

**FAIR HAVEN BOROUGH COUNCIL
FEBRUARY 5, 2024**

The meeting was called to order by Mayor Halpern at 7:13 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 FEBRUARY 5, 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, THE TWO RIVER TIMES, THE HUB AND THE STAR LEDGER ON JANUARY 6, 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, Chief McGovern and Attorney Sobel.

WORKSHOP SESSION

Mayor Halpern advised that the 25 Poplar Avenue Tree Appeal matter was carried from the January 22nd meeting. Shaun Lynch, resident, attended by Zoom, and thanked the governing body for the opportunity to present on January 22nd. He clarified that he is requesting removal of 3 pine trees in the backyard. His neighbor provided input on his application. Mayor Halpern asked Attorney Sobel if there was damage to the neighbor's fence when the trees are removed, who is liable; it would be a matter between neighbors. Councilman LaBarbera asked if clarification of the property lines has been presented. The Borough Clerk shared her screen with photos that Mr. Lynch submitted as further documentation for his request. Red Maples to be planted as replacements. Motion to approve moved by Councilman LaBarbera, second by Councilman Olson with Ayes by all present.

Fair Haven Green Team representative Kelly Flanagan submitted a request for approval of their Pollinator Sign. The Green Team was awarded a Sustainable NJ grant in May 2023 to design a simple pollinator garden on the Third Street Trail. There is a need to have educational signs explaining why pollinator gardens are important. She came to the governing body to seek approval of the sign design. The Borough Clerk shared her screen with the information that was in the Council's packet. The grant was sponsored through PSE&G. She was advised that the sign needs the Borough logo on it too. Councilwoman Koch asked about people and children with bee allergies and how we protect them from the pathways? Bees are everywhere and there are bees that do not sting that are pollinators. The goal is to educate everyone and risk is everywhere. The garden would be marked and its location explained. Councilwoman DiMiceli asked if they would be marking each plant; there will be just one sign and they would like to label the plants. Money from Sustainable Jersey and PSEG covers the sign and the plantings; the \$2,000 grant is for sign design and its production. This is a timely matter as they still need to get the vendor approved by the Borough (the sign would cost a little over \$680) and the project needs to be completed by the end of May. Councilwoman Koch asked how long the garden would be active; they hope it is ongoing with maintenance done by the DPW and volunteers. Getting volunteers should not be an issue between residents, Scouts and the Fair Haven Garden Club. Councilman Olson asked who installs the sign, our DPW or the manufacturer; Mrs. Flanagan hoped DPW or there are great instructions on how to install it (the post would be wooden). There are two different cost options; they have chosen the wooden posts which is less costly. Mayor Halpern was concerned that the signs go up and then over time get neglected and asked how we keep the sign looking nice; the Beautification Committee may be able to assist. The Mayor said if this is done the right way, the program can be expanded to other

Places in the Borough. The Green Team is looking to use the same vendor that Rumson used for Victory Park and it should last 10 years. Councilwoman Cole complimented the Green Team's efforts and work. The signs are for educational purposes and asked Mrs. Flanagan if they gave thought to the sign location; right next to the garden entering the Third Street Trail. Councilman LaBarbera advised his fear is vandalism because it is very dark in that wooded area. The sign is durable, graffiti resistant and fastened to a plate which is fastened to the post. Mrs. Flanagan looked into different vendors; the quality is great and the vendor chosen does great work. Councilman Olson preferred the DPW or sign company to install it vs. the volunteers. This will be discussed at the next Engineering/ DPW meeting. Administrator Casagrande said that they might want to go with the aluminum option if it is easier to mount. Motion to approve moved by Councilwoman Cole, second by Councilman LaBarbera with Ayes by all present.

Councilman LaBarbera received feedback on the proposed Brush and Leaf Collection Ordinance. The brush can is for brush only. It was asked if the Borough can fine both the landscaper and the homeowner if there is a violation; Attorney Sobel said that the fine can only be issued to one person, but the complaint can be issued to multiple parties. Christina Malamut, Esq. advised there can be dual responsible parties and the court process would play itself out. Attorney Sobel said landscapers must be registered with the Borough so they should be held to a higher standard. Attorney Malamut said it comes down to enforcement. There was discussion on bagged leaves and it how it would be more work during collection and would hinder the rolling leaf collection process. Councilman LaBarbera shared the draft education piece that Betty Ann has been working on which shows the map, provides the calendar showing the pickup and the guidelines for the program. There is a QR Code that the residents can click on which provides more detailed information.

Councilwoman Cole said this is essentially a new program and service being offered which will help mitigate spot flooding. Aside from ordinance education, we can engage the community to give them time to understand and prepare for the program. We are serving the residents and improving the collection. She asked that the Borough hold off on the fines and educate our residents for six months. Councilman Olson suggested passing the ordinance and amend/tweak it later if we see a need. It is also stated that the calendar for pick up can change year to year. The Brush and Leaf Committee concluded and gave their recommendations at the end of last year and a lot of thought has gone into this through the Communications Committee. It is not hard to understand. The Council had a discussion on the roll out and whether to fine immediately or not. Mayor Halpern has stated at prior meetings that there will be some "pain" with the roll out which is why we included 10 days to cure the issue and not be penalized. It does not take long to understand the changes being discussed. Councilman Olson stated that the Committee spent a lot of time reviewing and providing various amendments to our current system which is reflected in this ordinance and we need to trust them. Councilwoman Koch felt there is a lot of contradiction in the ordinance. Attorney Malamut asked if the brush can is just for brush or is it for both since residents can purchase multiple cans; the brush can is just for brush. Councilwoman Koch reviewed the various sections and some of the contradictions with leaves being part of the collection or not part of collection, etc. It was asked if yard waste is a prohibited material based on the Section 16-7 reference. The sections will be cleaned up. Brush will go in the cans only and leaves can be placed curbside for collection. Councilwoman Hoey mentioned the Recycle Coach program that other municipalities use for their residents to notify them of various types of pick-up which is a helpful resource.

The Council had a deep discussion on the pros and cons of the cans, fastening holes in the bottom (Fair Haven Hardware or DPW), placement for pick up, etc. Councilwoman Koch mentioned that the brush can will also need to be hidden from sight like as required for the trash and recycling cans. Councilman LaBarbera said the brush can is a lot smaller (32 gallon) than the trash and recycling can (95 gallon). Councilwoman DiMiceli recalled if the ordinance is introduced and adopted that Councilwoman Cole requested no fines for at least 6 months and Attorney Sobel has advised that if the ordinance is not going to be enforced, then it should not be put into effect. Attorney Malamut advised that a moratorium on enforcement can be included in the ordinance. Councilwoman Cole expressed the need to be resident friendly and that the Code Enforcement Officer should be going around and helping to educate on the system. The Mayor said if we are looking to put this ordinance in place and there is a request for a moratorium before enforcement, we will still want our Code Enforcement Officer to go out and provide a warning to the resident advising they were wrong regarding what was put out or when it was put out. If the Borough is doing the same thing anyway and giving the resident 10 days to fix the error, we shouldn't be spending so much time on that piece of the puzzle. These are rules to be followed and Fair Haven is a community working together so the system will have a positive impact. Councilman LaBarbera advised that our Code Enforcement Officer was involved in the Committee discussions and advised that some residents were blatantly ignoring the enforcement and willing to take the fine just to leave their debris out. It is one of many pieces that go into this ordinance and we have amended it to allow for a grace period vs. fines or court appearances similar to grace periods we have for other regulations. The Mayor asked Councilwoman Cole, when the new tree preservation ordinance is adopted, does she want to allow a grace period for a resident who did not follow procedure and cut their tree

down. He asked for consistency in our ordinances and enforcement. Councilman LaBarbera reiterated the discussion for Attorney Malamut so she can finalize the ordinance for introduction at the February 26th meeting. Councilwoman Hoey asked the Council to provide their feedback to the appropriate Council Liaison when the information is provided as far as any questions, concerns and ideas so everything can be consolidated vs. breaking everything apart live. Councilman LaBarbera said that administration, primarily Betty Ann, has fielded many questions about this over the last few months and has a “great pulse” on the feedback. Councilwoman Koch felt the brush program should not have been included in the calendar until it was approved and hopes the calendar is not the driving force for the ordinance. We could have included it in an online calendar once the ordinance and regulations were finalized/approved.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 8:08 p.m. Bill Perkins, Hance Road, said there needs to be an education process because no one knows anything about this (his neighbors advised they were not aware this was coming “down the pike”). He asked if the Borough needs to publish the information as a process of the law prior to it taking place. He also felt the information should not have been in the calendar until it was made law and felt the Council is being disingenuous by putting it out beforehand and doing whatever it wants without the consideration of the public. Administrator Casagrande said, by ordinance, we have to set the schedule annually and as a matter of course, in the fall, the governing body approved the brush and leaf schedule which is why it was included in the calendar. Mr. Perkins said tonight was the first time he was hearing about the brush can size and 32 gallons is not that large or allow for as much brush vs. brush being left loose at the curb. The Mayor noted Mr. Perkins’ comments and suggestions; he advised that we are here because the old schedule and procedure was not working. Mr. Perkins said the residents need specification on the can (shape, pounds, lid or no lid). He does not agree with the program and felt a roll out of the program is required. The ordinance will not be perfect and will probably need to be adjusted, which is the same as any other ordinance. Councilman LaBarbera said the program and specifications first started to be discussed at a meeting in October 2023. Fair Haven Hardware is one of many places to make the purchase and they are willing to provide the cans at a very advantageous cost. We are not making the can brand specific or that the cans must be purchased through Fair Haven Hardware. Mr. Perkins said that the residents do not realize that they have to purchase the can or that they are not going to be delivered by DPW, at no cost, like trash and recycling cans. He requested the Borough roll out the education and provide more than 10 days to cure an issue as this is a totally new program. Attorney Sobel advised the ordinance will be listed for introduction on February 26th with hearing and adoption on the March 11th agenda.

Marti Egger, Hance Road, acknowledged that a lot of work has been going into something that most think is broken. The governing body has spent a lot of time discussing the program, but the audience and residents are not sure what is going on with the new program. She suggested that the Borough not let the residents see the new program as punitive, but as a benefit to avoid push back. Educate as much as possible with as much time as possible. Councilman Olson advised that the Environmental Commission has discussed stormwater management, flooding and having debris in the streets which then goes into the sewers; this brush and leaf program will help toward a solution to the problem by having the brush in cans. Councilwoman DiMiceli asked how the Borough rolled out the changes to bulk pick up.

Bonnie Torcivia, Battin Road, advised there is a problem on Battin Road where within two days after pick up, residents or their landscaper put more debris out. She suggested the residents leave sticks in their yard as well as leaves and hold them until the next pick up. Leaves are a natural nutrient rich material for yards and just leaving them will help the DPW as well. The Borough will coordinate with the Environmental Commission, Green Team and Shade Tree to get the word out and provide alternatives. Councilwomen Hoey and DiMiceli are working on a letter to be sent out and these comments and suggestions are helpful to have.

Ruth Blaser, River Road, asked everyone to sit back and take a deep breath as this program amendment is unnecessary. She recommended the residents put their brush and leaves out and let DPW pick up when they have time. She said if DPW and Engineering sat down and realized Mother Nature is going to drop leaves in the fall and gardens have to be cleaned in the spring, they could incorporate this into an appropriate schedule and clean it up accordingly. She does not think there needs to be cans; place brush and leaves separately about a foot from the curblines. Leaf and brush pick up is included in our taxes and now residents will have to purchase a can for \$25; this will be difficult for the seniors. There has not been enough consideration regarding this change. Everyone including DPW need to adhere to the schedule. In her opinion, the police department feel it is beneath them to issue leaf and brush warnings or summonses for these violations. There is a lack of coordination in enforcement and schedules.

There being no further comments or questions, the meeting was closed to the public at 8:31

p.m.

APPROVAL OF MINUTES

Councilmember Koch made a motion to approve the Regular Meeting minutes of January 22, 2024, second by Councilmember Olson

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

Negative: None

Abstain: None

Absent: None

Councilmember Koch made a motion to approve the Executive Session minutes of January 22, 2024, second by Councilmember Olson

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

Negative: None

Abstain: None

Absent: None

OLD BUSINESS

HEARING AND ADOPTION 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

On motion of Councilmember Koch, second by Councilmember Cole with Ayes by all present, Mayor Halpern opened the meeting for comments or questions at 8:31 p.m.

Councilwoman Cole asked Chief McGovern how many signs will be required and the distance between the signs. The police department (Traffic Safety) will work with DPW on signage requirements. The DPW budget will need to be increased to purchase the signs required. There will need to be tires marked as part of the enforcement.

There being no further comments or questions, the Hearing was closed to the public at 8:33 p.m. on motion of Councilmember Hoey, second by Councilmember Koch with Ayes by all present.

Offered for adoption by Councilmember Koch, 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 the next Finance Committee meeting will be February 9th.

Police, Fire & OEM - Councilman LaBarbera reported there will be a follow up discussion to the Police Patrolman interviews held earlier this evening in executive session.

Borough Facilities - Councilman LaBarbera reminded the governing body that the color selection for the siding and roof is available in the Borough Administrator's Office. He asked that everyone take a look at them in the daylight for a true understanding. At the end of this month there will be a recommendation so that the supply chain order process can begin.

There was a small groundbreaking ceremony on January 29th for DPW. Door knocking to the 30 residential homes around the DPW site was successful. We are looking to have the same data plan as the police department which is part of the soft costs. Administrator Casagrande advised that this may need to change.

The Police Department and Community Center project is on schedule, if not ahead. The slab will be poured for both buildings this week. There will be delivery of the steel down Third Street and

through the park; we will communicate with the public when a date is provided. The delivery will be made after the start of school and before school is dismissed. The Police Department will take every precaution to make this delivery safe. They will have a camera on the infrastructure to be sure there is no damage.

The stakeholder meeting for Bicentennial Hall on January 25th was fantastic; a four-part component plan was outlined. There are punch lists, historic maintenance, and possible further design. With many key stakeholders for the project, the component plan will be provided to the governing body for review. The bid for the ADA portion has to go out soonest; we have received a grant deadline extension until October 1st for everything to be complete (receipt of bids, award and construction).

Shari Spero, Certified Tree Expert, walk the DPW site this Thursday to review the landscaping plan with Hall Construction so it is clear what trees are staying and what are being removed.

Personnel - Councilwoman Hoey reported that the Borough Administrator search continues and we are making great progress; an update will be given in Executive Session. Police interviews were held this evening. With regard to DPW, resumes are being reviewed for open positions. The Committee is finalizing the job description for Chief Financial Officer to post the position in the next couple of weeks.

Parks and Recreation - Councilwoman Hoey reported at the last meeting that the PTA has agreed to explore new playground equipment at McCarter Park and provide funding; they received an updated quote for a Gaga Pit and the cost is mind blowing. The Recreation Committee is meeting tomorrow night and will discuss this. DJ Breckenridge, Parks and Recreation Director and Borough Engineer Gardella met with the Board of Education and PTA about the location. Councilwoman Cole asked for a procedure for equipment being placed on public land. Administrator Casagrande said a resolution authorizing a capital expenditure would be placed on an agenda for Council to vote on. A motion of the governing body would be needed since there will be other funds contributed to the project. A plan should be presented to the Mayor and Council as a Workshop item.

There will be two temporary basketball hoops placed on the tennis courts at Fair Haven Fields during summer hours just to shoot hoops. The summer camp that is held at the Community Center is being moved this summer to Fair Haven Fields due to the construction at the Police Department and Community Center. Mayor Halpern said everyone knows he is a big basketball person and wanted to be sure the Borough checks the insurance risks for the temporary hoops. These items will be listed on the next Council meeting agenda.

Borough Communications and Community Outreach - Councilwoman Hoey did not have a report. She recommended the use of the Recycle Coach app for the various Borough pickups.

Planning Board - Councilwoman Koch advised the Board meets on February 20th. There was no other report.

Engineering and DPW - Councilwoman Cole gave gratitude to the DPW crew that transitioned their operations to the concession stand; they work hard. The microprojects will be underway in the next two weeks. There will be a storm drain clean out beginning at Smith Street and Colonial Court, followed by Forman between Smith Street and Hance Road, Hance to the outfall near Knollwood School, McCarter Avenue and Hendrickson Place, the street crossings etc. This will be significant and information will come back to DPW. She asked Administrator Casagrande for an update on the River Road Streetlight bids; the bid opening will be Thursday, February 8th at 10 am with an award at the February 26th Council Meeting. The McCarter Pond project is a discussion the Mayor and Council need to have; there is a need for a second phase and a narrow window because of fish spawning which is end of April. Administrator Casagrande met with Engineer Gardella and DJ Breckenridge. This will be workshopped on February 26th. The Fishing Derby is being held on June 1st and work will be done before then.

Zoning Board of Adjustment - Councilwoman Cole advised the Zoning Board met on February 1st. They are reviewing an application for the former PNC Bank location. There is a local person looking to make something happen there and the Board is working hard to address all concerns.

The next Historic Preservation Commission meeting is February 27th. The Grant Committee is meeting on February 19th and will be reviewing a lot of opportunities to provide an update at the February 26th Council meeting. The Affordable Housing summary that was provided by our Special Counsel is worth looking at. Administrator Casagrande advised that there is legislation before the state legislature and she spoke with a colleague; the legislation will change our numbers and take 25% of our real estate numbers for areas of redevelopment. The Mayor and Council were encouraged

to reach out to our representatives. Attorney Sobel advised they are essentially dissolving COAH to make sure there are more fair housing options in every New Jersey municipality. NJMMA is looking at it as well to create a synopsis. The new law will impact a lot of towns including Fair Haven. Attorney Sobel said a study found that the State of New Jersey is short 200,000 affordable housing units. Mike Edwards, Esq. will also provide a synopsis for the governing body as he has in the past.

CONSENT AGENDA
RESOLUTIONS

1. Resolution No. 2024-48, Amend Resolution No. 2023-263, authorizing execution of NJDEP Green Acres Agreement

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Fair Haven desires to further the public interest by obtaining a Green Acres grant of \$500,000.00 from the State to fund the following project(s):

Acquisition of 21 Fair Haven Road, Block 47, Lot 1, Fair Haven, NJ

NOW, THEREFORE, the governing body/board resolves that Theresa S. Casagrande, or the successor to the office of Borough Administrator, is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required,
- (c) act as the authorized correspondent of the above-named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above-named project;

NOW, THEREFORE, BE IT RESOLVED BY THE Borough Council THAT:

1. Joshua Halpern of the above-named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Spagnuolo Acquisition, and;
2. The applicant has its 75% matching share of the project, in the amount not to exceed \$1,500,000.00.
3. In the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. This resolution shall take effect immediately.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Hoey

2. Resolution No. 2024-49, Executive Session: Personnel and 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:

Personnel

1. Police Department
2. DPW Staffing
3. 2024 Non-Aligned Salaries
4. Borough Administrator Position

Contract Negotiations

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

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 LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Hoey

3. Resolution No. 2024-50, Approve Fire Department Affiliate Membership (First Aid) - Alexander Farlow

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that Alexander Farlow, 41 Willow Street, Fair Haven, NJ 07704 having been duly accepted as an affiliate member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department/First Aid Squad.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Hoey

4. Resolution No. 2024-51, Authorize Issuance and Sale of Bond Anticipation Notes

WHEREAS, the Borough of Fair Haven, in the County of Monmouth, New Jersey (the "Borough") has heretofore adopted, from time to time, various bond ordinances (the "Bond Ordinances") authorizing various capital improvements, and the issuance and sale, from time to time, of its bonds and bond anticipation notes in order to finance such capital improvements; and

WHEREAS, the Bond Ordinances authorize the Chief Financial Officer to sell any bond anticipation notes thereunder at public or private sale, as determined by the Chief Financial Officer; and

WHEREAS, the Borough has applied to The Monmouth County Improvement Authority (the "MCIA") to participate in its pooled governmental note financing program (the "Program"); and

WHEREAS, under the Program, the MCIA will issue and sell its pooled notes (the "MCIA Notes"), which MCIA Notes will be secured by (i) payments by various governmental entities located in Monmouth County (including the Borough) under various notes issued by such entities to the MCIA and (ii) the unconditional guaranty of the County of Monmouth (the "County"); and

WHEREAS, on January 10, 2024, the New Jersey Local Finance Board held a hearing and issued positive findings in respect of the issuance of the MCIA Notes by the MCIA; and

WHEREAS, the Borough wishes to participate in the Program, and to issue and sell all or a portion of its bond anticipation notes to the MCIA; and

WHEREAS, the Borough will receive a proposal for the purchase of such bond anticipation notes from the MCIA, which purchase will be effected through a note purchase agreement to be entered into between the Borough and the MCIA; and

WHEREAS, the Borough acknowledges that the MCIA intends to execute a contract of purchase with an underwriter pertaining to the sale of the MCIA Notes, the proceeds of which shall be used by the MCIA, inter alia, to purchase the such bond anticipation notes of the Borough; and

WHEREAS, the Borough now wishes to authorize the issuance and sale of its bond anticipation notes, and the issuance and sale of all or a portion thereof to the MCIA;

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FAIR HAVEN, IN THE COUNTY OF MONMOUTH, NEW JERSEY, as follows:

SECTION 1. The Chief Financial Officer is hereby authorized to cause all or a portion of its bond anticipation notes (the “Program Notes”) to be issued and sold to the MCIA in accordance with the Program.

SECTION 2. The terms and conditions of the sale of the Program Notes to the MCIA shall be set forth in a Note Purchase Agreement to be dated on or about the date of pricing of the MCIA Notes, between the MCIA and the Borough. The execution and delivery by the Mayor, the Business Administrator or the Chief Financial Officer of the Borough (each, an “Authorized Officer”) of the Note Purchase Agreement, in such form as shall be approved by such officer, is hereby authorized, such approval to be conclusively evidenced by such officer’s execution thereof.

SECTION 3. The Borough hereby authorizes the use of certain information concerning the Program Notes and the Borough in the Preliminary Official Statement and final Official Statement of the MCIA, to be used in connection with the marketing and sale of the MCIA Notes.

SECTION 4. The execution and delivery by an Authorized Officer of a Continuing Disclosure Agreement, if any, to be dated as of the date of closing of the MCIA Notes, between the Borough and the trustee for the MCIA Notes, in such form as shall be approved by such officer, is hereby authorized, such approval to be conclusively evidenced by such officer’s execution thereof.

SECTION 5. A portion of the proceeds of sale of the Program Notes to the MCIA may be retained by the MCIA as payment for the Borough’s allocable share of issuance expenses and expenses related to the County Guaranty. Any Authorized Officer is hereby authorized and directed to pay all of the costs associated with the sale and issuance of the Program Notes.

SECTION 6. The Authorized Officers and any other officer of the Borough, and the staff and consultants of the Borough, are hereby authorized and directed to take all actions and execute any other agreement which may be necessary or convenient to effectuate the terms of this resolution in connection with the issuance, sale and delivery of the Program Notes, which includes the review and delivery of a preliminary official statement and official statement on behalf of the Borough, and the execution of the Note Purchase Agreement, the Continuing Disclosure Agreement, if any, and any other agreement to be executed in connection with the issuance of the Program Notes or the MCIA Notes.

SECTION 7. This resolution shall take effect immediately.

Councilwoman Cole asked what is driving this sale. The market is driving the sale as well as the Monmouth County Improvement Authority’s (MCIA) schedule. The Borough sold notes last March and we are authorizing additional debt for Borough projects. The MCIA goes out once a year and we get a benefit of their AAA bond rating and they sell a large amount of notes. Councilman Olson advised this is accurate as there are more notes for sale which brings in more interested. He will watch the sale live and felt it should go well. Councilman LaBarbera said the Finance Committee looked at the schedule and when we would issue; he will send the schedule information to Councilmembers DiMiceli and Olson for their review.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Hoey

5. Resolution No. 2024-52, Authorize Execution of 2022 Community Development Block Grant Extension Agreement

WHEREAS, the Borough of Fair Haven has a Community Development Block Grant for Bicentennial Hall ADA Improvements (G-14-56-892-220-284); and

WHEREAS, the Borough of Fair Haven requested and was granted an extension for the project until October 1, 2024; and

WHEREAS, there is a need to execute the Project Agreement Extension with Monmouth County’s Office of Community Development for Project No. G-14-56-892-220-284, Bicentennial

Hall ADA Improvements.

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 the Project Agreement Extension.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Hoey

6. Resolution No. 2024-53, Temporary Budget Amendment

WHEREAS, emergent conditions have arisen with respect to the payment of bills in a number of accounts and no adequate provision has been made in a Year 2024 temporary budget for the aforesaid purposes; and

WHEREAS, NJSA 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned; and

WHEREAS, the total temporary emergency resolutions adopted in the year 2024 for the Borough pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total **\$2,475,031.85** for the Current Fund.

NOW, THEREFORE, BE IT RESOLVED that not less than two-thirds of all members of the Borough Council of the Borough of Fair Haven, New Jersey affirmatively concurring in accordance with the provisions of NJSA 40A:4-20:

1. An emergency temporary appropriation shall be and the same is hereby made for the following purposes:

Account Number	Description	Amount	Reason
Current Account			
4-01-23-210-225	Insurance - General Liability	\$35,000.00	Temp Budget
4-01-23-215-228	Worker's Comp Insurance	\$40,000.00	Temp Budget
4-01-25-240-202	Police - Ammunition/Firearms	\$25,000.00	Temp Budget
4-01-26-290-208	Streets & Roads - Chemicals	\$20,000.00	Temp Budget
4-01-26-315-235	Vehicle Maint. - New Equipment	\$25,000.00	Temp Budget
G-02-03-023-001	Body Armor Grant	\$1,313.85	Grant
	Total	\$146,331.85	

2. That said emergency temporary appropriations will be provided for in the 2024 budget under the appropriate titles.

3. That one certified copy of this resolution will be filed with the Director of Local Government Services.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Hoey

7. Resolution No. 2024-54, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the February 5, 2024 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2023 CURRENT FUND ACCOUNT	\$ 15,344.15
2024 CURRENT FUND ACCOUNT	\$ 1,537,579.89
GENERAL CAPITAL	\$ 16,259.50
PAYROLL AGENCY	\$ 23,783.26
OTHER TRUST	\$ 13,229.23
DOG TRUST	\$ 550.00
	<u>\$ 1,606,746.03</u>

LESS VOIDED CHECK

- 494.70
\$ 1,606,251.33

CURRENT CHECK NO. 64905, \$494.70

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Hoey

Reports of Departments

2023 Year End

-Fair Haven Library

January 2024

-Dog License

-Municipal Clerk

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 8:58 p.m. Carolyn Ferguson, Colonial Court, provided a handout regarding the Borough's fence ordinance. She has a fence that has been there for 20 years and was replaced in the same location; she consulted the Borough website and ordinances before doing so. The current fence ordinance is out of date and needs to be updated. The Construction office was contacted and they were told Rumson does not handle permits for Fair Haven. A code violation was received advising that they violated Ordinance 30-7.25a. Administrator Casagrande said all permits go through Zoning first and then to the Construction Office. The violation is still open with the court so the governing body cannot address it. Attorney Sobel will speak with the Ferguson's separately. The fence is closed/solid without any openings; she said other properties have the same. Councilmember LaBarbera asked for their survey as referenced in the violation. Mrs. Ferguson advised that she provided a suggested amendment to the ordinance last year and it was not acted on. Attorney Sobel said the Borough cannot spot zone. They need to go before the Zoning Board for an exemption. The fence is in the Borough's right of way which is a liability as there are drainage pipes in the area of where the fence is located.

Councilwoman Cole reported the business, Salt, is closing its doors in Fair Haven. They were a wonderful asset and this is a loss to the Borough. Fair Haven is having trouble maintaining well-run businesses which is leaving buildings unoccupied and a lot of vacant areas. Sarah (owner of Salt) has tried everything to maintain the business and stay here. The Borough needs a strategy for what we want to do to maintain businesses. They Mayor asked for suggestions. Councilmembers Cole and DiMiceli can look into some things through the State DCA as well as local laws and application processes. There needs to be a good database of the property owners and we may need to recruit and make changes to zoning. Mayor Halpern suggested Councilwomen DiMiceli and Cole look into this and bring tools back to the governing body.

Councilwoman Koch asked if there was a response to a letter sent to the BP gas station. They decommissioned and removed the air hose and their attorney responded about going to the Planning Board. There is no screening or greenery for the property to replace the trees that were removed. BP has to go back to the board about the diesel pumps and lights. There are site plan issues that should be addressed by the Planning Board. Our Zoning Officer is on top of this and following up.

Attorney Sobel congratulated the Mayor and his girls basketball team on their season and for being the most successful team in Monmouth County. He has dedicated 5 years to coaching the girls.

There being no further comments or questions, the meeting was closed to the public at 9:17 p.m.

The Council went into executive session at 9:24 p.m. and this meeting was reconvened at 11:20 p.m.

ADJOURNMENT

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

Time of Adjournment: 11:20 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC
Borough Clerk