

Consent Agenda

Resolutions

2023-270	Approved Chapter 159: NJ Forest Service, UCF Stewardship Grant (\$15,000)
2023-274	Executive Session: Personnel and Potential Litigation
2023-275	Award Proposal for McCarter Park Hydro Rake Project - Aquaclear, LLC
2023-276	Authorize Borough Administrator to Execute Contract for Second On-Line Auction
2023-277	Approve 2023 Budget Transfers
2023-278	Approve Proposal for Police Department and Community Center Inspections
2023-279	Approve 2023 Police Vehicle Purchase
2023-280	Authorize Receipt of Bids for River Road Streetlights
2023-281	Payment of Vouchers

Department Reports

2022 Annual Report

-Zoning Board of Adjustment

October 2023

-Municipal Clerk

-Dog License

-Police Department

-Municipal Court

-Budget Status

12. **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*)**
13. **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, NOVEMBER 27, 2023

**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
ORDINANCE NO. 2023-18**

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF
MONMOUTH AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR PUBLIC
PURPOSES**

WHEREAS, the Borough of Fair Haven desires to obtain title to certain real property located at 21 Fair Haven Road, designated as Lot 1, Block 47 on the Borough of Fair Haven Tax Map (the “Property”); and

WHEREAS, the Property is presently owned by the Estate of Joseph Spagnuolo (hereinafter the “Seller”); and,

WHEREAS, pursuant to the Local Land and Building Law, N.J.S.A. 40A:1201, et seq., the Borough has power and authority to acquire real property; and,

WHEREAS, the pursuant to N.J.S.A. 40A:12-5, the Borough has the power to acquire any real property for a public purpose through a negotiated agreement process; and,

WHEREAS, the Seller has expressed the desire to conveying the subject Property to the Borough; and,

WHEREAS, the Borough, through its council, have determined that it is advantageous for the Borough to acquire the subject Property and that the subject Property is needed for public purposes; and,

WHEREAS, the Borough and Seller negotiated a purchase price in the amount of \$1,790,000.00 (one million seven hundred ninety thousand dollars and zero cents); and,

WHEREAS, the Borough previously received approximately \$1,454,375.00 (one million four hundred fifty-four thousand three hundred seventy-five dollars and zero cents) in grant funds to be utilized towards the Borough’s acquisition of the subject Property for public purposes; and,

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

1. The Borough is hereby authorized to acquire, through the voluntary acquisition by negotiated agreement, the Property located at 21 Fair Haven Road, designated as Lot 1, Block 47 on the Borough of Fair Haven Tax Map for the purchase price of \$1,790,000.00 (one million seven hundred ninety thousand dollars and zero cents); and,
2. The Borough Attorney and Business Administrator are hereby authorized to take any and all actions necessary to effectuate the purpose of this Ordinance and to acquire the subject Property through negotiation; and,
3. The Mayor and/or the Borough Clerk are hereby authorized to sign and witness, respectively, any contract for sale or other documents necessary to acquire the subject Property.

BE IT FURTHER ORDAINED, all Ordinances or parts of Ordinances inconsistent herewith are repealed to the extent of such inconsistency. The Borough Clerk is authorized to renumber and/or re-codify any sections affected by such repeal to the extent consistent with this Ordinance.

BE IT FURTHER ORDAINED, if any word, phrase, clause, section or provision of this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional such word, phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

BE IT FURTHER ORDAINED, this Ordinance shall take effect upon publication thereof after final passage according to law and approval by 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. 2023-270

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): STATE OF NEW JERSEY- NEW JERSEY FOREST SERVICE - NJUCF STEWARDSHIP GRANT

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 \$15,000.00 grant from State of New Jersey, New Jersey Forest Service for a NJUCF Stewardship Grant and wishes to amend its 2023 budget to include this amount as revenue; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2023 in the amount of \$15,000.00 which items is now available as revenue from:

The State of New Jersey - New Jersey Forest Service
NJUCF Stewardship Grant

BE IT FURTHER RESOLVED that a like sum of \$15,000.00 be and the same is hereby appropriated under the caption of General Appropriations - Operations Excluded from CAPS:

The State of New Jersey - New Jersey Forest Service
NJUCF Stewardship Grant

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. 2023-274

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. Affordable Housing (4th Round)

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. 2023-275

**TITLE: AWARD PROPOSAL FOR MCCARTER POND HYDRO-RAKE PROJECT TO
 AQUACLEAR, LLC**

WHEREAS, at the direction of the Mayor and Council, Leon S. Avakian, Inc., Consulting Engineers, requested proposals to complete hydro-raking of McCarter Pond; and

WHEREAS, three (3) firms were approached and only one (1) firm provided a proposal, dated October 16, 2023 for said work; and

WHEREAS, Leon S. Avakian, Inc. reviewed the proposal from AquaClear, LLC, P.O. Box 143, Layton, New Jersey 07851, which provided two options and provided a letter of recommendation advising that AquaClear, LLC. is qualified to conduct said work; and

WHEREAS, the Mayor and Council have determined that they would like to award a contract for Option No. 1 where the contractor will provide their loader to offload the pond material at a price of \$3,040, per diem.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, that the proposal received from AquaClear, LLC, P.O. Box 143, Layton, New Jersey 07851, be accepted and a contract awarded for the McCarter Pond Hydro-rake Project, as per the proposal, attached as Exhibit A.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute a contract for said services and the cost will be paid through the Capital Improvement Fund Ordinance No. 2022-08, Capital Account No. C-04-55-717-001.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-276

TITLE: AUTHORIZE SALE OF PERSONAL PROPERTY VIA ON –LINE AUCTION
<http://www.govauctionlistservices.com/>

WHEREAS, there are certain vehicles and equipment owned by the Borough of Fair Haven which are no longer of use to the Borough and the Borough Council has recommended that they be sold; and

WHEREAS, Local Public Contracts Law N.J.S.A. 40A:11-36 requires authorization of municipal surplus via the adoption of a Resolution; and

WHEREAS, the Borough Administrator is authorized to set the minimum bid for items to be sold.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Borough Administrator be authorized to dispose of municipally-owned property not needed for public use through the process of a public auction to be held November 27, 2023 until December 11, 2023 via on-line auction handled by <http://www.govauctionlistservices.com/>

BE IT RESOLVED that the items to be sold are listed in Exhibit A attached hereto.

BE IT FURTHER RESOLVED that Mayor Halpern is hereby authorized to execute a contract with <http://www.govauctionlistservices.com/> which is attached as Exhibit B.

BE IT FURTHER RESOLVED that any items not purchased at auction may be disposed of by the Borough.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-277

TITLE: AUTHORIZING TRANSFERS IN THE 2023 MUNICIPAL BUDGET

WHEREAS, pursuant to N.J.S.A. 40A:4-58, appropriation transfers are allowable during the last two months of a fiscal year; and

WHEREAS, it is deemed necessary that said transfers be done through various accounts.

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 following transfers are made in the 2023 budget appropriations:

<u>FROM</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
3-01-30-425-299	Salary & Wage Adj Misc	\$5,750.00
Total		\$5,750.00

<u>TO</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
3-01-20-130-101	Finance – Salaries	\$1,500.00
3-01-25-240-101	Police Regular Salaries	\$4,250.00
Total		\$5,750.00

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-278

**TITLE: AWARD PROPOSAL FOR THIRD PARTY TESTING AND INSPECTION SERVICES
FOR THE POLICE DEPARTMENT AND COMMUNITY CENTER FACILITY
PROJECT – ATLANTIC ENGINEERING LABORATORIES, LLC. (AEL)**

WHEREAS, Resolution No. 2023-234 awarded a bid for the new Police Department and Community Center Facility Project; and

WHEREAS, GS Ferguson Group, LLC (Owners Representative) advised that there is a need for special soils inspection and materials testing services for said project; and

WHEREAS, two proposals were received for said work from Metro Special Inspections and Atlantic Engineering Laboratories, LLC (AEL); and

WHEREAS, GS Ferguson Group, LLC reviewed the proposals and recommends that AEL be awarded the proposal, attached as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, that the proposal received from, Atlantic Engineering Laboratories, LLC., 21 Randolph Avenue, Avenel, NJ 07001, be accepted and awarded for special soils inspection and materials testing services for the Police Department and Community Center Facility Project retroactive to November 8, 2023 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. 2023-279

TITLE: RESOLUTION AUTHORIZING CONTRACT FOR THE LEASE OF A 2023 CHEVY TAHOE 9C1 PPV FOR THE POLICE DEPARTMENT

WHEREAS, the Borough of Fair Haven, County of Monmouth, State of New Jersey has determined that there is a need for the replacement of a police vehicle in the Borough of Fair Haven; and

WHEREAS, this purchase is being made through State Contract No. ESCNJ 20/21-09 and was approved by Mayor and Council through the 2023 Municipal Budget (Police Department Line Item 3-01-25-240-205).

NOW THEREFORE, BE IT RESOLVED that by the Borough of Fair Haven that Borough Administrator Casagrande is hereby authorized to enter into a contract with Mall Chevrolet, Cherry Hill, NJ for a three-year lease of a 2023 Chevy Tahoe 9C1 PPV for the Police Department in the amount of \$17,457.04 per year for three years with the option to purchase for \$1 at the end of the lease agreement.

BE IT FURTHER RESOLVED, the Chief Financial Officer has certified that unencumbered funds in the amount of \$17,457.04 are available for this purpose in account/line-item number(s) 3-01-25-240-205. Availability of funds for the remaining balance of the contract amount is contingent upon the necessary funds being appropriated by the governing body in the 2024 and subsequent Municipal Budgets, inclusive of amount appropriated in the temporary budget as required by N.J. A.C. 5:34-5.3 (a). A copy of said certification is attached hereto and made part hereof.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-280

**TITLE: AUTHORIZE ADVERTISEMENT FOR RECEIPT OF BIDS FOR RIVER ROAD
 LIGHT POLES**

BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that authorization is given to the Borough Engineer and Assistant CFO/QPA to advertise for receipt of bids for River Road Light Poles.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-281

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 November 13, 2023 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2022 CURRENT FUND ACCOUNT	\$	4,204.90
2023 CURRENT FUND ACCOUNT	\$	210,174.84
GENERAL CAPITAL	\$	62,766.65
GRANT FUND	\$	2,176.23
PAYROLL AGENCY	\$	17,787.44
OTHER TRUST	\$	<u>10,247.67</u>
	\$	307,357.73