

**FAIR HAVEN BOROUGH COUNCIL
FEBRUARY 6, 2023**

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 FEBRUARY 6, 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 Hoey, Koch, LaBarbera and Rodriguez. Absent: Councilmembers Cole and Neff Others present: Administrator Casagrande, Attorney Cannon, Chief McGovern and Auditor Allison.

WORKSHOP SESSION

Mayor Halpern advised the first order of business was a 2023 Budget Discussion. The Mayor provided an introductory statement regarding finance and advised Auditor Allison was attending via Zoom. We are \$500,000 over budget, at first glance (50% is health insurance costs as well as the new Police Building and DPW renovation). Administrator Casagrande sent an email with documents to the governing body for their review plus a NJLM magazine inflation and budgeting article along with a COLA ordinance explanation. There was an explanation on a hard 2% Cap for Levy Cap and the Appropriation Cap (2.5% unless we adopt a COLA ordinance which will allow us to go to 3.5%). We have a very strong surplus which puts us in better shape for this year. The draft budget sent is raw (not cut...shows all requests received by the departments). Fair Haven has worked very hard over the last 10 years to do everything it could to be as responsible as possible; we run a lean budget.

Administrator Casagrande introduced Mr. Bob Allison, Borough Auditor. CFO Colleen Lapp had a Middletown meeting and could not attend our meeting this evening. Mr. Allison said Administrator Casagrande summarized everything well. Fair Haven is a very well-run Borough that "does not have a lot of meat on the bone". Any inflationary costs are felt hard in Fair Haven (health insurance, utility increases, reclamation fees, pension costs) and have a negative effect. The Division of Local Government Services is meeting this week to discuss this matter because it affects everyone. He commended Fair Haven for being early in the process by getting its 2023 budget together. Mr. Allison explained the history of CAP which started in 1977. Costs are going up one way or the other and will affect the tax rates as well.

Councilwoman Neff arrived at 7:14 p.m.

Councilman LaBarbera asked Mr. Allison what he thinks will be the outcome or the discussion points at the State will be (given inflation was so high this year that the Appropriations Cap isn't commensurate with what it should be this year). In 1977, the State acknowledged the cost-of-living expense but capped it at 2.5% when inflation was 4-5%. The State may carve out exceptions like insurance, energy costs, reclamation fees and give some relief for them. There are Senators advocating for an overall reset (as a hypothetical: allow everything to be raised 5% because there is acknowledgement out there that if the cost is going up 8% this year, it is not going down 5% next year). There are some hard conversations taking place at the State level because they are unsure

what they can administratively do (outside of Statute). They are looking to see if there is something the Division of Local Government Services can legislatively do with the Caps that may fall under an exception to law based on an extraordinary year like we are having.

Councilwoman Cole arrived at 7:16 p.m.

Mr. Allison is confident something will come out of the DLGS meeting. Fair Haven's shared services help a lot. Referendum is an option for a municipality where you take it to voters to increase Cap and taxes by "X" or else "XYZ" is going to happen (this is extreme).

Administrator Casagrande said as a result of the Finance Meeting that was held, we will introduce the COLA ordinance tonight. She explained the COLA meaning and how it assists the Borough. There is a Local Finance Notice provided if there is any adjustment. We are seeking approval from the State to move all Stormwater Management expenses outside CAP. CFO Lapp budgeted Cell Tower appropriations to be outside the CAP, with the State's approval. We are looking to see if we can move Monmouth County Regional Health Service expenses outside CAP because that is essentially an interlocal. Administrator Casagrande and CFO Lapp will make suggested cuts from the budget and get it to the Finance Committee for review, first; nothing is off of the table. Councilman LaBarbera asked, "if successful with insurance, cell tower and stormwater management, what is the sum that comes out of appropriations?" Approximately \$200,000. There needs to be a 3-5% cut (give or take). A memo will be sent to the various departments putting them on notice that we are above the Appropriations Cap and there will need to be deep cuts made. Resolution No. 2023-65 is on tonight's agenda requesting the Local Finance Board allows us to use surplus to get under the Appropriations Cap. The Borough should have a better idea within the next two weeks. The plan is to introduce the budget in March.

Councilwoman Cole asked Mr. Allison if he has guidance on the use of surplus? He advised the Borough should not use surplus that it cannot replenish next year. Administrator Casagrande explained the regenerated surplus. Mr. Allison advised Fair Haven has a strong, good number for surplus and the Borough should hold the line as best as it can. Councilwoman Cole asked Administrator Casagrande in her experience in Fair Haven if we are the highest or lowest in surplus compared to prior years. Administrator Casagrande provided a report for 2009 to current year showing the ebbs and flows for surplus. Surplus needs to be thought of as revenue in the budget.

Councilman LaBarbera gave data points. The Finance Committee discussed what it needs to do to get the budget squared away for this year and then in the next 9-10 months, have honest discussions regarding how we improve our budgetary posture going forward. We need to look at procedures and CFO Lapp has best practices to drive revenue.

Mr. Allison left the meeting at 7:29 p.m.

Carolyn Ferguson, Fair Haven Fields Natural Area Advisory Committee Chairperson, was in attendance to give the 2022 Annual Report with overview and highlights (she provided copies of the report for the public). In 2022, there were eight members (it is a 10-person Committee which is the current status this year), three lifetime members and many volunteers that assist as well. Councilwoman Chrisner-Keefe was the liaison in 2022. She reviewed a list of the wildlife that live in the Fair Haven Fields Natural Area (FHFNA). The DPW provides an exceptional level of knowledge of the Natural Area and its ecology; the Committee relies on their knowledge for projects. The Monmouth County Parks have repeatedly complimented our DPW's knowledge of trees and ecology. Mrs. Ferguson gave a "Shout Out" to Dave Karl for his assistance, knowledge and expertise. The 2022 goals were reviewed as well as each one accomplished. There was a section regarding the native and non-native species to be planted in the area. Various sections of her report were cited. The Walk and Talks, social media channels were also mentioned including the volunteers who assisted with the Natural Area clean ups held twice a year. The Committee began using resources from Monmouth County and the Monmouth County Parks. Kudos were given to Dick Fuller for engaging the County and Dave Bordelon who engaged the Monmouth County Mosquito Commission. Councilman LaBarbera asked if the FHFNA Committee will be building on their success from 2022 with Monmouth County? Yes. The northwest area of the Natural Area was attended to, but still needs work. There was "kick off" action to restore the area. This year they hope to address the Methodist Church and their vine issues. Mark Olsen reached out to the priest and showed him problem areas that border the church property and the Natural Area. A border will assist as a safe access to the area allowing the Committee to go in and evaluate it for next steps. It will also demarcate where the trouble is with the church property in the hopes of minimizing the vines. The Committee has a long history, and a few members helped establish the Committee; Doris Moraller, Dick Fuller and Audrey Ingle are some of the founding committee members who were made lifetime

members and honored in February 2022 by Borough Council. She provided the 2023 goals such as gaining momentum for the restoration of the northwest section. They hope to present a plan for the restoration to Council in March. They hope to take the lead for what was done at Third Street to the area adjacent (clear it and then start replanting native trees). They would like to spend down their Community Appeal monies (they receive approximately \$5,000 per year) that has accumulated. Councilman LaBarbera asked if deer resistant plants will be planted? That is the goal, and they will do their best to purchase some for planting. Jim Ingle, who passed, was a remarkable force in maintaining the Natural Area and the Committee would like to permanently honor him, in the future, similar to the Dery's Pond marker. They will continue community engagement with nature walks. Paul Ferguson is working on new programs and has engaged a bird expert to hold a bird walk. The Committee will continue its relationship with Monmouth County Parks and hold an annual assessment of the area. The FHFNA Committee would like to meet more often with the Council to collaborate and stay in tune with goals and what is expected of the FHFNAAC. They want to ensure that the work being done has visibility to the Borough Council, employees and taxpayers. They would like to collaborate, effectively, with Borough processes for communications, spending, generating work orders for the DPW to deliver maximum value. There was a request for curbs along the Fair Haven Fields Cherry tree area on Fair Haven Road; she was advised that it is planned as part of the Fair Haven Road Phase II project. There is a large deer overpopulation in the Natural Area that has contributed to the destruction of the understory which has a lot of street noise. Mayor Halpern asked Administrator Casagrande if the Borough can approach Monmouth County for the deer population. Yes, as well as State Wildlife for a regional plan. Council was concerned about the deer and the issues they present. Councilwoman Neff noted the intersection of Fair Haven Road and Ridge Road is very dangerous because of the deer. She commented on the lost understory as well.

Councilman LaBarbera encouraged the relationship with Monmouth County and what they have to offer by fostering and taking it to the next level. Councilwoman Cole said the deer topic has come up once or twice at Environmental Commission meetings. There is a roundtable coming up and the FHFNAAC should engage and share their needs and ideas. Mrs. Ferguson asked for help so the committee can be connected to and aligned with the Borough. She asked how they report their regular status and to whom. She asked if the FHFNAAC can be listed under Workshop every three months to give Council an update and to be provided a better understanding of all the Borough committees to be able to work together and be sure the missions do not overlap for tree safety in the Natural Area and preservation of the Cherry tree row. She asked if there could be administrative support from the Borough (two hours per month of Borough administrative time to help them work effectively). The person could assist with filing work orders, executing Borough procedures since they understand the process and some other tasks would be arranging meeting logistics (sending meeting invites, posting notices, agendas and notes) and shepherding purchases. Mrs. Ferguson thanked the FHFNAAC members for all of their hours and hard work; 2022 was a breakthrough year. She thanked Mayor and Council for the time to provide the report.

Councilman LaBarbera said this was a well-done report and he is impressed with the Committee. Success breeds success. As take aways, the Committee should think through lead times for the northwest restoration section because timing is important and think through the administrative help and time and other solutions. Councilwoman Hoey clarified if a work order needs to go through an employee or can the liaison request it. Administrator Casagrande said Dave Karl is part of the FHFNAAC meetings and he can create a work order and is aware of the goals and work requested. Councilwoman Cole said when presenting a plan, they should come with complete thoughts and costs to accomplish. Councilwoman Cole advised, at the last Outreach and Communication meeting, the coordination of committees was discussed. The Roundtable is a clearinghouse for collaboration as well.

The following Street Opening Requests were received from NJ Natural Gas due to moratorium:

- 55 Forman Street - Service Installation
- 90 Maple Avenue - Service Retirement
- 39 DeNormandie Avenue - Service Retirement
- 239 Hance Road - Service Installation

Motion to Approve moved by Councilmember LaBarbera, 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 8:00 p.m. Susan Levantino, Cambridge Avenue, commented on the deer near the Harding Bird Sanctuary; she hit a deer on Ridge Road. There should be signage on Ridge Road warning of deer, especially the area of Ridge and Harding Roads.

Dick Fuller, Elmwood Lane, said this is a great opportunity to discuss the long-time problem of Fair Haven and the maintenance at the Fair Haven Fields Natural Area and its restoration; he read

from a prepared statement. There is a need for a healthy understory which the Borough has known about for 9 months; it is the key ingredient of the small wilderness that the Natural Area was (you could not see through or hear through the area which lost its wilderness due to deer destruction). The Borough needs to right size the deer population and will have to make some hard decisions earlier than later. We need to balance the natives and non-natives. Mayor Halpern suggested Mr. Fuller bring his concerns to the Environmental Commission this week. The topic of deer is not on the agenda but would be welcomed. Councilman LaBarbera suggested finding out what other municipalities have done, within the confines of their municipality, to assist with controlling the deer population. Councilwoman Neff suggested speaking with Rumson about this as well because if we are controlling/managing deer, we need to be on the same page to coordinate efforts. Mr. Fuller said we need to train people to control the deer and maintain it.

There being no further comments or questions, the meeting was closed to the public at 8:12 p.m.

APPROVAL OF MINUTES

Councilmember LaBarbera made a motion to approve the Regular Meeting minutes of January 23, 2023, second by Councilmember Koch

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

Councilmember LaBarbera made a motion to approve the Executive Session minutes of January 23, 2023, second by Councilmember Koch

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

Councilmember LaBarbera made a motion to approve the Special Meeting minutes of January 30, 2023, second by Councilmember Koch

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

OLD BUSINESS

Facilities Update. Councilman LaBarbera had a nine-page Power Point presentation update beginning with the DPW facility (roof consultant identified, LSRP, fuel tank replacement and Architect engagement). There were 12 Architects identified which was culled to six; the Committee is working on key questions that can be emailed to the Architects which can lead to a shorter list. There are two life and safety risks that are noted and a concern. He provided proposed Next Steps and Milestones for an understanding and overview.

With regard to the Police Department, he gave many thanks to the multiple people involved. The plan is to attend the February 21st Planning Board meeting to brief and present the drawings to receive approval of the redesign. There was a kick-off call last week and a follow up meeting will be held on February 9th with Gabel Associates. With regard to fire suppression, discussion was completed with the Fire Marshal (Paul Murphy) and Fire Chief Richard Brister. There will be continued discussion with NJ American Water regarding pressure. February 16th is being targeted for an open house to engage the community; possible special meeting if more than three Councilmembers would like to be involved. There is a draft project plan to track development and all milestones. BFI Furniture is the State Contractor; discussion will take place on February 8th. With regard to LSRP, CME is coming this week and Chief McGovern is also meeting with JCP&L. March is targeted for the bond and financial counsel discussions. There is a potential mutual arrangement with Fisk Church for additional parking. The landmark for historical assessment is in draft form. Architect Goldstein is working with a Landscape Architect and the Facilities Committee is engaging a local Landscape Architect as a resource, as well. Councilwoman Hoey provided a list of native trees to Architect Goldstein for incorporation to the plan. She said the trees on the west side of the parking lot can be sustained if we go with a solar panel roof; some trees may need to be trimmed. Councilman LaBarbera advised a fire suppression discussion took place with Paul Murphy, Fire Marshal, who was in favor of this and provided good detail. Suppression works well when the building is not occupied until the first responders can come and put the fire out. There is no realized insurance savings for this. Administrator Casagrande said it will affect premiums going forward.

Councilman LaBarbera spoke with Fire Chief Brister who does not have the Fire Marshal expertise but agreed with Paul Murphy. Architect Goldstein provided a quote of \$80,000 for fire suppression; another quote was \$5 per square foot. We need to know if the water pressure is sufficient and need to approach a contractor to find out. There is a \$100,000 cost for a water pump. He asked if the Borough wants fire suppression as part of this and will we accept the financial increased risk? NJ American Water will contact Administrator Casagrande to advise us if our water pressure would be enough. Council briefly discussed whether to include fire suppression or not and the cost of the building without it. Councilwoman Neff was in favor of going the extra mile for the Police Department and Community Center. Chief McGovern spoke with Architect Goldstein today about fire suppression, but we are waiting on NJ American Water. Councilman LaBarbera was comfortable with the investment (\$180,000 for a 40-year investment). Per the Fire Marshal, there is an annual maintenance cost of \$1,000 per year. The consensus of Council was to move forward.

A Redesign Site Plan shown via Slide 5 provided square footage, requirements per (Department of Corrections, Department of Justice, IACP and the Police Department) and the information gained during the Colts Neck Police Department walk through and feedback. There are three “separate” volumes to aid in Residential Friendliness. He reviewed Slide 6 which provided the layout of the proposed police department. Chief McGovern stated that his department is accredited so we need to have certain areas and storage per the Attorney General’s office. The police department also has the Office of Emergency Management so there is a need for a conference room. A lot of the space is multi-purpose. Slide 7 provided Community Center SWAG. Councilwoman Cole encouraged meetings for residents to give input and help with programming the plan. The police department schedule was reviewed through Slide 8 and Slide 9 (providing design steps and timeline). Open Houses could be held on February 16th and 25th. Administrator Casagrande thought Councilman LaBarbera was going to attend the February 21st Planning Board meeting as a “heads up” and then Architect Goldstein was going to provide a presentation at their March meeting. Councilwoman Cole appreciated the opportunities for the community to review the materials on February 16th, 21st and 25th. A final redesign should be presented for approval at the February 27th Council meeting.

Attorney Cannon and Engineer Gardella advised of the Capital Review Schedule that needs to be followed in accordance with Land Use laws. Councilman LaBarbera said that the February 21st Planning Board meeting is for a level of confidence so there is nothing that would be a surprise, and everyone is on the same page. Attorney Cannon read from the Land Use Law as guidelines for the presentation. Engineer Gardella suggested a meeting with a Technical Review Subcommittee before coming to the formal meeting. At the February 21st Planning Board meeting, Technical Review Committee members could be appointed by the Board. There would be 45 days from date of filing for completed review (April 14th) and the Board getting back to us.

Three Councilmembers should be present for the open houses. Council can switch who attends on the 16th and who attends the 25th so there is no need to hold special meetings. Councilwoman Neff said Council needs to be clear on the dialogue taking place (this is a process that will occur over months). Councilman LaBarbera would like to advertise to the public that Open Houses was held on Thursday, February 16th from 5:30-7:15 pm and Saturday, 8-10 am on February 25th.

NEW BUSINESS

Council Committee Reports

Finance - Councilwoman Neff said finance was discussed earlier. There is a budget issue; we will need a plan for future years; both short term and long term.

Personnel - Councilwoman Hoey advised there are a few open personnel roles depending on budget. There are some personnel matters to be discussed during this evening’s Executive Session. The next Personnel Committee meeting will be held on February 21st.

Parks and Recreation - Councilwoman Hoey advised the Father/Daughter dance will be held on March 10th and 11th and the Mother/Son Brunch will be held on April 21st and 22nd (both are open to grades 1-5). The Easter Egg Hunt will take place on April 1st. Baseball and Softball registration is now open; information is on the website. April 22nd is when the Baseball Opening Day Parade will be held, and Summer Camp registration began February 1st. Marine Science sign-ups begin tomorrow.

Planning Board - Councilwoman Koch said the Planning Board Meeting agenda will be tweaked based on this evening’s facility discussion for the appointment of the Technical Review Committee. The Board will also be reviewing and appointing its professionals.

Police, Fire & OEM - Councilman Rodriguez advised the Fire Department held their Annual Installation Dinner on February 4th attended by many. He and Councilman LaBarbera will be meeting with the new Fire Department Chief and Line Officers to discuss their budget requests and needs.

Zoning Board of Adjustment - Councilman LaBarbera advised the Board is prepared to provide fence ordinance feedback (there are three perspectives). He and Councilwoman Koch are working on some outdated ordinances; four have been identified. They are working on what is called a proof of concept which is a two bookend processes (Commercial Zoning and new fence regulations for residences).

Engineering and DPW - Councilman LaBarbera gave kudos to Engineer Gardella and Assistant Engineer Poruchynsky for the updated safety manuals and protocols. They are working on a 5-year vehicle maintenance plan; there is a need to build maintenance into the budget. A Prioritization Matrix will be developed for both DPW and Engineering projects. The Brush and Leaf Committee will be meeting in a few weeks; there are 12 volunteers.

Borough Facilities - Councilman LaBarbera already reported on this under Old Business.

Borough Communications and Community Outreach - Councilwoman Cole advised the Committee met two weeks ago and discussed a series of communication matters with emphasis on Borough Communication regarding construction projects such as posting information on social media and a letter from the contractor being hand delivered. We need our messaging to sync (48-hour notice) with the contractor’s information. Both Betty Ann Berube and Administrator Casagrande will take an advocates role with utilities. As discussed earlier, there will be open houses held on February 16th and 25th regarding facilities. The next Outreach and Communications meeting will be held on February 15th.

INTRODUCTION OF ORDINANCES

- 1. Ordinance No. 2023-01, Index Rate (COLA) Ordinance

2023 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Borough Council of the Borough of Fair Haven in the County of Monmouth finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$78,458.12 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, Borough Council of the Borough of Fair Haven hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Fair Haven, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Fair Haven shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$274,603.42 and that the CY 2023 municipal budget for the Borough of Fair Haven be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years, and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days of such adoption.

Offered for introduction by Councilmember Rodriguez, second by Councilmember LaBarbera

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

Negative: None

Abstain: None

Absent: None

CONSENT AGENDA
RESOLUTIONS

1. Resolution No. 2023-58, Authorize Fair Haven Police Department's Participation in the LESO 1033 Program

WHEREAS, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Fair Haven Police Department is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31, 2023; and

NOW THEREFORE BE IT FURTHER RESOLVED that Fair Haven Police Department is hereby authorized to acquire items of non-controlled property designated "DEMIL A," which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the Fair Haven Police Department without restriction; and

NOW THEREFORE BE IT FURTHER RESOLVED that Fair Haven Police Department is hereby authorized to acquire the following "DEMIL B through Q" property, if it shall become available in the period of time for which this resolution authorizes:

specifically listed controlled property items authorized for acquisition, including quantity, e.g., (3) utility trucks, (12) 5.56 millimeter rifles, or (1) MRAP, etc.]; and

BE IT FURTHER RESOLVED that Joseph McGovern, Police Chief, shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED that the Fair Haven Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately and shall be valid to authorize requests to acquire "DEMIL A" property and "DEMIL B through Q" property that may be made available through the 1033 Program during the period of time for which this resolution authorizes; with Program participation and all property request authorization terminating on December 31, 2023.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: None

2. Resolution No. 2023-59, Executive Session: Personnel

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. Non-Aligned Employee Salaries
2. Deputy Borough Clerk Position

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, Hoey, Koch, LaBarbera, Neff and Rodriguez

Negative: None

Abstain: None

Absent: None

3. Resolution No. 2023-60, Authorize Paper Shred Agreement with Monmouth County and Agreement

WHEREAS, the Borough has scheduled a paper shred event with Monmouth County for Saturday, July 15, 2023; and

WHEREAS, an agreement is required between the Borough of Fair Haven and the County of Monmouth in order to hold the event.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Mayor Halpern is authorized to sign said agreement.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: None

4. Resolution No. 2023-61, Authorize Shared Service Agreement with Monmouth County-Dispatch Services

WHEREAS, the “Shared Services and Consolidation Act” at N.J.S.A. 40A:65-1 et seq. (The “Act”) allows a local unit to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating local units; and

WHEREAS, the Borough of Fair Haven and the County of Monmouth desire to share facilities, equipment and staff in order to converse resources and to provide for a more efficient and more economically sound local dispatch service for police, fire and emergency medical services; and

WHEREAS, Monmouth County has agreed to allow Fair Haven to continue to utilize Monmouth County’s local dispatch facilities retroactive to January 1, 2023 in accordance with the terms of an Agreement to Share Local Dispatch Services to be entered into by each party.

NOW THEREFORE, BE IT RESOLVED with the foregoing incorporated herein by this reference and in consideration of the mutual covenants contained herein the parties hereto, intending to be legally bound, hereby agree as follows:

1. Fair Haven shall enter into a Shared Service Agreement for Dispatch Communication Services with the County of Monmouth commencing on January 1, 2023 and ending December 31, 2025.
2. Fair Haven will pay \$65,683.00 to Monmouth County for the year 2023 with at 2% increase for the year 2024 and a 2% increase for 2025 in accordance with said agreement.
3. The Mayor shall be and is hereby authorized to execute the Shared Service Agreement for Dispatch Communications Services on behalf of the Borough of Fair Haven, attached as Exhibit A.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: None

5. Resolution No. 2023-62, Accept Maintenance Bond, Improvements to Willow Street from Fernandes Construction Co.

WHEREAS, Resolution No. 2021-164, adopted June 28, 2021 awarded a contract for Improvements to Willow Street to Fernandes Construction, Monroe, NJ and Resolution No. 2023-51 approved the final Change Order for said project; and

WHEREAS, based on project close out, a two-year Maintenance Bond in an amount of 15% of the final project cost is required to be provided by Fernandes Construction Company; and

WHEREAS, Fernandes Construction posted their two-year maintenance bond (Bond No. 55594), through The Service Insurance Company Inc. in the amount of \$41,398.11 for a term of August 31, 2022 through August 30, 2024; and

WHEREAS, the submitted maintenance bond was reviewed and found to be in order by the Borough Attorney.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fair Haven, that Maintenance Bond No. 55594 in the amount of \$41,398.11 for Improvements to Willow Street is hereby accepted.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: None

6. Resolution No. 2023-63, Authorize Execution of Contract with The Goldstein Partnership for a new Police Department Building and Community Center

WHEREAS, a proposal dated January 27, 2023 was received from Eliot Goldstein of The Goldstein Partnership, Borough Architect, for professional services related to a new Police Department Building and Community Center in the amount not to exceed \$281,320; and

WHEREAS, the proposal from The Goldstein Partnership, which includes the breakdown of fees, was accepted by Resolution No. 2023-55 adopted at the January 30, 2023 Special Council Meeting; and

WHEREAS, based on proposal acceptance, The Goldstein Partnership, submitted a contract for said work to be done, attached as Exhibit A, which was reviewed and approved by the Borough Attorney.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Mayor Joshua Halpern is authorized to execute said proposal.

BE IT FURTHER RESOLVED THAT the total amount for the architectural design for these projects shall not exceed \$281,320.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: None

7. Resolution No. 2023-64, Release Maintenance Bond, Oceanside Builders, Inc. for 127 Hance Road

WHEREAS, Oceanside Builder, Inc., was the developer of a property that was subdivided on Hance Road; and

WHEREAS, Resolution No. 2020-86 adopted April 27, 2020 authorized the release of performance guarantees in exchange for the acceptance of a two-year maintenance bond; and

WHEREAS, the developer requested that the Borough hold \$1,650.00 from the performance bond that was posted as the two-year maintenance bond; and

WHEREAS, the Borough Engineer has performed the appropriate inspections and advised that the Maintenance Bond should be released to Oceanside Builders, Inc.

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 Borough of Fair Haven release the two-year maintenance bond posted in the amount of \$1,650.00 and that the Chief Financial Officer release said money to Oceanside Builders, Inc. to close out the project.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: None

8. Resolution No. 2023-65, Authorize Request for an Appropriation Cap Waiver from the Local Finance Board

WHEREAS, the Mayor and Council of the Borough of Fair Haven in the County of Monmouth desires to make application to the Local Finance Board for its approval of a proposed Appropriation Cap Waiver pursuant to N.J.S.A. 40:4-45.3 et. seq; and

WHEREAS, the Borough of Fair Haven believes that:

- (a) it is in the public interest to accomplish such purpose; and
- (b) the Appropriation Cap Waiver is for the health, wealth, convenience or betterment of the inhabitants of the Borough of Fair Haven; and
- (c) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Borough of Fair Haven and will not create an undue financial burden to be placed upon the Borough of Fair Haven.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven as follows:

Section 1. The application to the Local Finance Board is hereby approved, and the Chief Financial Officer, along with other representatives of the Borough of Fair Haven are hereby authorized to prepare such application and to represent the Borough of Fair Haven in matters pertaining thereto.

Section 2. The Municipal Clerk of the Borough of Fair Haven is hereby directed to file a copy of the proposed Appropriation Cap waiver with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: None

9. Resolution No. 2023-66, Approve Fire Department Application, Social Membership - Jeffrey Jarvis

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that Jeffrey Jarvis, 167 Hunting Lane, Fair Haven, NJ having been duly accepted as a social member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

10. Resolution No. 2023-67, 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 6, 2023 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2022 CURRENT FUND ACCOUNT	\$	21,766.33
2023 CURRENT FUND ACCOUNT	\$	33,432.21
GRANT FUND	\$	4,540.00
PAYROLL AGENCY	\$	15,046.94
OTHER TRUST	\$	<u>84.00</u>
TOTAL	\$	74,869.48

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Reports of Departments

January 2023

- Municipal Clerk
- Dog License

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 9:21 p.m. Colin Burns, 251 Cambridge Avenue, spoke regarding issues with parking and pick up/drop off for Red Bank Regional High School. He read a prepared statement. Cambridge Avenue is being used as an overflow parking lot which is a safety issue. He gave many examples such as vehicles running over lawns, idling, using driveways to turn around, extended time parking. There is a letter and petition going to the high school regarding this. Mr. Burns asked that Cambridge Avenue be treated the same as other streets in the Borough i.e. Willow and Third Streets. Residents were aware of their vicinity to Red Bank Regional High School when they moved to the street, however, there needs to be a safe environment. Mayor Halpern said he spoke to Mr. Burns who communicated on this topic. He asked that Chief McGovern opine on this matter. Chief McGovern said he met a few times with Mr. Burns and it was decided to put cones and signs up, but they are not enforceable. The Chief met with the school and the Little Silver Police Department. The school is aware of the issue and trying to fix their parking lot. Permit parking and no parking will not alleviate the drop off and pick up issue. Mr. Burns said that the sign can say Resident Only Parking, No Idling, No Parking during certain hours (Monday through Friday from 6-8 am and 2-5 pm). Mayor Halpern asked that Council hear from the Chief. There are other streets that have schools near them with enforcement issues. Chief McGovern said the school advised that in the spring they are going to look to create parking behind the Board of Education and an entrance off of Harding Road. Attorney Cannon advised that it is extremely burdensome to the staff to issue parking permit stickers. He advised "No Stopping or Standing" signs can be installed. Mayor Halpern asked about alternate side parking like New York has. Chief McGovern said that signage will push the issue to Oxford Avenue and the other side streets.

Susan Levantino said the problem has been exacerbated and is creating safety issues. There is a problem with cars cutting through Cambridge Avenue to get to Little Silver and Red Bank. She felt that this issue should be addressed with Red Bank, as well. Mrs. Levantino has spoken with all residents on the street including Harvard Road and Princeton Avenue. Driveways are being blocked

and residents cannot get out to pick up their own kids. It was requested that Council approach Red Bank Regional High School about this issue on the resident's behalf. There needs to be a combined effort to deal with this as a community.

Councilman LaBarbera asked what happens if the signs are installed and do not work? He is willing to work with the residents. Mr. Burns would like to work together for everyone's safety. Councilmen Rodriguez and LaBarbera will partner up with the residents to help provide more authoritativeness. Councilwoman Cole relayed communications she receives from Rumson-Fair Haven High School about drop off and pick up which can help with the issues being experienced with Red Bank Regional. Chief McGovern said they did send out a notification and there was relief for a week or so.

Marissa Kay, Cambridge Avenue, thanked the neighbors for their representation and she looks forward to any assistance. The situation has gotten worse, and someone is going to get hurt. She invited the Council to come and observe what goes on. She thanked Council for listening to the concerns and offered to send as many videos (that she has taken) as needed for review. Traffic cones will help a lot. Ms. Kay advised she had someone park perpendicular to her driveway and another car parked in the middle of the street with all of its doors open. Cars are also exceeding 25 mph. Councilman LaBarbera asked Attorney Cannon if she can send videos of what they are experiencing? Yes.

Ruth Blaser, River Road, asked if there is a functioning warming and cooling center in the Borough; yes, Bicentennial Hall for power outage and emergencies. If there is a need, a Borough Blast is sent out alerting the public of the location and times, when warranted. With regard to plans for the new Community Center and Police Department, she suggested Council and the professionals go to the Red Bank Library which has three marked parking spaces for public use of their Wifi; they library does not need to be opened for its use. Mayor Halpern understood her request, but we cannot encourage the idling of cars.

There being no further comments or questions, the meeting was closed to the public at 9:50 p.m.

Council went into executive session at 10:00 p.m. and this meeting was reconvened at 10:12 p.m.

ADJOURNMENT

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

Time of Adjournment: 10:13 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk