

**FAIR HAVEN BOROUGH COUNCIL  
REGULAR MEETING  
JANUARY 22, 2024**

The meeting was called to order by Mayor Halpern at 7:02 p.m. The Flag Salute was followed by a Moment of Silent Reflection. The following Sunshine Law Statement was read:

IN ACCORDANCE WITH THE PROVISIONS OF THE OPEN PUBLIC MEETINGS ACT, PUBLIC MEETINGS MAY BE HELD IN PERSON OR BY MEANS OF COMMUNICATION EQUIPMENT TO INCLUDE STREAMING SERVICES AND OTHER ONLINE MEETING PLATFORMS (NJSA 10:4-8(b)).

THIS MEETING IS BEING HELD IN-PERSON AND THROUGH THE ZOOM MEETING PLATFORM, BEING BROADCAST FROM BOROUGH HALL, 748 RIVER ROAD, FAIR HAVEN, NJ. PUBLIC PARTICIPATION FOR THIS REGULAR COUNCIL MEETING OF JANUARY 22, 2024 IS AVAILABLE BY CALL IN PHONE NUMBER OR THROUGH WEB CONFERENCE (ZOOM). MEMBERS OF THE PUBLIC WILL BE ON MUTE UNTIL IT IS TIME FOR QUESTIONS AND COMMENTS, WHICH WILL BE ANNOUNCED. AT THAT TIME, THE PUBLIC HAS THE OPPORTUNITY TO QUESTION/COMMENT BY PHONE OR THROUGH ZOOM BY THE "RAISE HAND" BUTTON AND WILL BE CALLED ON AT THE APPROPRIATE TIME.

NOTICE OF THIS MEETING WAS INCLUDED IN A SCHEDULE OF MEETINGS WHICH WAS ADOPTED BY RESOLUTION NO. 2024-13 AND SENT TO THE ASBURY PARK PRESS AND THE TWO RIVER TIMES ON JANUARY 5, 2024 POSTED ON THE BOROUGH WEBSITE, THE BULLETIN BOARD IN THE MUNICIPAL BUILDING AND HAS REMAINED CONTINUOUSLY POSTED AS REQUIRED UNDER THE STATUTE.

WITH ADEQUATE NOTICE HAVING BEEN GIVEN, THE BOROUGH CLERK IS DIRECTED TO INCLUDE THIS STATEMENT IN THE MINUTES OF THIS MEETING.

**ROLL CALL**

On Roll Call the following were present: Councilmembers Cole, DiMiceli, Hoey, Koch, LaBarbera and Olson. Others present: Administrator Casagrande and Attorney Sobel.

**PRESENTATIONS**

Mayor Halpern gave an introduction by stating that the Borough and Board of Education hoped not to ever need or use our Special Law Enforcement Officer (SLEO) III in the schools and that it would be a waste of money. In October 2023, our SLEO was needed for a choking victim so we are happy that he was there and saved a life. With Sean McNeil, School Superintendent and Principal Schwartz, in attendance, Mayor Halpern and Chief McGovern presented William "Butch" Stevenson with a commendation award for a lifesaving action at Sickles School. The Mayor read the Commendation Award to the public and presented it to Officer Stevenson.

Officer Stevenson thanked the Chief for hiring him and thanked his colleagues from the Monmouth County Sheriff's office for attending this evening.

**WORKSHOP SESSION**

A tree appeal from 868 River Road was received from Carrie VanWinkle White who was in attendance. She is a 20-year resident who has two trees that are in need of being removed. A tree fell through her roof in 2019 and she does not want it to happen again, especially with recent storms. When she moved in, one of the trees had a deck built around it. She had photos which the Council had seen in their packet. She is willing to plant 7-8' conifers as her replacement trees in the backyard. Ms. VanWinkle answered the governing body's questions regarding the trees.

Motion to approve moved by Councilwoman Cole, second by Councilwoman Hoey with Ayes by all present.

The next tree appeal for 25 Poplar Avenue was received from Shaun Lynch who attended via Zoom and was looking to remove three (3) large white pines. He is a 35-year resident (purchased house from parents). Councilwoman Cole asked if Mr. Lynch understood that replacement trees are required. Yes, he plans to plant Red Maples. She advised that a Zelkova tree is in the front; it is not an Elm. Mr. Lynch said he would like to remove three (3) white pines. Councilman LaBarbera noted that the Tree Expert advised that the Hemlock tree on the property is diseased; if that is the case, he asked if Mr. Lynch would like to remove that tree, as well. Councilwoman Cole stated there were five trees requested for removal; however, two of the trees are not on his property (they are his neighbors). He would like to plant three Red Maples and 2 Black Walnut trees as replacements. Councilman LaBarbera compared the application to Shari Spero's, Tree Expert, memo regarding the appeal.

Ms. Spero clarified what the Council was asking for as far as a new application. Councilman LaBarbera asked her to expand on her understanding of the reasoning. The change is one of the trees is not on his property so he is requesting 4 trees to be removed (three White Pines and the diseased Hemlock). Mr. Lynch's tree service gave an inventory of the trees on his property and she noted the trees on the property in her reply; there were errors in the tree service's inventory and description. She said the depiction in the application looks like there are a lot of trees, but there are not. Ms. Spero advised they are really large white pines growing into the side yard fences. Mr. Lynch said he will have the fence fixed to the true property line once the trees are removed. Councilwoman Cole asked if four new trees can be accommodated; possibly in the front and a few in the back, as a cluster. Ms. Spero said Black Walnut trees are not grown commercially so he would not be able to use those as replacements. The property line is split through the trees so they cannot get an accurate lining of the property. The fence is falling over and cut around the trees as shown in the photos he submitted. They are looking to have a new fence installed.

The Borough will need clarification on property lines before making a decision. Councilman LaBarbera requested a message from the neighbor for the next meeting and that this be carried to the next meeting. A clear understanding of where the center of the tree is would need to be determined.

Motion to carry this matter to the February 5<sup>th</sup> meeting moved by Councilman LaBarbera, second by Councilwoman Cole with Ayes by all present.

There was a brief discussion on past approvals, how they are decided and if it should go to Shade Tree. The proposed new ordinance will address and clarify processes.

A third tree appeal was received. Michael Kennedy, 547 River Road, is a 3-month resident who is trying to improve his property. Two of the trees are diseased and the tree in the front is a nuisance. In the back yard there are diseased/dying trees. He would like to keep a screen in the front yard with some Skip Laurels and a cluster of shade trees (Red Maples and Skip Laurels) in the front if the Pine trees are removed. He would plant Green Giants in the backyard. Attorney Sobel said Mr. Kennedy is looking to remove a white pine tree as the other trees were already approved. Mr. Kennedy will take down what has already been approved and will plant replacement trees (shade trees in the front and a screen toward the front of the road with Skip Laurels and a Crepe Myrtle to match the other side of his driveway). Councilwoman Cole advised that there needs to be a native shade tree for the front. His neighbors like the screening that is currently there. The home sits far from River Road. Councilman LaBarbera thanked Mr. Kennedy for following the process and attending via Zoom as a new resident. He asked Shari Spero to describe how branch failure is specific to White Pine trees but not to other trees. He read from her letter. Ms. Spero advised that White Pine trees are known for storm damage and breakage; they are a weak wooded tree. She spoke with the resident and he is willing to plant deciduous trees which are stronger. It is a 16" diameter Pine. The tree is an inconvenience and close to River Road. The Mayor asked, "can Mr. Kennedy reapply with the new ordinance that will be introduced in the future?" This resident has been reasonable in his approach and looking to improve. The consensus of the Council was to approve the request.

Motion to approve moved by Councilwoman Cole, second by Councilwoman Hoey with Ayes by all present.

Councilwoman Hoey asked Attorney Sobel if there can be language added to the proposed new tree ordinance regarding the accountability piece. We need to give a date that the replacement trees need to be planted and the resident must provide evidence of the replanting to the Borough.

With regard to the brush and leaf schedule and proposed ordinance, a draft ordinance was based on meetings of the Brush and Leaf Committee, Code Enforcement Officer and Councilman LaBarbera; small edits were made. Administrator Casagrande would like to double check when the cans should go out i.e. the night before like trash. To put a lien on the property is impractical; violations and penalties are enough of a disincentive.

Councilman LaBarbera gave background on this matter for Councilmembers DiMiceli and Olson. A one-page outline was provided with the ordinance which is what the ordinance was based on and provides the common themes. No ball duct root system or potted plant can be placed at the curb for pick up. The can only relates to brush, it does not relate to leaves. There is a reference to the landscapers in the ordinance noting the landscaper registration ordinance. In addition to how we are looking at increasing services and reducing time by 67% with these new regulations, it gives back eight (8) business days a month. Monmouth County accepts grass clippings as a Class C recyclable; however, we are not accepting grass clippings in our pickup. A resident can dispose of this on their own or mulch it. Councilwomen Hoey and DiMiceli met with Administrator Casagrande, Clerk Cinquegrana and Betty Ann Berube, Director of Communications and Public Outreach last week and

Betty Ann has a great visual calendar regarding the new pick-up schedule and details on the back; a personalized letter will also go out summarizing the program. Councilwoman Cole said there are 3-layers of contributions; this will keep the stormwater systems cleaner and the streets cleaner. The Ordinance is in draft form but has penalties and she suggested discussing how to introduce the new program because it affects every home and how it functions. She asked for a year of communication while rolling out the program; the messaging takes time and there will be a learning curve. Make the education visual and maybe more than one letter should go out. Councilman LaBarbera said discussions about these collection changes started in the fall 2023 when we started the “drum beat messaging” through Brock Siebert, Code Enforcement, who gave 300-400 warnings; this was a prelude to the upcoming changes. He understood the need for a grace period to educate and learn the process. The streets look great and clean right now. Councilwoman Cole asked that the Borough give it time before enforcing the ordinance. It was requested that the Borough not place a lien on the property as it is too excessive. Attorney Sobel said that Council should not implement an ordinance if it is not going to be enforced. Mayor Halpern noted there are going to be “aches and pains”, but we need to make a decision about what is best for the Borough; a lot of time has been put into this matter. Attorney Sobel said the violations and penalties should not be changed but have a notice of violation issued for the first offense with a date to comply and then any violation after is the dollar amounts stated in the draft. Ms. Malamut advised the notice language is in the ordinance and clarified the amendment to the draft that will be made. The way the notice is served needs to be clarified or changed. The Council talked through the new requirement start up, the process and ideas of communicating the program. Councilman LaBarbera recapped what has been done to date and following the communication the Borough used for the Facilities Projects. Councilwoman Hoey reviewed how it will be rolled out through the Borough’s social media (website, Borough Buzz, Facebook) and a personalized letter with attachments. The Mayor said the public educational piece can take place in the Borough Hall parking lot showing the brush can, explanation of what is considered brush and explanation of what is considered leaves, etc. The roll out education piece will be written and a courtesy copy provided to the rest of the governing body.

Councilwoman Koch asked if the municipal calendar needs to be changed; no, the calendar highlighted the days that the materials could be placed out. She did not feel this ordinance is ready to be introduced. The subsection numbers need to be filled in and she was concerned with rolling leaf pick up. The Mayor asked if this can be a help to our current issues and concerns and would like to know what Engineer Gardella’s schedule would be for rolling leaf pick up. The DPW focuses on the key streets first and then the side streets. Administrator Casagrande advised that Engineer Gardella is confident in the schedule provided in the calendar and that his department can handle it in a timely manner. Councilwoman Koch clarified that leaves will be picked up during the spring and fall clean up and then rolling pick up in November and December. Leaves will be on the curb and brush will be at the curb; yes, as we do now. With regard to the violations and penalties, just discussed, she asked if the penalties are per incident or after a few times (reset every collection)? Yes, it has to be per incident, by due process, per law. Councilman LaBarbera advised that Ms. Malamut has the additional Council feedback plus the input that Clerk Cinquegrana and Administrator Casagrande gave. He offered to sit with Councilwoman Koch to go through her concerns and send out an updated draft. There also needs to be the definition for “Acts of Nature”. It was asked if we should leave the color of the can open; no, it was decided at the December 18<sup>th</sup> meeting that the color would be gray. Councilwoman Cole said Page 3 gives the definition of street and asked that bike lanes be added. Ms. Malamut read the definition for brush placement which addresses bike lanes. Councilman LaBarbera noted the Council’s questions and concerns and will summarize the discussion and provide it to Ms. Malamut for incorporation. There was further Council discussion on staffing to get all of this done as well as equipment and bagging vs. non-bagging of leaves. Zones will be 1, 2, 3 and 4 not A, B and C.

With regard to the Proposed Farmer’s Market, the Committee (Diana Antonnen, Elise Casey and Maggie Ludman) was in attendance and provided their bylaws for the governing body. They formed a 501C4 (non-profit) organization. They are the three legal entities and opened a small business account to pay and accept money through Lakeland Bank. Currently, they are working on securing insurance. Attorney Sobel asked that they provide the information to him and the Borough will speak with the Borough’s Joint Insurance Fund. The Farmer’s Market will directly affect/help the businesses in the Borough. The dates of the markets were included. Borough businesses would have zeroed out for their table vs. out-of-town businesses who would be charged \$40 per month. They established a finite group of bylaws so there is no deviation such as weights on their tent, cleaning up their area, no dogs and other standard procedures. The agreement with the vendors would be eliminated if they deviate from the bylaws. They asked for a meeting with Administrator Casagrande to discuss the DPW Department’s support for it. Administrator Casagrande stated the DPW’s contract allows them comp time or an overtime amount and they are going to take comp time

which could be problematic. The markets will be held one Saturday a month between 9 am-1 pm. They met with Chief McGovern and discussed logistics. It will be held on a portion of Willow Street which is a one way and will need an officer there. As of this date, there are 15-18 confirmed vendors at \$40 per month which would place them above the money needed in order to pay for the officer. There are a few farms interested in participating and they do not want to overprice them but make it equitable. They discussed the trash and collection plan. The Committee would need to see the roll out for the first year because there are unknowns. Attorney Sobel said his job is to protect the Borough and residents which is why the insurance is important as well as bylaws/guidelines. Councilwoman Koch suggested that they hold it in the park which will open up parking on Willow Street and provide a better advantage.

Councilman LaBarbera asked if Community Appeal could add them to their donation campaign. No, they are protective of their organization. There should be a matrix of eligibility to be a part of the farmer's market. The stall breakdown is important and should be called out. He asked if the Borough can have a brush and leaf table for education. Mrs. Antonnen provided the math calculation and marketing for the event. The Committee is learning from the vendors and they are "well-oiled machines". There will be a parking plan for the vendors to follow as far as pulling in, setting up and parking off-site. The vendors will be respectful, and the Committee will need to cap the vendor amount at some point; the goal is to have 20 vendors. The vendors carry their own certification from the Board of Health. The Council asked that the vendors bring a portable trash can and take the trash with them.

Councilwoman Cole said the big picture is that this is a great idea which includes support for our business district. She said that there needs to be a footpath between River Road and Willow Street near Smart Start who the Borough has a shared parking lot with. The school would need to open their gate for the event. It was asked if there are plans to do anything at the businesses; there is a small triangle that is Borough property that was once looked at as a rain garden. The Committee is willing to clear out the area and bridge the gap with bubbles to make it an established route with a pop-up location (possibly Sticks to Sprouts). Councilman LaBarbera asked the Committee to think through the idea/plan and not "bite off too much more than they can chew". He asked what the goal is for Year 1 stating it is important to prioritize goals so that the market will sustain year to year.

Councilwoman DiMiceli asked about the Borough assisting with signage; no, the Farmers Market is a separate entity so the Borough cannot advertise for them. Mayor Halpern offered to share the event on his Mayor Facebook page.

Councilwoman Cole advised that the Fair Haven Business Association is holding their networking meeting in March and suggested they attend the meeting to present their idea.

### **PUBLIC COMMENT ON AGENDA ITEMS**

The meeting was opened to the public for comments or questions at 8:55 p.m. Marti Egger, Hance Road, asked for clarification of brush. She asked that the Borough connect the dots for all landscapers. She was advised that the landscapers have to register as part of the Borough's code and they are aware they must register. The homeowner is held responsible if the landscaper is not registered and/or violates the code.; it should not be the responsibility of the homeowner to make sure they are registered. Mrs. Egger said the Borough will need a second set of instructions for landscapers. She was advised the brush cans are optional so a resident can opt in or out.

Ruth Blaser, River Road, commented on brush collection. She noted that for decades, there was no schedule and the Borough should go back to that procedure as brush and leaves are not a health and safety issue. Years ago, the Borough picked up brush, leaves, trash and got it all done. There has not been a great change or influx in population and the internet makes life simpler for Borough Administration. She noted that the Council spent a long time discussing how to punish the residents and felt the Council is creating more work for Borough employees. Mrs. Blaser does not want another calendar or another can. She asked the Borough to "live and let live" and go with Mother Nature (storms and natural occurrences). She felt that Fair Haven has become "Stepford Haven" where everything is uniform and the character of Fair Haven has totally changed. She suggested having the DPW studied for efficiency on how it is run; the problem is not with the residents, but with DPW.

There being no further comments or questions, the meeting was closed to the public at 9:05 p.m.

### **APPROVAL OF MINUTES**

Councilmember LaBarbera made a motion to approve the Regular Meeting minutes of November 27, 2023, second by Councilmember Cole

Affirmative: Councilmembers Cole, Hoey, Koch and LaBarbera

Negative: None  
Abstain: Councilmembers DiMiceli and Olson  
Absent: None

Councilmember LaBarbera made a motion to approve the Regular Meeting minutes of December 18, 2023, second by Councilmember Koch

Affirmative: Councilmembers Cole, Hoey, Koch and LaBarbera  
Negative: None  
Abstain: Councilmembers DiMiceli and Olson  
Absent: None

Councilmember LaBarbera made a motion to approve the Executive Session minutes of December 18, 2023, second by Councilmember Koch

Affirmative: Councilmembers Cole, Hoey, Koch and LaBarbera  
Negative: None  
Abstain: Councilmembers DiMiceli and Olson  
Absent: None

Councilmember DiMiceli made a motion to approve the Reorganization Meeting minutes of January 2, 2024, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch, LaBarbera and Olson  
Negative: None  
Abstain: None  
Absent: None

## NEW BUSINESS

### Council Committee Reports

**Finance** - Councilman LaBarbera advised that February will bring the first draft of the budget. There are some Executive Session topics being discussed this evening that relate to finance. Total ratable base has gone up over 10% for 2023.

**Police, Fire & OEM** - Councilman LaBarbera advised the Committee has moved on conversations with all of these departments. There were 8,431 calls in 2023 for the Police Department. The Borough is looking into hiring for Patrolman. With regard to the Fire Department, there is a lot going on; in 2023, there were 203 responses, 420 responses for First Aid and 75 mutual aid responses. The fire department is signing up for the Mid-Monmouth Mutual Aid agreement (helping other towns and them helping us). The state signed a cease-and-desist order for foam trucks effective immediately; the department is working through it. The fire department is doing a rescue drill at McCarter Pond this evening. There is a "revisit" on holding a Council meeting sometime during the summer at the Fire Department.

**Borough Facilities** - Councilman LaBarbera advised that the Committee needs direction from Mayor and Council with regard to change orders. There could be some unforeseen circumstances and he needs to know what the Mayor is authorized to approve; he provided examples. Waterproofing was a \$5,000 cost not included for the Police Department and Community Center. Councilwoman Cole said a threshold can automatically be approved if there is life urgency. By law, we can have 20% in change orders that can be done through the ordinance. There is a sink needed for the Community Center and the cost is \$4,800 which was unforeseen. Administrator Casagrande advised there are increases and decreases that can level out in some way. There are differences between waterproofing or deciding a new window location. Attorney Sobel said there is a bond ordinance for the projects that controls a number that cannot be exceeded and the 20% figure for change orders. Councilman LaBarbera said that the item or need, needs to be unforeseen and should have a threshold i.e. \$5,000 or under. Something that is foreseen would have to go to the governing body for their review and approval. There are samples of the material for police department siding and roofing in the Administrator's office for the governing body to look at and provide input. The logistics have been requested for the delivery of materials and the Committee is working with the Chief.

On January 25<sup>th</sup>, the Bicentennial Hall stakeholder kick off call will begin discussions on ADA upgrades and punch lists. There are four key components of the plan. He will send it to the Borough Clerk for distribution.

Regarding the DPW Facility, the recycling center will be closed beginning February 1<sup>st</sup> due to construction. The DPW has relocated to the Concession Stand which will need to have some restorative efforts at some point when DPW moves into their new building. There will be a walk through with Shari Spero, Certified Tree Expert, who did an analysis of the trees at the DPW site as

far as what needs to be removed, what to plant, etc. She will mark out what is to be removed for the General Contractor so there are no questions. Groundbreaking will take place next week.

On the agenda are approval resolutions for the purchase and installation of the fuel tanks; the costs came in \$20,000 under budget. The Maple Avenue Off Site Improvement plan to be dusted off to go back out to bid. We believe we can get the costs to be under what was originally received as the bid alternate. We will need to authorize going back out to bid at a future meeting once everything is finalized.

**Personnel** - Councilwoman Hoey advised she and Councilwoman Koch met with the Borough employees for feedback regarding the last year and goals; it well received and there were good conversations. We have posted the position/role of Borough Administrator on Fair Haven's website and it has been linked to other sites including the League of Municipalities, Linked In, etc. The Personnel Committee discussed the process and will share the resumes received (3 received so far) in an Executive Session. The Borough will soon post the role of CFO; there is more to come on this critical hire.

**Parks and Recreation** - Councilwoman Hoey advised the Recreation Committee met on January 9<sup>th</sup> and are excited to partner with the Board of Education and PTA on a new program to upgrade the playground at Sickles Park. They are obtaining some updated quotes. There was an initial meeting regarding a bike safety program in December with Chief McGovern, Corporal Koetzner and Patrolman Robinson. Registration is now open for the Father/Daughter and Mother/Son Dances, spring sports, etc. The next meeting will be held on February 6<sup>th</sup>.

**Borough Communications and Community Outreach** - Councilwoman Hoey reported that she and Councilwoman DiMiceli met with Administrator Casagrande, Clerk Cinquegrana and Betty Ann Berube, Director of Communications and Public Outreach on January 18<sup>th</sup>. The new brush and leaf program was discussed. We will remind everyone that the police department is open during construction. We will announce the new parking regulations for Fair Haven Road as we get closer to fishing and crabbing season. The public should check the Borough website for updates.

With regard to beautification, the committee met and discussed the River Road streetlights. The project has gone out to bid and we expect responses by January 30<sup>th</sup> with an award at our February 5<sup>th</sup> meeting. The Library Board of Trustees will be holding its first board meeting of the year on January 31<sup>st</sup>.

**Planning Board** - Councilwoman Koch advised the Board met on January 16<sup>th</sup> and they elected their Chairman, Fred Rolff, and Dave Paolo, Vice Chairman, Sheilah Olson as secretary, Rich Gardella as their Engineer, Clarke Caton Hintz as Planner and Doug Kovats, Esq., as their attorney. The Navesink River Municipalities Commission met last week. The Two Rivers Water Reclamation Authority is digging a sewage tunnel under the Shrewsbury River. There was no new update on the status of the Navesink River provided.

**Engineering and DPW** - Councilwoman Cole will report on microprojects at the next meeting. On January 30<sup>th</sup> the River Road Light Pole bids will be received and we hope to make an award at our February 5<sup>th</sup> meeting; the bids will be reviewed by the Borough Attorney and Borough Engineer. One the poles are installed, it will help with the holiday decorations, banners, etc. She gave a big "shout out" to our small, but dedicated DPW crew for handling the January 9<sup>th</sup> high winds and heavy downpours and the "had our back" during last week's snow events on Tuesday and Friday. We will be re-appointing three Foremen tonight under Resolutions. Dave Karl who has a wealth of knowledge and is indispensable, Jared Okerson (Buildings and Grounds Tech) and Jim O'Brien (Streets and Roads).

**Zoning Board of Adjustment** - Councilwoman Cole advised the Board met on January 4<sup>th</sup> and reorganized and will meet again on February 1<sup>st</sup> where they will hear the matter of 550 River Road (former PNC Bank).

The Historic Preservation Commission will be meeting tomorrow to reorganize. The Grants Committee will be meeting on February 9<sup>th</sup>. The Borough will be monitoring Fair Share Housing; she encouraged everyone read the synopsis and overview that Administrator Casagrande distributed.

Attorney Sobel asked who the Zoning Board Chair is for this year; Todd Lehder, the Attorney is Doug Kovats, Esq. and Sheilah Olson is the secretary.

### **INTRODUCTION OF ORDINANCES**

1. Ordinance No. 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)

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF MONMOUTH SUPPLEMENTING 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, underlined text indicates additions):

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

**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, underlined text indicates additions):

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

**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, underlined text 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.

Councilman LaBarbera verified that this results from the Council discussions that took place in the fall; yes. There was a brief discussion on the ordinance with some clarification questions. There will be no parking from the dock to Fairwaters Lane and then there is regulated parking along the street. Councilwoman Cole noted that there would be a lot of new signage for these regulations; there will be, but it will be done in accordance with the DOT’s regulations. Attorney Sobel will look at the DOT rules for sign locations (i.e. every 50 feet).

Offered for introduction by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch, LaBarbera and Olson

Negative: None

Abstain: None

Absent: None

**CONSENT AGENDA**  
**RESOLUTIONS**

- 1. Resolution No. 2024-35, 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.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Cole

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch, LaBarbera and Olson

Negative: None

Abstain: None

Absent: None

- 2. Resolution No. 2024-36, Reappoint Buildings, Grounds and Parks Foreman - David Karl

**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.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Cole

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch, LaBarbera and Olson

Negative: None



Abstain: None  
Absent: None

3. Resolution No. 2024-37, Reappoint Streets and Sanitation Foreman - James O'Brien

**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.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Cole

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch, LaBarbera and Olson

Negative: None

Abstain: None

Absent: None

4. Resolution No. 2024-38, Reappoint Facilities and 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.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Cole

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch, LaBarbera and Olson

Negative: None

Abstain: None

Absent: None

5. Resolution No. 2024-39, Executive Session: Contract Negotiations

**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 confidentiality, then the minutes can be made public.

**NOW, THEREFORE, BE IT RESOLVED** that the public be excluded from this meeting.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Cole

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch, LaBarbera and Olson  
Negative: None  
Abstain: None  
Absent: None

6. Resolution No. 2024-40, Authorize Cooperative Purchase for a 2024 Ford Maverick Truck

**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.

Administrator Casagrande said two years ago the governing body approved the purchase of a cargo van and we could not get one for Parks and Recreation. We found a Ford Maverick truck for less money and we will place a cap on the bed so we can transport equipment in any weather. It will be cheaper than the original cargo van authorization. Everyone was in agreement.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Cole

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch, LaBarbera and Olson  
Negative: None  
Abstain: None  
Absent: None

7. Resolution No. 2024-41, Approve 2023 Budget Transfers

**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:

<b>FROM ACCT. #</b>	<b>ACCT. DESCRIPTION</b>	<b>AMOUNT</b>
3-01-21-180-211	PLANNING BD. - CONTRACTUAL	<u>\$3,000.00</u>
	<b>TOTAL</b>	<b>\$3,000.00</b>

<b>TO ACCT. #</b>	<b>ACCT. DESCRIPTION</b>	<b>AMOUNT</b>
3-01-21-185-211	ZONING BD. - CONTRACTUAL	<u>\$3,000.00</u>
	<b>TOTAL</b>	<b>\$3,000.00</b>

Offered for adoption by Councilmember LaBarbera, second by Councilmember Cole

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch, LaBarbera and Olson

Negative: None

Abstain: None

Absent: None

8. Resolution No. 2024-42, Award Contract to Purchase DPW Fuel Tank: 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.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Cole

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch, LaBarbera and Olson

Negative: None

Abstain: None

Absent: None

9. Resolution No. 2024-43, Award Contract for Installation of DPW Fuel Tank: 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.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Cole

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch, LaBarbera and Olson

Negative: None

Abstain: None

Absent: None

10. Resolution No. 2024-44, Amend Resolution No. 2023-276 authorizing Borough Administrator to Execute Contract for Second On-Line Auction

**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 1<sup>st</sup> 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.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Cole

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch, LaBarbera and Olson

Negative: None

Abstain: None

Absent: None

11. Resolution No. 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

**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 FURTHER RESOLVED** that a copy of this resolution be forwarded to the following:

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

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

Offered for adoption by Councilmember LaBarbera, second by Councilmember Cole

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch, LaBarbera and Olson  
 Negative: None  
 Abstain: None  
 Absent: None

12. Resolution No. 2024-46, 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	<u>- 3,849.99</u>
	<b>\$ 2,966,308.17</b>

CURRENT CHECK NO. 64942, \$3,849.99

Offered for adoption by Councilmember LaBarbera, second by Councilmember Cole

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch, LaBarbera and Olson  
 Negative: None  
 Abstain: None  
 Absent: None

**Reports of Departments**

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

**Year End - 2023**

- Municipal Clerk (Revenue)

Motion to accept the reports, as submitted, moved by Councilmember LaBarbera, second by Councilmember Koch with Ayes by all present.

**GOOD OF THE BOROUGH**

Mayor Halpern opened the meeting to the public for comments or questions at 9:40 p.m. Carolyn Ferguson, Colonial Court, advised that she and her husband recently put up a fence and received a code violation; she asked for the Borough’s help. Her backyard is across from the Acme Shopping Center; the Center has no screening at all. They tried to follow all of the codes, policy and procedures and now have to apply to the Zoning Board of Adjustment for a fence variance which means \$2700 in costs and the submittal of a 26-page application. They are not sure what type of variances they should be applying for and what not to apply for. She said that there has been no amendment to the fence ordinance as they had requested last year. She asked if there is an abbreviated process they can follow and if not, who can help them go through the paperwork and process. Mayor Halpern noted that she is bringing up the same issue as last year and asked if she is presenting it since there is a new Council. The Borough cannot create something to benefit just one person; it needs to benefit the overall Borough. Councilwoman Koch advised that another resident had an issue with Zoning and both Nick Poruchynsky and Joe Mule helped them. Mrs. Ferguson said she will call Joe Mule. The Mayor offered to sit on the meeting as well as Councilwoman Cole.

Councilwoman Koch said the Foundation of Fair Haven on March 2<sup>nd</sup> is holding a Haven Hoe Down at the Columbus Club; tickets can obtain at Canyon Pass or online. It will start at 7 pm. The proceeds from the event will go toward Fair Haven Day and other community events. Fair Haven Day will be held on June 8<sup>th</sup> and September 28<sup>th</sup> will be Octoberfest.

The Mayor congratulated the Mid-Monmouth 8<sup>th</sup> Grade Girls Basketball team. For the fourth straight year they advance to the final four of the Mid-Monmouth playoffs which is an amazing accomplishment. They are potentially the most accomplished girls basketball team in Monmouth County and will play again on Saturday.

There being no further comments or questions, the meeting was closed to the public at 9:52 p.m.

The Council went into executive session at 10:01 p.m. and this meeting was reconvened at 10:35 p.m.

**ADJOURNMENT**

Motion to adjourn moved by Councilmember Olson, second by Councilmember Koch with Ayes by all present.

Time of Adjournment: 10:35 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC  
Borough Clerk