

**FAIR HAVEN BOROUGH COUNCIL  
REGULAR MEETING AGENDA  
TUESDAY, OCTOBER 13, 2020, 7:00 P.M.**

**Zoom Link:** <https://us02web.zoom.us/j/81006513642>  
iPhone or Land Line Telephone Call: In: 1-267-831-0333  
**Webinar ID: 810 0651 3642**

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 Rodriguez Sorensen
6. **Resolution**  
2020-175 Executive Session – Personnel, Pending Litigation and Contract Negotiations
7. **Presentation**  
-Borough Facilities
8. **Workshop Session**  
-Dermer Dreams 2020 Food Collection Request  
-Department Capital Requests: Police Department and DPW  
-Meeting Minute Protocol (Attorney Alfieri)  
-Halloween 2020
9. **Public Comment on Agenda Items**
10. **Approval of Minutes**  
-September 28, 2020 Regular Meeting  
-September 28, 2020 Executive Session
11. **Old Business**  
**Hearing and Adoption of Ordinances**  
2020-04 Amend Chapter 30, Land Use, by Creating a New Zone, “Affordable Housing Zone”  
2020-09 Amend the Ordinance Creating an Affordable Accessory Apartment Ordinance
12. **New Business**  
**Council Committee Reports**  
**Finance** - Councilman Banahan  
**Personnel** - Councilwoman Chrisner-Keefe  
**Planning & Zoning** - Councilwoman Koch  
**Police, Fire & OEM** - Councilman McCue  
**Engineering, DPW and Borough Facilities** - Councilman Rodriguez  
**Parks and Recreation and Communications** - Councilwoman Sorensen  
  
**Introduction of Ordinances**  
2020-11 Create No Parking on River Road (between Hance Road to Lake Avenue)

## **Consent Agenda**

### **Resolutions**

- 2020-176 Accept 2019 Municipal Audit
- 2020-177 Amend Resolution No. 2020-106 by extending outside dining until December 31, 2020
- 2020-178 Amend Resolution No. 2020-107, to extend the time frame for sidewalk sales until December 31, 2020
- 2020-179 Amend Resolution No. 2020-108, extend temporary use of public parks and fields for physical fitness classes until December 31, 2020
- 2020-180 Approve Mother/Son Brunch refunds through League Apps
- 2020-181 Approve Standard Procedures and Requirements for Public Comment during remote public meetings during declared emergency
- 2020-182 Approve Fire Department Affiliate Membership – First Aid – Eva Krause
- 2020-183 Approve Emergency Appropriation for 2020 Budget
- 2020-184 Approve Block Party – Jackson Street (Smith to Cedar) – October 17<sup>th</sup>
- 2020-185 Appoint Special Officer, Class II – Raul Perez, Jr.
- 2020-186 Authorize Termination Notice to Rumson regarding ILSA for Brush Disposal
- 2020-187 Appoint Planning Board Appointments – Regular Member and Alternate #1
- 2020-188 Payment of Vouchers

## **Department Reports**

### **September 2020**

- Municipal Clerk
- Dog License
- Tax Collector
- Planning Board and Zoning Board
  
- Budget Status

- 13. 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)**

- 14. 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.**

**NEXT COUNCIL MEETING WILL BE HELD MONDAY, OCTOBER 26, 2020**

**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. 2020-175**

**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

**Pending Litigation**

1. Yacht Works

**Contract Negotiations**

1. ILSA with Rumson-Fair Haven Regional HS - Custodial Services
2. ILSA with Rumson Borough - Construction Code Services
3. Architect Contract
4. Borough Administrator 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.

**BOROUGH OF FAIR HAVEN  
ORDINANCE NO. 2020-09**

**AN ORDINANCE ADDING SECTION 15.3 TO CHAPTER 30 (LAND USE AND DEVELOPMENT REGULATIONS) IN THE FAIR HAVEN BOROUGH CODE, WHICH WILL BE ENTITLED “ACCESSORY APARTMENTS” TO PERMIT AFFORDABLE ACCESSORY APARTMENTS**

**NOW, THEREFORE,** be it ordained by the Borough Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, as follows:

**Section 1.** Section 15.3 of Chapter 30 (Land Use and Development Regulations) of the Code of the Borough of Fair Haven entitled “Accessory Apartments,” under a new section entitled “Section 15 Affordable Housing Requirements,” is hereby created and established to read as follows:

**Section 15: Affordable Housing Requirements**

**30-15.3 Accessory Apartments**

- A. The following accessory apartment regulations are hereby enacted for the purpose of providing additional opportunities for affordable housing in the Borough. All accessory apartment units shall meet the following conditions:
1. Accessory apartments shall only be permitted in the Affordable Housing Overlay Zones.
  2. Accessory apartments shall be defined as stated under the Borough’s Affordable Housing Ordinance.
  3. Accessory apartments shall comply with all applicable statutes and regulations of the State of New Jersey in addition to local building codes;
  4. The accessory apartment shall, for a period of at least 10 years from the date of the issuance of the certificate of occupancy for the unit, be rented only to a duly qualified (at the time of initial occupancy) very low-, low- or moderate-income household based upon a rent level calculated to be affordable to such household in accordance with the criteria set forth in the Borough's Affordable Housing Ordinance;
  5. Affordable rent levels for accessory apartments shall be calculated to include a deduction for tenant paid utilities (a utility allowance);
  6. There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental in accordance with the foregoing requirements for the entire term of the deed restriction;
  7. Each accessory apartment shall have living/sleeping space, a complete kitchen and complete sanitary facilities for the exclusive use of its occupants. It shall consist of no less than two rooms, one of which shall be a full bathroom;
  8. The accessory apartment shall have a separate door with direct access to the outdoors;
  9. The potable water supply and sewage disposal system for the accessory apartment shall be demonstrated to be adequate;
  10. The accessory apartment shall be affirmatively marketed throughout the Borough’s housing region; and
  11. In the case of an accessory apartment created illegally or without proper permits which the property owner desires to legitimize as an accessory apartment under this ordinance, all of the requirements of this ordinance shall apply, except that no subsidy shall be provided by the Borough.
- B. The Borough shall designate an Administrative Agent to administer the accessory apartment program.
1. The Administrative Agent shall administer the accessory apartment program including advertising, income qualifying prospective tenants, setting rents and annual rental increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and monitoring reports and affirmatively marketing the accessory apartment program;

2. The Administrative Agent shall only deny an application for an accessory apartment if the project is not in conformance with all of the requirements of the municipal development ordinance, including this Section, or the Borough's Affordable Housing Ordinance. All denials shall be in writing with the reasons clearly stated; and
  3. The Borough shall provide up to \$25,000 to subsidize the physical creation of an accessory apartment conforming to all applicable requirements. Prior to the grant of any subsidy, the property owner shall enter into a written agreement with Fair Haven Borough insuring that (i) the subsidy shall be used only to create the accessory apartment and (ii) the apartment shall meet all applicable requirements of the Borough of Fair Haven.
- C. Applications for the creation of an accessory apartment shall be submitted to the Administrative Agent and shall include the following:
1. A sketch of floor plan(s) showing the location, size and relationship of both the accessory apartment and primary dwelling or use within the building;
  2. Rough elevations showing the modification of any exterior building façade to which changes are proposed; and
  3. A site development sketch showing the location of the existing dwelling and other existing structures; all property lines; proposed addition if any, along with minimum building setback lines; the required parking spaces for both dwelling units; and any man-made conditions which might affect the proposal.

**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 hereby ratified and confirmed, except where inconsistent with the terms hereof.

**Section 4.** The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Monmouth County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

**Section 5.** After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Fair Haven for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

**Section 6.** This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Monmouth County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

**BOROUGH OF FAIR HAVEN  
ORDINANCE NO. 2020-11**

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF MONMOUTH AMENDING AND SUPPLEMENTING THE FAIR HAVEN BOROUGH PARKING CODE SECTION 7-14 PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS**

**BE IT ORDAINED** by the Council of the Borough of Fair Haven, in the County of Monmouth, in the State of New Jersey, as follows:

**I.**

The purpose of this Ordinance is to supplement Chapter 7, specifically Section 7-14 Parking Prohibited at all Times on Certain Streets.

**NOTE:** The section of Chapter 7 that is to be supplemented by this Ordinance is Section 7-14 Parking Prohibited at all Times on Certain Streets. All additions are shown in ***bold italics with underlines***. Sections of Chapter 7 that will remain unchanged are shown in normal type. The deletions are shown as ***strikeovers in bold italics***.

**II.**

**7-14 PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS.**

[2002 Code § 10.08.030; Ord. No. 469 § 1; Ord. No. 491 § 2; Ord. No. 3-14-05A § 2; Ord. No. 9-12-05(B) § 2; Ord. No. 2007-5 § 2; Ord. No. 2007-20 § 2; Ord. No. 2007-23 § 2; Ord. No. 2008-07; Ord. No. 2009-27 § II; Ord. No. 2010-18; Ord. No. 2010-30; Ord. No. 2011-23; Ord. No. 2014-09; Ord. No. 2016-09]

<i>Name of Street</i>	<i>Side</i>	<i>Location</i>
Allen Street	East	Entire portion.
Battin Road	East	From its northerly terminus to a point of direction change to east-west direction, to a point 310 feet westerly.
Battin Road	West	River Road northerly to Holly Lane.
Battin Road	East	River Road northerly 50 feet.
Browns Lane	Both	River Road south to terminus.
Browns Lane	East	From a point 235 feet south to terminus.
Browns Lane (cement ramp)		Lying between River Road and the waterfront opposite Browns Lane.
Buttonwood Drive	West	Linden Drive south to terminus.
Cedar Avenue	West	Forman Street northerly 150 feet.
Cedar Avenue	West	From a point 250 feet north of Third Street northerly to Fisk Street.
Cedar Avenue	East	River Road south to Fisk Street.
Chestnut Street	West	River Road south to terminus.
Church Street	East	River Road south to Third Street.

Church Street	West	River Road south 50 feet.
Clay Street	South	Fair Haven Road east to Gillespie Avenue.
Colonial Court	North	Smith Street northerly to terminus.
Dartmouth Avenue	South	Hance Road to Ridge Road.
Dartmouth Avenue	North	Hance Road easterly to 50 feet.
DeNormandie Avenue	East	River Road northerly 50 feet.
DeNormandie Avenue	East	From its northerly terminus to a point 170 feet south thereof.
DeNormandie Avenue	West	River Road northerly to terminus.
Doughty Lane	Both	River Road southerly to terminus.
Elm Place	West	River Road southerly to terminus.
Fair Haven Road	East	River Road northerly 50 feet.
Fair Haven Road	East	River Road southerly to Hillcrest Road.
Fair Haven Road	West	Fairwater Lane northerly to terminus.
Fair Haven Road	West	River Road southerly to a point 422 feet therefrom.
Fair Haven Road	West	River Road northerly 50 feet.
Fair Haven Road	West	Third Street to Ridge Road.
Forman Street	South	At the intersection of Smith Street easterly 100 feet.
Forman Street	South	At the intersection of Cedar Avenue westerly 100 feet.
Forman Street	South	100 feet east from Hance Road
Forman Street	South	100 feet west from Smith Street.
Forman Street	North	Smith Street to Hance Road.
Forman Street	North	At the intersection of Cedar Avenue westerly 100 feet.
Forman Street	North	At the intersection of Smith Street easterly 100 feet.
Gentry Drive	West	Third Street south to Dartmouth Avenue.
Gillespie Avenue	East	River Road northerly to terminus.
Gillespie Avenue	West	River Road northerly to 150 feet.
Gillespie Avenue	West	Clay Street northerly to terminus.
Grange Avenue	East	River Road northerly 50 feet.
Grange Avenue	West	River Road northerly 50 feet.

Haddon Park	East	River Road northerly 100 feet.
Haggers Lane	Both	Fair Haven Road west to terminus.
Hance Road	East	From its northerly terminus to a point 400 feet south thereof.
Hance Road	East	River Road northerly to Lewis Point Road.
Hance Road	East	River Road southerly 150 feet south of Jackson Street.
Hance Road	East	From a point 310 feet north of the northerly curblineline at Hunting Lane to a point 415 feet south thereof.
Hance Road	East	Dartmouth Avenue to a point 140 feet south thereof.
Hance Road	West	River Road northerly to terminus.
Hance Road	West	River Road southerly to Hunting Lane.
Hance Road	West	Dartmouth Avenue to Ridge Road.
Harding Road	North	Entire length.
Holly Lane	Both	Battin Road northerly to terminus.
Jackson Street	South	Hance Road 150 feet east.
Jackson Street	South	From a point 400 feet east of Hance Road to Smith Street.
Locust Avenue	East	From River Road 125 feet south.
Maple Avenue	East	River Road southerly to Third Street.
Maple Avenue	West	River Road southerly to 50 feet.
Minton Lane	Both	River Road northerly to terminus.
Navesink Avenue	East	River Road northerly to terminus.
Oak Place	East	River Road southerly to Willow Street.
Ridge Road	North	Entire length.
Park Road	North	Forrest Avenue easterly to Oxford Avenue.
River Road	South	Entire length.
<b><u>River Road</u></b>	<b><u>North</u></b>	<b><u>Between Hance Road and Lake Avenue</u></b>
River Road	North	25 feet east of DeNormandie Avenue.
River Road	North	25 feet west of Cedar Avenue.
River Road	North	Hance Road to a point 100 feet west thereof.
River Road	North	Hance Road to a point 100 feet east thereof.
Smith Street	West	River Road southerly to Parker Avenue.



Third Street	South	From the westerly curbline of Cedar Avenue easterly to Maple Avenue.
Third Street	South	Church Street easterly to Fair Haven Road.
Willow Street	South	Fair Haven Road easterly to Oak Place.
Willow Street	South	Kemp Avenue easterly to Doughty Lane.
Willow Street	North	From a point 289 feet east of Fair Haven Road and extending easterly to a point 56 feet thereof.
Willow Street	South	Fair Haven Road to a point 60 feet east thereof.
Woodland Drive	East	River Road southerly to Pine Tree Lane.
Woodland Drive	West	River Road 50 feet south.

**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. 2020-176**

**TITLE:       ACCEPTANCE OF THE 2019 AUDIT FOR THE BOROUGH OF FAIR HAVEN**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”, and,

**WHEREAS**, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of Fair Haven hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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. 2020-177**

**TITLE:           AMEND RESOLUTION NO. 2020-106 EXTENDING THE TEMPORARY  
AMENDMENT OF CHAPTER 4, SECTION 2.1, SIDEWALK DINING LICENSES**

**WHEREAS**, on June 8, 2020, the governing body passed Resolution No. 2020-106 amending Chapter 4, Section 2.1, Sidewalk Dining Licenses for 120 days to temporarily ease the Borough's Sidewalk Dining License regulations in order to help the Borough's restaurants and eateries during the COVID-19 Global Pandemic.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Fair Haven, in the County of Monmouth, State of New Jersey, that the 120-day waiver be extended until December 31, 2020; and

**BE IT FURTHER RESOLVED** that the following remains per Governor Murphy's Executive Order 20-014 authorizing said activity, subject to the following (as applicable to the business):

1.       Outdoor dining may be conducted on any restaurant property; and
  
2.       Any restaurant may create outdoor dining on private property, the public sidewalk in front of their business, parking spaces (where safe) and the public sidewalk next to their establishment with the consent of the property owner and adjoining business, and
  
3.       Outdoor dining may be permitted on premise-owned parking lots in spaces that may have been previously required by zoning or other agreements; and
  
4.       Service of alcoholic beverages shall be permitted in outdoor areas licensed or allowed by temporary ABC or state regulations.
  
5.       All outdoor dining areas must be maintained and clean of litter.
  
6.       All temporary permits are subject to the successful approval of the Temporary Use Permit Application.
  
7.       During this time, temporary signage (small banner, sandwich board sign, etc) will be permitted.
  
8.       Based on the Emergency Declaration signed by Mayor Lucarelli on March 18, 2020, all outdoor dining fees during this temporary period remain waived.

**BE IT FURTHER RESOLVED** that the Zoning Officer and Emergency Management Coordinator, with the advice and consent of the Borough Attorney, may waive other sections of Chapter 4, Section 2.1 and may enact other regulations as appropriate to maintain order, enhance public safety and to help Borough restaurants and eateries that are economically impacted by the COVID-19 Global Health Pandemic.

**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. 2020-178**

**TITLE:        AMEND RESOLUTION NO. 2020-107 AUTHORIZING SIDEWALK SALES**

**WHEREAS**, on June 8, 2020, the governing body passed Resolution No. 2020-107 to waive the regulations for sidewalk sales and allow for businesses to hold sidewalk sales for a period of 120 days; and

**WHEREAS**, Executive Order 142, signed by Governor Murphy on May 13, 2020, permits curbside pickup at non-essential retail businesses to avoid unnecessary contact between customers and staff in enclosed spaces, and instead allows for limited contact while allowing business to provide goods, while following CDC guidelines, including wearing face masks and gloves and providing for proper social distancing; and

**WHEREAS**, Fair Haven's Business District has requested permission to continue holding sidewalk sales with the set-up of tables and merchandise in order to provide non-essential goods; and

**WHEREAS**, Mayor and Council wishes to extend the waiver for sidewalk sales until December 31, 2020; and

**WHEREAS**, all temporary permits continue to be subject to the successful approval of the Temporary Use Permit Application.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, that the 120 waiver be amended to expire on December 31, 2020 based on the Governor's Order 142 and the Borough's Emergency Declaration signed by Mayor Lucarelli on March 18, 2020.

**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. 2020-179**

**TITLE:        AMEND RESOLUTION NO. 2020-108 TO EXTEND THE TEMPORARY USE OF  
PUBLIC PARKS AND FIELDS BY LOCAL EXERCISE AND FITNESS  
BUSINESSES**

**WHEREAS**, on June 8, 2020, the governing body passed Resolution No. 2020-108 to allow temporary authorization for the use of public parks and fields by local exercise and fitness businesses as a way of support during the COVID-19 Global Pandemic based on Fair Haven's Emergency Declaration signed by Mayor Lucarelli on March 18, 2020; and

**WHEREAS**, Mayor and Council wishes to extend the waiver for local exercise and fitness businesses to use Fair Haven's public parks and fields until December 31, 2020.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Fair Haven, in the County of Monmouth, State of New Jersey, that use of the Borough's parks and fields for exercise and fitness instruction by local businesses is authorized following CDC and New Jersey COVID-19 guidelines for safety and social distancing until December 31, 2020; and

**BE IT FURTHER RESOLVED** that each business must maintain an insurance certificate, naming the Borough as an additional insured for the activity planned, in accordance with Borough regulations and New Jersey COVID-19 guidelines and regulations. Scheduling of the Borough facilities should be coordinated in advance with the Director of Parks and Recreation.

**BE IT FURTHER RESOLVED** that all temporary permits are subject to the successful approval of the Temporary Use Permit Application.

**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. 2020-180**

**TITLE:        AUTHORIZE REFUND OF FEES FOR MOTHER/SON DANCE EVENT THROUGH  
                  LEAGUE APPS**

**WHEREAS,** the Annual Mother/Son Dance was scheduled to be held in March 2020; and

**WHEREAS,** registration was conducted through League Apps where 173 registrations were taken;  
and

**WHEREAS,** due to the COVID-19 Global Pandemic, there was a need to postpone with the intent  
to reschedule the event for Fall 2020; and

**WHEREAS,** the COVID-19 Pandemic continues and there are still limited capacity and social  
distancing mandates in place, so the event was not able to be rescheduled; and

**WHEREAS,** there is a need to refund the registrants for the Mother/Son Dance via the League Apps  
site.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair  
Haven that the CFO and Director of Parks and Recreation are hereby authorized to process the appropriate  
refunds to the 173 registrants (copy of list attached) in the amount of \$15,494 through the League Apps site  
with verification that the refunds were processed.

**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. 2020-181**

**TITLE:       STANDARD PROCEDURES AND REQUIREMENTS FOR PUBLIC COMMENT DURING REMOTE PUBLIC MEETINGS HELD DURING A DECLARED EMERGENCY**

**WHEREAS**, there is currently a public health crisis associated with the COVID-19 pandemic; and

**WHEREAS**, the COVID-19 pandemic has forced local government entities throughout New Jersey to hold public meetings remotely; and

**WHEREAS**, the Director of the Division of Local Government Services, pursuant to Section 8 of the newly enacted P.L. 2020 c. 34, promulgated emergency regulations codified in N.J.A.C. 5:39-1.1 through 1.7 to ensure continuity of government operations and transparency in conducting public business when an emergency requires a governing body meeting to be held remotely; and

**WHEREAS**, pursuant to N.J.A.C. 5:39-1.4(h), the newly promulgated emergency regulations require, among other things, the governing body to adopt, by resolution, standard procedures and requirements for public comment made during remote meetings along with permitting written comments submitted in advance of remote meetings; and

**WHEREAS**, the Borough of Fair Haven (the "Borough"), in an effort to take any and every necessary precaution to ensure the safety of its residents, and in an effort to abide by the Director of the Division of Local Government Services' emergency regulations, has elected to continue the use of remote public meetings; and

**WHEREAS**, in accordance with the provisions set forth in N.J.A.C. 5:39-1.4(h), the Borough is adopting the following standard procedures and requirements for public comment during remote meetings:

1. The Borough shall facilitate a dialogue with the commenter to the extent permitted by the electronic communications technology.
2. The Borough shall facilitate said dialogue through ZOOM and/or telephone conference via a webinar link and a call-in number to be provided on the Borough's Public Notice in compliance with the Open Public Meetings Act.
3. The Borough shall allow members of the public to make public comment by audio or by audio and video.
4. The Borough shall permit members of the public to submit public comments by electronic mail and in written letter form to the Borough Clerk up to 3 days prior to the scheduled remote public meeting.
5. Public comments submitted through electronic mail or written letter before the public meeting in question, within the deadline addressed in sub-paragraph 4, shall be read aloud and addressed during the remote public meeting in a manner audible to all meeting participants and the public listening.

6. The governing body may, in its discretion, elect to summarize duplicative comments, however, the governing body must not summarize certain duplicative comments while reading other duplicative comments individually.
7. The governing body may require members of the public to state whether they wish to speak and to identify themselves prior to speaking.
8. The procedures and requirements for making public comment, along with an explanation of the audio muting function of the communications technology being used, shall be announced at the beginning of the remote public meeting.
9. Any presentations or documents that would otherwise be viewed or made available to members of the public physically attending a governing body meeting shall be made visible on a video broadcast of the remote public meeting or made available on the Internet website or webpage of the entity governed by the governing body.
10. If a document would be made available to individual members of the public in hard copy while physically attending the meeting, the document shall be made available in advance of the meeting for download through an internet link appearing either on the meeting notice, or near the posting of the meeting notice both on the website and at the building where the meeting would otherwise be held.
11. If a member of the public becomes disruptive during a remote public meeting, including during any period for public comment, the member of the local public body charged with running the remote public meeting shall mute or continue muting, or direct appropriate staff to mute or continue muting, the disruptive member of the public and warn that continued disruption may result in their being prevented from speaking during the remote public meeting or removed from the remote public meeting. Disruptive conduct includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption, and use of profanity.
12. A member of the public who continues to act in a disruptive manner after receiving an initial warning may be muted while other members of the public are allowed to proceed with their questions or comments. If time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make comment. Should the person remain disruptive, the individual may be muted or kept on mute for the remainder of the remote public meeting or removed from the remote public meeting.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, that the Mayor and Borough Clerk in accordance with the provisions set forth in N.J.A.C. 5:39-1.4(h), are adopting the standard procedures and requirements for public comment during remote meetings set forth herein.



**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. 2020-182**

**TITLE:           RESOLUTION APPOINTING A MEMBER TO THE FAIR HAVEN  
FIRE DEPARTMENT, Affiliate Member (Auxiliary) – Eva Krause**

**BE IT RESOLVED** by the Borough Council of the Borough of Fair Haven that Eva Krause, 21A Washington Street, Red Bank, 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:**

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**RESOLUTION NO. 2020-183**

**TITLE:        AUTHORIZE AN EMERGENCY APPROPRIATION TO THE CURRENT FUND IN ORDER TO PAY LEGAL AND PLANNER BILLS**

**WHEREAS**, an emergency has risen with regard to professional bills submitted in conjunction with compliance of the Borough's Fair Share Housing Settlement Agreement and no provision was made in the 2020 budget for the aforesaid purpose mentioned above; and

**WHEREAS**, the total amount of the emergency appropriations created, including the appropriation to be created by the resolution is \$150,000 and three (3) percent of the total operating appropriations in the budget for 2020 is \$230,000; and

**WHEREAS**, the foregoing appropriation together with prior appropriations does not exceed the three (3) percent of the total operating appropriations in the budget for 2020.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey (not less than two thirds of the members thereof affirmatively concurring) that in accordance with NJSA 40A:4-48 that:

1. An emergency appropriation be and the same is hereby made to the current fund for \$150,000
2. Said emergency appropriation shall be provided in full in the 2021 budget
3. The Chief Financial Officer has certified that the expenditures to be finance through this resolution is related to the aforementioned emergency.
4. Two (2) certified copies of this resolution 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. 2020-184**

**TITLE:     APPROVING A BLOCK PARTY TO BE HELD ON  
              JACKSON STREET – OCTOBER 17<sup>TH</sup>**

**WHEREAS**, a request was received to hold a Block Party on Jackson Street on Saturday, October 17, 2020 from 3 pm to 9 pm; and

**WHEREAS**, Police Chief McGovern reviewed the application and submitted his approval on October 7, 2020; and

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Fair Haven that approval is hereby granted for a block party to be held on Jackson Street on Saturday, October 17, 2020 from 3 pm to 9 pm.

**BE IT FURTHER RESOLVED** that Permit No. BP 2020-04 will be issued for said event and that attendees with comply with the Governor’s order regarding social gatherings.

**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. 2020-185**

**TITLE: APPOINT SPECIAL LAW ENFORCEMENT OFFICER, CLASS II –RAUL PEREZ, JR.**

**WHEREAS**, a request was made by Police Chief Joseph McGovern to appoint a Special Law Enforcement Officers Class II, effective October 14, 2020; and

**WHEREAS**, Joseph McGovern, Fair Haven Police Chief, has recommended that Raul Perez, Jr. be appointed as a Special Law Enforcement Officer, Class II.

**WHEREAS**, the rate of pay for this position is \$18.25 per hour.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Raul Perez, Jr. be appointed to the position of Special Class II 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. 2020-186**

**TITLE:        AUTHORIZE TERMINATION NOTICE TO THE BOROUGH OF RUMSON  
              REGARDING INTERLOCAL SERVICE AGREEMENT FOR BRUSH DISPOSAL**

**WHEREAS**, the Borough of Fair Haven and Borough of Rumson entered into an Interlocal Service Agreement on December 17, 2019 for the Borough of Fair Haven to provide brush disposal services to the Borough of Fair Haven; and

**WHEREAS**, Section 5 of the Interlocal Service agreement addresses termination of the agreement or portion of the agreement stating that “Either party may terminate this Agreement at any time and for any reason upon giving the other party six-month’s notice of its intent to terminate”.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Fair Haven is hereby providing six-month’s notice to the Borough of Rumson that it will be terminating the brush disposal portion of the Interlocal Service Agreement effective April 15, 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. 2020-187**

**TITLE:       APPROVE APPOINTMENTS TO THE PLANNING BOARD, REGULAR MEMBER  
(FREDRICK ROLFF) AND ALTERNATE #1 POSITION (SHERI D'ANGELO)**

**WHEREAS**, there was a resignation from the Planning Board leaving a vacancy that needs to be filled; and

**WHEREAS**, Fredrick Rolff will be moved from the Alternate #1 position to fill the unexpired term of a regular member with a term expiring on December 31, 2023; and

**WHEREAS**, the vacant Alternate #1 position with a term expiring on December 31, 2021 will be filled by Sheri D'Angelo.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that the above appointments are hereby approved.

**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. 2020-188**

**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 October 13, 2020 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2020 CURRENT ACCOUNT	\$1,674,548.06
PAYROLL AGENCY	\$ 13,204.82
OTHER TRUST	\$ 18,797.94
DOG TRUST	\$ 15.00
<b>TOTAL</b>	<b>\$1,706,565.82</b>