

**FAIR HAVEN BOROUGH COUNCIL
FEBRUARY 7, 2022**

The meeting was called to order by Mayor Halpern at 7:03 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 7, 2022 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/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. 2021-13 AND SENT TO THE ASBURY PARK PRESS, THE TWO RIVER TIMES, THE HUB AND THE STAR LEDGER ON JANUARY 7, 2021 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 Chrisner-Keefe, Cole, Koch, McCue, Neff and Rodriguez. Others present: Administrator Casagrande, Attorney Cannon, Engineer Gardella and Chief McGovern.

PROCLAMATION

Richard Fuller was in attendance. Mayor Halpern read a proclamation bestowing lifetime membership to Doris Moraller, Audrey Ingle and Richard Fuller on the Fair Haven Fields Natural Area Advisory Committee. The Mayor thanked Doris Moraller, Audrey Ingle and Richard Fuller for their time, dedication and years of selfless service.

Mr. Fuller thanked everyone, stating that it means a lot. He suggested extending this to other volunteers in Fair Haven who have been long-time contributors because it means a lot to be acknowledged. He thanked Councilwoman Chrisner-Keefe for her efforts. He remembered those who are missed, those who have passed (Jim Ingle, Dery and Barbara Bennett, Nancy Drake, Mark, Charlotte, Ed and Jeff); the fields seems to have attracted a lot of lifetime residents and it is easy to understand why. The Natural Area is the Borough's good fortune, but not easy to understand as it is not a park, it is not an arboretum or a recreation area; it is a natural area as it was once a nursery. There are no experts or professionals, no engineers or community planners to call on, just a few amateur volunteers to pay close attention. It is a natural place to look for, however, it looks like there is nothing there. It is a valuable and unique asset for Fair Haven and needs continual attention which it has always received. He thanked the volunteers, DPW and the Community Appeals contributors.

WORKSHOP SESSION

The first order of business was a tree appeal from Devin Bouton, 4 Rutgers Drive. Mr. Bouton was not in attendance. Councilwoman Cole looked at the property and understood the builders concern regarding over dig. Our tree expert, CME Associates, could be asked to evaluate the tree; it is a beautiful specimen tree. Councilwoman Neff said she drove by also and it is the most beautiful tree on the street and she also understood that the new home would be closer to the tree. The Land Use Committee has been meeting regarding zoning ordinance amendments and she asked that they have a tree discussion. The Shade Tree members were asked to meet with the Land Use Committee with regard to trees and home renovations or new construction. Councilwoman Koch agreed with Councilwomen Cole and Neff and wondered if the contractor can hold off on removing the tree; it seems more pre-emptive than responsive. Mayor Halpern asked if we were to go to CME and have them do a report on the viability of saving the tree, who is responsible for the cost (Borough or property owner)? Administrator Casagrande said there is no fee mechanism to charge the applicant; most developers post an escrow when going before the Planning Board. It makes sense that the developer would pay for it as it is tied to resolution compliance. Currently, there are no funds budgeted for this professional service, to this level. We need to know if the fee belongs to

the applicant for appeals. Councilman Rodriguez asked, “is the developer building where the tree is”? No, but the construction will affect the root system and the tree may not survive. Councilwoman Cole said the front of the house lines up with the neighboring property so they may dig beyond where the roots are. It was asked if the developer can hand dig vs. a machine to mitigate and minimize the damage to save the tree. Engineer Gardella said that is a benefit to minimize the compaction including supply deliveries being kept a distance from the tree. Councilwoman Chrisner-Keefe asked what harming the root system means and if it compromises the tree on all accounts? Also, what equals harm? This is a significant tree. Councilman Rodriguez said, from photos, the tree looks to be 50’ tall and the roots reach out to the end of where the branches are. He asked what CME Associates would be asked to do i.e. looking at the viability to save the tree? Councilwoman Cole said yes, as well as mitigation practices.

Motion to approach the contractor to do additional work before a decision is made on the appeal. Mayor Halpern asked if we should use our professional and have the applicant pay escrow. There needs to be an objective person reviewing this and advising whether the tree should stay or that it will not survive the project. Administrator Casagrande asked the amount of money to be requested for escrow. Attorney Cannon said that Mayor and Council are not satisfied to grant relief through the provision of the tree ordinance; we are asking them to demonstrate alternate measures. and asking for an expert opinion on those measures. Councilwoman Chrisner-Keefe said she reviewed the application and asked whether the developer is looking to remove one or two trees; two trees.

Councilman Rodriguez amended his motion to receive escrow funds in the amount of \$500 for the Borough’s certified tree expert to look at viability of these trees using escrow to help manage the costs of this project, second by Councilwoman Cole with Ayes all present.

The next matter for consideration was a tree removal appeal from 32 Fisk Street. Ed McKenna, Esq. and Bill Geier were promoted to panelist. The Mayor asked if a tree replacement plan is going to be presented. Mr. McKenna said, no, but they would like to address tree replacement and asked his client, Mr. Geier, to present what the construction steps are because without completing the steps, everything would have had to have been removed, anyway. At the conclusion of construction, they hope to present to the Borough a plan that would be subject to the approval of the Borough Engineer or the Planning Board. The Mayor said that it is not necessary, as it seems that the Council is looking at two options; a violation with a summons/court hearing or the governing body wanting to hear the background for this matter. Councilwoman Neff there was a lot of information provided as far as letters and e-mail and asked how the land was clear cut and who gave permission for it.

Bill Geier thanked the Mayor and Council for their time. He gave the history of events that took place starting with the subdivision approval on July 26, 2021. As per the resolution compliance letter, he started the steps for disconnects of the property which prompted the need to take initial trees down; a tree removal application was submitted on September 9th and was denied on September 15th. There were productive conversations with Betty Ann Berube, Sandi Papa and Bill Brooks. On September 23rd, Mr. Brooks met with him at the property, walking the entire property and reviewing the site plan, the trees and shrubs on the property and what their species were, including what to apply for and not apply for (due to size). They spoke with neighbors as the property was unkept and had a lot of overgrowth. A site plan with all the trees to be removed was submitted. Almost everything coming down was in the path of construction. Each lot is getting a single-family home with a basement and two-car garage. There will be underground water retention systems, per Borough Code, which involves excavation. Post construction planting for the trees that required a permit was also discussed. On September 24th, a revised application was submitted with a detailed tree and brush removal site plan. The tree removal permit was granted on September 29th with a letter depicting some of discussions that were had. The approved permit was picked up and fee was paid and the work was done. As far as planning compliance, the tree removal has continually come back as unsatisfied. Mr. Geier’s engineer dropped off a revised site plan showing the landscaping detailing 4 replacement trees (street trees) with landscape beds on each side of each property. Mr. Geier said he and his team were not looking to disregard any code or take short cuts. He was more than happy to listen to requests and/or recommendations and would like to build the houses with a beautiful property that the neighborhood is proud of. He was willing to meet with Engineer Gardella, Bill Brooks, the governing body or whatever professional he needs to so everyone is satisfied and on board. Council was thanked for their time and listening to how this took place. He has been waiting for resolution compliance for quite some time so that he can move the project forward.

Mr. McKenna said Mr. Geier did not intend to violate the tree ordinance and is willing (where the area of concern for clear cut is) to plant, in the location, anything the Borough feels is appropriate. During construction, there will be disturbance to the soil on both lots. He is more than willing to have the Certificate of Occupancy for either property held until a plan is submitted and

executed, as an alternative.

Councilwoman Chrisner-Keefe was concerned the tree application stated three trees and the property was clear cut; she was not sure how many trees were originally on the property. The ordinance has a cap percentage which dictates the replacement. She could appreciate the confusion with all of the professionals he spoke with but was hard pressed to approve since we are unsure how many trees were on the property to determine a replacement plan. Fair Haven has a Tree Preservation Ordinance in place for a reason and Mayor and Council are being put in a tough position. Mayor Halpern said it is hard to hear an appeal on trees that no longer exist which led to the earlier comment of writing a summons and going to court or Council deciding what and how many trees they want planted. Attorney Cannon said the work was already done so it would be a retroactive appeal. The applicant cannot obtain building permits until resolution compliance is obtained. The application approved did not have a tree replacement plan as indicated by the applicant. Attorney Cannon gave Council their options.

Councilwoman Cole appreciated the applicant's time and coming before the governing body and explaining his position. Trees were removed for utilities to be shut off, without an appropriate permit, and the Tree Preservation Ordinance has been violated by clear cutting the lot. The Borough is examining an amendment to the ordinance in order to take better care of our trees. We need a tree replacement plan. Councilwoman Neff said this property is an example of what we do not want to see occur and he met with Bill Brooks who advised that the lot cannot be clear cut. Mr. Geier asked that Bill Brooks be made part of the discussion and what took place. A site plan was submitted to the Borough Engineer by his engineer, and it was detailed and depicted trees, bushes (under a certain circumference) location, type and what were to be removed and allowed even without permits. He will work with the Borough to review the plan provided and what was there as he worked weeks with both Bill and Betty Ann to be sure it was correct.

Mr. McKenna said his client was trying to establish he did not take down any trees that would have required a permit. If it is the desire of Mayor and Council to resolve the matter with Mr. Geier, he will come up with a plan to review with Engineer Gardella's office to rectify the clear cut with the area replenished with trees. Attorney Cannon advised Mr. McKenna that it is the standards of the ordinance, not the wishes of Mayor and Council for what needs to be replaced. Councilman McCue asked Mr. Geier if there is a completed replanting plan for each property to replace the three trees taken down; the plan was for four street trees to replace the three trees taken down including landscaping in front of the houses and no other replacement trees. Mr. Geier quoted the Planning Board resolution. The Mayor said there is not one tree or bush on the property, so it is hard to believe it was a mistake. We were told 20-30 trees were removed and we are not sure if that's accurate. Councilwoman Neff said there needs to be an aerial view of the property, pre-removal, in order to evaluate what was there and for what needs to be replaced. Engineer Gardella had a few things he wanted to share such as the eight-page Planning Board resolution with conditions which he read from. The applicant needed his own arborist to identify diseased resident trees, not our arborist. There were four things that are asked for which are street trees, landscape plantings, tree restoration and rear-yard screening. Tree restoration is in conjunction with tree removal(s), landscape plantings are typical of what is seen on a plot plan and street trees, by ordinance with a subdivision, the applicant has to provide street trees based on width of the front of the property. Tree removal is treated as an outside agency; a permit is needed showing what was approved. There was a plan recently submitted that shows the four street trees and plantings around the proposed houses, but no tree replacement plan. Administrator Casagrande said there were multiple applications that were revised for this. A proposal from Atlantic Tree was submitted with an application dated August 31st which lays out to remove all of the trees from the property and grinding stumps. It shows 31 trees where 7 trees would require stump grinding or removal. There was a discussion on the original permit that Engineer Gardella provided to the Administrator from the August 31st original application, which was denied, and subsequent applications submitted. Councilwoman Neff asked that our tree expert review the property, the aerial views and try to determine how many trees were removed; they should replace every single one. Councilwoman Cole said we are meeting on an appeal for something already done; the applicant created this issue. Motion to deny the appeal was made by Councilwoman Cole. Ed McKenna, Esq. said that Mr. Geier met with Bill Brooks and was told what trees can be taken down (some of the trees may be smaller than 10" which would not require a permit) and he was not sure why Mr. Geier is being held accountable for trees that he was told could be removed. Attorney Cannon said everyone gets their say at this hearing and the ordinance guides us here. While it is true Mr. Geier should not be held responsible for all of the trees removed, there is a huge piece of information missing because we do not know if or how many were undersize and could be removed without a permit. There are also land use issues intertwined as stated by Engineer Gardella. There is also a compensatory part of the ordinance for trees that can be planted elsewhere if the property will not hold the number of replacement trees required. Councilman Rodriguez read the ordinance put in place to prevent clear cutting a property. Some trees may have been small or there may have been shrubs, but we have a situation with a clear cut.

Administrator Casagrande shared her screen with the Atlantic Tree estimate so that everyone could see it and consider it. Mayor Halpern asked Mr. Geier about his digging and draining on the property comments for a rainwater retention system; it seems the trees are on the outer edges of the property and were nowhere near the work to be done. Mr. Geier explained what he could do without having the site plan in front of him as a reference. The site plan was detailed showing the trees with species and location and what was bushes/shrubs. Councilwoman Neff said Mr. Geier should have come before the governing body if he planned to remove more than 20% to prevent this issue. Mr. Geier was willing to meet with Bill Brooks and Engineer Gardella to reach a solution/plan that satisfies the governing body. Mr. McKenna wished the Mayor and Council had information from Mr. Brooks and the site plan; his client had the belief that he was doing what the Borough approved and is willing to meet with the necessary people to make it right. It was suggested this discussion be adjourned and come back to the governing body on February 28th after CME Associates reviews the matter.

Motion to adjourn this matter to February 28th and have CME Associates review the property to come up with a replacement plan, at the expense of the applicant, moved by Councilman Rodriguez. Councilwoman Chrisner-Keefe asked what the arborist would be doing if there are no trees to look at. They would be asked to look at the property and provide recommendations for replacement. Administrator Casagrande clarified what CME is being tasked to do (what was there, what was submitted for in the application and for advice on what type of trees the property could sustain). Councilwoman Neff felt that members of Council be involved and offered to meet as well as Councilwoman Cole since they are involved with the Environmental Commission.

Councilman Rodriguez retracted his earlier motion.

Councilwoman Cole made a motion to adjourn to the February 28th meeting subject to Engineer Gardella meeting with the applicant. Engineer Gardella said the November 9th resolution compliance letter states that the lot was clear cut, and the applicant was to go to Mayor and Council because he cannot recommend replacement or make decisions outside of the ordinance; he reviews what is proposed from a landscaping plan. We have another board matter to be looked at by CME who has been sent everything from the Borough for their review. He has met on site with Mr. Geier and his professionals. CME Associates should be brought in as Engineer Gardella has had some initial meetings via phone and they can provide insight and guidance (preservation/replacement).

Councilwoman Cole made a motion to adjourn to February 28th with Attorney Cannon and Mr. McKenna meeting with the appropriate professionals regarding an appropriate replacement plan acceptable to the governing body, second by Councilman Rodriguez with Ayes by all present.

Nick Poruchynsky, Assistant Director of Engineering and Public Works, reviewed and approved the following street opening approval requests to go to the governing body due to the Borough moratorium in place:

- James Cady 137 Grange Avenue - New driveway installation
- NJ Natural Gas for 102 Buena Vista Avenue - New service installation
- NJ American Water for 30 Laury Drive - valve blow off installation
- NJ American Water for 15 Laurel Drive – service line renewal
- NJ American Water for 106 Park Avenue - service line renewal
- NJ American Water for 62 Hillcrest Road – emergency opening for water leak on service line

Motion to approve moved by Councilman Rodriguez, second by Councilwoman Koch with Ayes by all present.

Administrator Casagrande gave an update on the 2022 Municipal Budget. Local Finance Notice 2021-24 is in place in which the State has determined budget introduction would be due no later than March 31st with hearing and adoption no later than April 29th. Department heads have submitted their requests which were sent to the respective Council liaisons. Once the first draft of the budget is populated, the CFO does calculations which will be reviewed with the Finance Committee to discuss, generically, on February 28th. The goal is to workshop this matter on the March 14th agenda and introduced at our March 28th meeting. This is for current fund budget, not capital expenditures. There is a Finance Committee meeting being held on February 10th.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 8:31 p.m. Bonnie Torcivia, Battin Road, commented on the 32 Fisk Street tree matter. This is a perfect example of better to ask forgiveness than permission. It would have been helpful to have Bill Brooks in the meeting. There should be more than a hand slap like a large fine or extreme ramifications. Mayor Halpern said this is why the current tree ordinance is being reviewed to make it stricter. Fines that would be levied would not be a lot with the current ordinance. We are not going to stand for this and we have ordinances for a reason which includes protecting our tree canopy.

Chris Hayden, Linden Drive, said the Sixth Circuit Court of Appeals ruled a Michigan tree ordinance is illegal. He asked if the Borough looked at its ordinance to determine if it is legal or not. Attorney Cannon said yes, it is legal, trees are considered a public trust in NJ. There are limits to authority as to where the tree is located (public or private). The authority only goes so far. Mr. Hayden said he is frustrated that he follows all of the ordinances and had a tree replacement plan which was costly. The replacement tree he had to plant was an extremely expensive endeavor and an undue burden on a taxpayer. Mayor Halpern asked that he provide the tree removal information pertaining to his property.

There being no further comments or questions, the meeting was closed to the public at 8:37 p.m.

APPROVAL OF MINUTES

Councilman Rodriguez made a motion to approve the Regular Meeting minutes of January 24, 2022, second by Councilwoman Chrisner-Keefe

Affirmative: Councilmembers Chrisner-Keefe, Cole, Koch, McCue, Neff and Rodriguez

Negative: None

Abstain: None

Absent: None

Councilman Rodriguez made a motion to approve the Executive Session minutes of January 24, 2022, second by Councilwoman Chrisner-Keefe

Affirmative: Councilmembers Chrisner-Keefe, Cole, Koch, McCue, Neff and Rodriguez

Negative: None

Abstain: None

Absent: None

OLD BUSINESS

Mayor Halpern said that he would like to have the February 28th Council meeting held in Borough Hall via hybrid and would also like to reopen Borough Hall the week of February 21st since cases have dropped. Councilman Rodriguez supported these recommendations, second by Councilwoman Koch with Ayes by all present, except Councilman McCue who asked that we wait for mask mandates to be lifted so we do not have to wear masks.

There was discussion on the Monmouth County Regional Board of Health information; 4 cases in a three-day period and before that there were 17 cases (20 in three days); we are higher than average. The Mayor said there were 33,000 cases in New Jersey and now the cases are at 2,000; the rate of infection has been cut in half each week. Hopefully in three weeks it will drop to be quite low.

Councilwoman Chrisner-Keefe said the Board of Education has put up a COVID hub with weekly stats and she read that there are 18 cases in the Fair Haven school district.

Councilwoman Neff said besides using the Owl, Council should consider a better way to communicate with the public by having a screen for presentations and to also allow the residents attending by Zoom to see the information on their computer screen. There is a need to invest and investigate. Mayor Halpern said this is communications type of matter and asked that the Communications Committee look into options and cost. Councilwoman Cole agreed and said she would need technical advice and will seek that out.

NEW BUSINESS

Council Committee Reports

Finance - Councilwoman Neff did not have anything to report. There is a finance meeting this Thursday which will be reported on at the February 28th meeting.

Personnel - Councilwoman Chrisner-Keefe advised the Personnel Committee has been very busy as it is the beginning of every year, and all Borough employees are given an opportunity to meet with Personnel which is usually done around this time. The employees can request a meeting any time of year, as well. The meetings took place at the end of last week and the Committee will make recommendations regarding changes. The Teamsters and PBA negotiations are ongoing. The Borough Volunteer Manual should be shared with all volunteers. Councilwoman Cole asked how the manuals will be provided to everyone. Krystie Larsen, Administrative Assistant is handling this project and e-mailing it out to the volunteers, it will be available on the Borough website as well as available in hard copy. There is an acknowledgement receipt at the end of the manual for signature and the e-mails are being sent with a read receipt, as well.

Planning & Zoning - Councilwoman Koch said the next Planning Board meeting is being held on February 22nd via Zoom and the Zoning Board's next meeting is March 3rd in Borough Hall. An end of the year summary for 2021 was provided by Joe Mule, Planning, Zoning and Compliance Officer. It advised that in 2021, there were 403 zoning permit applications vs. 409 applications in 2020. Of those 403 applications, 72 were for generators, 64 for fences, 58 for additions and renovations, 42 for A/C units, 20 for new homes, 19 for pools, 14 for demolitions and 10 for sheds.

Parks and Recreation - Councilwoman Koch advised the spring camp schedule has been released for multi-sports and posted on the website, Facebook, Constant Contact, e-blast, etc. The camps being presented are tennis, soccer, T-ball, pickleball and Lego engineering. She and Councilwoman Chrisner-Keefe had news about a recent grant received in the amount of \$35,000 for a bike safety program at McCarter Park for our younger residents.

The Borough Clerk advised that there is a special Zoning Board meeting being held on February 10th. Councilwoman Cole said she understood from a Planning Board meeting she attended that the members are interested in Council taking up the signage ordinance in the B-1 overlay zone; she asked what stage of the conversation it is in. Councilwoman Koch had a conversation with Todd Lehder, Planning Board Chairman, and there was a Restaurant Committee that was working with the Borough Planner and reached a certain point prior to the COVID pandemic; they have not met since then. There is a subcommittee meeting this Wednesday night and they will tackle the sign ordinance as part of the restaurant revisit.

Police, Fire & OEM - Councilman McCue said there is an update from OEM that we received our Emergency Operations Plan approval; this was submitted July 2021. He thanked Chief McGovern and his staff for updating the information. We were approved for a FEMA reimbursement for Isaias in the amount of \$33,000. He thanked everyone for their record keeping. There was no report for the fire department. Chief McGovern and a few of his officers showed their appreciation and wanted to thank the NYC officers (Officers Rivera and Mora) for their bravery. They expressed condolences and sympathy to the families for the ultimate sacrifice.

Engineering and DPW – Councilman McCue asked Councilwoman Cole to provide an update. She advised the municipal budget is starting to take shape. One development is the initial roadwork on Hance and Cooney will start in March with written communications going to the residents with project information.

Borough Facilities - Councilman Rodriguez said the Facilities Committee meets bi-weekly; no timeline to show tonight. There is a meeting tomorrow night to see how the projects will unfold in the coming months and years. There should be some milestones and when things need to be approved. Hopefully there will be a timeline to be presented at the February 28th meeting and there could be a Q&A. The committee is working on refining a proposal for an Owner's Agent to be presented to the governing body; there have been many interviews and information has been narrowed down for consideration. Former Council President Jon Peters has a lot of information on PLAs (labor agreement for consideration). Many county and local municipalities have PLAs to get the most out of the process.

He thanked the firehouse for allowing a Pinewood Derby to be held on their premises on February 5th; there were 50 cars handcrafted by children and parents and there was a great turnout. The older scouts helped the younger scouts. Many donated a lot of their time.

Borough Communications and Community Outreach - At last Council meeting, Councilwoman Cole reported on the initial meeting. The next meeting will be this Wednesday. Everyone should register for Constant Contact. With regard to outreach, she requested and received a list of all committees in Fair Haven including membership from the Borough Clerk. We have 17 boards, committees, commissions, and advisories with and without liaisons. There are five departments that have liaisons. With just the boards, commissions and committees, there are approximately 150 volunteer hours, per month being put in (not including Council, Board of Education, and the Business Association). There are a lot of wonderful, devoted folks in Fair Haven that help make us run. It is her hope to involve the residents in our outreach effort.

Councilwoman Chrisner-Keefe said the Fair Haven Natural Area Committee is holding a special meeting on February 10th regarding an invasives discussion which is an issue in the Fair Haven Fields Natural Area as well as the connecting area from Third Street to the connecting area of lower Fair Haven Fields. They hope to have a plan to address it.

INTRODUCTION OF ORDINANCES

1. Ordinance No. 2022-01, Index Rate (COLA) Ordinance

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 2022 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 \$74,529.97 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 2020 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 \$260,854.90 and that the CY 2022 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.

Administrator Casagrande provided a report to the governing body members via memo included in the packet. This ordinance is passed annually by all New Jersey municipalities. It allows us to increase the CAP to 3.5%. We can bank it for 2-years, if needed. The State changes annually what is allowable inside and outside the CAP. This allows flexibility from year to year in case we need to increase an appropriation line. Last year we had an emergency appropriation for Fair Share Housing legal fees in 2020 and had to raise the funds in 2021 (an unanticipated expenditure for which the CAP bank was needed to cover).

Offered for introduction by Councilwoman Koch, second by Councilman Rodriguez

Affirmative: Councilmembers Chrisner-Keefe, Cole, Koch, McCue, Neff and Rodriguez

Negative: None

Abstain: None

Absent: None

CONSENT AGENDA **RESOLUTIONS**

1. Resolution No. 2022-54, Executive Session: Contract Negotiations

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

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

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

Contract Negotiations

1. DPW Foreman Recommendations
2. Borough Engineer Contract

3. PBA Negotiations

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 Councilman Rodriguez, second by Councilwoman Cole

Affirmative: Councilmembers Chrisner-Keefe, Cole, Koch, McCue, Neff and Rodriguez

Negative: None

Abstain: None

Absent: None

2. Resolution No. 2022-55, Authorize Monmouth County Mosquito Control Division to Conduct Aerial Spray. Councilwoman Cole asked that this resolution be held so that she can get more clarification. It seems that this happens as a matter of course, however, there may be new science to be examined and she would like to speak to some professionals. Mayor Halpern asked when the spray is normally done; late spring/early summer for mosquito larvae. Councilwoman Cole was advised that she can reach out to the Monmouth County Mosquito Control Commission for additional information. Councilwoman Chrisner-Keefe requested this be sent to the Environmental Commission and Green Team for review and feedback. Councilwoman Neff said this needs to go to the Environmental Commission to clarify the rules and how nature is affected by this as well as any health aspects.

3. Resolution No. 2022-56, Approved 2022 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 2022 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 2022 for the Borough pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total **\$2,106,372.07** 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			
2-01-37-480-299	Judgements/Settlements-Misc	\$ 33,000.00	Temp Budget
2-01-28-370-301	Recreation-Training & Conferences	\$ 4,000.00	Temp Budget
G-02-03-022-001	Body Armor Grant FY 2021	\$ 972.07	Temp Budget
TOTAL		\$ 37,972.07	

2. That said emergency temporary appropriations will be provided for in the 2022 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 Councilman Rodriguez, second by Councilwoman Cole

Affirmative: Councilmembers Chrisner-Keefe, Cole, Koch, McCue, Neff and Rodriguez

Negative: None

Abstain: None

Absent: None

4. Resolution No. 2022-57, Authorize Execution of Agreements with PBA Members

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Theresa S. Casagrande, Borough Administrator, is hereby authorized to execute settlement agreements with the following Police Officers:

- Sergeant Jesse Dykstra
- Sergeant Stephen Schneider
- Patrolman Eric Patton
- Patrolman William Lagrotteria

BE IT FURTHER RESOLVED that a certified copy of this resolution and fully executed copies of the agreements be forwarded to the PBA President and the officers named above.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Cole

- Affirmative: Councilmembers Chrisner-Keefe, Cole, Koch, McCue, Neff and Rodriguez
- Negative: None
- Abstain: None
- Absent: None

Councilman McCue thanked Mayor and Council for Resolution Nos. 2022-56 and 2022-57; it has been two years in progress until reaching a conclusion/compromise. He was happy the Council has done what is morally right by acknowledging mistakes that were made pre-dating anyone currently on Council.

5. Resolution No. 2022-58, Amend Joe Mule, Planning/Zoning and Code Compliance Officer, salary to an hourly rate

WHEREAS, Resolution No. 2021-69 established the 2021 salaries for Non-Union Borough Employees; and

WHEREAS, the resolution set Joseph Mule, Planning Board, Zoning Board and Code Compliance Officer's, annual salary as \$24,000.00 and there is a need to amend change his salary to an hourly rate of \$24.00 per hour retroactive to January 15, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the hourly rate of \$24.00, retroactive to January 15, 2022, is hereby approved and the Payroll Department is hereby advised of said amendment.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Cole

- Affirmative: Councilmembers Chrisner-Keefe, Cole, Koch, McCue, Neff and Rodriguez
- Negative: None
- Abstain: None
- Absent: None

6. Resolution No. 2022-59, 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 7, 2022 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2021 CURRENT ACCOUNT	\$ 29,356.25
2022 CURRENT ACCOUNT	\$ 93,426.47
GENERAL CAPITAL	\$ 8,505.00
GRANT FUND	\$ 295.00
PAYROLL AGENCY	\$ 14,215.32
OTHER TRUST	<u>\$ 6,020.00</u>
TOTAL	\$ 151,818.04

Offered for adoption by Councilman Rodriguez, second by Councilwoman Cole

- Affirmative: Councilmembers Chrisner-Keefe, Cole, Koch, McCue, Neff and Rodriguez
- Negative: None
- Abstain: None
- Absent: None

Administrator Casagrande read something into the record that pertains to the January 24, 2022 Bill List. The bill list on January 24th was approved for \$5,629,202.91, after reviewing all of the purchase orders it came to our attention that the purchase order for Lupo Pizzeria for the police department's holiday meal was too high. Purchase Order No. 21-01243 was originally approved for \$519.95, but there were duplicate receipts, the correct total was \$259.14, which was paid with check no. 62220 changing the bill list total to \$5,628,942.10 reflecting the difference of the \$259.14.

Reports of Departments

December 2021

-Police Department

January 2022

-Municipal Clerk

-Dog and Cat Licenses

-Planning Board and Zoning Board

-Budget Status

Motion to accept the reports, as submitted, moved by Councilman Rodriguez, second by Councilwoman Koch with Ayes by all present.

GOOD OF THE BOROUGH

Mayor Halpern opened the meeting to the public for comments or questions at 9:11 p.m. He mentioned that Borough resident, Charlie Volker, is competing in Bobsled event(s) at the Winter Olympics. The Mayor remembered Kevin Lydon, gym teacher at Knollwood School, stating (about 6 years ago) that he thought Charlie was the best athlete he had ever seen in his life. So, to see Charlie's success translate is really cool and for it to happen on the heels of Connor Jaeger competing in the summer Olympics. Fair Haven producing two Olympic athletes is great for our little town and for our youth to know that they can be anything they want to be is incredible. The 7th grade boys' basketball team, coached by Chris Grier and Dennis Sullivan, won the Mid-Monmouth Basketball Championship; it is the first boys' team that has ever done that. The Mayor asked that they be recognized at our next meeting as it is quite an accomplishment and difficult to get there. All should be proud.

Councilman Rodriguez advised that Joe Perrotto recently celebrated with Henry Stevens who turned 102 in January; Mr. Stevens passed away last week. Mr. Stevens, like Ray Taylor, was one of our cherished servicemen from World War II.

There being no further comments or questions, the meeting was closed to the public at 9:14 p.m.

Council went into executive session at 9:22 p.m. and this meeting was reconvened at 9:53 p.m.

ADJOURNMENT

Motion to adjourn moved by Councilman Rodriguez, second by Councilwoman Koch with Ayes by all present.

Time of Adjournment: 9:53 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk