

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

**Zoom Link:** <https://us02web.zoom.us/j/87060281067>

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

**Webinar ID:** 870 6028 1067

1. **Call to Order:** pm
2. **Salute to the Flag:**
3. **Moment of Meditation:**
4. **Sunshine Law Notice:**
5. **Roll Call:** Councilmembers Banahan Chrisner-Keefe Koch  
McCue Neff Rodriguez
6. **Workshop Session**
  - Tree Removal Appeal – 17 Park Lane
  - Proposed Ordinance amending the Borough’s Stormwater Management Plan
  - Architect Proposals: Police Department and DPW
7. **Public Comment on Agenda Items**
8. **Approval of Minutes**
  - January 25, 2021 Regular Meeting
  - January 25, 2021 Executive Session
9. **Old Business**
10. **New Business**
  - Council Committee Reports**
  - Finance** - Councilman Banahan
  - 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 Ordinance**

Ordinance No. 2021-02, Index Rate (COLA) Ordinance

**Consent Agenda**

**Resolutions**

- |         |   |
|---------|---|
| 2021-51 | Approve Architect Proposal-Police Headquarters and authorize Administrator to Create a Purchase Order |
| 2021-58 | Appoint Planning Board, Class II Member - Jessie Murray   |
| 2021-59 | Executive Session – Personnel and Contract Negotiations   |
| 2021-60 | Authorize Execution of Risk Manager’s Contract for 2021   |
| 2021-61 | Authorize Execution of Amended MOU with Habitat for Humanity  |
| 2021-62 | Appoint Qualified Purchasing Agent - Lynn Mattei  |
| 2021-63 | Approve Temporary Emergency Appropriation   |
| 2021-64 | Payment of Vouchers   |
| 2021-65 | Approve Monmouth County Multi-Jurisdictional Hazard Mitigation Plan                                   |

## Department Reports

### January 2021

-Municipal Clerk

-Dog License

-Tax Collector

-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. **Executive Session** (Possible Resolution to be adopted: Hire PT Planning Board and Zoning Board Secretary)
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.**

**BOROUGH OF FAIR HAVEN  
ORDINANCE NO. 2021-02**

**2020 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO  
ESTABLISH A CAP BANK**

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS**, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Borough Council of the Borough of Fair Haven in the County of Monmouth finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$173,941.7 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, Borough Council of the Borough of Fair Haven hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Fair Haven, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Borough of Fair Haven shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$243,518.38 and that the CY 2020 municipal budget for the Borough of Fair Haven be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years, and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days of such adoption.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

---

**RESOLUTION NO. 2021-51**

**TITLE:        AUTHORIZE BOROUGH ADMINISTRATOR TO ENTER PURCHASE  
ORDERS FOR BOROUGH ARCHITECT TO PERFORM SERVICES**

**WHEREAS**, The Goldstein Partnership (“Architect”), a licensed architect in the State of New Jersey, was retained by the Borough of Fair Haven (the “Borough”) to perform certain architectural services (the “Work”) by way of Contracts for Professional Services, dated December 11, 2017 and October 9, 2018, which Contracts were most recently amended on February 12, 2020; and

**WHEREAS**, the Architect has already completed and/or undertaken several aspects of the Work under the aforementioned Contracts, with which Work the Borough has been satisfied to date; and

**WHEREAS**, the Borough desires that the Architect continue to perform said Work in connection with the design of the Borough’s new police building and recreational center; and

**WHEREAS**, the Architect has submitted a Proposal, revised as of January 21, 2021 and attached hereto as Exhibit A, for its continued design, inspection, and administration of construction for the Borough’s new police building and recreational center; and

**WHEREAS**, the Borough has bonded for various construction projects and will encumber funds to pay the Architect for the work.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, hereby:

- (1) Authorize the renewal of the Borough’s Professional Service Contracts with The Goldstein Partnership for a period not to exceed one year pursuant to N.J.S.A. 40A:11-5; and
- (2) Authorize the Borough Administrator to accept and execute the Proposal attached hereto as Exhibit A from The Goldstein Partnership pursuant to N.J.S.A. 40A:11-5; and
- (3) Provide notice that the retention of The Goldstein Partnership is exempt from public bidding as a professional service under N.J.S.A. 40A:11-5.1(a)(i), and is being awarded under a non-fair and open process in accordance with New Jersey’s Pay-to-Play law; and
- (4) Direct that Notice of this contract award shall be published in the designated official newspapers as required by law within ten (10) days of the passage of this Resolution; and
- (5) Direct that The Goldstein Partnership shall submit a Business Entity Disclosure Certification which certifies compliance with New Jersey’s Pay-to-Play law; and
- (6) Direct that the Borough Purchasing Agent shall ensure the appropriate public contracting language and documentary requirements are submitted by The Goldstein Partnership prior to commencement of the Work; and

- (7) Direct that a certified copy of this resolution be forwarded to the Borough Administrator, Chief Financial Officer, Borough Engineer, and The Goldstein Partnership; and

**BE IT FURTHER RESOLVED** that the Borough Administrator is hereby authorized to prepare the appropriate purchase order(s) for the full proposal amounts received from the Architect and draw down from those encumbered funds, inclusive of work performed to date on these projects; and

**BE IT FURTHER RESOLVED** that the necessary funds to pay the Architect for the work described in Exhibit A hereto will be encumbered from existing bonds obtained by the Borough and payment to the Architect will be made through purchase orders as services are provided.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

---

**RESOLUTION NO. 2021-58**

**TITLE:        APPOINTMENT OF PLANNING BOARD MEMBER, CLASS II – JESSIE MURRAY**

**WHEREAS**, there is a vacancy on the Fair Haven Planning Board for Class II membership that needs to be filled.

**BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Jessie Murray be appointed to the Planning Board as the Class II member with an expiration date of December 31, 2021.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

---

**RESOLUTION NO. 2021-59**

**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. Non-Aligned Employees - 2021 Salaries
2. Employee Review
3. Part Time Land Use Secretary position

**Contract Negotiations**

1. ILSA with Red Bank (Animal Control)
2. ILSA with Middletown for QPA/General Services

**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. 2021-60**

**TITLE:        AUTHORIZE EXECUTION OF RISK MANAGER’S CONTRACT FOR 2021**

**WHEREAS**, the Borough of Fair Haven is a member of the Mid-Jersey Municipal Joint Insurance Fund (“MidJIF”); and

**WHEREAS**, the MidJIF bylaws allow for a designated Risk Management Consultant to perform various services as detailed in the bylaws and Risk Management Plan; and

**WHEREAS**, Resolution No. 2021-52 appointed Michael Avalone of Conner Strong and Buckelew as the Borough’s Risk Management Consultant for an annual compensation of \$12,500 which is paid by the Joint Insurance Fund.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that the Borough Administrator, is hereby authorized to execute said agreement attached as Exhibit “A”.

**BE IT FURTHER RESOLVED** that a copy of the resolution be provided to Michael Avalone, Conner Strong and Buckelew and the Mid-Jersey Municipal Joint Insurance Fund for their records.



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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

---

**RESOLUTION NO. 2021-61**

**TITLE:            AUTHORIZE EXECUTION OF A MEMORANDUM OF UNDERSTANDING  
                      BETWEEN THE BOROUGH OF FAIR HAVEN AND HABITAT FOR HUMANITY**

**WHEREAS**, pursuant to N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on March 7, 2019, the Borough of Fair Haven (hereinafter “Fair Haven Borough” or the “Borough”) filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”), to be amended as necessary, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine;” and

**WHEREAS**, the Borough sought, and ultimately secured, a protective order providing Fair Haven Borough immunity from all exclusionary zoning lawsuits while it pursues approval of its Fair Share Plan; and

**WHEREAS**, the trial judge appointed Frank Banisch, P.P., A.I.C.P. as the Special Court Master (hereinafter the “Court Master”), as is customary in Mount Laurel matters adjudicated in the courts; and

**WHEREAS**, Habitat for Humanity (“Habitat”) of Monmouth County engaged in good faith negotiation which resulted in an amicable accord on the various substantive terms and conditions as set forth in the MOU attached hereto as Exhibit A, which revises and supersedes any prior agreements between Habitat for Humanity and the Borough relative to this site; and

**WHEREAS**, in light of the above, the Borough Council finds that it is in the best interest of Fair Haven Borough to execute the attached MOU with Habitat.

**NOW, THEREFORE, BE IT RESOLVED** on this 10<sup>th</sup> day of February by the Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, as follows:

1.        The Borough Council hereby authorizes and directs the Mayor of Fair Haven Borough to execute the MOU with Habitat for Humanity, as attached hereto as Exhibit A.
2.        The Borough hereby directs its Affordable Housing Counsel to take all actions reasonable and necessary to utilize the MOU, if necessary as it works towards ultimately securing judicial approval of the Borough’s Fair Share Plan, after it is drafted, adopted by the Borough’s Planning Board and endorsed by the Borough Council.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

---

**RESOLUTION NO. 2021-62**

**TITLE:        RESOLUTION APPOINTING QUALIFIED PURCHASING AGENT – LYNN MATTEI**

**WHEREAS**, the Borough Council of the Borough of Fair Haven adopted Resolution No. 2019-63 which approved an amendment to an Interlocal Service Agreement with the Township of Middletown which will expire December 1, 2021; and

**WHEREAS**, part of the agreement includes the services of a Qualified Purchasing Agent with a resolution appointing said person through the term of the contract.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Lynn Mattei is appointed as Qualified Purchasing Agent retroactive to January 1, 2021 in accordance with an Interlocal Service Agreement with the Township of Middletown which will expire on December 31, 2021.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

---

**RESOLUTION NO. 2021-63**

**TITLE:           TEMPORARY EMERGENCY APPROPRIATION**

**WHEREAS**, emergent conditions have arisen with respect to the payment of bills in a number of accounts and no adequate provision has been made in a Year 2021 temporary budget for the aforesaid purposes; and

**WHEREAS**, NJSA 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned; and

**WHEREAS**, the total temporary emergency resolutions adopted in the year 2021 for the Borough pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total \$2,028,000.00 for the Current Fund.

**NOW, THEREFORE, BE IT RESOLVED** that not less than two-thirds of all members of the Borough Council of the Borough of Fair Haven, New Jersey affirmatively concurring in accordance with the provisions of NJSA 40A:4-20:

1. An emergency temporary appropriation shall be and the same is hereby made for the following purposes:

<b>Account Number</b>	<b>Description</b>	<b>Amount</b>	<b>Reason</b>
<b>Current Account</b>			
1-01-20-180-101	Planning Bd Salaries	\$3,500.00	Add to Temp Budget
1-01-20-185-101	Zoning Bd Salaries	\$3,500.00	Add to Temp Budget
1-01-26-307-101	Recycling Salaries	\$5,300.00	Add to Temp Budget
<b>TOTAL</b>		<b>\$12,300.00</b>	

2. That said emergency temporary appropriations will be provided for in the 2021 budget under the appropriate titles.

3. That one certified copy of this resolution will be filed with 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. 2021-64**

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

2020 CURRENT ACCOUNT	\$ 36,026.04
2021 CURRENT ACCOUNT	\$3,227,533.00
PAYROLL AGENCY	\$ 13,626.24
OTHER TRUST	\$ 51,942.60
DOG TRUST	\$ 286.80
<b>TOTAL</b>	<b>\$ 3,329,414.68</b>

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

---

**RESOLUTION NO. 2021-65**

**TITLE:       APPROVE ADOPTION OF THE MONMOUTH COUNTY MULTI-JURISDICTIONAL  
HAZARD MITIGATION PLAN**

**WHEREAS**, the Borough of Fair Haven, Monmouth County, NJ, has experienced natural hazards that resulted in public safety hazards and damages to private and public property; and

**WHEREAS**, the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offer the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risks; and

**WHEREAS**, the New Jersey Office of Emergency Management has provided federal mitigation funds to support development of an updated mitigation plan; and

**WHEREAS**, a Multi-Jurisdictional Hazard Mitigation Plan has been developed by the County Office of Emergency Management and Mitigation Planning Committee; and

**WHEREAS**, the Multi-Jurisdictional Hazard Mitigation Plan includes a prioritized list of mitigation actions including activities that, over time will help minimize and reduce safety threats and damage to private and public property; and

**WHEREAS**, the draft plan was provided to each participating jurisdiction through a website hosted by Michael Baker International, the contracted vendor assisting with the planning process. Links were also posted on the Emergency Management and Division of Planning websites so as to introduce the planning concept and to solicit questions and comments and to present the Plan and request comments, as required by law.

**NOW, THEREFORE BE IT RESOLVED** by the Borough of Fair Haven:

1. The Monmouth County Multi-Jurisdictional Hazard Mitigation Plan, as submitted on June 23, 2020 by the Monmouth County Office of Emergency Management to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency and subsequently approved by both agencies on August 27, 2020, be and is hereby adopted as an official plan of the County or Monmouth; with the required yearly updates and minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. The Borough of Fair Haven departments identified in the Plan are hereby directed to further pursue potential or suggested implementation of the recommended high priority activities that are assigned to their departments.

3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Borough of Fair Haven and this resolution shall not be interpreted so as to mandate any such appropriation.
4. The Borough of Fair Haven's Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments and progress, and shall prepare an annual progress report to be submitted to the New Jersey Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date agreed upon by all stakeholders.

**BE IT FURTHER RESOLVED** that the Borough Clerk of the Borough of Fair Haven forward a certified true copy of this resolution to the Monmouth County Office of Emergency Management Coordinator and Fair Haven Police Chief and Emergency Management Coordinator Joseph McGovern.