rental unit as that term is defined in the Fair Housing Act.**
  - (c) **Affordable housing units shall be subject to the standards in the Borough’s Affordable Housing Ordinance (Section 30-15.2).**

(d) All bulk, design, and other applicable standards in the R-5 Zone shall apply except as follows:

(i) The Lot shall not be required to comply with the R-5 Zones prohibition precluding parking in the front yard setback. An entry driveway may cross any yard area but not more than 40% of the front yard area shall be used as a driveway or for off street parking.

(ii) The Lot shall be permitted a total of two driveways.

(iii) The Lot shall be exempt from providing curb-to-curb restoration at the points of utility connection pursuant to (Section 15-1.25).

(iv) The Lot shall be exempt from the tree reforestation requirements provided in Section 14-8. However, the developer shall use any and all measures to comply with the ordinance to the extent feasible and/or not cost generative.

(v) The Lot shall be exempt from providing street trees. (Section 30-8.4d)

(vi) Conflict: All other applicable municipal ordinances shall apply to this ordinance except that where any conflict exists between this Overlay Ordinance and the Borough's code, whether in Zone R-5 or otherwise, this ordinance shall control.

b) Prohibited uses shall include but not be limited to the following:

1. All billboards, signboards, advertising signs and devices not expressly related to the business being conducted on the premises or otherwise specifically permitted by this section.
2. Camping sites, trailer camps, trailer courts or trailer coaches used as dwellings, offices or storage facilities or commercial activities related to the outdoor storage or display of trailer coaches, except that during development construction trailers may be permitted specifically limited as to the extent of time such use and requiring the payment of an annual fee to the municipality for the granting of such license for such use.
3. Auction markets.
4. Junk yards, automobile wrecking yards or disassembly yards, or the sorting or baling of scrap metal, paper, rags, or other scrap or waste material, except for recycling operations operated by or with the approval of the Borough.
5. Privately operated dumps for the disposal of garbage, trash, refuse, junk, or other such material.
6. Adult bookstores.
7. Peep shows.
8. Massage parlors as defined in Section 30-2 of this chapter.
9. Amusement arcade.
10. Explosive storage, except small arms ammunition, or by special permit, where explosives are to be used on the premises.
11. Incineration, reduction, storage or dumping of slaughterhouse refuse, rancid fats, garbage, or dead animals.
12. Slaughtering and slaughterhouses for fowl or animals.
13. Any use of any building or premises in such a manner that the health, morals, safety or general welfare of the community may be endangered.
14. Keeping or raising of pigs, sheep, horses, donkeys, mules, cattle, goats, chickens, and other such livestock, unless a waiver is obtained in accordance with the provisions of subsection 5-18.4 of these Revised General Ordinances.
15. Asphalt plants, concrete plants, asphalt batching plants, concrete batching plants, asphalt mixing plants, concrete mixing plants, asphalt manufacturing plants, concrete manufacturing plants.
16. Auto, horse or dog racetracks.

17. Keeping or raising of mink, fox or similar fur bearing animals.
18. Open air drive-in motion picture theaters.
19. Seasonal resort cottages.
20. Any use which emits excessive and objectionable amounts of dust, fumes, noise, odor, vibration, smoke, glare or waste products.
21. The use of boats or vehicles as residential dwellings.
22. Fast-Food Restaurants, Drive-In Restaurants, and Drive-Through Windows, as defined in Section 30-2 of this chapter.
23. Heliports, helistops or aviation field.
24. The operation of Cannabis Cultivators, Cannabis Distributors, Cannabis Manufacturers, Cannabis Wholesalers, Cannabis Retailers, Cannabis Delivery Services.
25. Warehouses and wholesale/fulfillment storage facilities.

**Section 2.** This ordinance shall take effect immediately upon final passage and publication thereof according to law.

**BOROUGH OF FAIR HAVEN  
ORDINANCE NO. 2023-13**

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF  
MONMOUTH SETTING THE SALARY RANGES OF OFFICERS, EMPLOYEES AND  
ADMINISTRATIVE AND EXEMPT MEMBER OF THE BOROUGH OF FAIR HAVEN**

**BE IT ORDAINED** by the Council of the Borough of Fair Haven, in the County of Monmouth, in the State of New Jersey that the purpose of this Ordinance is to amend Ordinance 2022-02 to alter and reflect current salary ranges paid within the Borough, as last revised and passed April 25, 2022.

**NOTE:** Additions are in ***bold italics with underlines***, deletions are shown as ***~~strikeovers in bold italics~~***.

**SECTION 1. ADMINISTRATIVE OFFICE AND EMPLOYEES**

<b><u>TITLE</u></b>	<b><u>MINIMUM - MAXIMUM</u></b>
Borough Administrator	\$60,000.00 - 165,000.00
Assistant Borough Administrator	\$ 500.00 - 25,000.00
Borough Clerk	\$40,000.00 - 90,000.00
Deputy Borough Clerk	\$ 2,000.00 - 5,000.00
Chief Financial Officer	\$20,000.00 - 40,000.00*
Assistant Chief Financial Officer	\$25,000.00 - 70,000.00
Qualified Purchasing Agent	\$ 5,000.00 - 15,000.00
Payroll Coordinator	\$ 3,500.00 - 7,500.00
Tax Collector	\$35,000.00 - 60,000.00*
Tax Search Officer	\$ 1,000.00 - 3,500.00*
Municipal Court Administrator	\$ 5,000.00 - 25,000.00*
Tax Assessor	\$15,000.00 - 35,000.00
Administrative Assistant	\$18,000.00 - 50,000.00
Registrar	\$ 2,000.00 - 4,000.00
Librarian	\$30,000.00 - 55,000.00
Assistant Librarian	\$20,000.00 - 40,000.00
Municipal Judge	\$10,000.00 - 20,000.00
Municipal Prosecutor	\$ 7,500.00 - 20,000.00
Parks and Recreation Director	\$30,000.00 - 70,000.00
Assistant to the Administrator for Special Projects	\$10,000.00 - 20,000.00
Chief of Police	\$85,000.00 - 165,000.00
Police Officer	\$30,000.00 - 135,000.00
Code Enforcement Officer	\$10,000.00 - 25,000.00
Zoning Officer	\$10,000.00 - 35,000.00
Construction Official	\$20,000.00 - 45,000.00*
Fire Sub-Code Officer	\$ 4,000.00 - 15,000.00*
Fire Prevention Officer	\$ 4,000.00 - 8,000.00*
Plumbing Inspector	\$ 3,000.00 - 15,000.00*
Electrical Inspector	\$ 5,000.00 - 15,000.00*
School Crossing Guard (permanent)	\$10,000.00 - 20,000.00
Director of Engineering/Director of Public Works	\$80,000.00 - 150,000.00
Assistant Director of Engineering & Public Works	\$50,000.00 - 80,000.00
Flood Plain Manager	\$ 5,000.00 - 10,000.00
Public Works Foreman	\$50,000.00 - 80,000.00
Buildings, Grounds and Parks Foreman	\$ 2,000.00 - 5,000.00

Buildings Maintenance Foreman	\$ 5,000.00 - 10,000.00
Streets and Sanitation Foreman	\$ 2,000.00 - 5,000.00
Mechanic	\$45,000.00 - 80,000.00
Public Works Laborer	\$27,500.00 - 75,000.00
Municipal Alliance Coordinator	\$ 5,000.00 - 20,000.00
Recycling Coordinator	\$ 500.00 - 2,500.00
Clean Communities Coordinator	\$ 1,000.00 - 5,000.00
Performance Based Merit Bonus	\$ 0.00 - 10,000.00

**SECTION 2. HOURLY EMPLOYEES**

<b><u>TITLE</u></b>	<b><u>MINIMUM - MAXIMUM</u></b>
Receptionist/Secretary	\$15.00 - 30.00 per hour
Assistant Parks and Recreation Director	\$14.00 - 18.00 per hour
Police Records Clerk	\$12.00 - 30.00 per hour
Police Matron	\$15.00 - 25.00 per hour
Special Officer Class I	\$12.00 - 20.00 per hour
Special Officer Class II	\$13.00 - 20.00 per hour
<b><i><u>Special Officer Class II working in the school</u></i></b>	<b><i><u>\$38.00 - 50.00 per hour</u></i></b>
<b><i><u>Special Officer Class III</u></i></b>	<b><i><u>\$38.00 - 50.00 per hour</u></i></b>
School Crossing Guard (substitute)	\$12.00 - 25.00 per hour
PT Public Works Laborer	\$12.00 - 25.00 per hour
DPW – PT Recycling Laborer	\$12.00 – 30.00 per hour
Planning Board Secretary	\$12.00 - 30.00 per hour
Zoning Board Secretary	\$12.00 - 30.00 per hour
Code Enforcement Officer	\$12.00 - 25.00 per hour
Deputy Court Administrator/Violations Clerk	\$13.00 - 18.00 per hour*
Library Assistant	\$12.00 - 25.00 per hour
Clean Communities Worker	\$12.00 - 15.00 per hour
Summer Camp Counselors	\$10.00 - 30.00 per hour
Tennis Camp Instructors	\$14.00 - 18.00 per hour

**BE IT FURTHER ORDAINED** that specific salaries and bonuses within the ranges will be set by a negotiated contract or in an annual salary resolution adopted by the governing body.

\*Services provided through an Interlocal Service Agreement (positions are currently vacant)

**BOROUGH OF FAIR HAVEN  
ORDINANCE NO. 2023-14**

**AN ORDINANCE SUPPLEMENTING THE BOROUGH'S REVISED GENERAL ORDINANCES TO INCLUDE NEW CHAPTER 13: "LEAD-BASED PAINT INSPECTIONS" IN ACCORDANCE WITH STATE LAW.**

**WHEREAS**, pursuant to P.L. 2021, c.182 and New Jersey Administrative Code 5:28A, Lead-Based Paint Inspections in Rental Dwellings, all municipalities are required to ensure inspections of every single-family, two-family, and multiple rental dwelling located within the municipality at tenant turnover for lead-based paint hazards are conducted; and

**WHEREAS**, it is in the best interests of the residents of the Borough of Fair Haven (the "Borough") to amend the Borough Code at this time to require inspections for lead-based paint in residential rental dwellings to conform to New Jersey State law; and

**WHEREAS**, the Borough hereby adopts this Ordinance to establish new Chapter 13: "Lead-Based Paint Inspections" of the Borough Code to serve the best interests of the Borough of Fair Haven and its residents;

**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* Chapter 13: "Lead-Based Paint Inspections" as follows:

**CHAPTER 13: "LEAD-BASED PAINT INSPECTIONS"**

**§ 13-1 ADOPTION OF STANDARDS BY REFERENCE.**

Unless specifically outlined below, a code defining and authorizing the periodic inspection of premises by an enforcing official concerning lead-based paint, compelling residents to abate identified lead hazards, explaining the relevant procedures, and, prescribing penalties for failure to address violations in a timely matter is hereby established in accordance with Chapter P.L. 2021, c.182 and N.J.A.C. 5:28A et seq.

**§ 13-2 TITLE.**

Said code established and adopted by this chapter is described and commonly known as N.J.A.C. 5:28A Lead-Based Paint Inspections in Rental Dwellings.

**§ 13-3 COPIES ON FILE.**

Three copies of said N.J.A.C. 5:28A Lead-Based Paint Inspections in Rental Dwellings, have been placed on file in the office of the Borough Clerk upon the introduction of this Chapter and will remain on file there for use and examination by the public.

**§ 13-4 REGISTRATION AND INSPECTION REQUIRED.**

- A. The dwelling owner, landlord, or agent of a single-family, two-family, and/or multiple rental dwelling property located within the Borough shall register such rental dwelling with the Borough by completing, providing all information called for by, and signing a form prescribed by the Code Enforcement Officer and filing such completed and signed form with the Code Enforcement Officer within two weeks after the effective date of this Chapter or on or before the date that such owner takes title to such rental dwelling. The Code Enforcement Officer shall maintain all such completed and signed forms in his or her office.
- B. Subject to Subsection C of this section, the Code Enforcement Officer and/or such individuals or organizations

empowered through appointment shall inspect every single-family, two-family, and multiple rental dwelling located within the Borough at tenant turnover for lead-based paint hazards or within two years of the effective date of N.J.S.A. 52: 27D-437.16 et seq., whichever is earlier. Thereafter, all such units shall be inspected for lead-based paint hazards the earlier of every three years or upon tenant turnover, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification pursuant to this section.

- C. The dwelling owner, landlord, or agent of a rental property may directly hire a lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to satisfy the requirements of Subsection B of this section in lieu of the municipal inspection contemplated by Subsection B of this section. In the event that a dwelling owner or landlord directly hires such a lead evaluation contractor to satisfy inspection needs as outlined herein, copies of all subsequential results, reports, and/or certificates must be provided to the Code Enforcement Officer as part of the established registration application.

**§ 13-5 INSPECTION FEES.**

Fees for a lead-based paint inspection shall be set via rates established by Chapter 10: “Lead-Based Paint Inspections” of the Administrative Code of the Monmouth County Regional Health Commission No. 1.

**§ 13-6 COMPLIANCE.**

All property owners and/or business of rental dwellings that meet the provision of the aforesaid code of this Chapter and regulations referenced therein must abate their rental dwelling(s) upon identification and notice of lead hazard(s) that were discovered as a result of observations made during a lead-based paint inspection. The abatement of lead hazards must conform to regulations found within N.J.A.C. 5:28A and N.J.A.C. 5:17, which encompasses and/or outlines protocols for lead abatement and clearance.

**§ 13-7 ENFORCEMENT.**

This Chapter may be enforced by and in the name of the Monmouth County Regional Health Commission No. 1 and/or the Borough with the assistance of the Code Enforcement Officer by proceedings instituted and prosecuted in a court having jurisdiction of such proceedings within the Borough.

**§ 13-8 VIOLATIONS AND PENALTIES.**

If a dwelling owner fails to comply with any provision of this Chapter or the requirements of P.L. 2021, c. 182 and N.J.A.C. 5:28 et seq., the owner shall be given a period of thirty (30) days to cure any violation by conducting the required inspection or initiating any required remediation efforts.

If the owner of a dwelling has failed to cure the violation within thirty (30) days, the owner shall be subject to a penalty of up to \$1,000.00 per week (every seven days) until the required inspection has been conducted or the remediation efforts have been initiated. Remediation efforts shall be considered to have initiated when the dwelling owner has hired a lead abatement contractor or other qualified party to perform lead-hazard control methods.

**§ 13-9 FILING WITH THE STATE.**

A true certified copy of this Chapter shall be filed with the State Commissioner of Health.

**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.

**BOROUGH OF FAIR HAVEN  
ORDINANCE NO. 2023-15**

**AN ORDINANCE AUTHORIZING THE ACQUISITION OF A PERMANENT  
PARKING ACCESS EASEMENT UPON THE PROPERTY AT 37-38 FISK STREET,  
BLOCK 39, LOT 11, FROM FISK CHAPEL A.M.E. CHURCH, INC. FOR PARKING  
AND ACCESS TO THE BOROUGH'S NEW POLICE DEPARTMENT/COMMUNITY  
CENTER**

**WHEREAS**, the Borough of Fair Haven (the "Borough") is a municipal corporation of the State of New Jersey and is authorized, pursuant to N.J.S.A. 40A:12-5, to acquire interests in real property by Ordinance for public purposes; and

**WHEREAS**, Fisk Chapel A.M.E. Church, Inc. ("Grantor") is the owner of property known as 37-38 Fisk Street, Fair Haven, NJ 07704, and identified on the tax map of the Borough of Fair Haven as Block 39, Lot 11 (the "Grantor's Property"); and

**WHEREAS**, the Borough is the owner of property known as 35 Fisk Street, Fair Haven, NJ 07704, and identified on the tax map of the Borough of Fair Haven as Block 39, Lot 20.01 (the "Borough's Property"); and

**WHEREAS**, the Borough plans to construct a new Police Department and Community Center upon the Borough's Property, including certain permanent parking lot improvements to be located upon the Grantor's Property and the Borough's Property (the "Project"); and

**WHEREAS**, as part of the Project, the Borough has agreed to make certain permanent parking lot and landscaping improvements upon Grantor's Property; and

**WHEREAS**, in addition to making permanent parking lot and landscaping improvements upon Grantor's Property, the Borough has also agreed to pay to Grantor the amount of \$20,000.00 as consideration for the granting a permanent parking access easement upon Grantor's Property; and

**WHEREAS**, the permanent parking access easement upon Grantor's Property shall encompass and include all permanent parking lot and landscaping improvements made by the Borough upon Grantor's Property;

**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 that:

- (1) The Borough does hereby approve and accept the Deed of Permanent Parking Access Easement attached hereto as Exhibit A; and
- (2) The Mayor is hereby authorized to execute the Deed of Permanent Parking Access Easement attached hereto as Exhibit A; and
- (3) The Borough is hereby authorized to make payment in the amount of \$20,000.00 to Fisk Chapel A.M.E. Church, Inc. as additional consideration for the Deed of Permanent Parking Access Easement attached hereto as Exhibit A; and

**BE IT FURTHER ORDAINED** that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance; and

**BE IT FURTHER ORDAINED** that, if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable; and

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect immediately upon its passage and adoption according to law.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2023-235**

**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 Organization
2. Finance Office
3. Planning Board and Zoning Board Secretary

**Acquisition of Property**

1. 21 Fair Haven Road

**Litigation**

1. McCarter Pond Hydro Rake Project

**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:**

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**RESOLUTION NO. 2023-236**

**TITLE:        AUTHORIZE SPECIAL COUNCIL MEETING ON TUESDAY, OCTOBER 3, 2023 AT  
4:30 PM TO HOLD POLICE PROMOTION INTERVIEWS**

**WHEREAS**, the Mayor and Council have determined that a special meeting is required to be held in order to conduct Police Department Promotion Interviews; and

**WHEREAS**, the Mayor and Council have selected Tuesday, October 3, 2023 at 4:30 p.m. as the Special Meeting date; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Haven, County of Monmouth, and State of New Jersey, that the Mayor and Council shall hold a special meeting on Tuesday, October 3, 2023 at 4:30 p.m. to conduct Police Department Promotion Interviews.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2023-237**

**TITLE:        APPROVING A BLOCK PARTY TO BE HELD ON  
                  FAIRWATERS LANE – OCTOBER 14<sup>TH</sup>**

**WHEREAS**, a request was received to hold a Block Party on Fairwaters Lane on October 14, 2023 from 6 pm to 11 pm with a rain date of Sunday, October 15, 2023; and

**WHEREAS**, Police Chief McGovern reviewed the application and submitted his approval on September 11, 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 Fairwaters Lane on Saturday, October 14, 2023 from 6 pm to 11 pm (rain date: Sunday, October 15<sup>th</sup>).

**BE IT FURTHER RESOLVED** that Permit No. BP 2023-08 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:**

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**RESOLUTION NO. 2023-238**

**TITLE:        APPROVING A BLOCK PARTY TO BE HELD ON  
                  CHURCH STREET – OCTOBER 8<sup>TH</sup>**

**WHEREAS**, a request was received to hold a Block Party on Church Street on Sunday, October 8 2023 from 4 pm to 8 pm with a rain date of Sunday, October 15, 2023; and

**WHEREAS**, Police Chief McGovern reviewed the application and submitted his approval on September 18, 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 Church Street on Sunday, October 8, 2023 from 4 pm to 8 pm (rain date: Sunday, October 15<sup>th</sup>).

**BE IT FURTHER RESOLVED** that Permit No. BP 2023-09 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:**

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**RESOLUTION NO. 2023-239**

**TITLE:        APPROVING A BLOCK PARTY TO BE HELD ON**  
**SYCAMORE LANE - OCTOBER 15<sup>TH</sup> (RAIN DATE: NOVEMBER 4<sup>TH</sup>)**

**WHEREAS**, a request was received to hold a Block Party on Sycamore Lane on Sunday, October 15, 2023 from 3 pm to 5 pm with a rain date of Saturday, November 4, 2023; and

**WHEREAS**, Police Chief McGovern reviewed the application and submitted his approval on September 14, 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 Sycamore Lane on Sunday, October 15, 2023 from 3 pm to 5 pm (rain date: Saturday, November 4<sup>th</sup>).

**BE IT FURTHER RESOLVED** that Permit No. BP 2023-10 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:**

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**RESOLUTION NO. 2023-240**

**TITLE:        APPROVING A BLOCK PARTY TO BE HELD ON**  
**DARTMOUTH AVENUE - OCTOBER 21<sup>ST</sup>**

**WHEREAS**, a request was received to hold a Block Party on Dartmouth Avenue on October 21, 2023 from 3 pm to 11 pm; and

**WHEREAS**, Police Chief McGovern reviewed the application and submitted his approval on September 19, 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 Dartmouth Avenue on Saturday, October 21, 2023 from 3 pm to 11 pm.

**BE IT FURTHER RESOLVED** that Permit No. BP 2023-11 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:**

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**RESOLUTION NO. 2023-241**

**TITLE:        APPROVING A BLOCK PARTY TO BE HELD ON**  
**WILLIAM STREET - OCTOBER 7<sup>TH</sup>**

**WHEREAS**, a request was received to hold a Block Party on William Street on Saturday, October 7, 2023 from 1 pm to 8 pm with a rain date of Sunday, October 8, 2023; and

**WHEREAS**, Police Chief McGovern reviewed the application and submitted his approval on September 18, 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 William Street on Saturday, October 7, 2023 from 1 pm to 8 pm (rain date of October 8, 2023).

**BE IT FURTHER RESOLVED** that Permit No. BP 2023-12 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:**

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**RESOLUTION NO. 2023-242**

**TITLE:        AWARD PROPOSAL FOR CONSTRUCTION ADMINISTRATION AND INSPECTION SERVICES: POCKET PARK AND BOAT RAMP TO COLLIERS ENGINEERING AND DESIGN**

**WHEREAS**, there is a need for the professional services of an Engineer to assist with the Construction Administration and Inspection Services for a Pocket Park and Boat Ramp; and

**WHEREAS**, the proposal dated September 7, 2023 received from Colliers Engineering & Design to provide Construction Administration and Inspection Services states that the total costs for this work, broken down as follows, shall not exceed a total of \$21,700:

<b>Phase Name</b>	<b>Fee</b>
PHASE 1.0    HELICAL ANCHOR EASEMENT MAP	\$ 2,400.00
PHASE 2.0    CONSTRUCTION SUPPORT SERVICES	\$19,000.00
REIMBURSABLES	\$    300.00
<b>TOTAL FEE</b>	<b>\$21,700.00</b>

**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 Construction Administration and Inspection for Fair Haven’s Pocket Park and Boat Ramp at a cost not to exceed \$21,700 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:**

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**RESOLUTION NO. 2023-243**

**TITLE:       RESOLUTION APPOINTING AN AFFILIATE MEMBER TO THE FAIR HAVEN FIRE DEPARTMENT - First Aid - Isabella Bulhoes**

**BE IT RESOLVED** by the Borough Council of the Borough of Fair Haven that Isabella Bulhoes, 216 N. Fifth Avenue, #10, Long Branch, NJ 07740 having been duly accepted as an affiliate member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department/First Aid Squad.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2023-244**

**TITLE:       APPOINTMENT OF FIRE PREVENTION OFFICIAL - MARTIN OWENS HAWLEY, JR.**

**WHEREAS**, the Borough of Fair Haven has a need for a Fire Prevention Official; and

**WHEREAS**, Martin Owens Hawley, Jr. has the qualifications necessary as a Fire Prevention Official.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Martin Owens Hawley, Jr. be appointed to the position of Fire Prevention Official retroactive to September 16, 2023 with his annual salary being paid by the Borough of Rumson.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the New Jersey Department of Community Affairs and the Borough of Rumson for their records.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2023-245**

**TITLE:        AMEND RESOLUTION NO. 2023-03 TO APPOINT COUNCILMAN RODRIGUEZ AS  
FINANCE CHAIRMAN UNTIL YEAR END**

**WHEREAS**, Resolution No. 2023-03 appointing the various Boards, Commissions and Committees was adopted by the Mayor and Council at their Reorganization Meeting held on January 3, 2023; and

**WHEREAS**, there is a need to amend the resolution to appoint Councilman Christopher Rodriguez as Finance Chairperson for the remainder of 2023.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Councilman Rodriguez is hereby appointed as Finance Chairman, effective immediately, until December 31, 2023.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2023-246**

**TITLE: APPOINTMENT OF PART-TIME SCHOOL CROSSING GUARDS,  
DONNA MAERZ, CAROLYN MCCARTHY AND JOHN JARVIS**

**WHEREAS**, there is a need for part-time School Crossing Guards; and

**WHEREAS**, Chief Joseph McGovern has recommended that Donna Maerz, Carolyn McCarthy and John Jarvis be appointed as Part Time School Crossing Guards, effective September 27, 2023 at an hourly salary of \$20.50.

**BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Donna Maerz, Carolyn McCarthy and John Jarvis are hereby appointed as part-time School Crossing Guards as noted above.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2023-247**

**TITLE: APPROVE AGREEMENT WITH COLUMBUS CLUB A/K/A KNIGHTS OF COLUMBUS FOR MEETING SPACE DURING COMMUNITY CENTER CONSTRUCTION**

**WHEREAS**, the Borough awarded a bid for construction of a new Police Facility and Community Center; and

**WHEREAS**, there is a need for meeting space while construction of the new Community Center is taking place; and

**WHEREAS**, the Columbus Club a/k/a Knight of Columbus, 200 Fair Haven Road, has offered their facility for use on Tuesday and Wednesdays, at an hourly rate of \$30 from November 1, 2023 through August 30, 2024, as per the attached agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that the attached agreement for meeting space at the Knight of Columbus is hereby approved and the Mayor is authorized to execute said agreement.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

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**RESOLUTION NO. 2023-248**

**TITLE:        AMEND BOROUGH ARCHITECT’S CONTRACT FOR ADDITIONAL  
ENGINEERING SERVICES BY FRANK H. LEHR ASSOCIATES TO CONDUCT  
EARTHWORK MONITORING SERVICES - NEW POLICE DEPARTMENT AND  
COMMUNITY CENTER FACILITIES**

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

**WHEREAS**, Frank H. Lehr Associates is the Geotechnical Engineer of Record for the New Community Center Project for The Goldstein Partnership and has provided a supplemental proposal for Earthwork Monitoring Services; and

**WHEREAS**, in the State of New Jersey various Special Inspections are required in conjunction with the construction of an essential facility such as a Police facility; and

**WHEREAS**, Rick Adelsohn of Frank H. Lehr Associates has provided a s proposal with a not-to-exceed amount of \$38,000, attached as Exhibit A; and

**WHEREAS**, The Goldstein Partnership, Borough Architect, would receive an administrative and coordination fee in an amount not-to-exceed \$3,800.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that the proposal from Frank H. Lehr Associates and amendment to the Borough Architect contract be approved for an amount not to exceed \$41,800 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:**

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**RESOLUTION NO. 2023-250**

**TITLE:        APPROVING A BLOCK PARTY TO BE HELD ON  
              JACKSON STREET – OCTOBER 14<sup>TH</sup>**

**WHEREAS**, a request was received to hold a Block Party on Jackson Street on October 14, 2023 from 4 pm to 9 pm; and

**WHEREAS**, Police Chief McGovern reviewed the application and submitted his approval on September 20, 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 Jackson Street on Saturday, October 14, 2023 from 4 pm to 9 pm.

**BE IT FURTHER RESOLVED** that Permit No. BP 2023-13 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:**

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**RESOLUTION NO. 2023-251**

**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 September 26, 2023 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2023 CURRENT FUND ACCOUNT	\$2,291,184.07
GENERAL CAPITAL	\$ 210,647.54
GRANT FUND	\$ 1,556.23
OTHER TRUST	<u>\$ 2,223.75</u>
	<b>\$ 2,505,611.59</b>

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