

**FAIR HAVEN BOROUGH COUNCIL  
REGULAR MEETING AGENDA  
SEPTEMBER 19, 2022, 7:00 P.M.  
HYBRID MEETING (IN-PERSON AND ZOOM)**

Zoom Link: [HTTPS://US02WEB.ZOOM.US/J/86057860218](https://us02web.zoom.us/j/86057860218)

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

Webinar ID: 860 5786 0218

1. **Call to Order:** pm
2. **Salute to the Flag:**
3. **Moment of Silent Reflection:**
4. **Sunshine Law Notice:**
5. **Roll Call:** Councilmembers Chrisner-Keefe Cole Koch  
McCue Neff Rodriguez
6. **Workshop Session**
  - Renewal of Chicken License at 444 River Road
  - RFP for Bicentennial Hall Architect
  - Improvements to Third Street Phase II Project Presentation (Engineer Gardella)
7. **Public Comment on Agenda Items**
8. **Approval of Minutes**
  - September 6, 2022 Regular Meeting
  - September 6, 2022 Executive Session
9. **Old Business**  
**Hearing and Adoption of Ordinance**  
2022-14 Amend Chapter 2 by adding Subsection 67, "Third-Party Payroll Disbursements"
10. **New Business**  
**Council Committee Reports**  
**Finance** - Councilwoman Neff  
**Personnel** - Councilwoman Chrisner-Keefe  
**Planning & Zoning** - Councilwoman Koch  
**Parks and Recreation** - Councilwoman Koch  
**Police, Fire & OEM** - Councilman McCue  
**Engineering and DPW** - Councilman McCue  
**Borough Facilities** - Councilman Rodriguez  
**Borough Communications and Community Outreach** - Councilwoman Cole  
  
**Introduction of Ordinances**  
2022-15 Amend Chapter 30, Section 2.4, Definitions and regulations for Restaurants  
  
**Consent Agenda**  
**Resolutions**  
2022-202 Executive Session - Contract Negotiations and Personnel  
2022-203 Award Engineer Service Proposal to Leon S. Avakian, Inc: Hydro-raking for McCarter Pond  
2022-204 Approve a Block Party to be Held on Dartmouth Avenue October 1<sup>st</sup>  
2022-205 Approve a Block Party to be Held on First Street October 1<sup>st</sup>  
2022-206 Approve a Block Party to be Held on Poplar Avenue October 22<sup>nd</sup>

2022-207	Cancel Unfunded Bond Authorization Balances (Borough Facilities)
2022-208	Approve Dedication by Rider - Environmental Commission
2022-209	Approve Dedication by Rider - Police Department
2022-210	Authorize Execution of Community Development Block Grant Allocation Acceptance
2022-211	Authorize Receipt of Bids for Improvements to Third Street, Phase II
2022-212	Approve Irrevocable License Agreement for 8 Rutgers Drive (Block 4, Lot 45)
2022-213	Appoint PT School Crossing Guard - Ann Dupree
2022-214	Payment of Vouchers

## **Department Reports**

### **August 2022**

- Municipal Clerk
- Dog License
- Tax Collector
- Municipal Court
- Police Department
- Planning Board and Zoning Board
- 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.**

**NEXT COUNCIL MEETING: TUESDAY, OCTOBER 11<sup>TH</sup>**

**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. 2022-202**

**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:

**Contract Negotiations**

1. Facilities Contract
2. PBA Negotiation

**Personnel**

1. Administrative Investigation Report

**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. 2022-203**

**TITLE:        AWARD PROPOSAL FOR ENGINEERING SERVICES TO PROVIDE PROJECT  
COORDINATION FOR THE HYDRO-RAKING OF MCCARTER POND**

**WHEREAS**, a proposal dated August 22, 2022 was received from Leon S. Avakian, Inc., Consulting Engineers, to provide project coordination for the hydro-raking of McCarter Pond; and

**WHEREAS**, the proposal states that the total cost for Phase 1 through 3, broken down as follows, shall not exceed a total of \$30,500:

Phase 1	Provide Project Coordination	\$16,500
	Aquatic Expert	\$ 3,000
Phase 2	Secure Necessary Permits and Approvals	\$ 4,500
Phase 3	Provide Project Oversight	<u>\$ 7,000</u>
	<b>Total</b>	<b>\$30,500</b>

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven, that the proposal received from Leon S. Avakian, Inc., Consulting Engineers be accepted and awarded for the Phases 1-3 at a cost not to exceed \$30,500 and the Mayor is authorized to execute the appropriate paperwork required for this project.

**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. 2022-204**

**TITLE:       APPROVING A BLOCK PARTY TO BE HELD ON**  
**DARTMOUTH AVENUE – OCTOBER 1<sup>ST</sup>**

**WHEREAS**, a request was received to hold a Block Party on Dartmouth Avenue on October 1, 2022 from 3 pm to 11 pm; and

**WHEREAS**, Police Chief McGovern reviewed the application and submitted his approval on August 30, 2022; 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 Dartmouth Avenue on Saturday, October 1, 2022 from 3 pm to 11 pm.

**BE IT FURTHER RESOLVED** that Permit No. BP 2022-10 will be issued for said event.

**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. 2022-205**

**TITLE:        APPROVING A BLOCK PARTY TO BE HELD ON  
                 FIRST STREET – OCTOBER 1<sup>ST</sup> (BETWEEN LEXINGTON AVENUE  
                 AND LINCOLN AVENUE)**

**WHEREAS**, a request was received to hold a Block Party on First Street between Lexington Avenue and Lincoln Avenue on Saturday October 1, 2022 from 1 pm to 11 pm (rain date October 8, 2022); and

**WHEREAS**, Police Chief McGovern reviewed the application and submitted his approval on September 6, 2022; 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 First Street between Lexington Avenue and Lincoln Avenue on Saturday, October 1, 2022 from 1 pm to 11 pm (rain date October 8, 2022).

**BE IT FURTHER RESOLVED** that Permit No. BP 2022-11 will be issued for said event.

**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. 2022-206**

**TITLE:        APPROVING A BLOCK PARTY TO BE HELD ON  
                 POPLAR AVENUE – OCTOBER 22<sup>ND</sup>**

**WHEREAS**, a request was received to hold a Block Party on Poplar Avenue on Saturday October 22, 2022 from 3 pm to 11 pm (rain date October 23, 2022); and

**WHEREAS**, Police Chief McGovern reviewed the application and submitted his approval on September 6, 2022; 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 Poplar Avenue on Saturday, October 22, 2022 from 3 pm to 11 pm (rain date October 23, 2022).

**BE IT FURTHER RESOLVED** that Permit No. BP 2022-12 will be issued for said event.

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. 2022-207**

**TITLE: CANCELLING UNFUNDED BOND AUTHORIZATION BALANCES HERETOFORE  
APPROVED FOR THE ACQUISITION OF CERTAIN REAL PROPERTIES ON RIVER ROAD  
IN BOND ORDINANCE NO. 2018-21 AND BOND ORDINANCE NO. 2019-02**

**WHEREAS**, the Borough of Fair Haven (the “Borough”) adopted Bond Ordinance No. 2018-21 and Bond Ordinance No. 2019-02 for various municipal improvements and purposes, including the potential purchase of certain real properties by the Borough; and

**WHEREAS**, the Borough has determined that there are unfunded balances remaining in said Bond Ordinances, which are no longer needed for the items specified;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor & Council of the Borough of Fair Haven hereby cancels the unfunded and authorized balances of the aforesaid Bond Ordinances as follows:

<u><b>Ordinance Name and Date of Adoption</b></u>	<u><b>Description of Project</b></u>	<u><b>Amount of Appropriation to be Cancelled</b></u>
<p>BOND ORDINANCE PROVIDING FOR VARIOUS 2018 CAPITAL IMPROVEMENTS AND THE ACQUISITION AND THE PAYMENT OF THE PURCHASE PRICE(S) OF REAL PROPERTIES LOCATED ON RIVER ROAD, BY AND IN THE BOROUGH OF FAIR HAVEN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$3,218,750 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,057,812 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF</p> <p>Adopted: September 24, 2018</p> <p>As Amended By: BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 2018-21 (WHICH PROVIDES FOR VARIOUS 2018 CAPITAL IMPROVEMENTS AND THE ACQUISITION AND THE PAYMENT OF THE PURCHASE PRICE(S) OF REAL PROPERTIES LOCATED ON RIVER ROAD), HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FAIR HAVEN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY ON SEPTEMBER 24, 2018, AS PREVIOUSLY AMENDED AND SUPPLEMENTED HERETOFORE, TO AMEND THE DESCRIPTION, TO INCREASE THE APPROPRIATION BY \$1,700,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES BY \$1,619,047</p>	<p>Acquisition and the Payment of the Purchase Price(s) of Real Properties, Lawful Public Purposes, Such Real Properties Located on River Road in the Borough, Including But Not Limited to Block 25, Lots 29, 30, and 31, On The Tax Map Of The Borough, And All Improvements Thereon</p>	<p>\$3,571,750.00</p>



Adopted: February 25, 2019		
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**BE IT FURTHER RESOLVED** that the authorization of bonds or notes in the amount of \$3,571,750.00 for Account # C-04-55-709-002 which has not been previously funded is hereby canceled; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Borough Chief Financial Officer and the Borough Auditor.

**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. 2022-208**

**TITLE:       REQUEST PERMISSION FOR THE DEDICATION BY RIDER FOR AN  
ENVIRONMENTAL COMMISSION TRUST FUND REQUIRED BY NJSA 40A: 12A-3  
ET SEQ.**

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for approval as Dedication by Rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

**WHEREAS**, NJSA 40A:12A-3 et seq. provides for receipt of Environmental Commission Trust Funds by the municipality to provide for the operating costs to administer this act; and

**WHEREAS**, NJSA 40A:4-39 provides the dedicated revenues anticipated from Environmental Commission donated monies are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

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

1.       The Mayor and Council do hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Environmental Commission Trust Fund as per NJSA 40A:12A-3 et seq.
2.       The Municipal Clerk of the Borough of Fair Haven, County of Monmouth is hereby directed to forward two certified copies of this resolution to the Director of the Division 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. 2022-209**

**TITLE:        REQUEST PERMISSION FOR THE DEDICATION BY RIDER FOR A  
POLICE DEPARTMENT TRUST FUND REQUIRED BY NJSA 40A: 12A-3 ET SEQ.**

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for approval as Dedication by Rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

**WHEREAS**, NJSA 40A:12A-3 et seq. provides for receipt of Police Department Trust Funds by the municipality to provide for the operating costs to administer this act; and

**WHEREAS**, NJSA 40A:4-39 provides the dedicated revenues anticipated from Police Department donated monies are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

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

1.        The Mayor and Council do hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Police Department Trust Fund as per NJSA 40A:12A-3 et seq.
2.        The Municipal Clerk of the Borough of Fair Haven, County of Monmouth is hereby directed to forward two certified copies of this resolution to the Director of the Division 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. 2022-210**

**TITLE:        AUTHORIZE BOROUGH ADMINISTRATOR TO EXECUTE THE FY2022 CDBG  
ALLOCATION ACCEPTANCE FORM - BICENTENNIAL HALL ADA  
IMPROVEMENTS**

**WHEREAS**, the Borough of Fair Haven was awarded a FY2022 Community Development Block Grant (CDBG) in the amount of \$174,074.00 for Bicentennial Hall ADA Improvements; and

**WHEREAS**, the Borough of Fair Haven accepts the FY2022 CDBG allocation award.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Theresa S. Casagrande, Borough Administrator, is hereby authorized to execute the FY2022 CDBG Allocation Acceptance Form on behalf of the Borough of Fair Haven.

**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. 2022-211**

**TITLE:        AUTHORIZE ADVERTISEMENT FOR RECEIPT OF BIDS FOR IMPROVEMENTS  
                 TO THIRD STREET, PHASE II**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that authorization is given to the Borough Administrator and Borough Engineer to advertise for receipt of bids for Improvements to Third Street, Phase II.

**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. 2022-212**

**TITLE:        APPROVING IRREVOCABLE LICENSE FOR 8 RUTGERS DRIVE, ALSO KNOWN  
                 AS BLOCK 4, LOT 45 – UTILITY EASEMENT ENCROACHMENT**

**WHEREAS**, the Borough of Fair Haven (the “Borough”) maintains various easements and rights-of-way for the purpose of facilitating utility services to the residents and businesses of the Borough; and

**WHEREAS**, Richard Cramer and Melanie Cramer (the “Owners”) are the titled owners of 8 Rutgers Drive, Fair Haven, NJ 07704, also known as Block 4, Lot 45 (the “Property”); and

**WHEREAS**, the Property was created by the filing of subdivision plat entitled “Map of DePierro Park” dated May 23, 1955, prepared by Frank E. Michell, Surveyor, recorded with the Monmouth County Clerk’s Office as Subdivision Plat, Case 45-21 on December 5, 1955; and

**WHEREAS**, the subdivision plat denotes a 15 foot-wide utility easement on the Property, along the easterly property line; and

**WHEREAS**, soon after the filing of that subdivision plat, a single-family home (the “Structure”) was constructed on the Property, with one wall of the Structure encroaching into the utility easement shown on the filed subdivision plat, said condition being shown on a survey of the Property prepared by Thomas H. Stuart, Jr., P.L.S., dated March 16, 1995; and

**WHEREAS**, the circumstances are unclear as to how a building permit was issued for the construction of the Structure on the Property with an encroachment into the utility easement shown; and

**WHEREAS**, a drainage pipe was constructed in the utility easement at the time of the subdivision, such pipe being located close to the easterly property line of the subject property and not located in the area of the easement under the Structure; and

**WHEREAS**, the Owners of the Property are desirous of selling the subject property, together with the Structure thereon; and

**WHEREAS**, the existence of the utility easement encroachment has proven to be an insurmountable obstacle in the sale of the Property.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Fair Haven hereby approve an Irrevocable License, attached to this Resolution as Exhibit “A”, with the Owners of the Property to resolve the encroachment until such time as the Structure on the Property is demolished or destroyed, and the Mayor is hereby authorized to execute the appropriate paperwork to effectuate same.

**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. 2022-213**

**TITLE:        APPOINTMENT OF PART-TIME SCHOOL CROSSING GUARD - ANN DUPREE**

**WHEREAS**, there is a need for part-time School Crossing Guards; and

**WHEREAS**, Chief Joseph McGovern has recommended that **Ann Dupree** be appointed as a Part Time School Crossing Guard, effective September 20, 2022 at an hourly salary of \$20.00

**BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Ann Dupree is hereby appointed as part-time School Crossing Guard as noted above.

**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. 2022-214**

**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 September 19, 2022 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2021 CURRENT ACCOUNT	\$    590.77
2022 CURRENT ACCOUNT	\$233,397.37
GENERAL CAPITAL	\$ 29,811.63
PAYROLL AGENCY	\$ 1,310.30
OTHER TRUST	\$ 42,392.46
DOG TRUST	\$       9.60
<b>TOTAL</b>	<b>\$307,512.13</b>