

**FAIR HAVEN BOROUGH COUNCIL  
FEBRUARY 28, 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 28, 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. 2022-13 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 Cole, Koch, Neff and Rodriguez. Absent: Councilmembers Chrisner-Keefe and McCue. Others present: Administrator Casagrande Attorney Cannon and Chief McGovern.

**WORKSHOP SESSION**

Request from Rumson-Fair Haven Youth Rugby Club to post lawn signs for Spring Registration sign up. Motion to approve posting from this date until March 28<sup>th</sup> moved by Councilman Rodriguez, second by Councilwoman Koch with Ayes by all present.

A request from Ridge Road 5K to hold their 5<sup>th</sup> Annual Run - May 15, 2022 along Ridge Road. Motion to approve moved by Councilman Rodriguez, second by Councilwoman Koch with Ayes by all present.

Street Opening Request from Brian Allen, 16 Battin Road repair driveway/sidewalk. Motion to approve moved by Councilman Rodriguez, second by Councilwoman Koch with Ayes by all present.

The Borough Clerk advised that April 1<sup>st</sup> to December 1<sup>st</sup> is when Sidewalk Café permits are permitted. The fee for the past two years has been waived due to COVID-19. The fee is usually \$50 per establishment and there are 5 locations permitted to have sidewalk cafes. She asked if the application fee will be waived for this year or does Council want to reinstate it. Councilwoman Cole requested that it be waived for this year. Motion to approve the waiver moved by Councilwoman Cole, second by Councilman Rodriguez with Ayes by all present.

The next order of business was a 2022 Budget Discussion. Administrator Casagrande has been working with the finance office and Finance Committee on the budget for several months. A memo was e-mailed to Council on February 25<sup>th</sup> with the draft budget as it stands right now. No cuts have been made; it shows the budget as submitted per Department Head requests. Each liaison was sent their departments five-year budget history. The governing body's input is needed on the budget and big-ticket factors. She reviewed her memo. The Borough is slated to receive ARRA assistance for 2021-2023 (\$600,379 to be received). Our Financial Advisor and the Finance Committee suggest bringing the money in through the budget in the amount of \$200,000 earmarked for future expenditures which makes it neutral to the budget and tax rate; this allows us to use the ARRA funds to avoid shortfall in the 2024 budget. We can use it for whatever capital we choose to so the bottom line of the budget is not impacted. We are using the same surplus as we did in 2021. We are proud of the strong surplus built through the years and our double A+ credit rating which saves us money with bond issuances. There is \$250,000 budgeted in capital as done in the past (\$215,000 used annually in pay as you go capital). The salary tab shows 2021 rates; there are contracts to be settled and salary increases. The comparison tab shows Borough net taxable valuation was up significantly 11.84% from last year. The average house in Fair Haven was \$883,800 and this year it is \$989,400 (a significant increase in taxable valuation); the tax rate down by 6.42%.

Councilmembers McCue and Chrisner-Keefe arrived at 7:15 p.m.

Direction from Mayor and Council is needed for the Administrator, CFO and Finance Committee to move forward. We are going to have to cut from appropriations to be below the appropriations CAP. We are waiting for the calculations from the County which will change our assessed valuations. We do have banked Levy CAP monies in the meantime (\$99,695 from two years ago and \$422,536 from last year to this year).

Councilman Rodriguez asked Administrator Casagrande to explain levy CAP. It is 2% and the amount to be raised by taxation. Councilman Rodriguez said in 2012 a NJ law was passed that capped budget increases to 2%. Going over the 2% CAP, is allowable for pension and certain expenses that come along. Levy CAP analysis will be prepared by CFO (based on the State of New Jersey). Administrator Casagrande said the first round shows the Mayor and Council what was requested by each department. We may have to cut \$130,000 from appropriations to get under the CAP. Councilman Rodriguez said the Finance Committee allows Council to assist with cuts as they see fit. By the end of the week, there will be cuts made and sent out for review.

Councilwoman Neff said the Borough is in a better place this year with the beginning point than last year; there is room for cuts. Council can provide comments to the Finance Committee for review/consideration. There was an emergency appropriation last year for Fair Share Housing which is not there this year. On March 14<sup>th</sup> there will be a Budget Workshop (CFO will attend) to discuss any changes and introduction of the budget to take place at the March 28<sup>th</sup> meeting, so we are in compliance with the State deadline.

Councilwoman Chrisner-Keefe said that she just received the budget information on Friday and did not get a chance to review it and asked where the major appropriation increases are. There are many lines over the 2%; this budget was created by the department head requests reflecting exactly what was asked for including Insurance, Waivers, Pension, Debt Service, etc. costs that cannot be cut. The CFO and Assistant CFO looked at history and actuals for the last 5 years. There is \$15,000 budgeted for Fair Haven Day fireworks in case it is held. Councilwoman Chrisner-Keefe requested that Administrator Casagrande color code what is not moveable for the next meeting; she will do the same as was done last year (red for cuts, another color for option, etc). We do not want to cut the budget short.

Councilwoman Cole asked if anything allocated and not spent automatically goes to surplus? Yes. The CFO closes out the books at the end of the year, however, the 2021 budget is alive in 2022 because we are still paying bills from it. Trust and Capital funds do not lapse. Councilwoman Cole asked if it is law or accounting practices; Municipal Finance Law. Councilman Rodriguez asked that the Council contact Administrator Casagrande and/or the CFO with inquiries, requests, etc. because they have the back-up and direct contacts for the departments. The Finance Committee has had a lot of conversations and are prepared for budget introduction.

Councilman McCue asked Administrator Casagrande about tipping fees not being part of line 202. He was advised that household trash and bulk pick-ups are part of 202; tipping fees have their own category.

The next matter discussed was the Borough Facilities Project Timeline. Councilman Rodriguez provided a spreadsheet with the timeline for the DPW and Police facilities projects; there were copies made available to the public, as well. The timeline created showed 2015 to 2025 where major "building blocks" for the facilities project (repair vs. build) are; Councilman Rodriguez reviewed the information including the Architect being chosen, site design and a bond ordinance that was adopted. The Borough is not purchasing property but it was included from the initial discussion. Capital reviews were done with the Planning Board (multiple meetings) and the public for DPW, Police and Bicentennial Hall (not depicted in the timeline). The designs are constantly refined (even today) and will evolve through the project (engineering and buildings). In the spring, we will select a contractor (through bid specs), have a final bond ordinance to draw down from, award the bid (will happen in the summer) and move forward. Construction will take approximately 18-24 months to complete.

Councilman McCue said Councilman Rodriguez did a good job in pulling out the view (not the nuance) which shows how far we have come, however, there will be some questions. There is a lot to do. Councilwoman Chrisner-Keefe asked about a project laborer being considered. Councilman Rodriguez said it was discussed but is not on the table; the Facilities Committee is focused on mechanical items. An Owner's Representative has been discussed, however, there is no recommendation for the Council just yet. Councilwoman Neff asked if ground will be broken at the end of the year; possibly. Councilwoman Koch asked if Councilman Rodriguez anticipates construction on both buildings at the same time; yes, simultaneously (economy as a scale for materials and labor and decreases the total number of months/years that affects the surrounding

neighborhoods while saving us money). Councilwoman Cole asked if there is enough on paper to get some cost and construction estimates to see the type of impact. Multiple bond ordinances have been done. Final bid specs will give us a better idea (costs, interest rates) of where we stand financially. Councilwoman Cole wanted a rough estimate; Administrator Casagrande said the Facilities Committee will have something in a few weeks. A few years ago, Mayor and Council authorized \$3.2 million to purchase River Road property so that appropriation will be cancelled. Councilwoman Cole felt removed from the initiative because she is not on the Committee and requested someone rotate out so she could get familiar with the process as she has experience in construction and project management. Councilman Rodriguez said the next facilities meeting is scheduled for March 8<sup>th</sup> and he will speak with the members to see who will sit out.

Councilman McCue asked Administrator Casagrande if the Architect is working on this and if he will have something for next week’s meeting; we should have estimates for the March 8<sup>th</sup> Facility Meeting. It was asked if a Councilperson can attend the facilities meeting without participating; no, it would violate quorum. It was suggested that a special meeting be called to discuss the facilities or that Eli Goldstein be invited to a Council Meeting. Administrator Casagrande said the 2022 bond ordinance needs to be considered and thought about, in detail (in the spring), when considering projects and equipment.

Administrator Casagrande said NJ American Water (NJAW) along with other water companies is compelled to review lead pipes. Some Fair Haven residents (approximately 160) will be receiving a letter from NJAW because it is unknown if there are lead pipes feeding their home. The water company is being proactive with the information they provide, and they can be contacted with any questions. We have posted information on our website.

**PUBLIC COMMENT ON AGENDA ITEMS**

The meeting was opened to the public for comments or questions at 7:47 p.m. Dr. Paul Ferguson, Colonial Court, asked if the Council was going to discuss the pollinator project? Not this evening, it has been deferred to a future meeting.

There being no further comments or questions, the meeting was closed to the public at 7:47 p.m.

**APPROVAL OF MINUTES**

Councilman Rodriguez made a motion to approve the Regular Meeting minutes of February 7, 2022, second by Councilwoman Koch

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 February 7, 2022, second by Councilwoman Koch

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

**OLD BUSINESS**

With regard to the tree removal appeal for 4 Rutgers Drive, Devin Bouton apologized for missing the last meeting. Administrator Casagrande said at the last meeting, Mayor and Council wanted CME Associates (Tree Expert) to look at the property, but there was no escrow to draw from. Attorney Cannon prepared a resolution which is listed on this evening’s agenda. Mr. Bouton said he has done construction for over 20 years and left a tree when excavating which created issues; he was not comfortable leaving the tree where it is. Mr. Bouton said that the expert will see it is a hazard; he had another tree expert come and look and it is a liability for him. He advised Bill Brooks that he is willing to plant more trees than required. If the tree was further from the excavation site, there would not be an issue. Mayor Halpern asked Mr. Bouton about the first application that was submitted stating the tree was healthy and now we are told it is in danger of falling. Mr. Bouton said his tree expert advised that it is unhealthy from the inside which was unknown. At last Council meeting, Council wanted its tree expert to look at the tree, and asked him why Mr. Bouton got his own? This is now a financial hardship with the amount of time this matter has taken. Councilwoman Chrisner-Keefe was looking at minutes from last meeting and asked how or what determines when a root system is compromised; any type of excavation compromises the root system. The existing house is there; the new one will be 10 feet from the tree (6’ closer than the old house). Mr. Bouton has never had a problem with tree removal. He did not get a variance

because it is a small lot; he reduced the size of the house and moved the location forward so there would be a backyard. The tree’s drip line goes to both property lines and he could not get equipment and vehicles to the property without violating/encroaching the tree. Mayor Halpern advised this is why we need our tree expert to take a look. Attorney Cannon advised Mr. Bouton that since he was not present at the February 7<sup>th</sup> meeting, the governing body decided to not deny your appeal and asked that CME Associates look further into the matter and report back. Councilwoman Cole said the tree is protected by our ordinance. Councilwoman Koch said once a determination was made to consult with our tree expert, why did he not post escrow. He is going to post escrow per the resolution that is on tonight’s agenda. Councilwoman Neff asked if the tree can be hand excavated since it is near the proposed front porch? It is a cost that Mr. Bouton cannot bear. He needs to follow procedure and we want our tree expert to review and see the best approach; hand excavate vs. removal. Mr. Bouton asked if this will be decided at the March 14<sup>th</sup> meeting so the project can move forward? He is willing to plant replacement trees and extra, if needed, or donate a tree somewhere in the Borough.

Councilman McCue stepped away from the meeting.

**HEARING AND ADOPTION OF ORDINANCES**

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

**2022 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

On motion of Councilman Rodriguez, second by Councilwoman Chrisner-Keefe with Ayes by all present, Mayor Halpern opened the meeting for comments or questions at 8:03 p.m.

There being none, the Hearing was closed to the public at 8:03 p.m. on motion of Councilman Rodriguez, second by Councilwoman Chrisner-Keefe with Ayes by all present.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilman McCue

**NEW BUSINESS**

**Council Committee Reports**

**Finance** - Councilwoman Neff said the 2022 budget was discussed earlier.

**Personnel** - Councilwoman Chrisner-Keefe said the Personnel Committee has been very busy meeting with the non-aligned employees and reviewing the provisions, in our recently adopted manuals, for fine tuning. There are a lot of matters on this evening’s executive session agenda.

**Planning & Zoning** - Councilwoman Koch advised the Zoning Board is meeting on March 3<sup>rd</sup> and March 10<sup>th</sup> via Zoom. The next Planning Board meeting will be held on March 15<sup>th</sup>, and it will be in person.

**Parks and Recreation** - Councilwoman Koch advised the summer camp schedule will be released in the next two weeks. There is a Rutgers Coaching Clinic to be held on March 24<sup>th</sup> for new coaches; information is on the website. The Annual Easter Egg Hunt will be held on April 9<sup>th</sup> at 9:00 a.m. in McCarter Park. The Opening Day Baseball Parade will take place on April 9<sup>th</sup> at 10:00 a.m. There is a Recreation Committee meeting tomorrow via Zoom.

**Borough Facilities** - Councilman Rodriguez said a Brush Committee meeting will be held on March 7<sup>th</sup> at 7:00 pm to review the results of the last six months based on some of the recommendations that were implemented. The Committee may come up with more ideas to improve the brush process; he will report back. Councilwoman Chrisner-Keefe asked if the Brush Committee would cross collaborate with her and Councilwoman Cole for communications on the brush information and publicizing it for the public to understand.

**Borough Communications and Community Outreach** - Councilwoman Cole provided an invitation to the governing body for the Fair Haven Business Association Meet and Greet to be held on March 9<sup>th</sup>, 5:30 p.m. at the Knights of Columbus. She welcomed Salt & Dune and Threads (new stores) to the Borough. Seed to Sprout closed their doors. The Shade Tree Commission is working diligently on a revised tree ordinance. The Environmental Commission has been working on Sustainable Jersey matters. The mosquito spray resolution was on the last agenda and referred to her to research the process. She spoke with the Monmouth County Mosquito Commission, at length, and there is no spraying unless there is a public health break out (West Nile) that calls for a robust response. No

aerial spray has ever been done in Fair Haven. They have a list of locations called the Perpetual Larvae Siting list; a few locations in Fair Haven exist where they use dunks. Residents can add to the list by reaching out to Monmouth County Mosquito Commission. The Environmental Commission members are familiar with the process and approve of it. The Monmouth County Mosquito Commission agreed to attend the May 14<sup>th</sup> Environmental Fair to demonstrate dunks and tick treatment.

With regard to community outreach and communications, there was discussion at the February 7<sup>th</sup> meeting requesting more technology for meetings. Impact Technology Solutions was contacted to come and look at the Council Chambers, come up with some solutions for our needs and provide a quote. Councilwoman Cole advised that the Borough Clerk was helpful with the site visit, and we will get a proposal or two to be discussed by Council. The idea is to set up screens so everyone can see the Council and Council can see the public (in-person and remote). Councilman Rodriguez asked if they can also take a look at Bicentennial Hall. Councilwoman Cole said that the vendor was told that whatever is proposed needs to be moveable or relocated, when necessary.

There are a lot of volunteers in Fair Haven; she and Councilwoman Chrisner-Keefe are looking at protocols. It is important for the public to know who to reach out to for various situations. She and Councilwoman Chrisner-Keefe are coming up with ideas to move forward for implementation.

Councilman McCue returned to the meeting.

**Police, Fire & OEM** - Councilman McCue thanked Councilwoman Cole for the mosquito information and finding out that it is not done via aerial spray. If there were some sort of outbreak, Chief McGovern would be advised as our Emergency Management Coordinator, and it would be handled between him and the County or State. A week from now the masks can come off as cases are going down. It is still being documented that flu season has been relatively low (from November to December 31<sup>st</sup> 1% of the cases were H1N1); we are still tracking. Chief McGovern has put out a message that car thefts are on the rise and to “take the bait away so the prey go away”. The Fire Department shared the new volunteer handbook with the members and had thoughts and questions. They are a self-regulatory agency and felt that some things contradict their standard operating procedures and somethings coincide with their own network and guidance.

**Engineering and DPW** - Councilman McCue said there was no Engineering and DPW Committee meeting held last week. The Hance and Cooney project is in cue for March; we will get a more specific timeline to notify the residents with the most accurate information.

**CONSENT AGENDA**  
**RESOLUTIONS**

1. Resolution No. 2022-55, Authorize Monmouth County Mosquito Control Division to Conduct Aerial Spray

**WHEREAS**, the Monmouth County Board of Chosen Freeholders, pursuant to NJSA 26:9-27, et seq., has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the County; and

**WHEREAS**, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control and chemical control to exterminate the mosquito population within the County of Monmouth; and

**WHEREAS**, prior to conducting aerial dispensing operations over a designated “congested area”, the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

**WHEREAS**, the Borough of Fair Haven is designated as a “congested area” by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

**NOW THEREFORE BE IT RESOLVED** as follows:

1. The Mayor and Council of the Borough of Fair Haven hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides, by aircraft, for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard or both with the understanding that:

- a. The County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies; and
- b. Such operations will be performed in compliance with applicable Federal and State regulations; and
- c. The County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

2. Resolution No. 2022-60, Executive Session: Personnel, Possible Litigation, 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 Salary

**Possible Litigation**

- 1. Tree Removal

**Acquisition of Property**

- 1. 21 Fair Haven Road
- 2. Navesink River Parcel

**Contract Negotiations**

- 1. DPW Foreman Recommendations
- 2. PBA Negotiations
- 3. Teamster Negotiations
- 4. Borough Engineer Contract
- 5. Environmental Consultant
- 6. Facilities Owner Representative

**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 Koch

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

3. Resolution No. 2022-61, Authorize 1<sup>st</sup> Quarter 2022 Tax Payment Overpayment Refund for 100 Parker Avenue and 58 S. Woodland Drive

**WHEREAS**, the Tax Collector, has provided a request for a tax overpayment refund for 1<sup>st</sup> Quarter 2022 due to duplicate payment and advises that the following property owners qualify for a refund as follows:

<u>Owner</u>	<u>Address</u>	<u>Block</u>	<u>Lot</u>	<u>Refund</u>
Estate of Herbert Reed, Jr.	100 Parker Avenue	37	9	\$1,685.84

Payment to: Lereta  
 Attn: Refunds  
 901 Corporate Center Drive  
 Pamona, California 91768

Trent and Lauren Tennyson      58 S. Woodland Avenue      67      8      \$5,992.12

**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 Councilman Rodriguez, second by Councilwoman Koch

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

4. Resolution No. 2022-62, Approve 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**, N.J.S.A. 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 (N.J.S.A. 40A:4-20) including this resolution total **\$2,855,574.07** 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 N.J.S.A. 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>			
2-01-25-265-276	Fire Department - Fire Hydrants	\$10,000.00	Temp Budget
2-01-26-290-208	Streets & Roads Chemicals	\$1,000.00	Temp Budget
2-01-26-290-256	Streets & Roads	\$7,500.00	Temp Budget
2-01-26-315-264	Vehicle Maintenance	\$20,000.00	Temp Budget
2-01-31-445-276	Water Utilities	\$5,000.00	Temp Budget
2-01-31-446-276	Natural Gas Utilities	\$15,000.00	Temp Budget
2-01-31-447-276	Fuel Oil Utilities	\$5,000.00	Temp Budget
2-01-31-460-276	Gasoline Utilities	\$5,000.00	Temp Budget
2-01-36-471-299	PERS Payment	\$207,321.00	Temp Budget
2-01-36-475-299	PFRS Payment	\$473,381.00	Temp Budget
<b>TOTAL</b>		<b>\$749,202.00</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 Councilman Rodriguez, second by Councilwoman Koch

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

5. Resolution No. 2022-63, Appoint Zoning Board of Adjustment Member – Andrew LaBarbera

**WHEREAS**, the Borough of Fair Haven has constituted and appointed a Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-69; and

**WHEREAS**, Borough of Fair Haven Municipal Code 30-3.2a provides that the Mayor may appoint Zoning Board members with the confirmation of the Borough Council; and

**WHEREAS**, a vacancy currently exists on the Zoning Board with a term that will expire on

December 31, 2022.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Andrew La Barbera is hereby appointed as a Zoning Board member with a term to expire on December 31, 2022.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

6. Resolution No. 2022-64, Appoint Environmental Commission Member - Michal DiMiceli

**WHEREAS**, there was a resignation from the Environmental Commission leaving a vacancy that needs to be filled; and

**WHEREAS**, Michal DiMiceli will fill the Alternate No. 2 position with a term expiring on December 31, 2022.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that the above appointments are hereby approved.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

7. Resolution No. 2022-65, Approve Tax Appeal Refund for 42 Briarwood Road (2019-2021)

**WHEREAS** the property owner listed below filed a Petition of Appeal with the Tax Court of New Jersey for the years 2019, 2020 and 2021; and

**WHEREAS**, said appeal was considered and a judgment has been entered that the property below qualifies for a refund for 2019, 2020 and 2021 property taxes as follows:

<u>Owner</u>	<u>Address</u>	<u>Block</u>	<u>Lot</u>	<u>Refund</u>
Kerrin C. Iorio	42 Briarwood Road	25	32.17	\$1,819.53 (2019) \$ 903.07 (2020) \$ 281.96 (2021)

Payable to:  
Valerie Holfer, Esq. Trust Account  
PO Box 787  
Montville, New Jersey 07045

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

8. Resolution No. 2022-66, 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 28, 2022 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2021 CURRENT ACCOUNT	\$ 19,825.19
2022 CURRENT ACCOUNT	\$221,883.06
GENERAL CAPITAL	\$ 58,497.32
GRANT FUND	\$ 4,779.50
OTHER TRUST	\$ 4,650.95
DOG TRUST	<u>\$ 280.20</u>
	\$309,916.22



LESS VOIDED CHECKS	-	<u>\$ 2,088.12</u>
<b>TOTAL</b>		<b>\$307,828.10</b>
CURRENT CHECK NO. 61551, \$	88.00	
CURRENT CHECK NO. 61723, \$	88.00	
CURRENT CHECK NO. 61816, \$	118.00	
CURRENT CHECK NO. 61834, \$	1,340.00	
CURRENT CHECK NO. 62249, \$	454.12	

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: None

9. Resolution No. 2022-67, Authorize Lease of PostBase Vision Mailing System - Jersey Mail Systems

**WHEREAS**, the Borough of Fair Haven currently has a lease with Jersey Mail Systems that will expire in March 2022; and

**WHEREAS**, it is necessary to have a mail machine to continue with the daily transactions of Borough business; and

**WHEREAS**, the Borough received a proposal for a new mail machine and has decided to enter into a five year lease with Jersey Mail Systems for a PostBase Vision Auto Feeder and Sealer Mailing System at a monthly cost of \$159.00 per month.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that the Borough Administrator is hereby authorized to execute a five-year lease agreement with Jersey Mail Systems, attached as Exhibit "A".

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: None

10. Resolution No. 2022-68, Accept Escrow Payment from Halcyon Builders, LLC., 4 Rutgers Drive, for Certified Tree Expert Fee

**WHEREAS**, on November 22, 2021, Halcyon Homes made application to the Borough of Fair Haven (the "Borough") for a Tree Removal Permit to remove one (1) pin oak tree and one (1) red oak tree from the real property located at 4 Rutgers Drive, also known as Block 4, Lot 47; and

**WHEREAS**, after review and inspection by the Borough's Forrester pursuant to Code Section 14-8, on December 23, 2021, the Borough's Forrester denied the applicant's request for a Tree Removal Permit, finding that the proposed removals, particularly removal of a more than 47" diameter pin oak (notably, listed as 30" in the underlying application), would constitute the loss of significant trees within the Borough, contrary to the Code; and

**WHEREAS**, by letter dated January 4, 2022, in accordance with Code Section 14-8(e)(7), Halcyon Homes appealed the Borough Forrester's denial of its application for a Tree Removal Permit to the Borough's Governing Body, cursorily stating therein that anticipated construction excavations would compromise the health and stability of the subject pin oak tree; and

**WHEREAS**, on February 7, 2022, the Borough's Governing Body held a hearing and considered the appeal of Halcyon Homes, whereat the applicant/appellant failed to appear and/or present any evidence in support of said appeal beyond the statements set forth in its January 4, 2022 letter; and

**WHEREAS**, given the lack of information provided by the applicant/appellant, the Borough's Governing Body was unable to determine on February 7, 2022 whether relief was appropriate under Code Section 14-8(f)(3), which provides that: "The Governing Body shall have authority to grant relief from the provisions of this section upon demonstrating that: (a) Alternate measures, including the planting of trees on other property within the Borough, achieve substantially

similar benefits to the required measures; and (b) Literal compliance is technically impractical or presents a substantial economic hardship”; and

**WHEREAS**, rather than summarily denying the appeal filed by Halcyon Homes for lack of evidentiary support, the Borough’s Governing Body adjourned the hearing on February 7, 2022, pending review of the property at issue and trees in question by a certified tree expert as to potential “alternative measures” and/or the feasibility of protective or alternative methods of construction in this case;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, hereby determine and direct as follows:

- (1) The appeal of Halcyon Homes for a Tree Removal Permit for 4 Rutgers Drive, also known as Block 4, Lot 47, shall be adjourned without prejudice, pending the Governing Body’s receipt of a report from the Borough’s certified tree expert as to the subject matter of the appeal;
- (2) The appellant/applicant shall post an escrow in the amount of \$500.00 to pay for the costs of review by the Borough’s certified tree expert, and the Borough Administrator is hereby authorized to take such administrative action(s) as may be necessary to collect the appellant’s escrow and engage the Borough’s certified tree expert in this matter; and
- (3) Direct that a certified copy of this Resolution be forwarded to the Borough Administrator, Borough Forrester, and Halcyon Homes.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: None

11. Resolution No. 2022-69, Accept Escrow Payment from Capital Homes Builders, Inc., 32 Fisk Street, for Certified Tree Expert Fee

**WHEREAS**, on September 9, 2021, Capital Home Builders made application to the Borough of Fair Haven (the “Borough”) for a Tree Removal Permit to remove three (3) trees from the real property located at 32 Fisk Street, also known as Block 30, Lot 15; and

**WHEREAS**, after review and inspection by the Borough’s Forrester pursuant to Code Section 14-8, on September 29, 2021, the Borough’s Forrester granted the applicant’s request for a Tree Removal Permit, approving the removal of two (2) spruce trees and one (1) black cherry tree from the subject property; and

**WHEREAS**, thereafter, contrary to the approved Tree Removal Permit, Capital Home Builders clear-cut all trees and all vegetation across the entire subject property; and

**WHEREAS**, given its non-compliance with the approved Tree Removal Permit, and its failure to submit the tree replacement plan required by same, Capital Home Builders is likewise non-compliant with the conditions of its land use approvals issued by the Borough for 32 Fisk Street, also known as Block 30, Lot 15; and

**WHEREAS**, by letter dated January 28, 2022, Capital Home Builders objected to the Borough’s determination of non-compliance with the subject Tree Removal Permit, and sought a “meeting” with the Borough regarding the Permit and its resolution compliance for the underlying land use approvals; and

**WHEREAS**, notwithstanding its technical non-compliance as an appeal under Code Section 14-8, and in light of the fact that Capital Home Builders properly sought a Permit in accordance with the Code in the first place, the Borough’s Governing Body consented to consider the applicant’s January 28, 2022 letter as a retroactive appeal of the activities already performed at the subject property, rather than refer the matter to the Municipal Court; and

**WHEREAS**, on February 7, 2022, the Borough’s Governing Body held a hearing and considered the appeal of Capital Home Builders, whereat the applicant/appellant appeared and presented its case, but did not present, nor provide any tree replacement plan to remediate the unauthorized activities performed at 32 Fisk Street, also known as Block 30, Lot 15; and

**WHEREAS**, the Borough’s Governing Body held a hearing and considered the appeal of

Capital Home Builders, whereat the applicant/appellant appeared and presented its case, but did not present or provide any tree replacement plan to remediate the unauthorized activities performed at 32 Fisk Street, also known as Block 30, Lot 15; and

**WHEREAS**, given the lack of information provided by Capital Home Builders at the hearing as to how many or wherefrom trees were removed from its property, and given that Capital Home Builders did not present or provide any tree replacement plan to remediate the unauthorized activities, the Borough’s Governing Body was unable to determine on February 7, 2022 whether relief was appropriate under Code Section 14-8(f)(3), which provides that: “The Governing Body shall have authority to grant relief from the provisions of this section upon demonstrating that: (a) Alternate measures, including the planting of trees on other property within the Borough, achieve substantially similar benefits to the required measures; and (b) Literal compliance is technically impractical or presents a substantial economic hardship”; and

**WHEREAS**, rather than summarily denying the appeal filed by Capital Home Builders for lack of evidence of compliance with the original Permit and the lack of any remedial or tree replacement plan, the Borough’s Governing Body adjourned the hearing on February 7, 2022 upon consent, pending review of the unauthorized tree removals at the subject property by a certified tree expert, and the development of an appropriate tree replacement plan by a certified tree expert;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, hereby determine and direct as follows:

(1) The appeal of Capital Home Builders for a Tree Removal Permit for 32 Fisk Street, also known as Block 30, Lot 15, shall be adjourned without prejudice, pending the Governing Body’s receipt of a report from the Borough’s certified tree expert as to the subject matter of the appeal;

(2) The appellant/applicant shall post an escrow in the amount of \$500.00 to pay for the costs of review by the Borough’s certified tree expert, and the Borough Administrator is hereby authorized to take such administrative action(s) as may be necessary to collect the appellant’s escrow and engage the Borough’s certified tree expert in this matter; and

(3) Direct that a certified copy of this Resolution be forwarded to the Borough Administrator, Borough Forrester, and Capital Home Builders.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: None

**Reports of Departments**

**2021 Annual Report**

**-Fair Haven Fields Natural Area Advisory Committee.** Councilwoman Chrisner-Keefe advised members were in attendance to present their annual report. The committee meets every other month, but always outreaches to one another. Carolyn Ferguson, Chairperson, asked that David Bordelon be permitted to speak. The 2022 members were announced. There are two vacancies on the Committee and the liaison is Councilwoman Chrisner-Keefe. The Committee works with DPW. She provided the Natural Area Advisory Committee’s philosophy to keep the area natural and untouched. They are aware it needs management; small area of the ecosystem. It is best to let nature do its thing. She reviewed the 2021 accomplishments. Community Appeal money was received, and they purchased and planted native trees. Girl Scout troops raised money and donated, planted, and watered the trees; 12 new trees planted. There is community engagement in the spring; a clean-up was held (removed down trees, invasive vines) as well as community education. DPW does great work in the FH Natural Area; Dave Bordelon meets every few months with the DPW for maintenance including the trails. Some trails that are very wet have corduroy (narrow logs side by side covered by shred) and wood steppingstones; both working well for visitors to enjoy the area during the wet season. The nursery area was used to allow new trees to mature and then transfer them out (this is difficult); it has not been used in many years, so the fencing was removed (due to damage and deer being trapped in the area). Mrs. Ferguson thanked the DPW for the partnership. The Fair Haven Fields Natural Area Advisory’s 2022 goals are community education (expand education on native plants), hold nature walks (one was done two weeks ago) and host clean up weekend events. They hope to partner with the Environmental Commission, Green Team and Recreation for an Earth Day Celebration to collaborate for something great. They would like to remove non-native species and plant native species.

In the report, there were requests for Mayor and Council's consideration; Mrs. Ferguson read from the report. The north side of the natural areas is overrun with vines which is more than the Committee can handle on its own; there needs to be professional planning. A request for curbs to be added to Fair Haven Road (in the Cherry Tree area) would help prevent erosion and channel water to storm drains. Nature Walks are open to the entire governing body and/or other volunteers. Mayor Halpern thanked the Fair Haven Fields Natural Area Advisory for all that they do. Councilman Rodriguez asked that they double the clean ups, per season, this year as there is a lot of interest.

Councilwoman Cole advised the Environmental Commission would support this type of thing through mapping/planning and literature necessary to communicate to Mayor and Council and the land use boards these types of concerns. We may need a professional to review and assist with the Natural Area. She asked that Mrs. Ferguson join an Environmental Commission meeting to help raise awareness; the report will be shared with the Environmental Commission to come up with a plan. Councilwoman Chrisner-Keefe said vines are taking over the area and steps need to be taken. Funds are received via Community Appeals, but the costs will exceed what has been received. There is a need for a massive plan by professionals addressing it in stages. Administrator Casagrande advised there were invasives addressed a few years ago near FH Fields 4 (Gentry Drive) area. It is a capital project. Councilwoman Cole said we need to address all of our amenities (fields, ponds, waterways) and look at the Borough, as a whole, to set priorities. Administrator Casagrande said that for years she has advocated for a referendum being placed on the November ballot for a local open space tax; it would determine if residents would be interested in an open space tax. Fair Haven has a large amount of open space (parks, ponds, riverfront) and you can fund projects through an open space tax, or you can bond if doing a large project and pay down over an amount of time (i.e. 30 years). Councilwoman Chrisner-Keefe asked Administrator Casagrande if the open space tax would be in addition to all of the other taxes; it would be a separate tax, but there would be relief in another part of the budget. Administrator Casagrande explained how an open space tax works. Councilwoman Neff felt it is a good idea and the residents would be in favor to support such a tax. Mayor and Council would not set the tax but pass a resolution to place the question on the ballot and let the voters decide. Mayor Halpern said this could be discussed and considered, but it all adds up and he does not want to tax residents out of the Borough.

Carolyn Ferguson asked the governing body to look at the Third Street area walkway to the ballfields as an example of what happens when things are left unkept.

**January 2022**

- Tax Collector
- Police Department
- 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 8:50 p.m. Bonnie Torcivia, Battin Road, went on the Natural Area tour and it was eye opening and stated, "we so lucky to have the area". She asked, "can the Borough apply for grants to assist with invasives"? Everyone should tour the Natural Area.

There being no further comments or questions, the meeting was closed to the public at 8:52 p.m.

Council went into executive session at 9:00 p.m. and this meeting was reconvened at 10:46 p.m.

**ADJOURNMENT**

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

Time of Adjournment: 10:47 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR  
Borough Clerk