FAIR HAVEN BOROUGH COUNCIL REGULAR MEETING AGENDA FEBRUARY 27, 2023, 7:00 P.M. HYBRID MEETING (IN-PERSON AND ZOOM)

Zoom Link: https://us02web.zoom.us/j/88932566858

iPhone or Land Line Telephone Call In: 1-301-715-8592

Webinar ID: <mark>889 3256 6858</mark>

- 1. Call to Order: pm
- 2. Salute to the Flag:
- 3. Moment of Silent Reflection:
- 4. Sunshine Law Notice:
- 5. Roll Call: Councilmembers Cole Hoey Koch
 LaBarbera Neff Rodriguez
- 6. Presentation
 - -Joe Rafferty, Collier's Engineering, Waterfront Access Projects
 - -Borough Facilities Update
 - Gabel Associates
 - Heyer and Gruel (Elena Gable)
 - Councilman LaBarbera

7. Workshop Session

- -2022 Annual Report Fair Haven Environmental Commission
- -Tree Removal Appeal from Nicolette & Eric Ulino, 57 Dogwood Lane
- -NJ Asset and Rebate Management Program
- -Street Opening Requests (Moratorium):
 - Fair Haven Road/Hillcrest Road NJNG C.P. Test Station Repairs
 - 78 Parker Avenue NJNG Service Retirement
 - 78 Forman Street NJNG Oil Conversion
 - 50 Oak Place NJAW Meter Box/Setter Installation
 - 30 McCarter Ave NJAW Service Line Renewal
- 8. Public Comment on Agenda Items
- 9. Approval of Minutes
 - -February 6, 2023 Regular Meeting
 - -February 6, 2023 Executive Session
- 10. Old Business

Ordinance Hearing and Adoption

2023-01 Index Rate (COLA) Ordinance

-2023 Municipal Budget Update

11. New Business

Council Committee Reports

Finance - Councilwoman Neff

Personnel - Councilwoman Hoey

Parks and Recreation - Councilwoman Hoey

Planning Board - Councilwoman Koch

Police, Fire & OEM - Councilman Rodriguez
Engineering and DPW - Councilman LaBarbera
Borough Facilities - Councilman LaBarbera
Zoning Board of Adjustment - Councilman LaBarbera
Borough Communications and Community Outreach - Councilwoman Cole

Consent Agenda

Resolutions 2023-68 Authorize 2022 Budget Transfers 2023-69 Hire Part-time School Crossing Guard – Scott Terhune 2023-70 Authorize Tax Payment Refund to Corelogic for payment error - 13 McCarter Avenue Executive Session: Personnel, Acquisition of Property and Contract Negotiations 2023-71 2023-72 Authorize Execution of FY2022 Community Development Project Agreement with County 2023-73 Authorize Execution of Certification Prohibiting the Use of Excessive Force and Certification Prohibiting the Use of Federal Funds for Lobbying Authorize CFO to Invest Funds in the NJ Asset & Rebate Management Program 2023-74 2023-75 Authorize Amendment of 2023 Temporary Budget Authorize Tax Overpayment Refund - 100 Parker Avenue 2023-76 2023-77 Deputy Borough Clerk Appointment - Krystie Larsen Amend Appointments to the Planning Board - Regular Member and Alternate No. 1 2023-78 2023-79 Approve Refund of Street Opening Cash Repair Deposit - 25 Beechwood Place Payment of Vouchers 2023-80

Department Reports

January 2023

- -Police Department
- -Municipal Court
- -Tax Collector
- -Planning Board and Zoning Board
- 12. Good of the Borough Please stand and identify yourself by clearly stating your name and address for the record (*Please observe a time limit of three minutes*)

13. Adjournment

PROCEDURE FOR CITIZEN PARTICIPATION AT COUNCIL MEETINGS

The Fair Haven Borough Council and the Mayor welcome comments, suggestions and inquiries from residents of Fair Haven. To that end, provision is made for a public discussion period at each meeting. It is listed as:

"Public Discussion" – near the end of the meeting where any topic may be addressed.

You must wait to be recognized by the Mayor. <u>IDENTIFY YOURSELF BY CLEARLY STATING YOUR</u>

<u>NAME AND ADDRESS FOR THE RECORD</u>. Limit your comments to three (3) minutes. Once a particular topic has been addressed by a member of the public, he/she will not be recognized to talk again on the same topic until all others have been heard a first time.

If you wish to reserve time to speak in advance, you may address your request to Allyson Cinquegrana at 732-747-0241 extension *221, by noon on the Friday preceding the meeting.

You will <u>NOT</u> be recognized, <u>NOR SHOULD YOU COMMENT OR CARRY ON A DEBATE OR</u>
<u>DIALOGUE WHILE BUSINESS OF THE BOROUGH IS BEING ADDRESSED BY MAYOR AND</u>
COUNCIL.

NEXT MEETING: MONDAY, MARCH 13, 2023

BOROUGH OF FAIR HAVEN ORDINANCE NO. 2023-01

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.

| Motion by: | Second by: | |
|--------------|------------|--|
| AFFIRMATIVE: | | |
| NEGATIVE: | | |
| ABSTAIN: | | |
| ABSENT: | | |

RESOLUTION NO. 2023-68

TITLE: AUTHORIZING TRANSFERS IN THE 2022 MUNICIPAL BUDGET

WHEREAS, pursuant to N.J.S.A. 40A:4-58, appropriation transfers are allowable during the last two months of a fiscal year; and

WHEREAS, it is deemed necessary that said transfers be done through various accounts.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven, County of Monmouth and State of New Jersey that the following transfers are made in the 2022 budget appropriations:

| FROM | ACCOUNT NAME | AMOUNT |
|-----------------|------------------------------|---------------|
| 2-01-20-165-211 | Engineering Contractual | \$6,200.00 |
| Total | | \$6,200.00 |
| | | |
| 2-01-20-120-271 | Municipal Clerk-Codification | \$6,200.00 |

| Motion by: | Second by: | |
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| AFFIRMATIVE: | | |
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| NEGATIVE: | | |
| ABSTAIN: | | |
| ABSENT: | | |

RESOLUTION NO. 2023-69

TITLE: APPOINTMENT OF PART-TIME SCHOOL CROSSING GUARDS

WHEREAS, there is a need for part-time School Crossing Guards; and

WHEREAS, Chief Joseph McGovern has recommended that Scott Terhune be appointed as a Part Time School Crossing Guards, retroactive to February 20, 2023 at an hourly salary of \$20.00

BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Scott Terhune is hereby appointed as part-time School Crossing Guards as noted above.

| Motion by: | Second by: |
|--------------|------------|
| AFFIRMATIVE: | |
| NEGATIVE: | |
| ABSTAIN: | |
| ABSENT: | |

RESOLUTION NO. 2023-70

TITLE: AUTHORIZE REFUND TO CORELOGIC FOR TAX PAYMENT ERROR

WHEREAS, the Borough of Fair Haven's Tax Department received an e-mail file from CoreLogic with payment for nine properties for 1st quarter taxes; and

WHEREAS, one of the properties noted in the e-mail file had a block and lot number that matched a Fair Haven block and lot, however, payment was for a property in Harvey Cedars, NJ; and

WHEREAS, the Tax Collector contacted CoreLogic and verified that this payment was made in error, and they requested a refund in the amount of \$2,148.24.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Chief Financial Officer and Tax Collector are hereby authorized to send a refund in the amount of \$2,148.24 to CoreLogic Refund Department, 3001 Hackberry Road, Irving, Texas 75063.

| Motion by: | Second by: | |
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| AFFIRMATIVE: NEGATIVE: ABSTAIN: ABSENT: | | |

RESOLUTION NO. 2023-71

TITLE: EXECUTIVE SESSION

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. Holiday Schedule for Non-Aligned Staff

Acquisition of Property

1. 21 Fair Haven Road

Contract Negotiations

- 1. Interlocal Service Agreement with Rumson Construction Code Services
- 2. Director of Engineering and Public Works

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.

| Motion by: | Second by: |
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| AFFIRMATIVE: | |
| NEGATIVE: | |
| ABSTAIN: | |
| ABSENT: | |

RESOLUTION NO. 2023-72

TITLE: AUTHORIZE THE MAYOR AND CLERK TO EXECUTE A PROJECT AGREEMENT WITH MONMOUTH COUNTY FOR PERFORMANCE AND DELIVERY OF FISCAL YEAR 2022 COMMUNITY DEVELOPMENT PROJECT

WHEREAS, certain federal funds are potentially available to Monmouth County under the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the County of Monmouth expects to receive an allocation for Fiscal Year 2022 from the United States Department of Housing and Urban Development; and

WHEREAS, the County of Monmouth has submitted its Annual Plan for Fiscal Year 2022 to the U.S. Department of Housing and Urban Development, which included a project hereinafter referred to as ADA Improvements to Bicentennial Hall with a grant allocation of \$174,074.00.

WHEREAS, the Borough of Fair Haven hereby met all the requirements for the release of funds to begin incurring costs for this project; and

WHEREAS, the Borough of Fair Haven has filed with the Monmouth County Community Development Program an acceptable timetable for completion and expenditure of grant funds, which is included as an appendix to the Project Agreement.

NOW, THEREFORE, BE IT ORDAINED, that the Mayor and Municipal Clerk are hereby authorized to execute with the County of Monmouth the attached Project Agreement on behalf of the Borough of Fair Haven.

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| RESOI | LUTION |

| Motion by: | Second by: | |
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| A ENERGED M. A. PRES VER | | |
| AFFIRMATIVE: | | |
| NEGATIVE: | | |
| ABSTAIN: | | |
| ABSENT: | | |

RESOLUTION NO. 2023-73

TITLE: AUTHORIZE THE MAYOR TO SIGN A CERTIFICATION PROHIBITING THE USE OF EXCESSIVE FORCE AND A CERTIFICATION PROHIBITING THE USE OF FEDERAL FUNDS FOR LOBBYING

WHEREAS, certain federal funds are potentially available to Monmouth County through the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the United States Department of Housing and Urban Development has allocated funding to the County of Monmouth for Fiscal Year 2022; and

WHEREAS, the County is making some of these funds available to certain participating municipalities and non-profit agencies; and

WHEREAS, it is required that the Borough of Fair Haven execute a Project Agreement with Monmouth County to undertake a project known as ADA Improvements to Bicentennial Hall and

WHEREAS, the U.S. Department of Housing and Urban Development is requiring that the Mayor of the Borough of Fair Haven sign additional certifications in order to receive these funds; and

WHEREAS, the Borough of Fair Haven has adopted a policy prohibiting the use of excessive force by its law enforcement agency (police force) within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

WHEREAS, a copy of that policy is attached to and made part of this resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Fair Haven as met the conditions of receiving a Fiscal Year 2022 allocation by adopting a policy prohibiting the use of excessive force and by not using federal funds for lobbying or by disclosing that funds have been used for lobbying.

BE IT FURTHER RESOLVED, that the Mayor of the Borough of Fair Haven is hereby authorized to sign the attached certifications which will become part of the Fiscal Year 2022 Project Agreement.

COUNCIL OF THE BOROUGH OF FAIR HAVEN

MONMOUTH COUNTY, NEW JERSEY **RESOLUTION**

| Motion by: | Second by: |
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| AFFIRMATIVE: | |
| NEGATIVE: | |
| ABSTAIN: | |
| ABSENT: | |

RESOLUTION NO. 2023-74

TITLE: AUTHORIZE THE CHIEF FINANCIAL OFFICER OF THE BOROUGH OF FAIR HAVEN, NEW JERSEY TO INVEST FUNDS IN THE NEW JERSEY ASSET & REBATE MANAGEMENT PROGRAM

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

- 1. The Fair Haven Mayor and Council hereby finds and determines that (a) the Chief Financial Officer has received and reviewed (i) the Information Statement dated as of January 3, 2005 describing the New Jersey Asset & Rebate Management Program ("NJ/ARM") and (ii) the Amended and Restated Interlocal Services Investment Agreement governing the NJ/ARM Program ("Program Agreement") and (b) the [Official] has been afforded the opportunity to discuss NJ/ARM with the Investment Administrator and Special Counsel to NJ/ARM and the has determined that it is in the best interests of the Borough of Fair Haven to authorize the Borough of Fair Haven to participate in NJ/ARM.
- 2. The Program Agreement is hereby approved, and the Chief Financial Officer is authorized to execute the Program Agreement on behalf of the Borough of Fair Haven.
- 3. U.S. Bank, N.A., as Custodian for the NJ/ARM Program, is hereby approved to act as a depository of Public Funds for the Borough of Fair Haven, County of Monmouth
 - 4. The Borough of Fair Haven's Cash Management Plan is hereby amended to provide the same.
- 5. The Mayor and Council acknowledges that its decision to authorize the participation in NJ/ARM is based solely on the information set forth in the Information Statement and in the Program Agreement.
 - 6. This resolution shall take effect immediately upon its adoption.

| Motion by: | Second by: | |
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| AFFIRMATIVE: | | |
| NEGATIVE: | | |
| ABSTAIN: | | |
| ABSENT: | | |
| RESOLUTION NO. 2023-75 | | |

TITLE: TEMPORARY EMERGENCY APPROPRIATION

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 2023 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 2023 for the Borough pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total **\$2,185,438.14** 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 | | | |
| 3-01-23-210-228 | Insurance-General Liability | \$50,000.00 | Temp Budget |
| 3-01-25-255-207 | Fire Department – Other Expenses | \$2,000.00 | Temp Budget |
| 3-01-26-310-101 | Bldgs & Grounds – Salaries | \$7,000.00 | Temp Budget |
| G-02-03-023-001 | 2022 Recycling Tonnage Grant FY 2020 | \$9,538.14 | Grant |
| TOTAL | | \$68,538.14 | |

- 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.

| Motion by: | Second by: |
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| AFFIRMATIVE: | |
| NEGATIVE: | |
| ABSTAIN: | |
| ABSENT: | |

RESOLUTION NO. 2023-76

TITLE: REFUND OF 1st QUARTER, 2023 PROPERTY TAX OVERPAYMENTS

WHEREAS, the Tax Collector, has provided a request for a tax overpayment refund for 1st Quarter 2023 due to duplicate payment and advises that the following property owners qualify for a refund as follows:

| Owner | Address | Block Lot | Refund |
|-----------------------------|-------------------|-----------|------------|
| Estate of Herbert Reed. Jr. | 100 Parker Avenue | 37 9 | \$1,686,40 |

Payment to: Lereta

Attn: Refunds

901 Corporate Center Drive Pamona, California 91768

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Tax Collector and Chief Financial Officer are hereby authorized to pay said refunds in the amounts listed above.

| Motion by: | Second by: | |
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| AFFIRMATIVE: | | |
| NEGATIVE: | | |
| ABSTAIN: | | |
| ABSENT: | | |
| RESOLUTION NO. 2023-77 | | |

TITLE: APPOINTMENT OF A DEPUTY MUNICIPAL CLERK

WHEREAS, N.J.S.A.40A:9-135 created the office of Deputy Municipal Clerk in the State of New Jersey; and

WHEREAS, Section 2-4.3 of the Fair Haven Municipal Code established the office, and set forth the duties, of the Deputy Municipal Clerk for the Borough of Fair Haven; and

WHEREAS, there is presently a vacancy in this Borough position, which the Administrator has recommended be filled, due to the ongoing essential functions performed by the office of Municipal Clerk; and

WHEREAS, the Borough Administrator and Borough Clerk has recommended Krystie Larsen to fill the position of Deputy Municipal Clerk, effective March 1, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that Krystie Larsen is hereby appointed Deputy Municipal Clerk. Such appointment will take effect on March 1, 2023.

BE IT FURTHER RESOLVED that the salary for this position will be \$25.00 per hour, which is in accordance with the Borough Salary Ordinance, as established by the governing body.

| Motion by: | Second by: |
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| AFFIRMATIVE: | |
| NEGATIVE: | |
| ABSTAIN: | |
| ABSENT: | |

RESOLUTION NO. 2023-78

TITLE: AMEND APPOINTMENTS TO PLANNING BOARD – REGULAR MEMBER AND ALTERNATE NO. 1

WHEREAS, Resolution No 2020-187 adopted by the Mayor and Council at their October 13, 2020 meeting appointed Fredrick Rolff to an unexpired term as a regular member of the Planning Board; and

WHEREAS, Resolution No. 2023-03 adopted by the Mayor and Council at their January 3, 2023 meeting appointed Patricia Quigley to an unexpired term as a Planning Board Alternate No. 1 member; and

WHEREAS, it has been requested that these positions be changed with Patricia Quigley serving as Regular Member with a term expiring on December 31, 2023 and Fredrick Rolff appointed as the Alternate No. 1 member with a term expiring on December 31, 2023.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the appointments of Patricia Quigley as a Regular Member on the Planning Board with a term to expire on December 31, 2023 and Fredrick Rolff as Planning Board Alternate #1 member with a term to expire on December 31, 2023 is hereby approved.

| Motion by: | Second by: | |
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| AFFIRMATIVE: | | |
| NEGATIVE: | | |
| ABSTAIN: | | |
| ABSENT: | | |

RESOLUTION NO. 2023-79

TITLE: AUTHORIZE REFUND OF CASH REPAIR DEPOSIT TO JAMES AND MEGHAN KEEFE, FOR 25 BEECHWOOD PLACE

WHEREAS, Ordinance No. 2007-31 created the Street Excavation Ordinance which requires a cash repair deposit be posted to serve as security for the inspection, repair and performance of work necessary to put the street in as good a condition as it was prior to the excavation if the permittee fails to make the necessary repairs or to complete the proper refilling of the opening and the excavation work performed in accordance with the excavation permit; and

WHEREAS, the Assistant Director of Engineering and Public Works has completed an inspection of the street opening (Permit No. 2020-58 approved on September 10, 2020) for James and Meghan Keefe, 25 Beechwood Place, to increase a curb cut and expansion of their driveway; and

WHEREAS, the Assistant Director of Engineering and Public Works has recommended that the cash repair deposit posted by Mr. and Mrs. Keefe be returned in the amount of \$27.00.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the foregoing cash deposit return is hereby approved, and the Chief Financial Officer/Assistant Chief Financial Officer are hereby authorized to pay said refund to Mr. and Mrs. Keefe, 25 Beechwood Place.

COUNCIL OF THE BOROUGH OF FAIR HAVEN

MONMOUTH COUNTY, NEW JERSEY **RESOLUTION**

| Motion by: | Second by: |
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| AFFIRMATIVE: | |
| NEGATIVE: | |
| ABSTAIN: | |
| ABSENT: | |

RESOLUTION NO. 2023-80

TITLE: 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 27, 2023 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

| 2022 CURRENT FUND ACCOUNT | \$ 26,298.32 |
|---------------------------|--------------------|
| 2023 CURRENT FUND ACCOUNT | \$ 2,872,145.90 |
| GENERAL CAPITAL | \$ 1,705.00 |
| GRANT FUND | \$ 11,151.87 |
| OTHER TRUST | \$ 10,768.35 |
| DOG TRUST | \$ 274.20 |
| | |

TOTAL \$ 2,922,343.64