

**FAIR HAVEN BOROUGH COUNCIL  
REGULAR MEETING AGENDA  
MAY 10, 2021, 7:00 P.M.**

Zoom Link: [HTTPS://US02WEB.ZOOM.US/J/88404908197](https://us02web.zoom.us/j/88404908197)  
iPhone or Land Line Telephone Call In: 1-301-715-8592  
Webinar ID: 884 0490 8197

1. **Call to Order:** pm
2. **Salute to the Flag:**
3. **Moment of Meditation:**
4. **Sunshine Law Notice:**
5. **Roll Call:** Councilmembers Chrisner-Keefe Koch McCue  
Neff Rodriguez
6. **Proclamation**  
-Councilman Banahan
7. **Presentation**  
-Police Department and DPW Facility Presentation (Eli Goldstein, Borough Architect)
  - Memo from Douglas Kovats, Esq. on behalf of the Fair Haven Planning Board
8. **Workshop Session**  
-Councilmember Vacancy  
-Request from Monmouth Day Care Center to post lawn signs (May 11<sup>th</sup> to June 10<sup>th</sup>) through town for “Playdate in the Park”  
-McCarter Pond 2021 Treatment
  - Memo from the Environmental Commission-Secretary Assignments to Boards and Commissions
9. **Public Comment on Agenda Items**
10. **Approval of Minutes**  
-April 26, 2021 Regular Meeting  
-April 26, 2021 Executive Session
11. **Old Business**
12. **New Business**  
**Council Committee Reports**  
**Finance** - Councilwoman Neff  
**Personnel** - Councilwoman Chrisner-Keefe  
**Planning & Zoning** - Councilwoman Koch  
**Parks and Recreation and Communications** - Councilwoman Koch  
**Police, Fire & OEM** - Councilman McCue  
**Engineering, DPW and Borough Facilities** - Councilman Rodriguez  
  
**Introduction of Ordinances**  
2021-07, Amend Chapter 2 to Update Junior Firefighters’ Auxiliary Regulations (**Hearing/Adoption: 5/24**)  
  
**Consent Agenda**  
**Resolutions**  
2021-125 Approve Reduction in Parking Fee - Kick Dance Studio



**BOROUGH OF FAIR HAVEN  
ORDINANCE NO. 2021-07**

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF  
MONMOUTH AMENDING CHAPTER 2: “ADMINISTRATION” OF THE BOROUGH’S REVISED  
GENERAL ORDINANCES TO DELETE AND REPLACE SECTION 2-27.18: “JUNIOR FIREMAN’S  
AUXILIARY” TO COMPLY WITH  
NEW STATE LAW GOVERNING JUNIOR FIREFIGHTERS’ AUXILIARIES.**

**WHEREAS**, Public Law 2020 c. 126 became effective November 20, 2020 and amended N.J.S.A. 40A:14-95, *et seq.* and changed the restrictions, requirements, and regulations for Junior Firefighters’ Auxiliaries throughout the State of New Jersey; and

**WHEREAS**, the Borough of Fair Haven (the “Borough”) presently maintains a Junior Fireman’s Auxiliary pursuant to N.J.S.A. 40A:14-95, *et seq.* codified within the Borough Code at Section 2-27.18; and

**WHEREAS**, the Borough must amend its Borough Code at Section 2-27.18 to be consistent with N.J.S.A. 40A:14-95, *et seq.*, as amended by Public Law 2020 c. 126;

**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 that Section 2-27.18: “Junior Fireman’s Auxiliary” of Chapter 2: “Administration” of the Borough’s Revised General Ordinances is hereby deleted and replaced as follows:

**CHAPTER 2: “ADMINISTRATION”**

\* \* \*

**§ 2-27.18 JUNIOR FIREFIGHTERS’ AUXILIARY.**

- A. *Established.* A Junior Firefighters' Auxiliary to the Volunteer Fire Department of the Borough of Fair Haven is established pursuant to the provisions of N.J.S.A. 40A:14-95, *et seq.*, and subject to the supervision of the Volunteer Fire Company and the Fire Chief. The members of the Auxiliary shall be known as “Junior Firefighters.”
- B. *Eligibility for Membership.* A person who is not less than 14 or more than 18 years of age shall be eligible for membership in the Junior Firefighters' Auxiliary. Prior to being accepted for membership in the Junior Firefighters' Auxiliary, a person eligible pursuant to subsection a. of this section shall:
- (1) Obtain permission to join the Junior Firefighters' Auxiliary from the person’s parent(s) or guardian. Permission shall be granted in writing to the Volunteer Fire Company on the form prescribed by the N.J. Department of Community Affairs;
  - (2) Complete an application and be interviewed by the Fire Chief or his or her designee with a parent or guardian present; and
  - (3) Submit documentation from a qualified physician verifying that the person is medically able to perform the activities of the Junior Firefighters' Auxiliary.
- C. *Rules and Regulations.* Pursuant to Section 2-27.3 and N.J.S.A. 40A:14-98, the Volunteer Fire Company shall adopt rules and regulations that provide for the training of the Junior Firefighters' Auxiliary for eventual membership in the Volunteer Fire Company. The rules and regulations governing the Junior Firefighters' Auxiliary shall comply with all applicable regulations established by the N.J. Department of Community Affairs, and they shall further comply with the following:

- (1) A Junior Firefighter 16 years of age or older may perform the duties permitted by the rules and regulations governing the Junior Firefighters' Auxiliary at training events and emergency incidents, provided that:
  - (a) the Junior Firefighter has been appropriately and adequately trained to perform said duties.
  - (b) the Junior Firefighter is appropriately and adequately supervised in performing those duties at the training event or emergency incident; and
  - (c) the Junior Firefighter's parent(s) or guardian has provided written permission allowing the Junior Firefighter to perform those duties.
- (2) Activities of Junior Firefighters' Auxiliary members under 16 years of age shall be limited to:
  - (a) attending meetings of the Junior Firefighters' Auxiliary.
  - (b) receiving instruction.
  - (c) participating in training as established by regulations adopted by the commissioner that does not involve fire, smoke, toxic or noxious gas, or hazardous materials or substances; and
  - (d) observing firefighting activities, while under supervision.
- (3) Junior Firefighters shall be subject to provisions of the Borough Code covering Firefighters as to suspension or expulsion as provided therein.
- (4) Junior Firefighters' Auxiliary members shall be insured by the same coverage and in the same amounts as the regular members of the Volunteer Fire Company.

**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.

**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. 2021-125**

**TITLE: WAIVING THE PARKING FUND ORDINANCE FEE FOR BRUISER WOODS, LLC FOR 611 RIVER ROAD, ALSO KNOWN AS BLOCK 25, LOT 12**

**WHEREAS**, the Governing Body of the Borough of Fair Haven (the “Borough”) has received a request from Bruiser Woods, LLC for 611 River Road, also known as Block 25, Lot 12, to waive the fees due the Borough for deficient parking spaces under Borough Ordinance 30-9.2, resulting from an application filed by Bruiser Woods, LLC and approved by the Borough’s Zoning Board; and

**WHEREAS**, by Resolution ZBR 2021-1, the Zoning Board granted Bruiser Woods, LLC certain approvals for 611 River Road, also known as Block 25, Lot 12, including variance relief to permit a total of twelve (12) parking spaces whereas twenty-one (21) are required by the Borough’s Zoning Ordinance; and

**WHEREAS**, Borough Ordinance 30-9.2(b)(1)(h) requires every applicant to pay a fee to the Borough Parking Fund in the amount of \$2,500.00 per parking space for which a variance has been obtained by the applicant; and

**WHEREAS**, the Zoning Board has determined that, in accordance with Borough Ordinance 30-9.2, the amount of the parking fund fee due the Borough from Bruiser Woods, LLC totals \$22,500.00; and

**WHEREAS**, pursuant to Borough Ordinance 30-9.2(b)(1)(h), the Borough finds that good cause has been demonstrated by Bruiser Woods, LLC for the Borough to waive a portion of the parking fund fee due under Zoning Board Resolution ZBR 2021-1 in order to encourage ongoing and appropriate investments in and improvements to nonresidential properties within the Borough.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, that a waiver of the parking fund fee due to the Borough from Bruiser Woods, LLC for 611 River Road under Zoning Board Resolution ZBR 2021-1 is hereby granted in the amount of \$18,000.00, pursuant to Borough Ordinance 30-9.2(b)(1)(h); and

**BE IT FURTHER RESOLVED** that the amount of \$4,500.00 shall be paid to the Borough by Bruiser Woods, LLC for 611 River Road as the total parking fund fee in satisfaction of the conditions of Zoning Board Resolution ZBR 2021-1 and Borough Ordinance 30-9.2.

**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. 2021-126**

**TITLE: APPOINT CHAIRPERSONS TO THE FINANCE COMMITTEE**

**BE IT RESOLVED** by Benjamin Lucarelli, Mayor of the Borough of Fair Haven, that the following appointments be made to the Finance Committee, with the advice and consent of Council Borough:

**COMMITTEE**  
Finance

**CHAIRPERSON**  
Councilwoman Neff

**VICE CHAIRPERSON**  
Councilman Rodriguez

**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. 2021-127**

**TITLE:        AUTHORIZE THAT THE 2021 MUNICIPAL BUDGET BE READ BY TITLE**

**WHEREAS**, N.J.S.A. 40A 4-8 as amended provides that the Budget shall be read in full at the public hearing, or that it may be read by title only if:

1.        At least one week prior to the date of the hearing a complete copy of the approved Municipal Budget is made available to each person requesting the same, during said week and during the public hearing. This year during the COVID 19 Pandemic the Budget was made available online at [www.fairhavennj.org](http://www.fairhavennj.org).

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Fair Haven that, it is hereby declared that the conditions of N.J.S.A. 40A:4-8, as amended, set forth in subsection 1, have been met and therefore the Municipal Budget shall be read by title only.

**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. 2021-128**

**TITLE: APPROVE INTRODUCTION OF THE BUDGET OF THE BOROUGH OF  
FAIR HAVEN, COUNTY OF MONMOUTH, FOR THE YEAR 2021**

**BE IT RESOLVED**, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the calendar year 2021.

**BE IT FURTHER RESOLVED** that said Budget be published in the May 24, 2021 issue of the Asbury Park Press.

**BE IT FURTHER RESOLVED**, that the governing body does hereby approve introduction of the Municipal Budget for Calendar Year 2021.



**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. 2021-129**

**TITLE:        APPROVING SHARED SERVICES AGREEMENT WITH THE FAIR HAVEN  
              BOARD OF EDUCATION FOR IMPROVEMENTS TO WILLOW STREET**

**WHEREAS**, the Borough of Fair Haven (the “Borough”) and the Fair Haven Board of Education (the “BOE”) have agreed to share certain costs attendant to improving Willow Street parking, drainage (the “Project”); and

**WHEREAS**, in consideration of the BOE’s continued, expected, and ordinary use of the roadway after construction, the BOE has agreed to contribute 50% toward the total cost of the project or \$112,500.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, hereby authorize the Mayor to execute a Shared Services Agreement with the Fair Haven Board of Education for the above-refenced Project, which Agreement is attached hereto as Exhibit A; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the Fair Haven Board of Education.

**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. 2021-130**

**TITLE:        AUTHORIZE ADVERTISEMENT FOR RECEIPT OF BIDS FOR THE ROAD AND  
              DRAINAGE IMPROVEMENTS ON WILLOW STREET**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that authorization is given to the Borough Administrator and Borough Engineer to advertise for receipt of bids for the road and drainage improvements on Willow Street.

**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. 2021-131**

**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. Part-time Non-Aligned Salaries

**Acquisition of Property**

1. Fair Haven Road

**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. 2021-132**

**TITLE: APPOINT SPECIAL LAW ENFORCEMENT OFFICERS, CLASS I: MARK HERRLICH**

**WHEREAS**, a request was made by Police Chief Joseph McGovern to appoint a Special Law Enforcement Officer Class I, effective May 11, 2021; and

**WHEREAS**, Joseph McGovern, Fair Haven Police Chief, has recommended that Mark Herrlich be appointed as a Special Law Enforcement Officer, Class I.

**WHEREAS**, the rate of pay for this position is \$15.25 per hour.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Mark Herrlich be appointed to the position of Special Class I Officer.

**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. 2021-133**

**TITLE:        AUTHORIZE PARTIAL REFUND OF CASH REPAIR DEPOSIT TO KENNETH  
                  MANZI FOR 180 RIDGE ROAD (CHURCH OF THE NATIVITY)**

**WHEREAS**, Ordinance No. 2007-31 created the Street Excavation Ordinance which requires a cash repair deposit be posted to serve as security for the inspection, repair and performance of work necessary to put the street in as good a condition as it was prior to the excavation if the permittee fails to make the necessary repairs or to complete the proper refilling of the opening and the excavation work performed in accordance with the excavation permit; and

**WHEREAS**, the Director of Engineering and Public Works has completed an inspection of Street Opening Permit No. 2021-12 approved on April 5, 2021 for 180 Ridge Road issued to Kenneth Manzi, 228 Mill Pond Way, Eatontown, NJ, 07724 for replacement of a driveway apron and a portion of sidewalk; and

**WHEREAS**, the Director of Engineering and Public Works has recommended that 50% of the cash repair deposit posted by Mr. Manzi be returned in the amount of \$152.50.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Fair Haven that a 50% cash deposit return is hereby approved, and the Chief Financial Officer and Borough Clerk are hereby authorized to pay said refund to Mr. Kenneth Manzi.

**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. 2021-134**

**TITLE:       RESOLUTION APPOINTING A MEMBER TO THE FAIR HAVEN  
              FIRE DEPARTMENT, Regular Member –Leopold Momplaisir**

**BE IT RESOLVED** by the Borough Council of the Borough of Fair Haven that Leopold Momplaisir, 39 Jackson Street, Fair Haven, NJ having been duly accepted as a regular member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department.

**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. 2021-135**

**TITLE: RESOLUTION APPOINTING A MEMBER TO THE FAIR HAVEN  
FIRE DEPARTMENT, Social Member (Fire Police) – Brian Volker**

**BE IT RESOLVED** by the Borough Council of the Borough of Fair Haven that Brian Volker, 58 Jackson Street, Fair Haven, NJ having been duly accepted as a social member (Fire Police) of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department.

**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. 2021-136**

**TITLE:       RESOLUTION APPOINTING A MEMBER TO THE FAIR HAVEN  
              FIRE DEPARTMENT, Social Member – Dean T. DePaulis**

**BE IT RESOLVED** by the Borough Council of the Borough of Fair Haven that Dean T. DePaulis, 37 Forrest Avenue, Fair Haven, NJ having been duly accepted as a social member (Fire Police) of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department.



**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. 2021-137**

**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 May 10, 2021 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2020 CURRENT ACCOUNT	\$ 87,366.81
2021 CURRENT ACCOUNT	\$4,392,981.80
GENERAL CAPITAL	\$ 12,150.00
GRANT FUND	\$ 1,000.00
PAYROLL AGENCY	\$ 13,834.70
OTHER TRUST	\$ 9,586.22
DOG TRUST	\$ 14.40
<b>TOTAL</b>	<b>\$4,516.933.93</b>

**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. 2021-138**

**TITLE: APPROVE BOROUGH ARCHITECT'S PROPOSAL FOR BICENTENNIAL HALL**

**WHEREAS**, there is a need for improvements to Bicentennial Hall; and

**WHEREAS**, the Governing Body earmarked funds through Ordinance No. 2020-15 for the scope of work as follows:

- Demolition of an existing ramp system and construction of a new barrier-free ramp system to coordinate with a new parking area to be constructed by the Borough.
- Construction of a new barrier-free lavatory and alterations to an existing lavatory as may be required by the NJ Uniform Construction Code.
- Construction of a barrier-free dais to accommodate members of the governing body, board members, and professionals.
- Assist with the grant application paperwork to secure a Community Development Block Grant through County of Monmouth.

**WHEREAS**, the Borough Administrator sent out RFQs for architectural services for this project; and

**WHEREAS**, The Goldstein Partnership submitted a proposal to provide their professional services for this project.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that The Goldstein Partnership Proposal for Phase I of the project is hereby accepted in the amount of \$6,750.

**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. 2021-139**

**TITLE:        SUPPORT AND AUTHORIZATION FOR THE FY 2021 LOCAL RECREATION  
                 IMPROVEMENT GRANT – BIKE PLAYGROUND AT MCCARTER PARK**

**WHEREAS**, the Borough of Fair Haven Department of Parks and Recreation has an opportunity to secure a FY2021 Local Recreation Improvement Grant; and

**WHEREAS**, the Director of Parks and Recreation and Recreation Committee would like to apply for grant funds in the amount of \$43,000 for a 3,000 square foot bike playground at McCarter Park which will help to build on our Safe Routes to Schools initiative and Fair Haven’s Active Transportation Plan; and

**WHEREAS**, a bike playground will help expand recreational opportunities for Borough residents and visitors, alike.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Fair Haven support the submission of a FY2021 Local Recreation Improvement Grant by the Director of Parks and Recreation for a bike playground at McCarter Park in the amount of \$43,000.