

FAIR HAVEN BOROUGH COUNCIL
REGULAR MEETING AGENDA
JANUARY 24, 2022, 7:00 P.M.

Zoom Link: <https://us02web.zoom.us/j/88353162267>
iPhone or Land Line Telephone Call In: 1-301-715-8592
Webinar ID: 883 5316 2267

1. **Call to Order:** pm
 2. **Salute to the Flag:**
 3. **Moment of Meditation:**
 4. **Sunshine Law Notice:**
 5. **Roll Call:** Councilmembers Chrisner-Keefe McCue Cole Neff Koch Rodriguez
 6. **Workshop Session**
- **Street Opening Approval Requests (Borough Moratorium):**
 - 55 Forman Street, Gas Service Retirement
 - 13 McCarter Avenue, New Service Installation
 - 18 Parker Avenue, New Service Installation
- Engineer's Road Project Report
- Proposed Ordinance for Sustainable New Jersey Commission
 7. **Public Comment on Agenda Items**
 8. **Approval of Minutes**
- December 20, 2021 Regular Meeting
- December 20, 2021 Executive Session
- January 3, 2022 Reorganization Meeting
 9. **Old Business**
 10. **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 and DPW - Councilman McCue
Borough Facilities - Councilman Rodriguez
Borough Communications and Community Outreach - Councilwoman Cole
- Consent Agenda**
- Resolutions**
- 2022-37 Executive Session: Personnel, Acquisition of Property and Contract Negotiations
2022-38 Appoint Library Board of Trustees Member - Molly Weiner
2022-39 Appoint Municipal Court Prosecutor, Alternate Prosecutor and Public Defender
2022-40 Approve State Tax Court Judgement Refund - 116 Princeton Road

- 2022-41 Approve Execution of Professional Contracts for 2021: Borough Attorney, Bond Counsel, Borough Auditor, Borough Planner, Fair Share Housing Special Counsel, Special Tidelands Counsel, Special Tax Counsel
- 2022-42 Approve Execution of Risk Manager Contract-Michael Avalone, Conner Strong & Buckelew
- 2022-43 Approve Execution of Cell Tower Consultant Contract - FSD Enterprises, LLC
- 2022-44 Approve Fire Department Affiliate Membership/First Aid - Lillian S. Hand
- 2022-45 Approve Fire Department Membership - Michael Levine
- 2022-46 Approve Fire Department Social Membership - Thomas Sannelli
- 2022-47 Appoint Special Officer, Class I - Britaney Gonzalez
- 2022-48 Approve 2021 Budget Transfer
- 2022-49 Approve Change Order No. 1 - Improvements to Harrison Avenue
- 2022-50 Amend 2022 Temporary Budget
- 2022-51 Payment of Vouchers
- 2022-52 Readopt Volunteer Handbook
- 2022-53 Amend Resolution No. 2022-03 to reflect Councilwoman Cole as liaison to the Environmental Commission

Department Reports

December 2020

- Municipal Clerk
- Dog License
- Tax Collector
- Municipal Court

-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 Mayor and Council welcome comments, suggestions and inquiries from the residents of Fair Haven. To that end, provision is made for a public discussion period at each meeting. It is listed as:

“Good of the Borough” – 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, FEBRUARY 7, 2022

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2022-37

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. Internal Personnel Investigation Report
2. Borough Physician
3. Planning, Zoning and Code Compliance Assistant

Acquisition of Property

1. 21 Fair Haven Road

Contract Negotiations

1. DPW Foreman Recommendations
2. PBA Negotiations
3. Teamster Negotiations
4. Borough Engineer Contract

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. 2022-38

TITLE: APPOINT LIBRARY BOARD OF TRUSTEE MEMBER – MOLLY WEINER

BE IT RESOLVED by Joshua Halpern, Mayor of the Borough of Fair Haven, that the following appointment be made with the advice and consent of Borough Council:

Library Board of Trustee Member
Molly Weiner

Term
5 years

Date of Expiration
December 31, 2025

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2022-39

**TITLE: REAPPOINTMENT OF MUNICIPAL PROSECUTOR, ALTERNATE
PROSECUTOR AND PUBLIC DEFENDER FOR THE YEAR 2022**

BE IT RESOLVED by Joshua Halpern, Mayor of the Borough of Fair Haven, that the following professional appointments to the Municipal Court be made for the year 2022 as follows with the advice and consent of Council:

Municipal Prosecutor

Alternate Municipal Prosecutor

Public Defender

Anthony Vecchio, Esq.

William McGuinn, Esq.

Ray Raya, Esq.

BE IT FURTHER RESOLVED that a certified copy of said resolution be forwarded to each appointee and the Municipal Court Administrator for their files.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2022-40

TITLE: APPROVE TAX COURT APPEAL JUDGMENT REFUND FOR 116 PRINCETON ROAD (BLOCK 8, LOT 1)

WHEREAS the property owner listed below filed a Petition of Appeal with the Tax Court of New Jersey for the year 2019; and

WHEREAS, said appeal was considered and a judgment has been entered that the property below qualifies for a refund for the 2019 property taxes as follows:

Owner	Address	Block	Lot	Refund
Catherine and Frederick J. Roemer Trustees	116 Princeton Road	8	1	\$3,542.33

Refund made payable to:

Brach Eichler L.L.C. and Roemer, Cathryn & Frederick J, Trustees
101 Eisenhower Parkway
Roseland, NJ 07068

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Tax Collector and Chief Financial Officer are hereby authorized to pay said refund.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2022-41

**TITLE: AUTHORIZING AWARD OF CONTRACT FOR PROFESSIONAL SERVICES
PURSUANT TO N.J.S.A. 19:44A-20.5**

WHEREAS, the Borough of Fair Haven has a need to retain professional services pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Borough Administrator has determined and certified that the value of some of the said services may exceed \$17,500 for the year 2022; and

WHEREAS, contract proposals for said professional services have been received by the Borough; and

WHEREAS, said professionals have completed and submitted a Business Entity Disclosure Certification, which certifies that said professional has not made any reportable contributions to a political or candidate committee in the previous one year, and that the contract will prohibit said professional from making any reportable contributions throughout the term of the contract; and

WHEREAS, funds for these purposes will be appropriated in the 2022 Municipal Budget; and

WHEREAS, said professionals have been duly appointed by the Borough Council of the Borough of Fair Haven pursuant to N.J.S.A. 40A:11-5.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that the Mayor and Municipal Clerk are hereby authorized to execute contracts with the following:

- Gregory Cannon, Esq., Borough Attorney
- Christopher Walrath, Esq., Bond Counsel
- Jeffrey R. Surenian, Esq., Special Counsel - COAH
- John Van Dalen, Esq., Special Counsel - Tidelands Matters
- David Minchello, Esq., Special Counsel - Tax Appeals
- Mark A. Tabakin, Esq., Special Counsel - Labor Relations
- Matthew Giacobbe, Esq., Special Counsel – Special Labor Relations
- Robert Swisher, Borough Auditor (Suplee, Clooney and Company)
- Anthony Inverso, Financial Advisor (Phoenix Advisors)
- Stuart Wisner, Borough Planner (ARH Associates)
- Susan Gruel, P.P, Affordable Housing Planner (Heyer Gruel & Associates)
- Susan Gruel, P.P, Affordable Housing Administrative Agent (Heyer Gruel & Associates)
- Gregory Valesi, P.E., P.P, Consulting Engineer (CME Associates)
- CME Associates – Certified Tree Expert

BE IT FURTHER RESOLVED that contract for said service and the Business Disclosure Entity Certification and Determination of Value are on file with the Borough Clerk and available for public inspection; and

BE IT FUTHER RESOLVED that a copy of this resolution be forwarded to the following:

1. All professionals so named in this resolution
2. Chief Financial Officer
3. Borough Administrator

BE IT FUTHER RESOLVED that a copy of this resolution shall be published in the Asbury Park Press as required by law within ten (10) days of its passage.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2022-42

TITLE: AUTHORIZE EXECUTION OF RISK MANAGER’S CONTRACT FOR 2022

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. 2022-33 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. 2022-43

**TITLE: AUTHORIZE EXECUTION OF A CONTRACT WITH FSD ENTERPRISES, LLC AS
 CELL TOWER CONSULTANT**

WHEREAS, Resolution No. 2022-01 appointed Declan O'Scanlon, FSD Enterprises, LLC. as the Borough's Cell Tower Consultant for the year 2022; and

WHEREAS, there are times when there is a need for an assessment for modification of the equipment on the Borough's cell tower or an amendment to a cell carrier's contract with the Borough.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Theresa Casagrande, Borough Administrator, is hereby authorized to execute a contract with FSD Enterprises, LLC, attached as Exhibit A

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2022-44

TITLE: RESOLUTION APPOINTING AN AFFILIATE MEMBER TO THE FAIR HAVEN FIRE DEPARTMENT, FIRST AID - Lillian S. Hand

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that Lillian S. Hand, 9 Narumson Street, Rumson, NJ having been duly accepted as an affiliate member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department/First Aid.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2022-45

**TITLE: RESOLUTION APPOINTING A REGULAR MEMBER TO THE FAIR HAVEN
FIRE DEPARTMENT - Michael Levine**

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that Michael Levine, 20 Tyson Drive, 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:

RESOLUTION NO. 2022-46

**TITLE: RESOLUTION APPOINTING A SOCIAL MEMBER TO THE FAIR
 HAVEN FIRE DEPARTMENT, Robert McHeffey**

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that Thomas Sannelli, 264 Fair Haven Road, Fair Haven, NJ having been duly accepted as a social 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:

RESOLUTION NO. 2022-47

TITLE: APPOINT SPECIAL LAW ENFORCEMENT OFFICERS, CLASS I: Britaney Gonzalez

WHEREAS, a request was made by Police Chief Joseph McGovern to appoint a Special Law Enforcement Officer Class I, effective January 25, 2022; and

WHEREAS, Joseph McGovern, Fair Haven Police Chief, has recommended that Britaney Gonzalez 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 Britaney Gonzalez 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:

RESOLUTION NO. 2022-48

TITLE: AUTHORIZING TRANSFERS IN THE 2021 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 2021 budget appropriations:

<u>FROM</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
1-01-26-290-256	Streets &Roads-Road Repairs	\$ 2,500.00
Total		\$ 2,500.00
<u>TO</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
1-01-26-315-235	Vehicle Maintenance-New Equipment/Repairs	\$ 2,500.00
Total		\$ 2,500.00

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2022-49

**TITLE: APPROVE CHANGE ORDER NO. 1 - IMPROVEMENTS TO HARRISON AVENUE –
 FERNANDES CONSTRUCTION, INC.**

WHEREAS, Resolution No. 2021-96 awarded a contract for the Improvements to Battin Road Project to Fernandes Construction, Inc., 25 Stonegate Road, Monroe, NJ 08831 in the amount of \$472,760.80; and

WHEREAS, the Director of Engineering and Public Works requested a change order decreasing the final contract amount by \$8,575.80.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven that Change Order No. 1 for the Improvements to Battin Road Project contract authorizes a decrease to the contract between the Borough of Fair Haven and Fernandes Construction, Inc. Industries for a total contract amount of \$464,185.00.

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2022-50

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 2022 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 2022 for the Borough pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total **\$2,474,191** 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:

Account Number	Description	Amount	Reason
Current Account			
2-01-23-215-225	Worker's Comp Insurance	\$25,000.00	Add to Temp Budget
TOTAL		\$25,000.00	

2. That said emergency temporary appropriations will be provided for in the 2022 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. 2022-51

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 January 24, 2022 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2021 CURRENT ACCOUNT	\$ 204,090.05
2022 CURRENT ACCOUNT	\$5,087,879.16
GENERAL CAPITAL	\$ 285,327.51
GRANT FUND	\$ 20,919.00
PAYROLL AGENCY	\$ 17,414.40
OTHER TRUST	<u>\$ 13,572.79</u>
TOTAL	\$5,629,202.91

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

Motion by:

Second by:

AFFIRMATIVE:

NEGATIVE:

ABSTAIN:

ABSENT:

RESOLUTION NO. 2022-52

TITLE: READOPT THE BOROUGH OF FAIR HAVEN'S VOLUNTEER HANDBOOK

WHEREAS, Resolution No. 2021-257 was adopted by Mayor and Council at their December 20, 2021 meeting which adopted the Borough's New Personnel Policies and Procedures Manual and Volunteer Handbook; and

WHEREAS, an amendment is needed to the Volunteer Handbook, which is attached as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven that the Volunteer Handbook is hereby readopted retroactive to January 1, 2022 and that a copy of this resolution 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. 2022-53

**TITLE: AMEND RESOLUTION NO. 2022-03 TO REFLECT COUNCILWOMAN TRACY COLE
 AS ENVIRONMENTAL COMMISSION LIAISON**

WHEREAS, Resolution No. 2022-03, appointing the members and liaisons to the various Boards, Commissions and Committees was adopted at the January 3, 2022 Reorganization Meeting; and

WHEREAS, there is a need to amend the liaison for the Environmental Commission.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Resolution No. 2022-03 be amended to reflect Councilwoman Tracy Cole will be the liaison to the Environmental Commission.

