

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

Zoom Link: [HTTPS://US02WEB.ZOOM.US/J/81391316347](https://us02web.zoom.us/j/81391316347)

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

Webinar ID: 813 9131 6347

1. **Call to Order:** pm
2. **Salute to the Flag:**
3. **Moment of Silent Reflection:**
4. **Sunshine Law Notice:**
5. **Roll Call:** Councilmembers Cole Hoey Koch
LaBarbera Neff Rodriguez
6. **Presentation**
-2022 Municipal Audit
7. **Workshop Session**
-Tree Removal Appeal 6 Third Street, Kelly Builders
-Request from Rumson-Fair Haven Youth Wrestling to display 8-10 registration signs: 10/11- 11/8
-Brush and Leaf Schedule for 2024
-Business District/Grants
-Waterfront Fishing and Crabbing Rules
-21 Fair Haven Road Purchase Process (Administrator Casagrande)
7. **Public Comment on Agenda Items**
8. **Approval of Minutes**
-September 26, 2023 Executive Session
-October 3, 2023 Special Meeting
9. **Old Business**
Hearing and Adoption of Ordinances
Ordinance No. 2023-14, Create Lead Paint Inspection Ordinance
Ordinance No. 2023-15, Long Term Parking Agreement with Fisk Chapel A.M.E. Church
10. **New Business**
Council Committee Reports
Finance - Councilman Rodriguez
Police, Fire & OEM - Councilman Rodriguez
Personnel - Councilwoman Hoey
Parks and Recreation - Councilwoman Hoey
Planning Board - Councilwoman Koch
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
Ordinance No. 2023-16, Amend Chapter 30: Replace Riparian Buffer Ordinance to be Riparian Zone
Ordinance No 2023-17, Bond Ordinance for Capital Improvements: Facilities and Road Improvements

Consent Agenda

Resolutions

2023-249	Approve Amendment to Colonial Court Developer's Agreement
2023-254	Executive Session: Personnel and Contract Negotiations
2023-255	Appoint Charlotte Healy as a Student Representative to Finance Committee
2023-256	Accept 2022 Municipal Audit
2023-257	Approve Change Order No. 1 - Improvements to Third Street, Phase II
2023-258	Request NJDOT Grant Award Extension - Improvements to Fair Haven Road, Phase I
2023-259	Approve Refund of Unused Escrow, Jeffrey Tilly, 99 Maple Avenue
2023-260	Approve Close Out of Escrow Account for Affordable Housing Master
2023-261	Approve Chapter 159: Body Armor Replacement Fund
2023-262	Approve Agreement with Monmouth County - 21 Fair Haven Road
2023-263	Authorize Execution of NJDEP Green Acres Agreement
2023-264	Approve Block Party - Briarwood Road - October 29 th
2023-265	Payment of Vouchers

Department Reports

September 2023

- Municipal Clerk
- Dog License
- Tax Collector

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: MONDAY, OCTOBER 23RD @ 7 P.M.

**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.

**BOROUGH OF FAIR HAVEN
ORDINANCE NO. 2023-16**

AN ORDINANCE AMENDING CHAPTER 30: “LAND USE AND DEVELOPMENT REGULATIONS” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO REPLACE SECTION 30-13: “RIPARIAN BUFFERS” WITH NEW SECTION 30-13: “RIPARIAN ZONES” IN ACCORDANCE WITH CURRENT STATEWIDE STORMWATER MANAGEMENT REGULATIONS.

WHEREAS, recently, the State of New Jersey and its Department of Environmental Protection have significantly updated and revised statewide stormwater management regulations; and

WHEREAS, the Borough of Fair Haven (the “Borough”) has been made aware by its land use professionals that current Section 30-13: “Riparian Buffers” of the Borough Code is outdated with respect to the statewide stormwater management regulations currently in effect; and

WHEREAS, the Borough now amends the Borough Code to update Section 30-13 in accordance with the aforesaid statewide stormwater management regulations;

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 30-13 entitled “Riparian Buffers” within Chapter 30 entitled “Land Use and Development Regulations” of the Revised General Ordinances of the Borough of Fair Haven is hereby replaced in its entirety as follows:

CHAPTER 30: “LAND USE AND DEVELOPMENT REGULATIONS”

* * *

§ 30-13 RIPARIAN ZONES

All development in Riparian Zones as described in N.J.A.C. 7:13 is prohibited by this Chapter unless the applicant has received an individual or general permit or has complied with the requirements of a permit by rule or permit by certification from NJDEP Division of Land Resource Protection prior to application for a floodplain development permit and the project is compliant with all other Floodplain Development provisions of this ordinance. The width of the riparian zone can range between 50 and 300 feet and is determined by the attributes of the waterbody and designated in the New Jersey Surface Water Quality Standards N.J.A.C. 7:9B. The portion of the riparian zone located outside of a regulated water is measured landward from the top of bank. Applicants can request a verification of the riparian zone limits or a permit applicability determination to determine State permit requirements under N.J.A.C. 7:13 from the NJDEP Division of Land Resource Protection.

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.

**BOROUGH OF FAIR HAVEN
COUNTY OF MONMOUTH
BOND ORDINANCE NO. 2023-17**

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS, APPROPRIATING \$6,750,650 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,773,117.50 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF FAIR HAVEN, IN THE COUNTY OF MONMOUTH, NEW JERSEY

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. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Fair Haven, in the County of Monmouth, New Jersey (the “Borough”). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$6,750,650, said sum being inclusive of all appropriations heretofore made therefor, including the sum of \$302,532.50 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., and grant funds in the amount of \$675,000 expected to be received by the New Jersey Department of Transportation (“NJDOT”). The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$5,773,117.50, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of:

(i) **Public Works (DPW), Borough Hall, Police Department and Community Center** – Capital facilities improvements to: (i) 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) the 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, with a total appropriation and estimated cost of \$6,050,650, estimated amount of bonds and notes therefor of \$5,748,117.50, and an average period of usefulness of thirty (30) years; and

(ii) **Fair Haven Road Project Phase II** – Improvements to Fair Haven Road, Phase II, with a total appropriation and estimated cost of \$700,000, including \$675,000 grant funds expected to be received by NJDOT, estimated amount of bonds and notes therefor of \$25,000, and an average period of usefulness of twenty (20) years;

together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$5,773,117.50, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$6,750,650, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$6,750,650 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$302,532.50 down payment for said purposes, and NJDOT grant funds in the amount of \$675,000.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 29.96 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$5,773,117.50 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$2,500,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.

Section 6. The capital budget of the Borough is hereby amended to 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 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to

this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-254

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. Code Enforcement Officer
2. Police Promotions
3. DPW Staff

Contract Negotiation

1. ILSA with Little Silver

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. 2023-255

**TITLE: APPOINT STUDENT REPRESENTATIVE TO THE FINANCE COMMITTEE FOR
REMAINDER OF 2023 - CHARLOTTE HEALY**

BE IT RESOLVED by the Mayor and Council, Borough of Fair Haven, that Charlotte Healy, a student at Rumson-Fair Haven Regional High School, be appointed to the Borough's Finance Committee for the remainder of Calendar Year 2023.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-256

TITLE: ACCEPTANCE OF THE 2022 AUDIT FOR THE BOROUGH OF FAIR HAVEN

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations", and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Fair Haven hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-257

TITLE: APPROVE CHANGE ORDER NO. 1 - IMPROVEMENTS TO THIRD STREET, PHASE II - DISCOVER CONSTRUCTION, LLC

WHEREAS, Resolution No. 2022-230 awarded a contract for the Improvements to Third Street, Phase II Project to Discover Construction, Dayton, NJ 08810 in the amount of \$217,224.11; and

WHEREAS, the Director of Engineering and Public Works requested a change order for additional items increasing the contract amount by \$12,975.11.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven that Change Order #1 for the Improvements to Third Street, Phase II Project contract authorizes an increase to the contract between the Borough of Fair Haven and Discover Construction, LLC for a total contract amount of \$230,199.22.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-258

TITLE: REQUEST NJDOT GRANT AWARD EXTENSION - IMPROVEMENTS TO FAIR HAVEN ROAD, PHASE I (LA-2022 MA)

WHEREAS, the Borough of Fair Haven received an NJDOT FY2022 Municipal Aid Grant in the amount of \$251,900 for Improvements to Fair Haven Road, Phase I Project; and

WHEREAS, there is a need to submit a six-month award extension request to the New Jersey Department of Transportation for LA-2022-MA, due to extraordinary circumstances with utility relocation work that needs to be done prior to construction of this project.

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Fair Haven formally approves the request for a six-month award extension for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign the six-month award extension request on behalf of the Borough of Fair Haven and that their signature constitutes acceptance of the terms and conditions of the grant agreement.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-259

**TITLE: REFUND UNUSED PLANNING BOARD ESCROW FUNDS TO JEFFREY TILLY, 99
MAPLE AVENUE - BLOCK 43, LOT 28**

WHEREAS, Jeffrey Tilly, 99 Maple Avenue, Block 43, Lot 28 submitted an application to the Planning Board for a Minor Subdivision; and

WHEREAS, escrow money was posted by the applicant; and

WHEREAS, Mr. Tilly has completed the work as per Planning Board approval and has requested that unused escrow funds be refunded; and

WHEREAS, the Assistant Chief Financial Officer has calculated and provided, in writing, an escrow refund amount as follows:

Unused Escrow funds in the amount of \$163.47; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Finance Office will refund the unused Planning Board escrow fees to Jeffrey Tilly, 99 Maple Avenue, Fair Haven, New Jersey 07704.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-260

**TITLE: APPROVE CLOSE OUT OF AFFORDABLE HOUSING - SPECIAL MASTER
 ESCROW ACCOUNT**

WHEREAS, in 2019, an Affordable Housing - Special Master Escrow Account Fund (T-03-56-854-234) was set up; and

WHEREAS, this account is no longer required and should be closed out; and

WHEREAS, the current balance of \$5,101.21 should be released to the Borough's Current Account.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Affordable Housing - Special Master Escrow Account Fund be closed out and the Chief Financial Officer ensure that any balance in the account be released back to the Borough's Current Account.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-261

TITLE: RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF THE BOROUGH OF FAIR HAVEN PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948): DEPARTMENT OF JUSTICE – 2023 BODY ARMOR REPLACEMENT FUND

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 \$7,170.00 grant from the Department of Justice for a Body Armor Replacement 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 \$7,170.00 which items in now available as revenue from:

Department of Justice
Body Armor Replacement Fund

BE IT FURTHER RESOLVED that a like sum of \$7,170.00 be and the same is hereby appropriated under the caption of General Appropriations – Operations Excluded from CAPS:

Department of Justice
Body Armor Replacement Fund

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

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-262

TITLE: AUTHORIZING A COOPERATIVE PROJECT AGREEMENT WITH THE COUNTY OF MONMOUTH UNDER ITS MUNICIPAL LAND PRESERVATION INCENTIVE PROGRAM FOR THE ACQUISITION OF REAL PROPERTY KNOWN AND DESIGNATED AS BLOCK 47, LOT 1 (21 FAIR HAVEN ROAD) ON THE OFFICIAL TAX MAP OF THE BOROUGH OF FAIR HAVEN, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, the Borough of Fair Haven adopted RESO#2023-_____ (Pending Resolution) for the acquisition of Block 47, Lot 1 (21 Fair Haven Road), included in the Borough's Open Space and Recreation Plan and recommended for preservation by the Borough's Open Space Committee, for a purchase price of \$1,790,000.00; and The Borough does not have an Open Space Recreation Plan or an Open Space Committee.

WHEREAS, the Borough has sought out additional funding sources in addition to its dedicated Open Space Trust Fund to offset the acquisition cost, including New Jersey Green Acres under its Planning and Incentive Grant ("PIG") Program; and

WHEREAS, upon the Borough's satisfaction of PIG Program conditions, Green Acres has agreed to fund the acquisition at 25% of its calculated certified market value of \$1,790,000.00; and

WHEREAS, the County of Monmouth County recently initiated a program ("MUNICIPAL LAND PRESERVATION INCENTIVE PROGRAM" or "PROGRAM") to expand park, historic preservation, and open space opportunities for Monmouth County residents by providing funding to assist municipalities with park and open space acquisition; and

WHEREAS, under the PROGRAM, the County of Monmouth will fund up to 75% of the acquisition cost not covered by Green Acres, which amounts to \$1,006,875.00; and

WHEREAS, the County of Monmouth PROGRAM requires the entering into a Cooperative Project Agreement memorializing the terms and conditions of the County's participation in a municipal acquisition project; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A65-1, et seq., (the "Act") permits units of local government to share services for particular purposes and to effectuate agreements for any service of circumstance that will aid and encourage a reduction of local expenses; and

WHEREAS, the Borough of Fair Haven and the County of Monmouth ("the County") are public bodies corporate and politic of the State of New Jersey and are authorized under New Jersey law to enter into a Cooperative Project Agreement pursuant to the Act; and

WHEREAS, the County of Monmouth, through its dedicated Open Space Trust Fund has the ability and desires to incentivize the funding of municipal land acquisition for the purposes of open space preservation; and

WHEREAS, the County of Monmouth and the Borough of Fair Haven have negotiated a Cooperative Project Agreement, in a form substantially similar to that which is annexed hereto as EXHIBIT A, and the terms of which are incorporated into this resolution as if set forth at length herein; and

WHEREAS, the Monmouth County Board of County Commissioners, the Monmouth County Board of Recreation Commissioners, Mayor Joshua Halpern, and the Borough Committee of the Borough of Fair Haven have an interest in preserving open space in the Borough of Fair Haven and throughout Monmouth County, with the goal of improving the quality of life for all residents, and are in full support of this agreement to facilitate the acquisition of Block 47, Lot 1 (21 Fair Haven Road) in the Borough of Fair Haven.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Mayor and Borough Council as follows:

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Cooperative Project Agreement shall be open to public inspection in the Clerk's office and shall take into effect upon adoption of a resolution and execution of the agreement by both the Monmouth County Board of County Commissioners and the Borough Committee of the Borough of Fair Haven.
3. The Mayor and Clerk are hereby authorized to execute a Cooperative Project Agreement in a form substantially similar to that which is annexed hereto as EXHIBIT A.
4. Theresa Casagrande, Borough Administrator, is authorized to provide additional information and furnish such documents as may be required to facilitate the acquisition and act as the principal contact person and correspondent for the Borough of Fair Haven.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. The County of Monmouth
- b. Borough Business Administrator
- c. Borough Chief Financial Officer

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-263

**TITLE: STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES PROGRAM - ENABLING RESOLUTION**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Fair Haven desires to further the public interest by obtaining a Green Acres grant of \$500,000.00 from the State to fund the following project(s):

Acquisition of 21 Fair Haven Road, Block 47, Lot 1, Fair Haven, NJ

NOW, THEREFORE, the governing body/board resolves that Theresa Casagrande or the successor to the office of Borough Administrator is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required,
- (c) act as the authorized correspondent of the above-named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above-named project;

NOW, THEREFORE, BE IT RESOLVED BY THE Borough Council THAT:

1. The Theresa Casagrande of the above-named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Spagnuolo Acquisition, and;
2. The applicant has its matching share of the project, if a match is required, in the amount of \$ 0.00. No matching share required.
3. In the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. This resolution shall take effect immediately.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-264

**TITLE: APPROVING A BLOCK PARTY TO BE HELD ON
 BRIARWOOD ROAD - OCTOBER 29TH**

WHEREAS, a request was received to hold a Block Party on Briarwood Road on October 29, 2023 from 2 pm to 6 pm; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on October 4, 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 Briarwood Road on Sunday, October 29, 2023 from 2 pm to 6 pm.

BE IT FURTHER RESOLVED that Permit No. BP 2023-14 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. 2023-265

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 October 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	\$ 395,860.88
GENERAL CAPITAL	\$ 81,011.34
PAYROLL AGENCY	\$ 18,225.26
DOG TRUST	\$ 551.20
OTHER TRUST	<u>\$ 36,489.06</u>
	\$ 532,137.74