



2021-91	Amend 2021 Temporary Budget
2021-92	Appoint Financial Advisor - Phoenix Advisors, LLC
2021-93	Appoint Borough Prosecutor - Anthony Vecchio
2021-94	Appoint Alternate Borough Prosecutor - William McGuinn, Esq.
2021-95	Appoint Public Defender - Ray Raya, Esq.
2021-96	Award Bid for Improvements to Harrison Avenue Project - Fernandes Construction
2021-97	Adjust Nicolas Poruchynsky, Flood Plain Manager's Salary
2021-98	Approve Stipend for Temporary Zoning Officer position - Joe Mulé
2021-99	Authorize Execution of Settlement Agreement for Fair Share Housing
2021-100	Payment of Vouchers

**Department Reports**

**February 2021**

-Police Department

-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 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. 2021-05**

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF  
MONMOUTH SETTING THE SALARY RANGES OF OFFICERS, EMPLOYEES AND  
ADMINISTRATIVE AND EXEMPT MEMBER OF THE BOROUGH OF FAIR HAVEN**

**BE IT ORDAINED** by the Council of the Borough of Fair Haven, in the County of Monmouth, in the State of New Jersey that the purpose of this Ordinance is to amend Ordinance 2019-04 to alter and reflect current salary ranges paid within the Borough, as last revised and passed May 13, 2019.

**NOTE:** Additions are in *bold italics with underlines*, deletions are shown as ~~*strikeovers in bold italics*~~.

**SECTION 1. ADMINISTRATIVE OFFICE AND EMPLOYEES**

<u><b>TITLE</b></u>	<u><b>MINIMUM - MAXIMUM</b></u>
Borough Administrator	\$60,000.00 - 165,000.00
Assistant Borough Administrator	\$ 500.00 - 25,000.00
Borough Clerk	\$ 40,000.00 - 90,000.00
Deputy Borough Clerk	\$ 2,000.00 - 5,000.00
Chief Financial Officer	\$ 20,000.00 - 40,000.00*
Assistant Chief Financial Officer	\$ 25,000.00 - 70,000.00
Payroll Coordinator	\$ 3,500.00 - 7,500.00
Tax Collector	\$ 35,000.00 - 60,000.00*
Tax Search Officer	\$ 1,000.00 - 3,500.00*
Municipal Court Administrator	\$ 5,000.00 - 25,000.00*
Tax Assessor	\$ 15,000.00 - 30,000.00
Administrative Assistant	\$ 18,000.00 - 45,000.00
Registrar	\$ 2,000.00 - 4,000.00
Librarian	\$ 30,000.00 - 55,000.00
Assistant Librarian	\$ 20,000.00 - 40,000.00
Municipal Judge	\$ 10,000.00 - 20,000.00
Municipal Prosecutor	\$ 7,500.00 - 20,000.00
Parks and Recreation Director	\$ 30,000.00 - 70,000.00
<u><i>Assistant to the Administrator for Special Projects</i></u>	<u><i>\$ 10,000.00 - 20,000.00</i></u>
Chief of Police	\$ 85,000.00 - 165,000.00
Police Officer	\$ 30,000.00 - 135,000.00
Code Enforcement Officer	\$ 10,000.00 - 25,000.00
Zoning Officer	\$ 10,000.00 - 35,000.00
Construction Official	\$ 20,000.00 - 45,000.00*
Fire Sub-Code Officer	\$ 4,000.00 - 15,000.00*
Fire Prevention Officer	\$ 4,000.00 - 8,000.00*
Plumbing Inspector	\$ 3,000.00 - 15,000.00*
Electrical Inspector	\$ 5,000.00 - 15,000.00*
School Crossing Guard ( <i>permanent</i> )	\$ 5,000.00 - 12,000.00
Director of Engineering/Director of Public Works	\$ 80,000.00 -140,000.00
Assistant Director of Engineering & Public Works	\$ 50,000.00 - 80,000.00
Public Works Foreman	\$ 50,000.00 - 80,000.00
Buildings, Grounds and Parks Foreman	\$ 2,000.00 - 5,000.00

Streets and Sanitation Foreman	\$ 2,000.00 - 5,000.00
Mechanic	\$ 45,000.00 - 80,000.00
Public Works Laborer	\$ 27,500.00 - 75,000.00
Municipal Alliance Coordinator	\$ 5,000.00 - 20,000.00
Recycling Coordinator	\$ 500.00 - 2,500.00
Performance Based Merit Bonus	\$ 0.00 - 10,000.00

#### HOURLY RANGES

Receptionist/Secretary	\$15.00 – 30.00 per hour
Assistant Parks and Recreation Director	\$14.00 - 18.00 per hour
Police Records Clerk	\$12.00 – <b>30.00 per hour</b>
Special Officer Class I	\$12.00 – 20.00 per hour
Special Officer Class II	\$13.00 - 20.00 per hour
School Crossing Guard ( <i>substitute</i> )	\$12.00 – 17.00 per hour
Public Works Laborer	\$12.00 – 20.00 per hour
<b><u>DPW – PT Recycling Laborer</u></b>	<b><u>\$ 12.00 – 30.00 per hour</u></b>
Planning Board Secretary	\$ 12.00 - 30.00 per hour
Zoning Board Secretary	\$ 12.00 - 30.00 per hour
Code Enforcement Officer	\$12.00 - 18.00 per hour
Deputy Court Administrator/Violations Clerk	\$13.00 - 18.00 per hour*
Library Assistant	\$12.00 – 20.00 per hour
Clean Communities Worker	\$12.00 – 15.00 per hour
Summer Camp Counselors	\$12.00 – 20.00 per hour
Tennis Camp Instructors	\$14.00 - 18.00 per hour

**BE IT FURTHER ORDAINED** that specific salaries and bonuses within the ranges will be set by a negotiated contract or in an annual salary resolution adopted by the governing body.

\*Services provided through an Interlocal Service Agreement (positions are currently vacant)

**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. 2021-88**

**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. Police Department Social Security
2. Finance Office

**Pending Litigation**

1. Yacht Works

**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. 2021-89**

**TITLE: RESOLUTION OF THE BOROUGH OF FAIR HAVEN AMENDING THE ACCEPTANCE OF PERFORMANCE GUARANTEES FOR PROPERTY KNOWN AS BLOCK 77, LOT 4.01 (304 FAIR HAVEN ROAD)**

**WHEREAS**, Resolution No. 2020-210 was adopted by Mayor and Council at their December 14, 2020 meeting; and

**WHEREAS**, the resolution accepted Subdivision/Site Improvement Bond (800047616) in the amount of \$24,600.00 for said project at 304 Fair Haven Road; and

**WHEREAS**, in accordance with Municipal Land Use Law it is required that 10% Cash in the amount of \$2,460.00 be posted and a 90% Bond in the amount of \$22,140.00 be posted for the total amount of \$24,600.00; and

**WHEREAS**, Ms. Sackman submitted Check No. 416 in the amount of \$2,460.00 as the 10% cash and a Rider to Subdivision/Site Improvement Bond (800047616) in the amount of \$22,140.00 was provided by Atlantic Specialty Insurance Company.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven, that the aforementioned amended performance guarantees are accepted by the Borough in order to secure performance by the property owner of a minor subdivision to effectuate the terms and conditions of the subdivision approval.

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. 2021-90**

**TITLE: RESOLUTION SUPPORTING A PRELIMINARY PREFERRED ALTERNATIVE FOR THE REPLACEMENT OF MONMOUTH COUNTY BRIDGE S-31 ON COUNTY ROUTE 8A (BINGHAM AVENUE - LOCUST POINT ROAD) OVER THE NAVESINK RIVER IN THE BOROUGH OF RUMSON AND TOWNSHIP OF MIDDLETOWN**

**WHEREAS**, Monmouth County Bridge S-31, spanning the Navesink River and connecting the Borough of Rumson and Township of Middletown, was constructed in 1939; and

**WHEREAS**, the Office of the County Engineer has determined that the bridge is in need of major rehabilitation and/or replacement and, through a federally funded Local Concept Development process administered by North Jersey Transportation Planning Authority (NJTPA), has performed an alternatives analysis to identify and evaluate viable and feasible alternatives to replace and/or rehabilitate the bridge; and

**WHEREAS**, the NJTPA and the New Jersey Department of Transportation have been Project Team members with Monmouth County; and

**WHEREAS**, the Project Team held three (3) Public Information Centers to inform the public and receive comments and input for the project; and

**WHEREAS**, the Project Team met with respective municipal representatives from the Borough of Rumson and Township of Middletown to inform them and receive comments; and

**WHEREAS**, based on the alternatives analysis and the public and municipal comments, the Project Teams Preliminary Preferred Alternatives (PPA), referred to as "Alternative 7A Modified", is a complete replacement of the bridge with a fixed span and an alignment east of the existing bridge structure; and

**WHEREAS**, the Borough of Fair Haven supports the Project Team's PPA "Alternative 7A Modified" of a complete replacement of the bridge with a fixed span and an alignment east of the existing bridge structure; and

**WHEREAS**, the Borough of Fair Haven hereby requests that the U.S. Coast Guard reconsider its recommended fixed span vertical clearance of sixty-five (65) feet above mean high water so as to provide for a new vertical alignment which will maintain the natural beauty of the surrounding environment with a context sensitive structure which will provide ease of use by pedestrians and bicyclists while maintaining the navigational utility of this crossing; and

**WHEREAS**, the significant number of public comments that have been received throughout the NJTPA-Local Scoping Phase, while selecting the final preferred alternative, have overwhelmingly stated the historic and esthetic significance of the existing bridge to our community, and as such, the Borough of Rumson is requesting that the historic and esthetic significance be considered to be an integral part of the Preliminary Design Phase of the new bridge; and

**WHEREAS**, the County of Monmouth is desirous of completing the Local Concept Development phase and proceeding to the Preliminary and Final Design phases; and

**WHEREAS**, to qualify to receive Federal funding for the Preliminary and Final Design phases, a Resolution of Support of the project was requested from the Borough of Fair Haven to be included in the Local Concept Development phase project documentation.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Fair Haven, hereby supports the PPA "Alternative 7A Modified", complete replacement of the bridge with a fixed span and an alignment east of the existing bridge structure, and request reconsideration of the U.S. Coast Guard's recommended vertical clearance of sixty-five (65) feet above mean high water.

**BE IT FURTHER RESOLVED** that as part of that support, the Project Team shall consider the historic and esthetic significance as an integral part of the Preliminary Design Phase of the new bridge; and

**BE IT FURTHER RESOLVED** that a certified true copy of this Resolution of support shall be forwarded to the Monmouth County Engineer, the Borough Rumson and the Township of Middletown.



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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

**RESOLUTION NO. 2021-91**

**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 \$2,983,005.98 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>			
1-01-20-100-101	Admin Salaries	\$10000.00	Add to Temp Budget
1-01-20-100-202	Administration Contractual	\$5000.00	Add to Temp Budget
1-01-20-145-101	Tax Collection Salaries	\$3000.00	Add to Temp Budget
1-01-20-150-101	Tax Assessment Salaries	\$3000.00	Add to Temp Budget
1-01-20-155-211	Legal	\$30000.00	Add to Temp Budget
1-01-21-180-211	P.B. Contractual	\$20000.00	Add to Temp Budget
1-01-21-185-211	Z.B. Contractual	\$2000.00	Add to Temp Budget
1-01-21-186-101	Zoning Officer Salaries	\$3000.00	Add to Temp Budget
1-01-22-209-101	Code Enforcement Salaries	\$3000.00	Add to Temp Budget
1-01-23-210-228	Insurance General Liability	\$75.00	Add to Temp Budget
1-01-25-260-219	First Aid	\$4400.00	Add to Temp Budget
1-01-25-265-276	Hydrants	\$18000.00	Add to Temp Budget
1-01-26-305-202	Solid Wase Contractual	\$74000.00	Add to Temp Budget
1-01-26-310-204	Building & Grounds	\$5000.00	Add to Temp Budget
1-01-28-370-101	Recreation Salaries	\$7000.00	Add to Temp Budget
1-01-31-430-276	Electric Utilities	\$6000.00	Add to Temp Budget
1-01-31-435-276	Street Lighting Utilities	\$6000.00	Add to Temp Budget
1-01-31-440-276	Telephone Utilities	\$9000.00	Add to Temp Budget
1-01-31-446-276	Natural Gas Utilities	\$12000.00	Add to Temp Budget
1-01-31-460-276	Gasoline Utilities	\$5000.00	Add to Temp Budget
1-01-31-447-276	Fuel Oil Utilities	\$4000.00	Add to Temp Budget
1-01-32-465-201	Reclamation Fees	\$10000.00	Add to Temp Budget
1-01-36-471-299	PERS Miscellaneous	\$192617.00	Add to Temp Budget
1-01-36-475-299	PFRS Miscellaneous	\$435506.00	Add to Temp Budget
1-01-43-486-299	ILSA RFH Tech	\$2000.00	Add to Temp Budget
1-01-43-489-202	ILSA Tax Collector	\$4560.00	Add to Temp Budget

1-01-43-491-202	ILSA Finance	\$14950.00	Add to Temp Budget
1-01-43-494-202	Recycling Tax	\$2000.00	Add to Temp Budget
<b>TOTAL</b>		<b>\$891,108.00</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:**

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**RESOLUTION NO. 2021-92**

**TITLE: APPOINTMENT OF FINANCIAL ADVISOR FOR THE YEAR 2021**

**BE IT RESOLVED** by Benjamin Lucarelli, Mayor of the Borough of Fair Haven, that the following professional appointment of Financial Advisor be made for the year 2021 as follows with the advice and consent of Council:

Financial Advisor

Phoenix Associates

**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. 2021-93**

**TITLE:        APPOINTMENT OF MUNICIPAL PROSECUTOR FOR THE YEAR 2021**

**BE IT RESOLVED** by Benjamin Lucarelli, Mayor of the Borough of Fair Haven, that the following professional appointment of Municipal Prosecutor be made for the year 2021 as follows with the advice and consent of Council:

Municipal Prosecutor

Anthony Vecchio, Esq.

**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. 2021-94**

**TITLE:        APPOINTMENT OF ALTERNATE MUNICIPAL PROSECUTOR FOR THE YEAR  
                 2021**

**BE IT RESOLVED** by Benjamin Lucarelli, Mayor of the Borough of Fair Haven, that the following professional appointment of Alternate Municipal Prosecutor be made for the year 2021 as follows with the advice and consent of Council:

Alternate Municipal Prosecutor

William McGuinn, Esq.

**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. 2021-95**

**TITLE:        APPOINTMENT OF MUNICIPAL PUBLIC DEFENDER FOR THE YEAR 2021**

**BE IT RESOLVED** by Benjamin Lucarelli, Mayor of the Borough of Fair Haven, that the following professional appointment of Municipal Public Defender be made for the year 2021 as follows with the advice and consent of Council:

Public Defender

Ray Raya, Esq.

**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. 2021-96**

**TITLE:           AWARDING A CONTRACT FOR IMPROVEMENTS TO HARRISON AVENUE**

**WHEREAS**, the Borough of Fair Haven was awarded a 2019 NJDOT municipal aid grant in the amount of \$260,000.00 for Improvements to Harrison Avenue; and

**WHEREAS**, sealed bids were opened on March 16, 2021 at Borough Hall for Improvements to Harrison Avenue; and

**WHEREAS**, the following bids were received:

<u><b>CONTRACTOR</b></u>	<u><b>LOCATION</b></u>	<u><b>AMOUNT BID</b></u>
1. Fernandes Construction	Monroe, NJ	\$472,760.80
2. Precise Construction	Freehold, NJ	\$493,626.25
3. Black Rock Enterprises	Old Bridge, NJ	\$499,276.97
4. Earle Asphalt Company	Farmingdale, NJ	\$517,513.13
5. Meco, Inc.	Millstone, NJ	\$520,896.25

**WHEREAS**, Richard Gardella, PE, PP, CME, Borough Engineer and Gregory J. Cannon, Esq., Borough Attorney, reviewed the bids and recommend that a contract award be made to Fernandes Construction of Monroe, New Jersey in the amount of \$472,760.80; and

**WHEREAS**, the Chief Financial Officer of the Borough of Fair Haven has certified that funds for the low bid are available in Capital Fund Appropriations, as attached; and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Fair Haven that it hereby recommends award of a contract for Improvements to Harrison Avenue to Fernandes Construction.

**BE IT FURTHER RESOLVED**, the Mayor and Clerk are hereby authorized to execute NJDOT Form SA-22 and an agreement with Fernandes Construction.

**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. 2021-97**

**TITLE:       APPROVE AMENDMENT TO NICOLAS PORUCHYNSKY'S SALARY AS THE  
BOROUGH'S FLOOD PLAIN MANAGER**

**WHEREAS**, there was an error in the 2020 salary for the position of Flood Plain Manager that carried into the 2021 salary for Nicolas Poruchynsky; and

**WHEREAS**, the 2020 salary for said position should have been \$6,763.00 as opposed to \$6,260.00 resulting in a need to pay the difference of \$503.00 to Mr. Poruchynsky; and

**WHEREAS**, the 2021 salary for Flood Plain Manager should be \$6,898.00 as opposed to \$6,386.00 listed in Resolution No. 2021-69 adopted February 22, 2021.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Nicolas Poruchynsky be provided a check in the amount of \$503.00 to rectify the error in the 2020 salary resolution and that his 2021 salary for Flood Plain Manager be corrected to the appropriate amount of \$6,898.00 and any additional retro be paid to him in the March 30, 2021 payroll.



**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. 2021-98**

**TITLE:       APPROVE STIPEND FOR JOSEPH MULÉ TO ACT AS TEMPORARY ZONING OFFICER**

**WHEREAS**, there is a need to appoint a part-time, Temporary Zoning Officer to handle the workload in the Zoning Office in the absence of the Borough's Zoning Officer; and

**WHEREAS**, the Borough's Personnel Committee and Borough Administrator, Theresa Casagrande, hereby recommend that Joseph Mulé be appointed as the Temporary Zoning Officer.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Joseph Mulé is appointed Temporary Zoning Officer, on a part-time basis at a weekly stipend of \$300.00.

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

**Motion by:**

**Second by:**

**AFFIRMATIVE:**

**NEGATIVE:**

**ABSTAIN:**

**ABSENT:**

---

**RESOLUTION NO. 2021-99**

**TITLE:        AUTHORIZE EXECUTION OF THE FIRST AMENDMENT TO THE SETTLEMENT AGREEMENT BETWEEN THE BOROUGH OF FAIR HAVEN AND M&M REALTY PARTNERS AT FAIR HAVEN, LLC**

**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 Francis 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**, M&M Realty Partners at Fair Haven, LLC (“M&M”) engaged in good faith negotiations which resulted in a Settlement Agreement entered by M&M on January 24, 2020 and by the Borough on February 12, 2020.

**WHEREAS**, M&M and the Borough continued good faith negotiations and agreed on the various substantive terms and conditions as set forth in the First Amendment to the Settlement Agreement attached hereto as Exhibit A, which revises and supersedes any prior agreements between M&M 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 First Amendment to the Settlement Agreement with M&M.

**NOW, THEREFORE, BE IT RESOLVED** on this 22<sup>nd</sup> day of March 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 First Amendment to the Settlement Agreement with M&M, 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 First Amendment to the Settlement Agreement, 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:**

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**RESOLUTION NO. 2021-100**

**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 March 22, 2021 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2020 CURRENT ACCOUNT	\$ 10,204.09
2021 CURRENT ACCOUNT	\$ 223,245.33
GENERAL CAPITAL	\$ 108,940.10
GRANT FUND	\$ 200.00
OTHER TRUST	\$ 9,331.30
DOG TRUST	\$ 237.69
<b>TOTAL</b>	<b>\$ 352,158.48</b>