

**FAIR HAVEN BOROUGH COUNCIL
REGULAR MEETING AGENDA
DECEMBER 18, 2023, 7:00 P.M.
HYBRID MEETING (IN-PERSON AND ZOOM)**

Zoom Link: <HTTPS://US02WEB.ZOOM.US/J/82810077253>

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

Webinar ID: 828 1007 7253

1. **Call to Order:** pm
2. **Salute to the Flag:**
3. **Moment of Silent Reflection:**
4. **Sunshine Law Notice:**
5. **Roll Call:** Councilmembers Cole Hoey Koch
LaBarbera Neff Rodriguez
6. **Workshop Session**
-Proposed Farmers Market
-Brush and Leaf Schedule/Regulations
7. **Public Comment on Agenda Items**
8. **Approval of Minutes**
-October 23, 2023 Regular Meeting
-November 13, 2023 Regular Meeting
-November 27, 2023 Executive Session
9. **Old Business**
Hearing and Adoption of Ordinance
2023-19 Add Section 9-6: Fishing and Crabbing Regulations from Public Streets, Rights of Way and Waterfront Properties
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

Consent Agenda

Resolutions

- 2023-291 Executive Session - Personnel
2023-292 Payment of Vouchers
2023-293 Approve Execution of Release Agreement with Annette Bufano, Assistant Librarian
2023-294 Hire Part-time Library Assistants: Anne Cosgrove, Lynn Shaw, Jennifer Glover and Laura Anderson

- 2023-295 Accept Blanket Street Opening Bond from NJ American Water in lieu of Cash Repair Deposit
- 2023-296 Approve Amendments to the Borough's Policies and Procedures Manual
- 2023-297 Approve 2023 Municipal Budget Transfers
- 2023-298 Approve Small Ticket Capital Purchase: Police Department
- 2023-299 Award Proposals to Leon S. Avakian, Inc.: Fair Haven Road Survey and Base Mapping and Surveying/Easement Preparation for Block 77, Lots 2 and 3

Department Reports

October 2023

-Tax Collector

November 2023

-Municipal Clerk

-Dog License

-Tax Collector

-Municipal Court

-Police Report

-Budget Status

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.**

COUNCIL REORGANIZATION MEETING: TUESDAY, JANUARY 2, 2024

**BOROUGH OF FAIR HAVEN
ORDINANCE NO. 2023-19**

**AN ORDINANCE SUPPLEMENTING CHAPTER 9: “PARKS AND RECREATION
AREAS” OF THE BOROUGH’S REVISED GENERAL ORDINANCES WITH NEW
SECTION 9-6: “FISHING AND CRABBING” TO ESTABLISH REGULATIONS FOR
PERMISSIBLE FISHING AND CRABBING FROM PUBLIC STREETS, RIGHTS-OF-WAY
AND BOROUGH WATERFRONT PROPERTIES**

WHEREAS, the Borough of Fair Haven (the “Borough”) is empowered and authorized by State law to enact ordinances regulating the use of public areas in order to protect the public health, safety, and welfare of the residents and visitors to the Borough; and

WHEREAS, the Borough does not presently have any regulations pertaining to fishing and/or crabbing in public spaces and is concerned about such activities affecting the public health, safety, and welfare of the residents and visitors to the Borough; and

WHEREAS, the Borough finds it to be in the best interests of the general welfare of the Borough to regulate fishing and/or crabbing from public streets, rights-of-way, and Borough-owned waterfront properties to maintain public safety, as well as the peace and tranquility of the Borough’s neighborhoods; and

WHEREAS, there should not be any open flames or cooking that occurs unless the appropriate authority approvals have been obtained; and

WHEREAS, Section 9-1.22 of the Borough Code states that Alcoholic Beverages are Prohibited while in a public park, open space, sanctuary, or recreation area, all persons shall conduct themselves in a proper and orderly manner, and in particular, no person shall bring alcoholic beverages, drink same at any time nor shall any person be under the influence of intoxicating liquor.

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. Chapter 9: “Parks and Recreation Areas” of the Revised General Ordinances of the Borough of Fair Haven is hereby supplemented to include *new* Section 9-6: “Fishing and Crabbing” as follows:

§ 9-6 FISHING AND CRABBING.

§ 9-6.1 Hours.

No fishing or crabbing shall be permitted by any person from or over any public street, right-of-way, or Borough waterfront property between the hours of 9:00 p.m. and 8:00 a.m., prevailing time.

No person shall fish or crab throughout the course of a public gathering or special event, including but not limited to: concerts, weddings, etc.

No person shall fish or crab at any time in the areas designated as "Closed" by the Police Department.

§ 9-6.2 Alcoholic Beverages Prohibited

While crabbing or fishing on any public street, right-of-way, or Borough waterfront property, all persons shall conduct themselves in a proper and orderly manner, and in particular, no person shall bring alcoholic beverages, drink same at any time nor shall any person be under the influence of intoxicating liquor.

§ 9-6.3 Open Flames

No person shall, while crabbing or fishing on any public street, right-of-way, or Borough waterfront property, use or permit the use of open flames or build or attempt to build a bonfire.

§ 9-6.4 Tents, Lawn Chairs, and Mattresses Prohibited

- a. No person shall, while crabbing or fishing on any public street, right-of-way, or Borough waterfront property, pitch a tent or utilize a mattress at any time.
- b. No person shall, while crabbing or fishing on any public street, right-of-way, or Borough waterfront property, utilize a lawn chair, foldable chair, or camping chair.

§ 9-6.5 Use of Coolers

- a. While crabbing or fishing on any public street, right-of-way, or Borough waterfront property, coolers or iceboxes shall be no larger than ten (10) quarts.
- b. While crabbing or fishing on any public street, right-of-way, or Borough waterfront property, persons shall be limited to one (1) cooler per person.

§ 9-6.6 Smoking Prohibited

No person shall smoke or consume any products, which include but are not limited to, cigarettes, pipes, cigars, vapes, cannabis items, etc., while crabbing or fishing on any public street, right-of-way, or Borough waterfront property.

§ 9-6.7 Violations and Penalties.

Any person violating any provision of this Section shall be subject to a mandatory court appearance and a fine in an amount not to exceed \$250.00 for the first offense; and shall be subject to a fine in an amount not less than \$500.00 and not more than \$750.00 for all subsequent offenses.

§ 9-6.8 Enforcement

- a) The Police Department shall enforce the provisions of this section.
- b) The Police Department shall have the authority to eject from any public street, right-of-way, or Borough waterfront property any person or persons acting in violation of this section.
- c) The Police Department shall have the authority to seize and confiscate any property, thing, or device on any public street, right-of-way, or Borough waterfront property, or used, in violation of this section.

SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fair Haven, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Fair Haven are ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall hereby take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-291

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. 2024 Staffing

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. 2023-292

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 December 18, 2023 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2022 CURRENT FUND ACCOUNT	\$ 4,764.90
2023 CURRENT FUND ACCOUNT	\$ 1,662,728.48
GENERAL CAPITAL	\$ 488,814.42
GRANT FUND	\$ 956.53
PAYROLL AGENCY	\$ 16,245.37
OTHER TRUST	\$ 2,834.19
	\$ 2,176,343.89

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-293

**TITLE: AUTHORIZE ACCRUED LEAVE TIME RELEASE PAYMENT FOR ANNETTE
 BUFANO**

WHEREAS, Annette Bufano will retire from the Fair Haven Public Library effective January 1, 2024 and has executed an Accrued Leave Time Release Agreement, as per the attached Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that a payment release for unused accrued leave time in the amount of \$5,925.94 to Annette Bufano be authorized.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-294

**TITLE: APPOINT VARIOUS PART-TIME LIBRARY ASSISTANTS - ANNE COSGROVE,
LYNN SHAW, JENNIFER GLOVER AND LAURA ANDERSON**

WHEREAS, there is a need to hire part-time Library Assistants for the Fair Haven Public Library; and

WHEREAS, the Borough Administrator and the Personnel Committee recommend the appointments of Anne Cosgrove, Lynn Shaw and Jennifer Glover to fill this part-time position; and

WHEREAS, Laura Anderson will be hired as a part-time Substitute Library Assistant to cover absences, as needed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Anne Cosgrove, Lynn Shaw, Jennifer Glover and Laura Anderson be appointed as part-time Library Assistants, retroactive to December 1, 2023 at an hourly rate of \$20.00 with hours not to exceed 20 hours per week.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-295

TITLE: ACCEPT BOND NO. 106115690 FROM NEW JERSEY AMERICAN WATER COMPANY, INC. AS A BLANKET BOND FOR STREET OPENINGS IN LIEU OF CASH REPAIR DEPOSITS

WHEREAS, Subsection 15-1.8 of Ordinance No. 2023-04 allows for the posting of a surety bond by utility companies for street opening projects in lieu of posting individual cash repair deposits renewable on a yearly basis; and

WHEREAS, NJ American Water has posted Bond No. 106115690 from Travelers Casualty and Surety Company of America in the amount of \$100,000 to cover cash repair amounts for their projects or need to open the street or right of way within the Borough of Fair Haven.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Bond No. 106115690 posted by NJ American Water in the amount of \$100,000 is hereby accepted.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-296

**TITLE: APPROVE AMENDMENTS TO THE BOROUGH’S POLICIES AND PROCEDURES
MANUAL PURSUANT TO THE MUNICIPAL EXCESS LIABILITY JOINT
INSURANCE FUND’S REQUIREMENT IN ACCORDANCE WITH LAW**

WHEREAS, the Borough of Fair Haven, County of Monmouth, State of New Jersey (the “Borough”) has been encouraged by the Municipal Excess Liability Joint Insurance Fund to update its employment policies and procedures manual as part of its Best Employment Practices Program; and

WHEREAS, the Borough desires to update its employment policies and procedures by amending and updating its Personnel Policies and Procedures Manual, in accordance with law.

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Fair Haven does hereby adopt and implement, effective December 18, 2023, the amended Policies and Procedures Manual attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be transmitted to the Municipal Excess Liability Joint Insurance Fund.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-297

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>
3-01-26-310-257	Buildings & Grounds-Firehouse Repair	\$ 1,500.00
3-01-31-446-276	Natural Gas - Utilities	\$ 2,000.00
Total		\$ 3,500.00
<u>TO</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
3-01-26-290-202	Streets and Roads-Contractual Services	\$ 1,500.00
3-01-31-445-276	Water - Utilities	\$ 2,000.00
Total		\$ 3,500.00

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-298

TITLE: PURCHASE AUTHORIZATION FOR CAPITAL ITEM EXPENDITURE

WHEREAS, Ordinance No. 2020-03 adopted on July 27, 2020 provides for the acquisition of various equipment, infrastructure improvements and improvements to public buildings and grounds; and

WHEREAS, a small ticket capital requests has been made as follows:

Police Department

- ALPR Camera (addon PT-3160-HD36ALPR Not to Exceed \$ 12,000.00

WHEREAS, the above equipment will be purchased through Packetalk under State Contract NO. T3121.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the above capital item expenditure is hereby approved.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2023-299

TITLE: AWARD PROPOSALS: SURVEY AND BASE MAP SERVICES FOR FAIR HAVEN ROAD, PHASE II AND SURVEY/EASEMENT PREPARATION FOR BLOCK 77, LOTS 2 AND 3 (SIDEWALK INSTALLATION)

WHEREAS, Resolution No. 2023-01 appointed Peter R. Avakian, P.E., P.L.S., of Leon S. Avakian, Inc. as the Borough's Consulting Engineer; and

WHEREAS, there is a need for Surveying and Base Map Services for the Fair Haven Road, Phase II Project and Leon S. Avakian, Inc. has provided a proposal for said work in the amount of **\$14,980**; and

WHEREAS, there is a need for Survey Services and Easement Preparation for Block 77, Lots 2 and 3 for possible sidewalk installation as part of the Fair Haven Road, Phase II project and Leon S. Avakian, Inc. has provided a proposal for said work in the amount of **\$850**.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, that Leon S. Avakian, Inc. is authorized to conduct said work and the Finance Department is authorized to pay at each amount as noted in their proposal, attached to this resolution as Exhibit A, upon completion of the work.