FAIR HAVEN BOROUGH COUNCIL REGULAR MEETING AGENDA JANUARY 22, 2024, 7:00 P.M. HYBRID MEETING (IN-PERSON AND ZOOM)

Zoom Link: https://us02web.zoom.us/j/88542109202
iPhone or Land Line Telephone Call In: 1-301-715-8592

Webinar ID: 885 4210 9202

1. Call to Order: pm

- 2. Salute to the Flag:
- 3. Moment of Silent Reflection:
- 4. Sunshine Law Notice:
- **5. Roll Call**: Councilmembers Cole DiMiceli Hoey Koch LaBarbera Olson
- 6. Presentation

-SLEO III, Butch Stevenson

7. Workshop Session

- -Tree Appeal 868 River Road
- -Tree Appeal 25 Poplar Ave
- -Tree Appeal 547 River Road
- -Brush and Leaf Schedule and Ordinance
- -Proposed Farmers Market

8. Public Comment on Agenda Items

9. Approval of Minutes

- -November 27, 2023 Regular Meeting
- -December 18, 2023 Regular Meeting
- -December 18, 2023 Executive Session
- -January 2, 2024 Reorganization Meeting

10. New Business

Council Committee Reports

Finance - Councilman LaBarbera

Police, Fire & OEM - Councilman LaBarbera

Borough Facilities - Councilman LaBarbera

Personnel - Councilwoman Hoey

Borough Communications and Community Outreach - Councilwoman Hoey

Parks and Recreation - Councilwoman Hoey

Planning Board - Councilwoman Koch

Engineering and DPW - Councilwoman Cole

Zoning Board of Adjustment - Councilwoman Cole

Introduction of Ordinances

2024-01 Supplement Chapter 7, "Traffic" Sections 14 (Parking Prohibited At All Times on Certain Streets), 15 (Parking Prohibited During Certain Hours on Certain Streets) and 21 (Multi-Way Stop Intersections)

Resolutions	
2024-35	Appoint Code Enforcement Officer - Brock Siebert
2024-36	Reappoint Buildings, Grounds and Parks Foreman - David Karl
2024-37	Reappoint Streets and Sanitation Foreman - James O'Brien
2024-38	Reappoint Facilities and Building Maintenance Technician - Jared Okerson
2024-39	Executive Session: Contract Negotiations
2024-40	Authorize Cooperative Purchase for a 2024 Ford Maverick Truck
2024-41	Approve 2023 Budget Transfers
2024-42	Award Contract to Purchase DPW Fuel Tank: E.O. Habhegger
2024-43	Award Contract for Installation of DPW Fuel Tank: Independence Constructors
2024-44	Amend Resolution No. 2023-276 authorizing Borough Administrator to Execute Contract
	for Second On-Line Auction
2024-45	Approve Execution of Professional Contracts for 2024: Borough Attorney, Bond Counsel,
	Special Counsel-COAH, Labor Counsel, Tax Appeal Counsel, Borough Auditor,
	Financial Advisor, Borough Planner, Affordable Housing Planner, Risk Manager,
	Consulting Engineers, Certified Tree Expert, Cell Tower Consultant
2024-46	Payment of Vouchers

Department Reports

December 2023

Consent Agenda

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

Year End - 2023

-Municipal Clerk (Revenue)

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. <u>IDENTIFY YOURSELF BY CLEARLY STATING YOUR NAME AND ADDRESS FOR THE RECORD</u>. 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 <u>NOT</u> be recognized, <u>NOR SHOULD YOU COMMENT OR CARRY ON A DEBATE OR DIALOGUE</u> WHILE BUSINESS OF THE BOROUGH IS BEING ADDRESSED BY MAYOR AND COUNCIL.

NEXT MEETING: MONDAY, FEBRUARY 5, 2024

BOROUGH OF FAIR HAVEN ORDINANCE NO. 2024-01

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF MONMOUTH SUPPLMENTING CHAPTER 7, VEHICLES AND TRAFFIC, BY AMENDING SECTION 14, "PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS", SECTION 15, "PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS" AND SECTION 21, MULTI-WAY STOP INTERSECTIONS

WHEREAS, the Mayor & Council of the Borough of Fair Haven (the "Borough") consider pedestrian and traffic safety to be a significant and important priority for the Borough and the welfare of its residents; and

WHEREAS, the Borough has enacted certain regulations, under Chapter 9: "Parks and Recreation Areas" of the Borough's Revised General Ordinances, to establish regulations for permissible fishing and crabbing activities on public streets, rights-of-way, and Borough Waterfront properties; and

WHEREAS, the Mayor and Council find it to be in the best interests of the Borough residents to implement certain measures to enhance pedestrian and traffic safety, including the limitation and prohibition of parking in certain places; and

WHEREAS, the Mayor and Council find it to be in the best interests of the Borough's residents, as well for the peace and tranquility of the Borough's neighborhoods, to implement such measures recommended by the Borough's Police Department;

NOW, THEREFORE, 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:

SECTION 1. Section 7-14 entitled "Parking Prohibited At All Times On Certain Streets" of Chapter 7 entitled "Vehicles and Traffic" of the Revised General Ordinances of the Borough is hereby amended as follows (stricken text indicates deletions, <u>underlined text</u> indicates additions):

Name of Street	Side	Location
Fair Haven Road	<u>Both</u>	Fairwaters Lane northerly to
		terminus at Navesink River

SECTION 2. Section 7-15 entitled "Parking Prohibited During Certain Hours On Certain Streets" of Chapter 7 entitled "Vehicles and Traffic" of the Revised General Ordinances of the Borough is hereby amended as follows (stricken text indicates deletions, <u>underlined text</u> indicates additions):

Name of Street	Sides	Time	Location
Fairwaters Lane	<u>Both</u>	Two-hour parking between 8:00 a.m. and 9:00 p.m.	Entire Street
Fair Haven Road	<u>East</u>	Two-hour parking between 8:00 a.m. and 9:00 p.m.	Clay Street northerly to Fairwaters Lane
Fair Haven Road	West	Two-hour parking between 8:00 a.m and 9:00 p.m.	Riverlawn Drive to Clay Street

SECTION 3: Section 7-21 entitled "Multi-Way Stop Intersections" of Chapter 7 entitled "Vehicles and Traffic" of the Revised General Ordinances of the Borough is hereby amended as follows (stricken text indicates deletions, <u>underlined text</u> indicates additions):

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersection herein described is designated as Multi-Way Stop Intersections. Stop signs shall be installed as provided herein:

Fair Haven Road at Clay Street

Both sides of Fair Haven Road and Clay Street

SECTION 4. 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 5. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, 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 6. This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

Motion by:	Second by:
AFFIRMATIVE:	
NEGATIVE:	
ABSTAIN:	
ABSENT:	

RESOLUTION NO. 2024-35

TITLE: APPOINT CODE ENFORCEMENT OFFICER - BROCK SIEBERT

WHEREAS, Special Officer, Class I, Brock Siebert has been assigned to and handling matters relating to code enforcement in the Borough of Fair Haven; and

WHEREAS, there is a need to hire someone as the Borough's Code Enforcement Officer and the Borough Administrator and Police Chief have recommended that Brock Siebert fill this position; and

WHEREAS, the maximum number of hours per week shall not exceed 30 at an hourly rate of \$21.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, that Brock Siebert is hereby appointed to the position of Code Enforcement Officer retroactive to January 1, 2024.

Motion by:	Second by:
AFFIRMATIVE:	
NEGATIVE:	
ABSTAIN:	
ABSENT:	

RESOLUTION NO. 2024-36

TITLE: APPROVE REAPPOINTMENT OF BUILDINGS, GROUNDS AND PARKS FOREMAN IN THE PUBLIC WORKS DEPARTMENT

WHEREAS, Article 22, Wages, in the 2022-2025 Agreement between the Borough of Fair Haven and Teamsters Local 177 addresses Foreman position appointments; and

WHEREAS, David Karl has held the Buildings, Grounds and Parks Foreman position since March 2016; and

WHEREAS, there is a stipend for this position in the annual amount of \$5,000.00; and

WHEREAS, the reappointment of Dave Karl as Buildings, Grounds and Parks Foreman is being made per the recommendation of Richard Gardella, Director of Engineering and DPW and Theresa Casagrande, Borough Administrator.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the David Karl be reappointed Buildings, Grounds and Parks Foreman retroactive to January 1, 2024.

Motion by:	Second by:
AFFIRMATIVE: NEGATIVE:	
ABSTAIN: ABSENT:	

RESOLUTION NO. 2024-37

TITLE: APPROVE REAPPOINTMENT OF STREETS AND SANITATION FOREMAN IN THE PUBLIC WORKS DEPARTMENT

WHEREAS, Article 22, Wages, in the 2022-2025 Agreement between the Borough of Fair Haven and Teamsters Local 177 addresses Foreman position appointments; and

WHEREAS, James O'Brien was appointed Streets and Sanitation Foreman on March 14, 2022; and

WHEREAS, there is a stipend for this position in the annual amount of \$5,000.00; and

WHEREAS, the reappointment of James O'Brien as Streets and Sanitation Foreman is being made per the recommendation of Richard Gardella, Director of Engineering and DPW and Theresa Casagrande, Borough Administrator.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that James O'Brien be reappointed Streets and Sanitation Foreman retroactive to January 1, 2024.

Motion by:	Second by:	
AFFIRMATIVE:		
NEGATIVE:		
ABSTAIN:		
ARSENT.		

RESOLUTION NO. 2024-38

TITLE: REAPPOINT DPW BUILDING MAINTENANCE TECHNICIAN - JARED OKERSON

WHEREAS, Article 22, Wages, in the 2022-2025 Agreement between the Borough of Fair Haven and Teamsters Local 177 addresses a Building Maintenance Technician position appointment; and

WHEREAS, Jared Okerson has held the Building Maintenance Technician position since August 1, 2018; and

WHEREAS, there is a stipend for this position in the amount of \$7,500; and

WHEREAS, the reappointment of Jared Okerson as Building Maintenance Technician is being made per the recommendation of Richard Gardella, Director of Engineering and DPW and Theresa Casagrande, Borough Administrator.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Jared Okerson be reappointed as Building Maintenance Technician retroactive to January 1, 2024.

Motion by:	Second by:	
AFFIRMATIVE:		
NEGATIVE:		
ABSTAIN:		
ABSENT:		

TITLE: EXECUTIVE SESSION

RESOLUTION NO. 2024-39

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. Solid Waste/Recycling Contract
- 2. ILSA with Rumson Municipal Court
- 3. Sale of Borough Property

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.

MONMOUTH COUNTY, NEW JERSEY **RESOLUTION**

Motion by:	Second by:
AFFIRMATIVE:	
NEGATIVE:	
ABSTAIN:	
ABSENT:	

RESOLUTION NO. 2024-40

TITLE: AUTHORIZE ENTRY OF COOPERATIVE PURCHASING AGREEMENT WITH SOURCEWELL NATIONAL COOPERATIVE FOR THE PURPOSE OF PURCHASING A 2024 FORD MAVERICK XLT FWD SUPERCREW VEHICLE FOR PARKS AND RECREATION PUBLIC WORKS EQUIPMENT

WHEREAS, the Borough of Fair Haven (the "Borough") is authorized pursuant to NJSA 52:34 6.2(b)(3) to use alternative procurement methods by entering into a nationally recognized cooperative purchasing agreement that utilizes competitive bidding; and

WHEREAS, Sourcewell National Cooperative is a municipal national contracting agency operating under Minnesota Law; and

WHEREAS, the NJPA is authorized to contract with eligible entities for the purchase of goods and services; and

WHEREAS, the NJPA has instituted a cooperative purchasing program under which it contracts with eligible entities; and

WHEREAS, the Borough of Fair Haven desires to contract with the NJPA for the cooperative purchasing of a 2024 Ford Maverick XLT FWD SuperCrew Truck for the Department of Recreation to save money on the same.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Fair Haven in the County of Monmouth, State of New Jersey that they Mayor is hereby authorized and directed to execute the Cooperative Purchasing Agreement attached hereto and made part hereof with the NJPA pursuant to the terms and conditions contained therein for the purpose of cooperatively purchasing a 2024 Ford Maverick XLT FWD SuperCrew Truck.

Motion by:	Second by:
AFFIRMATIVE:	
NEGATIVE:	
ABSTAIN:	
ABSENT:	

RESOLUTION NO. 2024-41

TITLE: AUTHORIZING TRANSFERS IN THE 2023 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 made 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 2023 budget appropriations:

FROM ACCT.#	ACCT. DESCRIPTION	AMOUNT
3-01-21-180-211	PLANNING BD CONTRACTUAL TOTAL	\$3,000.00 \$3,000.00
TO ACCT.#	ACCT. DESCRIPTION	AMOUNT
3-01-21-185-211	ZONING BD CONTRACTUAL	\$3,000.00
	TOTAL	\$3,000.00

MONMOUTH COUNTY, NEW JERSEY **RESOLUTION**

Motion by:	Second by:	
AFFIRMATIVE:		
NEGATIVE:		
ABSTAIN:		
ABSENT:		

RESOLUTION NO. 2024-42

TITLE: AUTHORIZE AWARD OF CONTRACT TO PURCHASE REPLACEMENT FUEL TANKS LOCATED AT 1 ALLEN STREET - E.O. HABHEGGER

WHEREAS, there is a need to replace the existing fuel tanks located at 1 Allen Street; and

WHEREAS, the Borough received three quotes from state contract vendors; and

WHEREAS, the Director of Engineering and Public Works has recommended that a contract be awarded to E.O. Habhegger, 460 Penn Street, Yeadon, Pennsylvania 19050 through State Contract No. A42261, Index No.T-0849 in the amount of \$295,000.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that E.O. Habhegger be awarded the contract to purchase replacement fuel tanks through state contract in the amount of \$295,000.

MONMOUTH COUNTY, NEW JERSEY RESOLUTION

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Motion by:	Second by:	
AFFIRMATIVE:		
NEGATIVE:		
ABSTAIN:		
ABSENT:		

RESOLUTION NO. 2024-43

TITLE: AUTHORIZE AWARD OF CONTRACT TO INSTALL REPLACEMENT FUEL TANKS LOCATED AT 1 ALLEN STREET - INDEPENDENCE CONSTRUCTORS

WHEREAS, the Borough awarded a contract to purchase replacement fuel tanks at 1 Allen Street to E.O. Habhegger; and

WHEREAS, there is a need for installation of the replacement fuel tanks; and

WHEREAS, the Borough received quotes from state contract vendors; and

WHEREAS, the Director of Engineering and Public Works has recommended that a contract be awarded to Independence Constructors, 1200 Route 22 East, Bridgewater, New Jersey 08807 through State Contract No. A42270, Index No. T-0849 in the amount of \$238,290.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Independence Constructors be awarded the contract to install the replacement fuel tanks through state contract in the amount of \$238,290.

Motion by:	Second by:
AFFIRMATIVE:	
NEGATIVE:	
ABSTAIN:	
ABSENT:	

RESOLUTION NO. 2024-44

TITLE: AMEND RESOLUTION NO. 2023-276 AUTHORIZING THE SALE OF PERSONAL PROPERTY VIA ON-LINE AUCTION

http://www.govauctionlistservices.com/

WHEREAS, Resolution No. 2023-276 authorized the sale of personal property via online auction to take place between November 27, 2023 and December 11, 2023 and had to be cancelled; and

WHEREAS, there are certain vehicles and equipment owned by the Borough of Fair Haven which are no longer of use to the Borough and the Borough Council has recommended that they be sold; and

WHEREAS, Local Public Contracts Law N.J.S.A. 40A:11-36 requires authorization of municipal surplus via the adoption of a Resolution; and

WHEREAS, the Borough Administrator is authorized to set the minimum bid for items to be sold.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Borough Administrator be authorized to dispose of municipally-owned property not needed for public use through the process of a public auction to be held within the 1st Quarter 2024 via on-line auction handled by http://www.govauctionlistservices.com/

BE IT RESOLVED that the items to be sold are listed in Exhibit A attached hereto.

BE IT FURTHER RESOLVED that when a firm date of sale has been set, Mayor Halpern is hereby authorized to execute a contract with http://www.govauctionlistservices.com/.

BE IT FURTHER RESOLVED that any items not purchased at auction may be disposed of by the Borough.

MONMOUTH COUNTY, NEW JERSEY **RESOLUTION**

Motion by:	Second by:
AFFIRMATIVE:	
NEGATIVE:	
ABSTAIN:	
ABSENT:	

RESOLUTION NO. 2024-45

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 2024; 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 2024 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:

- Andrew Sobel, Esq., Borough Attorney
- Meghan Bennett, Esq., Bond Counsel
- Jeffrey R. Surenian, Esq., Special Counsel COAH
- Salvatore Alfieri, Esq., Special Counsel Tax Appeals
- Matthew Giacobbe, Esq., Special Counsel Labor Relations
- Robert Allison, Borough Auditor (Holman Frenia Allison)
- Heather Litzebauer, Financial Advisor (NW Financial Group)
- Malvika Apte, Borough Planner (CME Associates)
- Kendra Lelie, Affordable Housing Planner (Kyle + McManus)
- Leon S. Avakian Inc., Consulting Engineer
- Colliers Engineering and Design, Consulting Engineer
- Shari Spero, Certified Tree Expert (CME Associates)
- Thomas Merchel, Risk Manager (Conner Strong Buckelew)
- Declan O'Scanlon, Cell Tower Consultant (FSD Enterprises)

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:

- All professionals so named in this resolution Chief Financial Officer 1.
- 2.
- 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.

MONMOUTH COUNTY, NEW JERSEY **RESOLUTION**

Motion by:	Second by:	
AFFIRMATIVE:		
NEGATIVE:		
ABSTAIN:		
ABSENT:		

RESOLUTION NO. 2024-46

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 22, 2024 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2023 CURRENT FUND ACCOUNT	\$ 163,761.91
2024 CURRENT FUND ACCOUNT	\$ 1,844,350.55
GENERAL CAPITAL	\$ 930,083.04
GRANT FUND	\$ 183.25
PAYROLL AGENCY	\$ 16,384.13
OTHER TRUST	\$ 14,807.78
DOG TRUST	<u>\$ 587.50</u>
	\$ 2,970,158.16
LESS VOIDED CHECK	- 3,849.99
	\$ 2,966,308.17

CURRENT CHECK NO. 64942, \$3,849.99