

**FAIR HAVEN BOROUGH COUNCIL  
JANUARY 23, 2023**

The meeting was called to order by Mayor Halpern at 7:00 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 23, 2023 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. 2023-13 AND SENT TO THE ASBURY PARK PRESS, THE TWO RIVER TIMES, THE HUB AND THE STAR LEDGER ON JANUARY 6, 2023 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, Hoey, Koch, LaBarbera, Neff and Rodriguez. Others present: Administrator Casagrande, Chief McGovern and Attorney Sobel.

Chief McGovern requested the governing body appoint Liam Stephens as Probationary Patrolman this evening. Liam has worked for the Borough (started in the DPW department and then for the police department where for the past two years he has been a Special Officer, Class II). Through the interview process, Liam Stephens was chosen.

**RESOLUTION**

1. Resolution No. 2023-41, Hire Probationary Police Patrolman - Liam Stephens

**WHEREAS**, Captain Robert Townshend is retiring effective April 1, 2023 which will leave a vacancy within patrol in the Fair Haven Police Department; and

**WHEREAS**, Police Chief Joseph McGovern recommends the vacancy be filled by Liam Stephens to maintain the Department staffing model; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Liam Stephens is hereby appointed as a Probationary Police Officer in the Fair Haven Police Department effective January 24, 2023, upon swearing in.

**BE IT FURTHER RESOLVED** that the annual salary will be \$52,350.00.

Offered for adoption by Councilmember Cole, second by Councilmember Koch

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera, Neff and Rodriguez

Negative: None

Abstain: None

Absent: None

Patrolman Stephens came forward to take his Oath of Office administered by Mayor Halpern. His mother held the Bible while his father, brother (Richie who works for DPW) and uncle (a retired Police Sergeant) stood by his side. Mr. Stephens pinned his badge on his uniform. Patrolman Stephens thanked Chief McGovern and Mayor and Council for the opportunity. He thanked the department for their support and helping him through the process.

**WORKSHOP SESSION**

Mayor Halpern asked for a motion to approve two street opening requests from NJ Natural Gas:

- 72 Parker Avenue - Service Retirement
- 153 Kemp Avenue - Service Renewal

Motion to Approve moved by Councilmember Koch, second by Councilmember Hoey with Ayes by all present.

The next order of business was a proposed special meeting to be held on Monday, January 30<sup>th</sup> at 7:00 p.m. for continued facilities discussions. Motion to approve moved by Councilmember Rodriguez, second by Councilmember Koch with Ayes by all present.

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

The meeting was opened to the public for comments or questions at 7:09 p.m. There being none, the meeting was closed to the public at 7:09 p.m.

### **APPROVAL OF MINUTES**

Councilmember Koch made a motion to approve the Regular Meeting minutes of December 19, 2022, second by Councilmember Rodriguez

Affirmative: Councilmembers Cole, Koch and Rodriguez

Negative: None

Abstain: Councilmembers Hoey, LaBarbera and Neff

Absent: None

Councilmember Koch made a motion to approve the Executive Session minutes of December 19, 2022, second by Councilmember Rodriguez

Affirmative: Councilmembers Cole, Koch and Rodriguez

Negative: None

Abstain: Councilmembers Hoey, LaBarbera and Neff

Absent: None

Councilmember Rodriguez made a motion to approve the Reorganization Meeting minutes of January 3, 2023, second by Councilmember Koch

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: Councilmember Neff

Absent: None

Councilmember LaBarbera made a motion to approve the Special Meeting minutes of January 9, 2023, second by Councilmember Koch

Affirmative: Councilmembers Cole, Hoey, LaBarbera, Neff and Rodriguez

Negative: None

Abstain: Councilmember Koch

Absent: None

Councilmember Rodriguez made a motion to approve the Executive Session minutes of January 9, 2023, second by Councilmember LaBarbera

Affirmative: Councilmembers Hoey, LaBarbera, Neff and Rodriguez

Negative: None

Abstain: Councilmembers Cole and Koch

Absent: None

### **OLD BUSINESS**

**Borough Facilities Update.** Councilman LaBarbera gave a facilities update. He reviewed the action items for the Police Department and DPW presented at the January 9<sup>th</sup> Special Meeting as part of his updated 22-page Power Point presentation. The Borough Clerk shared the presentation slides for the public via the shared screen Zoom feature. The LSRP for the police department is 70% complete and 33% complete for DPW. He reviewed the LSRP and financial updates for DPW and thanked Administrator Casagrande and Engineer Gardella for their assistance in getting a purchase order issued on January 12<sup>th</sup> to move the process forward. He advised three Structural Engineering firms were identified and Scope Engineering was selected. He reported on the structural engineer meeting that was held and it was determined that the DPW building is structurally sound and can accommodate a renovation. The assessment includes an “as-is” rendering to support the structural assessment. Mr. Martin is aware of the Borough’s timeline and concern with the life and safety risks that exist. He will

provide a short list of architects that he recommends who can support the next steps. Pending the Structural Engineer's formal assessment and decision to renovate DPW, it is possible to move forward with the roof project. RMS Roofing bought out SDA Roofing (created the original roof bid specs). RMS is one of two entities requested to produce a proposal; we expect to have the second proposal by January 30<sup>th</sup> to be discussed at the Special Meeting. After the documents are prepared and provided, the governing body will give approval and the Borough can put the job out to bid. The Borough continues engagement to solicit a State contract to replace the current, end-of-life fuel tank at DPW. We are reaching out to other municipalities who obtained their fuel tanks via State contract to find out the process and what is involved. Next steps and milestones were reviewed with proposed dates.

Councilman LaBarbera provided an overview of January 9<sup>th</sup> discussions and based on Council's direction, he, Councilwoman Hoey and Councilwoman Neff met with Eli Goldstein last week (governing body questions were passed to him so that he could prepare for the meeting); seven components were discussed (historic context, programmatic changes that will enable other design alternatives, 5 design options and corresponding research, the Community Center, Parking, Off-Site Components and other building considerations). The meeting was extremely productive. There were 5 design options between January 14-18) which were reviewed. Option E has so many benefits with the entire middle roof being flat for solar panels and the size and shape of the building would significantly reduce the site work. The police garages that were in the storage building shifted to inside the police department which makes the outside area become a "stand alone" Community Center/Multipurpose Room with restrooms. Parking is important and we can actually extend the parking lot. There was a Power Point slide regarding the Community Center and parking (currently 26 parking spaces to include one designated as a handicap space). There are off-site improvements to consider (sidewalk and curb) in front of the police department. A Butler building or pre-engineered building does not meet the standards for a police department. A solar panel roof is a possibility. A discussion will need to be held with JCP&L for a temporary electric source due to the current electric pole placement for the police department. Heavy timber can be used vs. steel because it is environmentally friendly. A proposed schedule and redesign associated costs were presented as well as expected cost reduction measures. A 2,000 square foot reduction results in \$1.12 - \$1.556 million savings and a 2,500 square foot reduction would result in a \$1.4 - \$1.98 million savings in building costs. There will not be costs to temporarily relocate space for the police department and Community Center. Gabel Associates will be engaged to quantify solar panel feasibility, the Construction Official will provide document plan review requirements and a meeting with the LSRP to gain fidelity on additional site remediation work. There were Appendix's to the Power Point presentation (the slides will be posted on the Borough's website).

Councilwoman Neff provided feedback on the meeting with Eli Goldstein, Architect. It was an extremely productive meeting, and many solutions were shown with cost savings. She reviewed Option C that was discussed (which would keep the current building with minor adjustments/additions) with Architect Goldstein. The final plan being proposed (one-story building) as Option E has so many benefits (lower in height which would blend with the neighborhood, better flow for the employees and the residents) and the Community Center would be separate. Both could be built at the same time. Solar panels would be great and could be hidden from view. It is unclear why the one-story option was not offered before. The Chief reviewed Option E which does not change much of the layout/footprint; he liked this version. The Borough Clerk showed the Maplewood Police Department building that Mr. Goldstein designed as an example. The Mayor asked Engineer Gardella about a timeline and if September/October is a good time to break ground; he said that October is a sketchy time to break ground, but it all depends on the building plan i.e. a slab, mobilization of equipment/materials. Councilwoman Cole was relieved with the recent presentations, meetings and research done by Councilman LaBarbera. She asked for a 3D rendering to show the surrounding neighbors and be sure that the building fits in. The elevation of the building contributes to the character, style, etc. and can help the Architect get a direction. Councilwoman Cole asked if the versions that have been created and presented would carry over as far as percentage of work to be done and if it would be a cost savings to stay with The Goldstein Partnership vs. finding a new Architect; yes, the cost would be 30-50% less by staying with The Goldstein Partnership. Councilman LaBarbera explained how and why. Councilwoman Neff said that we need to move forward from a timing perspective and provide Architect Goldstein with some sort of direction. We should keep to a timeline so we can move forward with the redesign and project. There was discussion on the many presentations that have been provided through communications and renderings. The consensus of Council was to go with Option E and move forward.

## NEW BUSINESS

### **Council Committee Reports**

**Finance** - Councilwoman Neff advised there will be a February 1<sup>st</sup> meeting held and the key item is the budgeting process for 2023.

With regard to the Fair Haven Fields Natural Area Advisory Committee (FHFNAAC) who met last week, it was a very informative process, and she was impressed with everything that they do and the number of volunteers outside of the Committee that are involved. The FHFNAAC would like to present their 2022 Annual Report on February 6<sup>th</sup> and at the March 27<sup>th</sup> Council meeting, they would like to present their request for the restoration of the northwest section of Fair Haven Fields. There was also a request for a secretary to attend their meetings, take notes and type minutes. Administrator Casagrande advised that this past year was the first time we had paid our in-house support to assist the Environmental

Commission, Shade Tree Commission and Historic Preservation Commission with their meetings and grant paperwork, etc. The Fair Haven Fields Natural Area Advisory Committee is not required to post agendas or minutes. Councilwoman Cole said there is an Organizational Chart with all committees (9-12) consisting of 250 volunteers who are all doing a lot of work. There is no ability to provide and pay staff for each committee and to provide this type of support. Councilwoman Neff said that the Committee wants to be more transparent and visible by sharing agendas and minutes to find better ways to work with DPW.

**Personnel** - Councilwoman Hoey advised that the first Personnel Committee meeting was held today and there was discussion as far as follow up to the great work done last year. Several needs were discussed; the first being a need to backfill the Administrative Assistant for DPW, Zoning and Engineering. That role will be posted within the next week especially with the Borough looking to move forward with the facilities. Also discussed was the need for additional DPW employees. The next meeting will be held at the end of February.

**Parks and Recreation** - Councilwoman Hoey advised that the Recreation Committee met last week and will meet first the week of February. There are upcoming events such as the Father/Daughter Dance scheduled for March 10<sup>th</sup> and 11<sup>th</sup>, the Mother/Son Brunch scheduled for April 21<sup>st</sup> and 22<sup>nd</sup>; registration information will be out soon (open to grades 1-5). The Easter Egg Hunt will take place on April 1<sup>st</sup>. Baseball and Softball registration is now open; information is on the website. April 22<sup>nd</sup> is when the Baseball Opening Day Parade will be held, and Summer Camp registration will begin February 1<sup>st</sup>.

**Planning Board** - Councilwoman Koch advised that January 18<sup>th</sup> was the Planning Board’s Reorganization meeting; they appointed their Planner and at future meetings they will appoint more Board professionals. There are no pending applications. The next meeting will be held on February 21<sup>st</sup>.

**Police, Fire & OEM** - Councilman Rodriguez congratulated Liam Stephens for being appointed as Patrolman. There has been great progress from the Facilities Committee; he is excited on the direction for the Police Department. The Police Committee held their first meeting with Chief McGovern last week. There will be a meeting with Fire Department Chief Brister in the next two weeks. The Annual Fire Department “Angelo DePonti Spaghetti Dinner” was held last weekend and was a success. He noted the police calls answered last year.

**Engineering and DPW** - Councilman LaBarbera advised there have been a lot of facility discussions pertaining to DPW and the Police Department. There will be another meeting to discuss other projects and priorities in the Borough.

**Borough Facilities** - Councilman LaBarbera recognized the trust that has been established among the governing body, the Borough and its residents. He appreciated this trust on all levels.

**Zoning Board of Adjustment** - Councilman LaBarbera advised that the Zoning Board held their Reorganization Meeting on January 12<sup>th</sup>. Their 2022 Annual Report is forthcoming. The next Board meeting is scheduled for February 2<sup>nd</sup>. There will be a meeting separate with the Zoning Board Chairman to discuss potential improvements.

**Borough Communications and Community Outreach** - Councilwoman Cole advised that the Outreach and Communications Committee (Councilwoman Hoey will join her as well as the Central Office Staff) will meet on January 26<sup>th</sup>. There will be policy discussions and communications when it comes to Borough construction projects. There needs to be an internal communication policy and continued work on a Volunteer Handbook. She announced a new headline to the Borough Buzz that will be called “In Case You Missed It”; this will provide a few take aways from Council meetings for those who may not have been able to attend.

The Environmental Commission reorganized earlier this month. Brian Rice is the Chairperson and Jessie Murray is the Vice-Chairperson. On Shade Tree, Christian Larsen is the Chairperson and Dr. Mike D’Angelo is the Vice-Chairperson.

Councilman LaBarbera gave kudos to Engineer Gardella and Assistant Engineer Poruchynsky for the update on the Annual Snow and Ice Manual. Our manual is viewed as a standard by other towns.

Administrator Casagrande said the 2023 Budget requests were sent to the appropriate liaisons for review and to discuss and ask questions of Department Heads regarding their requests.

Councilwoman Cole advised the Historic Preservation Commission will hold their meeting tomorrow. The Bicentennial Hall Architect award was made. They will discuss the building and project.

**CONSENT AGENDA**  
**RESOLUTIONS**

2. Resolution No. 2023-42, Approve Execution of Professional Contracts for 2023: Borough Attorney, Bond Counsel, Special Counsel-COAH, Labor Counsel, Tax Appeal Counsel, Borough Auditor, Financial Advisor, Borough Planner, Affordable Housing Planner, Affordable Housing

Administrative Agent, Consulting Engineer, Certified Tree Expert, Public Defender

**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 2023; 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 2023 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:

- Gregory Cannon, 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)
- Susan Gruel, P.P, Borough Planner (Heyer Gruel & Associates)
- Susan Gruel, P.P, Affordable Housing Planner (Heyer Gruel & Associates)
- Susan Gruel, P.P, Affordable Housing Administrative Agent (Heyer Gruel & Associates)
- Peter Avakian, P.E., P.P, PLS, CME, Consulting Engineer (Leon S. Avakian Inc.)
- Shari Spero, Certified Tree Expert (CME Associates)
- Kevin Buchan, Esq., Public Defender

**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:

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 Koch, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera, Neff and Rodriguez

Negative: None

Abstain: None

Absent: None

3. Resolution No. 2023-43, Approve Execution of Risk Manager Contract-Michael Avalone, Conner Strong & Buckelew

**WHEREAS**, Resolution No. 2023-30 appointed Michael Avalone of Conner Strong & Buckelew as its Risk Manager Consultant for Fund Year 2023; and

**WHEREAS**, it has been agreed that Fair Haven authorizes the Mid-Jersey Municipal Joint Insurance Fund to pay compensation to Michael Avalone, Conner Strong & Buckelew, a flat fee of \$12,500 for services rendered.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Fair

Haven that the Mayor and Borough Administrator are hereby authorized to execute the Risk Management Consultant’s Agreement for Fund Year 2023.

Offered for adoption by Councilmember Koch, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera, Neff and Rodriguez  
 Negative: None  
 Abstain: None  
 Absent: None

- 4. Resolution No. 2023-44, Approve Execution of Cell Tower Consultant Contract - FSD Enterprises, LLC

**WHEREAS**, Resolution No. 2023-01 appointed Declan O’Scanlon, FSD Enterprises, LLC. as the Borough’s Cell Tower Consultant for the year 2023; and

**WHEREAS**, there are times when there is a need for an assessment for modification of the equipment on the Borough’s cell tower or an amendment to a cell carrier’s contract with the Borough.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that the Mayor and Borough Clerk are hereby authorized to execute a contract with FSD Enterprises, LLC, attached as Exhibit A

Offered for adoption by Councilmember Koch, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera, Neff and Rodriguez  
 Negative: None  
 Abstain: None  
 Absent: None

- 5. Resolution No. 2023-45, Approve 2022 Tax Appeal Judgement Refunds

**WHEREAS** the property owners listed below filed a Petition of Appeal with the Monmouth County Board of Taxation for the year 2022; and

**WHEREAS**, said appeals were considered and a judgment has been entered that the properties below qualify for a refund for 2022 property taxes as follows:

<b>Owner</b>	<b>Address</b>	<b>Block</b>	<b>Lot</b>	<b>Refund</b>
Stephan and Theresa Lowy	316 Harding Road	1	4.01	\$1,098.24
Lauren and Joseph Boniewicz	232 Cambridge Avenue	4	30	\$1,123.01

**Payable to:**  
 Corelogic Refunds Dept.  
 3001 Hackberry Road  
 Irving, Texas 75063

Richard and Suzanne Gottuso	95 Buttonwood Drive	75	6	\$ 825.53
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**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that the Tax Collector and Chief Financial Officer are hereby authorized to pay said refunds in the amounts referenced above.

Offered for adoption by Councilmember Koch, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera, Neff and Rodriguez  
 Negative: None  
 Abstain: None  
 Absent: None

- 6. Resolution No. 2022-46, Executive Session - Personnel, Potential Litigation, Acquisition of Property

**WHEREAS**, the Open Public Meetings, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist; and

**WHEREAS**, the Governing Body may wish to discuss the following matters:

**Personnel**

1. Department of Engineering and Public Works
2. Holiday Schedule for Non-Aligned Staff

**Potential Litigation**

1. Yacht Works Settlement

**Acquisition of Property**

1. 21 Fair Haven Road

**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.

Offered for adoption by Councilmember Koch, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera, Neff and Rodriguez

Negative: None

Abstain: None

Absent: None

7. Resolution No. 2023-47, Appoint Michal DiMiceli as a Regular Environmental Commission Member

**WHEREAS**, there is a vacancy in a regular member position on the Borough's Environmental Commission that needs to be filled; and

**WHEREAS**, Mayor Halpern has advised that he is moving Michal DiMiceli from the Alternate #2 position to fill the Regular Member vacancy, unexpired term, on the Environmental Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Michal DiMiceli be appointed to Regular Member status with a term set to expire on December 31, 2024.

Offered for adoption by Councilmember Koch, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera, Neff and Rodriguez

Negative: None

Abstain: None

Absent: None

8. Resolution No. 2023-48, Appoint Borough Surveyor of Record - Peter Avakian, P.E., P.P, PLS, CME

**WHEREAS**, Resolution No. 2023-01 adopted by Mayor and Council at their January 3, 2023 Reorganization Meeting appointed Peter Avakian, P.E., P.P, PLS, CME, Leon S. Avakian Inc., as Consulting Engineer for the year 2023; and

**WHEREAS**, there is a need to appoint a Borough Surveyor and Engineer Gardella recommends Peter Avakian, P.E., P.P, PLS, CME, and his firm, Leon S. Avakian, Inc., be named the Borough's Surveyor of Record for the year 2023.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Peter Avakian, P.E., P.P, PLS, CME, and his Leon S. Avakian, Inc., be appointed Surveyor of Record as an extension of the Consulting Engineer appointment made on January 3, 2023

Offered for adoption by Councilmember Koch, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera, Neff and Rodriguez

Negative: None

Abstain: None

Absent: None

9. Resolution No. 2023-49, Approve State Contract Purchases with Swanton Fuel for the year 2023

**WHEREAS**, the Borough of Fair Haven desires to purchase various goods and services from authorized vendors under the State of New Jersey Cooperative Pricing Program 1-NJCP as authorized by N.J.S.A. 40A:11-12 and N.J.A.C. 5:34-77.15; and

**WHEREAS**, the Borough’s Purchasing Agent has reviewed and recommends the utilization of these contracts on the grounds that they represent the best available; and

**WHEREAS**, a list of vendors has been attached hereto showing state contract vendors, state contract numbers and maximum amounts from which purchases may be made during the calendar year 2023.

**NOW THEREFORE BE RESOLVED** by the Borough Council that the Purchasing Agent on behalf of the Mayor and the Borough Administrator as Contracting Agent is hereby authorized to process purchase orders with vendors on the attached list in accordance with the terms of the State Contracts as indicated in amounts not to exceed amount listed for each; and

**BE IT FURTHER RESOLVED** that no certification of funds from the Chief Financial Officer has been attached because these contracts are open-ended pursuant to N.J.A.C. 5:30-11-10 individual purchase orders will be processed prior to release of the order to the vendor.

<u>VENDOR</u>	<u>CONTRACT #</u>	<u>CATEGORY</u>	<u>AMOUNT</u>
J. Swanton Fuel	NJ #19-FLEET-000975	Unleaded Fuel	\$70,000.00
J. Swanton Fuel	NJ 19-FOOD-01102	Diesel Fuel	\$30,000.00

Offered for adoption by Councilmember Koch, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera, Neff and Rodriguez

Negative: None

Abstain: None

Absent: None

- 10. Resolution No. 2023-50, Support the Fair Haven Green Team’s Sustainable Jersey PSEG Grant Application(s)

**WHEREAS**, the Borough of Fair Haven participates in the Sustainable Jersey Program; and

**WHEREAS**, as a sustainable community, the Borough of Fair Haven, seeks to optimize the quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

**WHEREAS**, the Borough of Fair Haven strives to save tax dollars, assure clean land, air and water and improve working and living environments; and

**WHEREAS**, one of the purposes of the Sustainable Jersey Program is to provide resources to help municipalities make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants funded by PSEG; and

**WHEREAS**, it has been determined and endorsed by the Environmental Commission that the Fair Haven Green Team will submit two (2) grant applications through the Sustainable Jersey Small Grants funded by PSEG (one in the amount of \$20,000 and one in the amount of \$2,000) for the following project:

- Third Street Trail Pollinator Garden

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Fair Haven, County of Monmouth and State of New Jersey, supports and authorizes the Fair Haven Green Team to submit the aforementioned grant applications for Sustainable Jersey Small Grants funded by PSEG.

Offered for adoption by Councilmember Koch, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera, Neff and Rodriguez

Negative: None

Abstain: None

Absent: None

- 11. Resolution No. 2023-51, Approve Change Order No. 3, Improvements to Harrison Avenue



**WHEREAS**, Resolution No. 2021-96 awarded a contract for Improvements to Harrison Avenue to Fernandes Construction, Inc., Monroe, NJ 08723 in an amount not to exceed \$472,760.80; and

**WHEREAS**, in January 2022 the governing body approved Change Order No. 1 which reduced the contract for said project by \$8,575.80 and in July 2022 approved Change Order No. 2 which reduced the contract by \$11,559.10; and

**WHEREAS**, the Director of Engineering and Public Works has requested Change Order No. 3 which increases the contract in the amount of \$5,912.50 resulting in a revised contract amount of \$458,538.40.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Haven that Change Order No. 3 for the Improvements to Harrison Avenue Project will result in a final contract amount of \$458,538.40 between the Borough of Fair Haven and Fernandes Construction, Inc.

Offered for adoption by Councilmember Koch, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera, Neff and Rodriguez  
Negative: None  
Abstain: None  
Absent: None

12. Resolution No. 2023-52, Authorize Refund of Unused Zoning Board Escrow - 137 Grange Avenue

**WHEREAS**, James Cady, 137 Grange Avenue, Block 22, Lot 53 submitted an application to the Zoning Board of Adjustment for Variance Relief; and

**WHEREAS**, escrow money was posted by the applicant; and

**WHEREAS**, Mr. Cady has withdrawn his Zoning Board application and has requested that unused escrow funds be refunded; and

**WHEREAS**, the Zoning Board Secretary has calculated and provided, in writing, an escrow refund amount as follows:

Unused Escrow funds in the amount of \$84.00; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that the Chief Financial Officer will refund the unused Zoning Board escrow fees to James Cady, 137 Grange Avenue, Fair Haven, New Jersey 07704.

Offered for adoption by Councilmember Koch, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera, Neff and Rodriguez  
Negative: None  
Abstain: None  
Absent: None

13. Resolution No. 2023-53, 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 23, 2023 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2022 CURRENT FUND ACCOUNT	\$	164,016.54
2023 CURRENT FUND ACCOUNT	\$	2,924,044.29
GENERAL CAPITAL	\$	109,665.27
GRANT FUND	\$	5,070.29
PAYROLL AGENCY	\$	15,135.78
OTHER TRUST	\$	<u>8,170.25</u>
		\$ 3,226,102.42
LESS VOIDED CHECKS	-	\$ <u>592.50</u>
<b>TOTAL</b>		<b>\$ 3,225,509.92</b>

CURRENT CHECK NO. 63553, \$592.50

Offered for adoption by Councilmember Koch, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera, Neff and Rodriguez

Negative: None

Abstain: None

Absent: None

14. Resolution No. 2023-54, Special Meeting, January 30, 2023, 7:00 p.m. - Borough Facilities

**WHEREAS**, the Mayor and Council have determined that a special meeting is required to be held for a Borough Facilities presentation with any and all business of the Borough to be conducted; and

**WHEREAS**, the Mayor and Council have selected Monday, January 30, 2023 at 7:00 p.m. via Hybrid Platform, for a Special Meeting to discuss plans for Borough Facilities; and

**WHEREAS**, the Borough Clerk will notice for and advertise the special meeting in accordance with the requirements of the Open Public Meetings Act.

**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 Mayor and Council shall hold a special meeting on Monday, January 30, 2023, at 7:00 p.m. via Hybrid Platform for a Borough Facilities discussion and any and all business of the Borough as deemed necessary and appropriate.

Offered for adoption by Councilmember Koch, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera, Neff and Rodriguez

Negative: None

Abstain: None

Absent: None

**Reports of Departments**

**December 2022/Year End**

-Borough Clerk

-Dog License

-Police Department

-Municipal Court

-Planning Board and Zoning Board

Councilman LaBarbera highlighted that the Borough Clerk's office received and answered 235 OPRA requests in 2022.

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

**GOOD OF THE BOROUGH**

Mayor Halpern opened the meeting to the public for comments or questions at 8:23 p.m. Carolyn Ferguson, FHFNAAC Chairperson, advised that she presented their annual report last year and money was allocated by Borough Council; she asked for a status. Administrator Casagrande advised that it was actually money allocated for McCarter Pond Hydro raking with the balance of unspent money to go to the FHNA for invasives. The Borough does not know the amount yet because the project is not closed out. We expect the project to mobilize in early March and should know then. Mrs. Ferguson proposed that hazardous and leaning trees be removed ASAP with the money.

Marti Egger, Hance Road, thanked Councilman LaBarbera for the facilities presentation tonight; it was impressive. She noted in prior discussions for the staging of the project that it could require mature trees to be taken down. She asked if that is still part of the discussion and if not, that it be included for ways to save them.

Ruth Blaser, River Road, noted that on the agenda there is a resolution for Executive Session that states land acquisition will be discussed; she asked what the plan is if we acquire 21 Fair Haven Road and how it fits into a plan. Mayor Halpern advised that Council is only discussing the property; we are not taking any action and have not acquired land. Administrator Casagrande said we would need an ordinance if it is decided to purchase it. She asked, if purchased, what would be done with it. Attorney Sobel advised that there would be discussion at first reading of an ordinance. Mrs. Blaser advised that there are lights out on the 500 block (south side) of River Road; the Borough is aware and it is a safety precaution.

Michal DiMiceli, River Road, advised there are two lights broken on River Road. We are aware. She had questions about the facilities projects and if all of the environmental precautions have been taken i.e. landscaping, living roof, native plants, rain gardens, pollinators. Councilman LaBarbera advised not yet, there are previous landscape designs and considerations that were put together in the past. All discussions about the facilities has come from that direction; we are looking to be as environmentally conscious as we can. The 3-D model or rendering can potentially provide some of that information. Councilwoman Cole said that it will come later in the process; it is premature now. Mrs. DiMiceli said she loved that the Borough is looking at the sustainability of the buildings; she asked if the plans/renderings will be going before other committees/commissions for input. Councilman LaBarbera said that we are not that far yet; there will be an open house, but the Borough needs to keep a pace. Councilwoman Hoey said the Borough will advertise and communicate the information and meetings, on-line. Mayor Halpern said everyone is sensitive to the concerns and suggestions. Mrs. DiMiceli asked if the plan will keep the historic front of the police building; no, it cannot be kept.

Bonnie Torcivia, Battin Road, advised for the building, one way to fit in with the community best is to have mature trees on the property. She asked that the Borough try to save the trees especially the Oak. She suggested moving the walking path if needed.

There being no further comments or questions, the meeting was closed to the public at 8:35 p.m.

Council went into executive session at 8:42 p.m. and this meeting was reconvened at 9:53 p.m.

**ADJOURNMENT**

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

Time of Adjournment: 9:54 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR  
Borough Clerk