

**FAIR HAVEN BOROUGH COUNCIL  
FEBRUARY 27, 2023**

The meeting was called to order by Mayor Halpern at 7:01 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 27, 2023 IS AVAILABLE BY CALL IN PHONE NUMBER OR THROUGH WEB CONFERENCE (ZOOM). MEMBERS OF THE PUBLIC WILL BE ON MUTE UNTIL IT IS TIME FOR QUESTIONS AND COMMENTS, WHICH WILL BE ANNOUNCED. AT THAT TIME, THE PUBLIC HAS THE OPPORTUNITY TO QUESTION/COMMENT BY PHONE OR THROUGH ZOOM BY THE "RAISE HAND" BUTTON AND WILL BE CALLED ON AT THE APPROPRIATE TIME.

NOTICE OF THIS MEETING WAS INCLUDED IN A SCHEDULE OF MEETINGS WHICH WAS ADOPTED BY RESOLUTION NO. 2023-13 AND SENT TO THE ASBURY PARK PRESS, THE TWO RIVER TIMES, THE HUB AND THE STAR LEDGER ON JANUARY 6, 2023 POSTED ON THE BOROUGH WEBSITE, THE BULLETIN BOARD IN THE MUNICIPAL BUILDING AND HAS REMAINED CONTINUOUSLY POSTED AS REQUIRED UNDER THE STATUTE.

WITH ADEQUATE NOTICE HAVING BEEN GIVEN, THE BOROUGH CLERK IS DIRECTED TO INCLUDE THIS STATEMENT IN THE MINUTES OF THIS MEETING.

**ROLL CALL**

On Roll Call the following were present: Councilmembers Cole, Hoey, Koch, LaBarbera and Rodriguez. Absent: Councilwoman Neff. Others present: Administrator Casagrande, Attorney Sobel and Chief McGovern.

Administrator Casagrande gave an update on the 2023 Municipal Budget. At the February 6<sup>th</sup> meeting, she reported that the Local Finance Board was going to review the 2023 Appropriations CAP and possibly take certain items outside of CAP. They did so at their February 8<sup>th</sup> meeting; garbage/trash and recycling removal and disposal, pension costs (PERS and PFRS for employer contribution), diesel fuel and workers compensation. On February 23<sup>rd</sup>, the State sent out new Levy CAP Workbooks to all CFOs. Administrator Casagrande did the first round of budget cuts for the Finance Committee's review (the Local Finance Board decision will help with the current budget draft). She will have an update at the March 13<sup>th</sup> Council Meeting.

Councilwoman Neff arrived at 7:06 p.m. and Engineer Gardella joined via Zoom.

**PRESENTATIONS**

**Waterfront Access Projects.** Joseph Raftery, Senior Project Manager, Colliers Engineering, introduced Rich Maloney and provided an update on the Borough's Waterfront Access Projects. Construction plans for Bulkhead Replacement at Grange Avenue and Hance Road Pocket Parks and Battin Road Boat Ramp Replacement were shared to Zoom and displayed on the TV monitors as Mr. Raftery spoke. There were various grants that were part of the genesis for the project(s) and date back a number of years, so this evening is to provide a status. All NJDEP permits required have been obtained so regardless of what projects are decided on, we are permitted until 2025. Grange Avenue was reviewed first with plans for bulkhead replacement (photos of the current condition were shown; there is a considerable threat due to wash out). There would be new bulkheading, benches and trash receptacles placed in the park. Grange Avenue's bulkhead is the worst out of the three proposed pocket parks. There is a \$519,000 estimate for this project that was calculated in October 2022. There is a Monmouth County Open Space grant for this project. Administrator Casagrande advised that Colliers worked with the DPW/Engineering Committee for the design. As part of the grant application procedures, the Borough presented the project design as a conceptual to the public and they provided their input. Mr. Raftery said the Borough is limited in options because of the steep slope and terrain. A new bulkhead will last approximately 55 years.

Hance Road is a narrow road and there were a lot of engineering decisions made (prior to Mr. Raftery's time on the project). At this location, there is no safe way to the beachfront. The idea is to build up the site including a platform with benches and stairs to have access to the water. It would not be ADA accessible, but the public could launch a kayak or stand-up paddleboard. There would be a staircase to meet terrain grade at the platform (3-4' up from where it is now). At the end of the platform would be

receptacles and a bike rack. There would be a sidewalk path and there would be stairs to access the platform to a four-foot asphalt ramp. Photos of the current condition were provided. Time is not of the essence to fix this from an infrastructure perspective. Council was advised that the goal is to make it a level property vs. the slope that is currently there. Councilwoman Neff noted that kayaks and paddleboards can be launched from the boat ramp and that Grange Avenue and Hance Road are one block away from one another. Mayor Halpern asked if the property has been or could be offered to the neighbors with them giving the Borough an easement? Administrator Casagrande advised that no, the property has not been offered to the neighbors, yet. Ralph Wyndrum, Cooney Terrace, advised he would be interested. The Mayor felt it would be worth the exercise to offer it so there are more options to consider. Councilwoman Cole spoke to the various types of access for these waterfront parks. The project estimate is \$289,000.

The Boat Ramp has asphalt in disrepair that needs to be repaired. There are potholes filled with stone. There is a NJDEP permit for dredging of water. NJDEP regulated what they will permit (no floating dock). The plan is to put in asphalt and grooved concrete. Mr. Raftery said it will not be a true boat ramp where you have full access to the water (due to the NJDEP limitations) so you would have to walk through muck during certain tides. Mr. Maloney said that they are going to try to match the limits of the current boat ramp. The intent was to get out to the mean well water line. The cost of this project would be \$180,000. Councilwoman Neff said that this is what the Borough really needs; it should be repaired and presentable for the public to use. This is also the cheaper project. Administrator Casagrande advised that it is a 2014 grant, and the County is willing to work with the Borough to increase access to the waterfront. They are aware that the costs have escalated. These are matching grants, and we can handle the money however we want for the \$250,000 (i.e. one project, a few things from each project). The Borough has \$800,000 authorized in bond ordinances \$250,000 in Monmouth County Open Space grants plus \$150,000 in soft costs and \$120,000 into the design. The County cares about the amenities not the bulkhead work.

There was discussion on how to approach the projects and how to address each waterfront project. Councilwoman Cole provided her opinion on the project for Grange Avenue and how to take advantage of the grant. Councilwoman Koch had questions about the plans. Councilwoman Neff asked if there are grants for bulkheads? Mr. Raftery said the NJDEP has a Shore Protection Line Program; they allocate money for beach replenishment projects to Army Corp of Engineers. He provided scenarios on what the County may or may not consider. The Mayor asked if the Borough could go back to the NJDEP with its plan and see if we can possibly avoid a total redesign if we do not do all of the projects we submitted for. We need to get \$250,000 over the \$250,000. Mr. Raftery said the Borough can go back to the County to see if the bulkhead project would be acceptable to them; the bulkhead is up to the NJDEP and there is no wiggle room. There was a floating dock attached to the original Boat Ramp application that was denied by the NJDEP.

Councilman Rodriguez left at 7:50 p.m.

Councilman LaBarbera said Grange Avenue seems to be the most wanted project among the Council with no real interest in Hance Road. The Boat Ramp is also an interest. Councilwoman Cole stated the Borough needs public input and the plans should go to the Environmental Commission and Planning Board for their review. She asked that a copy of the NJDEP permit go to each entity. She was advised that it did when they were received from the NJDEP. Mr. Raftery suggested looking into an NJDEP Zane Letter if the Borough is only looking to address the bulkhead on Grange Avenue or in the case of a severe storm. Councilwoman Neff asked that the Borough find out what is the least we can do; she felt the pocket area was being overly urbanized.

Mayor Halpern asked Attorney Sobel if he could find out the process for offering the Hance Road bulkhead area to the adjacent neighbors. Attorney Sobel advised he will research and advise. The projects were further discussed.

**Borough Facilities Update.** Councilman LaBarbera introduced Andrew Conte, Gabel Associates (Energy Consulting firm), and gave a background on the matter. The Borough had a Solar Feasibility Study done which originally started with the police department and then included Borough Hall, DPW and Concession Stand to see if this would be feasible and any possible financial benefits. Mr. Conte shared screen with a Power Point presentation providing his Solar Feasibility Study Report. He reviewed and explained the findings, advised on changes in the market and provided Current Solar Market data, Direct Solar Purchase (most viable), lease options (not normal for a project this size) or Direct Ownership (the Borough would bond directly). An estimated JCP&L cost per kWh was given. Solar is not recommended for the Concession Stand. Councilwoman Neff asked for a point of clarification with the DPW facility information about using less panels on the building because of constrained energy usage and the creation of a portfolio. Mr. Conte said the portfolio is just the total of each individual building for individual solar projects at each location. Councilwoman Neff asked if there will be something for the future to accommodate electric vehicles where they can be charged at DPW. Mayor Halpern clarified the presentation stated that the Borough would be paid back in 7-10 years? Yes, depending on final numbers, it must fund fully and then the Borough would

apply to IRS for refund. Investment Tax Credit **happens once**. There is \$5,000 annual cost for O&M, insurance and equipment maintenance. Councilwoman Cole asked about the life of the panels? It is performance based, but panels can last close to 40 years. The Inverter would be first to need replacement because it fails the quickest; they cost \$10,000-\$15,000 each. Mayor Halpern asked, "if the Borough waits on solar panels, is it going to hold up the project"? Design and construction come first. Since there is no HVAC planned to be on the roof, the solar panels can be installed at any time. The Mayor asked if it would change the insurance coverage for the building if we placed solar on the roof; not with a ballasted system. Councilwoman Neff asked for a break down of each year for a 20-year finance prospective. Mayor Halpern advised the entire governing body loves the environmental implications for solar, but it is a finance issue. Andrew Conte said he would have to get indicative pricing as he did not build this model analysis into the pricing. This analysis would come at an additional cost. Administrator Casagrande asked if there have been concerns raised by fire departments about solar on home roofs? Yes, it is still a concern for certain fire department, but there is training for first responders and how to handle and there can be things done with solar installation that would minimize the safety risk. Mayor Halpern asked if there would be an increase to insurance premiums; it could if the Borough owns the system outright. Councilman LaBarbera will work with Andrew Conte on a cash flow analysis and hopes to have something for the March 13<sup>th</sup> meeting.

Susan Gruel and Amanda O'Lear of Heyer and Gruel were in attendance. Councilman LaBarbera thanked all who attended the open houses on February 16<sup>th</sup> and 25<sup>th</sup> and for their feedback. The February 25<sup>th</sup> station boards were changed to reflect the input given at the February 16<sup>th</sup> meeting providing more options. He thanked the professionals and Borough staff. A synopsis of what occurred at the open houses was provided. Susan Gruel apologized that Elena Gabel could not attend and understood from both Elena Gable and Amanda O'Lear that the open houses went well and that it was a great effort. Amanda highlighted what came out of the open houses and provided the main take aways from February 16<sup>th</sup> and 25<sup>th</sup>. Many came out to participate and everyone was pleased with the involvement. There were many comments on the kitchen in the Community Center and the needs for a large variety of events with exterior access to the kitchen. The bathrooms were a common concern at both meetings with regard to access both internally and externally. Storage space was another concern for tables and chairs, various community group supplies, etc. They would like compartmentalized space for each of the various groups. There was lobby space shown in the entire front of the building on February 16<sup>th</sup>, so the February 25<sup>th</sup> plans showed less lobby space to provide extra usable space in the main room. There was concern about sun exposure at the south facing wall and protection for the windows. The plan addressed partitions for various groups to meet at the same time as well as building acoustics. Many made requests for a green building (solar, rain gardens). There were concerns regarding the proposed exterior lighting impact and requests for internal/external water filling stations. Councilman LaBarbera noted that some who came to the February 16<sup>th</sup>, came back on February 25<sup>th</sup> and saw that they were heard with the adjusted plans. The public was presented with three (3) building façade options and chose a favorite and least favorite. The covered porch was most popular at both meetings and the wrap around porch was least wanted at both meetings. The building material choice was clapboard vs. brick; clapboard was the preferred choice at both meetings. There is a lot of feedback to work from.

Councilman LaBarbera provided a Power Point presentation which was shared to screen and reviewed for DPW. There are three Architects being considered and there are 4 AOCs left. We are aware of what remediation is required for the fuel tank. NJAW will be doing a hydro flow test this week to confirm that the volume and pressure can be handled. By March 13<sup>th</sup>, we will have Architect proposals for possible choice. SWAG dates and renovation milestones were reviewed.

With regard to the Police Department and Community Center, a Technical and Design Review Committee was established at the February 21<sup>st</sup> Planning Board meeting. A 2" pipe on Fisk Street needs to be updated. The Committee met with BFI on February 23<sup>rd</sup> (State contract vendors for furniture who helped Colts Neck) to begin initial programming by meeting with everyone in the police department and those who use the Community Center. BFI will provide us with a proposal. Regarding LSRP, CME conducted additional investigative work on February 17<sup>th</sup> to inform next steps on the three (3) AOCs; coming this week. There is no drainage in the soil based on soil borings which is great. There is a 2,000-gallon tank with 2-2 ½ feet of fuel left from the 1980s that needs to be removed, immediately. Chief McGovern is meeting with JCP&L and they will remove the pole. There is a Bond and Finance meeting scheduled for March 1<sup>st</sup> to discuss funding next steps. There will be review of the ordinances from 2015 to align what we are going to do. Windows came up at the open houses and we will be specifying high-performance glass to satisfy the Energy Code. Parking is an issue and was mentioned in the Open House. There was a meeting with the Reverend and Sister of Fisk Chapel regarding a short-term parking solution; the Reverend wants to speak with his Board and will come back to us. They are also willing to assist with the landmark. The Committee is working with the IT Administrator. Councilman LaBarbera met with Construction Code Official regarding code-compliance. Site Remediation was reviewed. Legal Counsel was asked to review Outline Specs and legal documents.

There was review of the Community Center Evolution (pages 7 and 8 of the Power Point) showing renditions. There will be a kitchenette, not a full commercial kitchen. Partitions for the area would be movable. There will be either storage for all of the volunteer groups or none. Various sketches/plans were provided to the public. Public questions and recommendations that were received on the Community Center were reviewed through pages 10 and 11, Community Center Program Requirements were reviewed via page 12 and next steps on page 14. This is not a recreational facility, but a Community Center. The Facility Committee will be visiting the Union Beach Police Department building to see another project designed by Goldstein Partnership. Page 16 of the presentation showed that the Fair Haven Police Department schedule is still on track.

### WORKSHOP SESSION

Mayor Halpern asked Brian Rice, Environmental Commission Chairman, to provide a 2022 Annual Report. Handouts were provided in Council packets. McCarter Pond Hydro-raking will occur in mid-April. There was a lot of collaboration with the Green Team; they obtained Silver Status through Sustainable Jersey. With regard to the Living Shoreline Project at DeNormandie Park, the Environmental Commission and Green Team have been working with the Littoral Society for quite some time. The Environmental Resource Inventory is being worked on (Jessie Murray is the lead); it was last revised in 2017. Regarding the Navesink River, Storm X photos show nothing has been collected. There is netting at the end of Fair Haven Road attached to the stormwater pipe to catch any debris; there has only been organic material. There have been Roundtables with all Commissions and Committees in the Borough to collaborate; the meetings are held quarterly. Mr. Rice noted that Ralph Wyndrum has been an Environmental Commission member for very long time as well as Chairman for well over 10 years and his shoes will not be easy to fill; he did a great job as past Environmental Chairman.

A memo dated October 5, 2022, provided more details about the Living Shoreline. Fair Haen has a great partnership with the Littoral Society. The shoreline has lost a lot of dirt that needs to be backfilled; a living shoreline would help us. There is a possibility that we can get grant funding to do it. Councilwoman Cole said the Environmental Commission hosted a meeting at the end of last year which was dedicated to DeNormandie Avenue and the park. The Living Shoreline is a very popular project and will allow us to showcase a lot of forward-thinking Green Infrastructure that would be easy to maintain and will set the bar in our area; this is not very expensive. The Borough's Engineering Department wants to look at the area to be sure there are no stormwater violations. Peter Avakian, PE PP CME, could be helpful with this project, as well, because he specializes in these types of projects. Mayor Halpern thanked Brian Rice, Ralph Wyndrum and the entire Environmental Commission for all that they do. He wished Mr. Rice luck as the new Environmental Chairman.

A tree removal appeal was received from Nicolette and Eric Ulino, Dogwood Lane (both were in attendance). Mrs. Ulino advised that they are new residents to Fair Haven and are excited to be here. The tree in question is dangerously close to a bedroom; the tree is diseased with the root system above ground and pulling up the walkway which is a liability concern. Mayor Halpern asked a few questions about the application: clarifying the contractor to be used as there were two different companies named and what type of replacement trees would be planted. Councilwoman Cole asked if Mr. and Mrs. Ulino planned to replant; yes. She provided the Ulinos with the history of tree loss in the Borough and the concern the Borough has regarding trees. Councilman LaBarbera advised that they are doing everything right as new residents and following process. He asked that the contractor give guidance as to the type of replacement tree and location on the property. It was asked that they consider additional tree plantings besides the required 4" diameter, at breast height, deciduous shade tree, to replace the tree to be removed. Attorney Sobel made the suggestion that Bill Brooks, Borough Forrester, be present for these appeals to support his recommendation letter and answer questions that the governing body may have. Motion to approve the appeal with a request for additional tree plantings moved by Councilmember LaBarbera, second by Councilmember Koch, with Ayes by all present. The Borough Clerk was asked to provide the Shade Tree's list of trees native to Fair Haven.

Administrator Casagrande advised that the governing body was provided information in their packet regarding the NJ Asset and Rebate Management Program. CFO Lapp and the Financial Advisor have recommended we be a part of this program. The history of the market rate and the current market rate were reviewed. This program would provide the Borough with the flexibility to move money which is important for our CFO. Councilman LaBarbera asked that the Borough identifies ways to raise revenues. Councilwoman Neff advised that due to her professional position, she cannot participate in discussion or vote on the resolution listed on the agenda related to this topic.

The following Street Opening requests were received due to winter 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

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

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

The meeting was opened to the public for comments or questions at 9:37 p.m. Terry Simboli, Fisk Street, asked Councilman LaBarbera about his presentation being available to the public; it will be posted on the website tomorrow. She was concerned about all electric for the police department and/or community center precluding the buildings from having a generator. She relayed a situation like Super Storm Sandy where the public utilized the Community Center to be able to work and access the internet, charging cell phones, etc. Councilman LaBarbera said that there will be a generator large enough to handle both buildings; it will be run on diesel not natural gas. The generator that is currently at the police department will be installed at Bicentennial Hall. Mrs. Simboli asked about the solar plan for the police department and if there will be panels on both sides of the roof. At the police department, the solar panels would not be visible from the street or to the public, on purpose. The Community Center would not have solar.

Carolyn Ferguson, Colonial Court, said that she is a kayaker. Her kayaks are on wheels, and she has used the Hance Road access; there is a difference between walking them vs. “schlepping them” on top of a car. It is important to protect the access to the water for the public; it is a precious asset that should not be lost to a resident owning it because we could not get it back. The children in the Borough grow up on the river and learn about it, so we should not only have one access to the river.

Sarah Schiavetti, Cooney Terrace, thanked everyone for their support of the Green Team and its efforts; they submitted a Green Team Grant for the rain garden. Regarding water access, she agreed with Carolyn Ferguson’s comments. It is important for people to be able to come and go with access to the river. Living Shorelines are not development zones and should not be anything other than blue and green spaces. The Navesink River needs help and to be kept healthy for everyone including the shellfish.

Bonnie Torcivia, Battin Road, said there is a need for a tree ordinance amendment to be approved. The tree appeal approval this evening creates a horrible loss. There needs to be some sort of scale. She echoed the comments on the living shoreline and asked that the Borough create one at the end of Hance Road. She asked about the Grange Avenue bulkhead and it being the homeowner’s responsibility to fix it. She was advised that the Borough owns the waterfront access at the end of Grange Avenue. Councilman LaBarbera advised that the neighbor also has a bulkhead that needs to be addressed. There was discussion on raising the bulkhead a little higher; waterfront access and how it is created is governed by the NJDEP.

Marti Egger, Hance Road, thanked Mayor and Council for keeping areas as natural as possible. There are many projects going on in the Borough and she asked that these projects be kept simple.

Chief McGovern thanked the Mayor and Council for the work and presentations that have taken place regarding a new police department. He also thanked the public for their attendance and input on the project.

Kelly Flanagan, Third Street, thanked Mayor and Council for the open houses that were held. She said that it is also important to get the younger kid’s feedback on what they would like to see for the proposed Community Center. The pocket parks are the public’s access to the Navesink River (a valuable asset and natural resource). At last year’s Love Where You Live Day there were discussions about water access. Mrs. Flanagan requested Mayor and Council approve engineering for the living shoreline because it is so important. She is happy with the facilities discussions. Mrs. Flanagan asked if there would be a benefit to joining the school on a solar panel initiative. She was advised that Knollwood’s HVAC is on their roof so solar panels could not be placed there. Also, the Borough is responsible for its building projects and the school is responsible for theirs. She asked about solar thermal for the police department; Councilman LaBarbera advised that he would bring it up at the next facility’s meeting.

Michal DiMiceli, River Road, supported everything said tonight. She advised that her family uses Hance Road to access the river with their kayaks and an impervious surface would be great. She also loved the sustainability discussions.

Mark Olson, Cambridge Avenue, said the Dogwood Lane couple should be applauded for their approach on the tree appeal. He asked who the tree expert is.....is it the landscaper, is it the tree

removal company, is it Bill Brooks, an Arborist, the builder or insurance company? Mayor Halpern advised that the Borough has to think of the safety of all residents and neighbors which is why everyone is heard and consulted. We cannot take the chance that a tree could fall causing serious damage or injuring someone because we denied their appeal request with all of the facts presented. There is a need to plant more trees than are taken down. Councilman LaBarbera encouraged Mr. Olson to give input and suggestions for the tree ordinance.

Stephanie Adams, Oxford Avenue, was glad to hear the tree ordinance is being revisited. She was also glad to hear about the pocket parks being as natural as possible. She also uses the end of Hance Road for launching kayaks. It is important to incorporate green infrastructure which will protect wildlife and our natural resources. Ms. Adams was encouraged with the progress of the police department and community center plans. Everyone wished her a Happy Birthday.

There being no further comments or questions, the meeting was closed to the public at 10:05 p.m.

#### **APPROVAL OF MINUTES**

Councilmember LaBarbera made a motion to approve the Regular Meeting minutes of February 6, 2023, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: Councilmember Rodriguez

Councilmember LaBarbera made a motion to approve the Executive Session minutes of February 6, 2023, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: Councilmember Rodriguez

#### **OLD BUSINESS**

#### **HEARING AND ADOPTION 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**

On motion of Councilmember LaBarbera, second by Councilmember Koch with Ayes by all present, Mayor Halpern opened the meeting for comments or questions at 10:06 p.m.

There being none, the Hearing was closed to the public at 10:06 p.m. on motion of Councilmember Cole, second by Councilmember Koch with Ayes by all present.

Offered for adoption by Councilmember Hoey, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: Councilman Rodriguez

#### **NEW BUSINESS**

#### **Council Committee Reports**

**Finance** - Mayor Halpern read his statement on the 2023 budget that he read at the February 6<sup>th</sup> Council meeting. He encouraged all Council liaisons to request a list of any upcoming projects, events, expenditures and expected support for 2023 as the Committee reviews, considers and prioritizes what is already a tight budget.

Councilwoman Neff advised that the next Finance Committee meeting will be March 1<sup>st</sup>. There are several budget challenges. The first cuts have been made and will be reviewed. CFO Lapp is finalizing the required Annual Financial Statements.

**Personnel** - Councilwoman Hoey did not have anything new to report. There is a resolution for the appointment of Deputy Borough Clerk and a resolution to hire a School Crossing Guard on the agenda.

**Parks and Recreation** - Councilwoman Hoey advised there is nothing new besides the events that have been reported on at prior meetings. DJ Breckenridge put together a great report outlining all of the

profits that were made from the events that he has overseen. He is currently exploring new events.

**Planning Board** - Councilwoman Koch advised the Planning Board met on February 21<sup>st</sup> and they appointed a Technical Review and Design Committee (herself, Jim Newell, Engineer Gardella and the Code Enforcement Officer) who will review the current Police Department plans and make a recommendation to the full Planning Board at the March 21<sup>st</sup> meeting. It is hoped that Goldstein Partnership will make a presentation and that there will be a recommendation for the project.

**Police, Fire & OEM** - Councilman Rodriguez was absent. Councilman LaBarbera said that there have been meetings with Chief McGovern; the primary focus being building plans. A meeting was held with the Cambridge Avenue residents after the February 25<sup>th</sup> open house; there were some frustrations expressed and some successes with the “initial jolt” to address issues with Red Bank Regional High School faculty and students parking on the street. Vehicle traffic on Cambridge Avenue has improved. To provide a solution, Little Silver Council is tracking the situation, we are engaging with Red Bank Regional High School’s Superintendent, there could be possible parking sign installation (No Stopping, Standing or Idling) and Chief McGovern is going to speak with Little Silver’s Chief.

**Engineering and DPW** - Councilman LaBarbera advised there is a prioritization matrix effort focusing on all of the projects; this will help us look at everything including a five-year vehicle maintenance plan. He and Engineer Gardella walked the dock; an update will be given at the next meeting. There have also been discussions on deer signs. A Leaf and Brush kick off meeting was held last week with great input; the next meeting will be held on March 16<sup>th</sup>. There were 14 residents that came out and clear next steps were established.

**Borough Facilities** - This was discussed earlier in the meeting.

**Zoning Board of Adjustment** - Councilman LaBarbera advised the next meeting is March 2<sup>nd</sup>. Reports will be forthcoming.

**Borough Communications and Community Outreach** - Councilwoman Cole advised the next Outreach and Communications meeting will be mid-March. She has been encouraging annual reports and action planning from the volunteer groups. The Facility Open House event was very rewarding for everyone. She will be looking for similar types of participation, when needed, especially for water access. The staff is working on applications and waivers for volunteer activities; this will be communicated when it is finalized.

The Environmental Commission is working on Third Street Trail activities and procedures. There were 90 people who came out yesterday to clean up and assist with the process of making the trail become something. Everything was done by hand not with equipment. Deer Management plans were also discussed; there are resources through Monmouth County. The Commission wants DeNormandie Park to move forward as well as the Environmental Resource Inventory update. The Green Team is hosting a film viewing on March 22<sup>nd</sup> beginning at 6:30 pm (Wild in Garden State) at Bicentennial Hall for as part of their Conservation Film Series. On May 7<sup>th</sup>, they are hosting the second annual “Love Where You Live Day”. The Shade Tree Commission has finalized its Native Plants guidelines. Arbor Day is April 28<sup>th</sup>. On February 23<sup>rd</sup> there was a Roundtable hosted by the Environmental Commission; these are very effective and will be done quarterly.

**CONSENT AGENDA**  
**RESOLUTIONS**

1. Resolution No. 2023-68, Authorize 2022 Budget Transfers

**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:

<u>FROM</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
2-01-20-165-211	Engineering Contractual	\$6,200.00
<b>Total</b>		<b>\$6,200.00</b>

<u>TO</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
2-01-20-120-271	Municipal Clerk-Codification	\$6,200.00
<b>Total</b>		<b>\$6,200.00</b>

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: Councilman Rodriguez

- 2. Resolution No. 2023-69, Hire Part-time School Crossing Guard - Scott Terhune

**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 Guard, 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 Guard as noted above.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: Councilman Rodriguez

- 3. Resolution No. 2023-70, Authorize Tax Payment Refund to Corelogic for payment error - 13 McCarter Avenue

**WHEREAS**, the Borough of Fair Haven’s Tax Department received an e-mail file from CoreLogic with payment for nine properties for 1<sup>st</sup> 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.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: Councilman Rodriguez

- 4. Resolution No. 2023-71, Executive Session: Personnel, Acquisition of Property and Contract Negotiations

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

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

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

**Personnel**

- 1. 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.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: Councilman Rodriguez

5. Resolution No. 2023-72, Authorize Execution of FY2022 Community Development Project Agreement with County

**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.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: Councilman Rodriguez

6. Resolution No. 2022-73, Authorize Execution of Certification Prohibiting the Use of Excessive Force and 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.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: Councilman Rodriguez

7. Resolution No. 2023-74, Authorize CFO to Invest Funds in the NJ 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.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, Hoey, Koch and LaBarbera

Negative: None

Abstain: Councilwoman Neff

Absent: Councilman Rodriguez

8. Resolution No. 2023-75, Authorize Amendment of 2023 Temporary Budget

**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
<b>Current Account</b>			
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
<b>TOTAL</b>		<b>\$68,538.14</b>	

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 Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: Councilman Rodriguez

9. Resolution No. 2023-76, Authorize Tax Overpayment Refund - 100 Parker Avenue

**WHEREAS**, the Tax Collector, has provided a request for a tax overpayment refund for 1<sup>st</sup> 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.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: Councilman Rodriguez

10. Resolution No. 2023-77, Deputy Borough Clerk Appointment - Krystie Larsen

**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.

The Mayor said that Krystie is a phenomenal employee. He had a question about this position being a tenured position; he read from the Statute. He was advised that only the Borough Clerk position is tenured, not the Deputy. Councilwoman Cole stated that just because there is a position on the books, does not mean that the position needs to be filled. We need to be cautious about creating these titles.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

- 11. Resolution No. 2023-78, Amend Appointments to the 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.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

- 12. Resolution No. 2023-79, Approve Refund of Street Opening Cash Repair Deposit - 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.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: Councilman Rodriguez

13. Resolution No. 2023-80, 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	\$ <u>274.20</u>
<b>TOTAL</b>	<b>\$ 2,922,343.64</b>

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: Councilman Rodriguez

**Reports of Departments**

**January 2023**

- Police Department
- Municipal Court
- Tax Collector
- Planning Board and Zoning Board

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 10:26 p.m. Ruth Blaser, River Road, asked about the topic on the Executive Session resolution for Acquisition of Property-21 Fair Haven Road. She was advised that the property is just being discussed and whether we want to acquire it, no decision is being made. Mrs. Blaser questioned the streetlights being out along a portion of River Road and asked if anything is being done. It is a safety issue. Administrator Casagrande said it is a large-scale capital project in the amount of \$75,000 (changing to LEDs and making sure everything is consistent). Mayor Halpern said because of the line they are connected to, if one goes out, they all go out. In this circumstance there was a live wire creating the issue which is why that section is not lit. Mrs. Blaser asked about the Borough making compost or chips available to the public which was done years ago and well received. She was advised that we do not grind the mulch multiple times like we did in the past so it would not make acceptable mulch. Councilwoman Cole advised and cautioned against using brush site mulch because they are filled with invasives and would not be conducive to the gardens or resident's property.

Sarah Schiavetti, Cooney Terrace, questioned the tree line on the east side of Hance Road (between Cooney Terrace to the river) that have been marked with pink ribbons. The Borough Clerk advised that they have been given permission to remove a few trees, but as part of their construction plan, there is an extensive tree replanting plan. Per Assistant Engineer Poruchynsky, a lot of the trees are less than 10" in diameter and those that are above 10" are going to be replaced. She read an email that was received from Assistant Engineer Poruchynsky that answered an OPRA request on this same topic.

There being no further comments or questions, the meeting was closed to the public at 10:38 p.m.

Council went into executive session at 10:41 p.m. and this meeting was reconvened at 11:08

p.m.

**ADJOURNMENT**

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

Time of Adjournment: 11:08 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR  
Borough Clerk