

**FAIR HAVEN BOROUGH COUNCIL
MARCH 14, 2022**

The meeting was called to order by Mayor Halpern at 6:06 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 MARCH 14, 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 Chrisner-Keefe, Cole, Koch, McCue (via Zoom) and Rodriguez. Absent: Councilwoman Neff. Others present: Administrator Casagrande and Chief McGovern.

RESOLUTION

1. Resolution No. 2022-70, Executive Session - Personnel 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. Police Lieutenant Position
2. Non-Aligned Employee Salaries

Contract Negotiations

1. Owner's Representative
2. Project Labor Agreement
3. ILSA with Fair Haven Board of Ed: SLEO III
4. Borough Engineer Contract

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 and Rodriguez

Negative: None

Abstain: None

Absent: Councilwoman Neff

Council went into executive session at 6:10 p.m. to conduct Police Lieutenant interviews and this meeting was reconvened at 7:00 p.m.

Mayor Halpern called the meeting back into session at 7:09 p.m.

ROLL CALL

On Roll Call the following were present: Councilmembers Chrisner-Keefe, Cole, Koch, McCue (via Zoom), Neff and Rodriguez. Others present: Administrator Casagrande, Attorney Cannon and CFO Lapp.

WORKSHOP SESSION

Administrator Casagrande advised that the 2022 preliminary budget was discussed at last Council meeting. The Levy CAP and her suggested edits were provided to the governing body; we are now under the appropriation CAP by \$270. The 2020/2021 CAP bank were used to get to this point. This year we had three Interlocal Service Agreements that are no longer in existence and needed to be moved into CAP (Custodial, Animal Control and QPA). Based on our 2022 tentative valuation, a penny now represents \$210,643 (in 2021 it was \$188,341); a result of added assessments (new construction and improvements as well as the Tax Assessor's 2022 value adjustments based on 2021 market data). The initial portion of our tax rate, as projected with the budget as is, would be a decrease from .405 to .374 (decrease of 7.65%). The Borough's total valuation is anticipated to increase 11.84%; significantly more than last year's valuation increase. We will have the final number after the County Board of Taxation does their calculation of our last tax appeals. The Capital Improvement line is at \$450,000 (\$215,000 CAP Ordinance, \$35,000 bond ordinance down payment and \$200,000 that we brought in through the Capital line from our ARP money. Fair Haven will receive a total of \$621,000 in ARP money within a two-year period. In 2021, the average total assessment was \$883,800 and this year it is \$989,400. With the budget it as is now, the average tax payer will pay an additional \$10.80 per month in municipal taxes.

Councilwoman Chrisner-Keefe asked about the overall impact of using all of the CAP Bank. Colleen Lapp, CFO, said if we use all of it (we did not have anything this year from 2020 because we already used it, so we are using all of 2021 and most of 2022, which leaves us with \$270). If we go above the allowable appropriation inside CAP, next year, we have nowhere to turn for the additional amount. The only way to gain bank is to cut within the CAP this year and bank some of that. If we did that, we would have to make application to the Local Finance Board to get approval to exceed the Appropriation CAP. It is not ideal not to have a CAP bank. We are using \$80,000 from last year's bank. Councilwoman Chrisner-Keefe asked if this would impact surplus? No, the Appropriation CAP is not a problem, it is usually a levy CAP issue. This year three ILSAs went back inside CAP, which impacts our increase. Councilwoman Neff asked if this the best approach or is there some better approach? CFO Lapp said it does not have anything to do with approach, it is just where we are. We can look to see what can be reduced, inside the CAP, to preserve bank. Councilwoman Cole asked Administrator Casagrande if she foresees anything that may change; no, not at the moment. This is a solid budget. CFO Lapp said CAP is based on what we adopt, and the State does a calculation. Councilwoman Chrisner-Keefe said the proposed cut to the Fair Haven Fire Department budget would have a significant impact and asked if the Fire Department is aware of it. She asked if their request was because of expiring equipment or inflation? Administrator Casagrande said what was provided to the governing body was her suggested cuts based on actuals of past budgets. CFO Lapp gives the State the salary and O/E numbers not the details of the O/E (we do that for our planning purposes). Councilwoman Chrisner-Keefe said the Borough has historically purchased a police car each year; she suggested a schedule of two years on and one year off to provide a CAP cushion. She questioned the Code Enforcement salary (209)? We still pay Joe Mule under that line. It was asked if contractual for legal services in the amount of \$130,000 is for all legal needs? The Borough and Planning Board attorneys are contractual; the amount is for tax appeals, personnel, Fair Share Housing, etc. It was asked how much was spent for Fair Share Housing for last year? Administrator Casagrande did not have that amount at hand. Councilwoman Chrisner-Keefe asked about the Capital Improvement Fund's annual \$215,000 amount and what the amount of \$32,000 was for; the down payment for a future bond and the \$200,000 is ARP money. She asked if we could use the ARP money for capital vs. an appropriation. CFO Lapp said that it is out of the CAP which does not impact the calculation; we are taking a revenue and offsetting an appropriation (budget neutral). The budget before Council currently shows an increase of \$10.08 per month for the municipal portion of the tax bill (average household) and does not include the County or Board of Education.

Councilwoman Neff supported looking at the schedule of police car purchases. Administrator Casagrande advised that every five years the governing body receives a Vehicle Replacement Plan from the Chief. The 2022 car will replace a 2013 Ford that has approximately 140,000 miles. The new five-year plan will be provided by the Chief toward the end of this year. Councilwoman Chrisner-Keefe asked for a fleet inventory for Borough vehicles. CFO Lapp advised the governing body that to purchase police vehicles through Capital, you must bundle, and those cars purchased wind up needing to be repaired and/or replaced at the same time or needing to be paid at the same time. Councilwoman Cole asked if the Chief could provide a plan that staggered vehicle replacement which could control maintenance of the fleet. This year we have a tight budget; a lot of time was spent on it, and it is a good budget.

Councilman Rodriguez advised that electricity and street lighting did not jump, but gas has jumped significantly, and we know why; we are budgeting with the worst-case scenario in mind. He asked CFO Lapp if other municipalities are doing the same thing. CFO Lapp said they are budgeting more in the vehicle (gas and diesel) line item (not that we are not allowing it in other areas), but this is the most impact at the moment. It is an unpredictable item, and we have to make our best guestimates. We can do an emergency appropriation, if it comes to be; she does not want to overfund line items. Administrator Casagrande said we participate in the NJ SEM program for electricity. She asked for guidance on fireworks/celebration of public events (\$15K); this was not budgeted in the 2020 or 2021 budgets due to COVID. Councilwoman Cole said we should have fireworks for an event in 2023 when we can plan since it is too late to plan anything now. She said that there is a community event set for May 14th (Love Where You Live) that could use seed money (\$2,500) as it is a first-time event for an Environmental Day. Mayor Halpern said that there will not be Fair Haven Day, but there are ideas to have something in the summer. Council agreed that the community could use some sort of event.

Councilwoman Koch had a question under Engineering (line item 165) contractual services which increased from \$15,000 to \$35,000 and asked why? Administrator Casagrande said that the governing body appointed CME Associates this year as Consulting Engineer as well as a tree expert; she was not sure how we intend to use them or if there will be other projects that may come up. We can bring in the Consulting Engineer if Engineer Gardella is busy with other road jobs and Borough projects. Councilwomen Koch and Cole felt the amount for Engineer should be reduced. Administrator Casagrande and CFO Lapp will trim it down.

Councilwoman Cole advised that the Shade Tree Commission has consulting expenses. The proposed tree ordinance amendment fees will help offset the consulting services. Administrator Casagrande said that it will take a year of documenting the proposed new revenue coming in, so the costs need to be absorbed in this year's budget. Councilwoman Cole tracked it over the last few years and there is a small gap, so she wants to be sure revenues cover the expenses. With regard to ARP funds, she clarified that the total amount of \$600,000 was over two years vs. three years. Yes, we receive it in two payments (we received a payment last year and will receive another this year); we have until the end of 2024 to commit/obligate the funds and then a year to spend them. So, the \$200,000 over the next three years will get us to 2024 or we can use it for a project all at one time if the governing body sees fit. Because we did not receive the funds until the end of last year, we only spent a nominal amount for our Financial Advisor in case we needed it for planning. The \$200,000 will be on the revenue side (sheet 10) and submitted to the State with the budget. We will identify some of the police salaries where ARP funds are being used (it is an allowable expense). Councilwoman Cole asked if the \$200,000 from last year went into surplus? No, it cannot go into surplus, so it went into an unappropriated reserve (money is there but cannot be spent). There was discussion on the ARP funds and how it can be spent; the rules have been simplified in the last few months because municipalities brought up their concerns to legislators on the complicated guideline handed down regarding the funds. Councilwoman Cole thanked CFO Lapp for here attendance to answer questions. For the Capital Budget discussion, she asked that the governing body consider a special meeting to discuss/consider priorities; she felt that the Borough needs to care for and maintain what we have (parks, ponds, creeks, wetlands, etc.) as well as maintain the quality of life in Fair Haven.

Councilman McCue did not have questions.

Councilwoman Chrisner-Keefe echoed Councilwoman Cole's request for a special meeting when considering the Bond Ordinance(s) and she wants one for our Capital Ordinance to discuss any and all capital items/projects. Mayor Halpern did not disagree and said it depends on the timing of it all. The facilities are the "biggest cards on the table" and we need to figure out what we want to move forward with.

Administrator Casagrande and CFO Lapp said that the plan is to introduce the budget at our March 28th meeting. She asked for some target or input for cuts. There will need to be a discussion with Chief McGovern on not purchasing a car this year vs. every two years. The only downside is that by waiting there will be more required maintenance on the vehicles. Administrator Casagrande said it is the final year of the current plan; we can address it with the next five-year vehicle plan. Councilwoman Neff said the Finance Committee asked the Chief and he advised it will increase the maintenance costs because the vehicles are heavily used. Chief McGovern arrived at the meeting at 8:05 pm and answered the governing body's question as to if he needed to purchase a police car this year. He advised that there is a build up without purchasing a car each year (it causes a ripple effect). Up until about 20 years ago, the department purchased two cars a year and then when there were no cars purchased for a few years, the department felt the effects. The cars average about 20,000 miles a year. The life of a patrol car is 80,000-100,000 miles. Councilwoman Chrisner-Keefe suggested Administrator Casagrande and the Finance Committee meet and review the budget for cuts. There was brief discussion on places to cut/reduce. Councilwoman Neff said the community

wants an event this year as we could not the last two summers due to COVID-19. The Recreation Committee could plan an event at a reduced amount. Mayor Halpern agreed with Councilwoman Neff to have some sort of celebration in the summer or fall. Administrator Casagrande confirmed that there will be a cut made in the engineering consulting line.

Street Opening request from NJ Natural Gas for a main installation at 15 Laurel Drive. Motion to approve moved by Councilman Rodriguez, second by Councilwoman Chrisner-Keefe with Ayes by all present.

Request from Girls on the Run to hold their Annual 5K Run on June 5th. Motion to approve moved by Councilman Rodriguez, second by Councilwoman Chrisner-Keefe with Ayes by all present.

The Borough Clerk advised that the town-wide yard sale has not been held the past two years and is normally held the first Saturday in May (May 7th). There was discussion regarding holding it and if the date should be changed to April 30th to allow for Zones 1 and 2 to be able to place any unsold items that may be bulk out to the curb that Monday. After further discussion, it was decided to keep the town-wide yard sale with the \$7.00 fee in place for May 7th. Motion to approve moved by Councilman Rodriguez, second Councilwoman Cole with Ayes by all present.

The next matter discussed was the amendment to the Floodplain Management Ordinance. The governing body was advised that the NJDEP has requested that NJ municipalities amend their floodplain ordinance to meet regulation change. Assistant Director of Engineering and DPW Poruchynsky is also our Floodplain Manager, and he must submit our draft to the DEP tomorrow. What is before the governing body gives an idea of the changes Fair Haven has made. We need to introduce and adopt the ordinance by June 15th, per DEP requirements. Attorney Cannon said the “track changes” document was not provided, but the model ordinance highlights what cannot be amended. Most municipalities are going with the DEP standards to protect its residents. Administrator Casagrande said that Greg Cannon, Nick Poruchynsky, Allyson Cinquegrana, and General Code (our codification company) worked on this. Most municipalities are governed by floodplain regulations. Nick Poruchynsky, Floodplain Manager, chose a 10-year look back. Council asked questions regarding the ordinance and requirements. Attorney Cannon further explained the need and process. Most people dealing with floodplain regulations and maps will be professionals (builders, developers) if it is a significant building improvement as they understand the guidelines and laws; it would not be a resident.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 8:25 p.m. Ruth Blaser, River Road, spoke on tree removal at 32 Fisk Street. She is familiar with the prior owner, did yard work to help maintain the property and was the listing broker on the sale of the house. She did a Google search when the house was listed and noted the property with a balloon to help identify it. She explained what was on the property (Rose of Sharon and a lot of brush). There were two pine trees at the front of the property. She felt the governing body is mistaken by giving Capital Builders a hard time about tree removal on the property.

There being no further comments or questions, the meeting was closed to the public at 8:30 p.m.

APPROVAL OF MINUTES

Councilman Rodriguez made a motion to approve the Regular Meeting minutes of February 28, 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 28, 2021, second by Councilwoman Koch.

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

Negative: None

Abstain: None

Absent: None

OLD BUSINESS

Tree Removal Appeals:

Capital Home Builders, LLC, 32 Fisk Street. Bill Geier had posted escrow for CME Associates

to review the application, the property and proposed landscape plan. Shari Spero, CME Associates, reviewed the matter and provided a report with comments on the replacement trees to be planted. Capital Builders provided a replacement plan based on the letter. Councilwoman Koch noted Capital Home Builders has been responsive to anything that the Borough has asked for. Councilwoman Cole thanked Mr. Geier for his compliance and responsiveness. Mr. Geier is in compliance with the plan from CME Associates and provided a good plan. Motion to approve the request for appeal and the submitted landscape plan moved by Councilwoman Cole, second by Councilman Rodriguez

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

Nays: None

Abstain: Councilman McCue

Absent: None

Attorney Cannon will prepare a resolution with the Council’s decision and include what was submitted as exhibits to the governing body. Mayor Halpern was appreciative of the information provided, after the fact, but clear cutting of property is taken seriously. It is important to follow protocols.

The second tree removal appeal was from Halcyon Builders, LLC, 4 Rutgers Drive. Devin Bouton was in attendance in case there were any questions or concerns. A report was received from CME Associates who reviewed the matter. Motion to approve the appeal moved by Councilman Rodriguez, second by Councilwoman Neff.

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

Nays: None

Abstain: Councilman McCue

Absent: None

NEW BUSINESS

Council Committee Reports

Finance - Councilwoman Neff said there was budget discussion this evening. The Finance Committee will be busy looking at costs for building construction and other capital expenses.

She complimented the Shade Tree Commission on their work for a tree ordinance amendment; it is being reviewed by Attorney Cannon. They are looking at a tree inventory proposal for the Borough. There is a plan to plant trees along Fair Haven Road and they are looking to see what properties could use the trees (most likely Cherry trees) on either side of the street and if the homeowners would be interested in participating.

The Land Use Committee was thanked for the number of hours they put in to come up with a recommendation for our Zoning ordinances. The idea is to see where we want to make improvements for both short term and long term.

Personnel - Councilwoman Chrisner-Keefe advised that the Fair Haven Fields Natural Area Advisory Committee meeting was moved from this Thursday to March 24th, via Zoom. The Personnel Committee has been busy; there are appointments on the agenda, there has been review of the non-aligned employee responsibilities and salaries and there have been contract negotiations.

Planning & Zoning - Councilwoman Koch advised there is a Planning Board meeting tomorrow at 7:30 pm, via zoom; they will be reviewing the Land Use Committee’s memo and look at short term goals. The Zoning Board’s next meeting is April 7th at 7:15 pm, via Zoom.

Parks and Recreation - Councilwoman Koch advised the Father/Daughter and Mother/Son dances are back. The grades have changed to accommodate students (4-6 grade) who missed out during the pandemic. The Father/Daughter Dance will be held on April 8th and 9th (7:00-9:30 pm); registration starts March 16th. The Mother/Son Dance will be held on May 6th and 7th; registration starts March 23rd. Both dances will be held at Raven and The Peach.

The Easter Egg Hunt will be held on April 9th, 9:00 am and so will Baseball’s Opening Day and Parade (10:00 am). The Fishing Derby will be held on May 7th and the Memorial Day Parade will be on May 30th beginning 9 a.m.

Councilwoman Chrisner-Keefe advised that anyone is welcome to attend the dances despite the names. The Recreation Committee discussed potentially adjusting the name of the dance but did not this year due to time constraints. Councilwoman Koch said all are welcome.

Councilman Rodriguez said that inclusivity is critical in this community and is something that we all agree on; there are no boundaries. He heard about the potential change in the name and

function of the event in terms of making it all genders and all parents, guardians, etc. There are important things to consider down the road. We respect the decision of the Recreation Committee and sovereignty of the decision-making process.

Police, Fire & OEM - Councilman McCue advised that Mayor and Council interviewed for the Lieutenant position this evening which is part of the process; there are two great candidates to consider. In Central Monmouth County, we will be conducting an active shooter drill in our school on March 21st. Chief McGovern said that it is an active threat drill at Knollwood which will involve 13 towns; the drill will be conducted in the evening. There are 12 drills conducted, a year, in various municipalities.

Engineering and DPW - Councilman McCue said the DPW and Police Department facilities are being reviewed. Councilwoman Cole said we will see initial steps happen over the summer and we will make sure neighborhoods impacted will be advised. An assessment of the DPW’s capacity to handle what we have and to continue to function and maintain our many Borough treasures. Councilman McCue said it is a matter of how we can provide the best services for our residents.

Borough Facilities - Councilman Rodriguez said the Facilities Committee met last week and a Brush Committee meeting was also held. With regard to facilities, significant progress is being made on getting bid specifications together for Council. He reviewed the timeline which is unchanged from two weeks ago. The Borough Architect is finalizing the last details for bid specifications, the bond ordinance (for shortage) and going to bid in the spring or summer. Councilman Rodriguez said he is trying to get Councilwoman Cole into a facilities meeting, per her request at the last Council meeting.

The Brush Committee met last Monday and was fairly well attended. A lot of information was gathered by Mike Cannon (resident and committee member) regarding the fall processing event which was successful. The process was done based on the recommendations Council gave. We did lose the tub grinder that had to go to another job and eventually came back. Cutting the trucks down by a few and them abiding by the time schedule worked better. Councilwoman Koch said residents in the brush area saw an improvement. Councilman Rodriguez advised Mayor Halpern that he would like to keep the committee to see if additional improvements are needed and to monitor and come up with ideas for future grindings. Mayor Halpern agreed and said if there are committee members that can no longer commit, we can find other resident volunteers.

Borough Communications and Community Outreach - Councilwoman Cole said that the Communications Committee had to skip a meeting; the next meeting will be held on March 23rd. We are going to continue our work in discussions on protocol and volunteer involvement and interacting with the central office. We are waiting on proposals for technology improvements for the Council Chambers. The Environmental Commission met this month and had guest speakers (ANJEC and Bob Schuster); Brian Rice, Vice Chairman, revived the concern/health of the Navesink Municipalities Commission for the Navesink River. Mr. Schuster provided an in-depth view of the condition of the Navesink, both good and bad news. The Environmental Commission is pulling together the findings and maps to post on the website. There are pockets of improvement for the shellfish (we base the condition of the river by the shellfish); the actions that have been taken are making an improvement. Councilwoman Cole said picking up dog waste is most important. The Green Team is hosting a composting workshop at Bicentennial Hall on May 2nd, 7:00 pm. The “Love Where You Live” celebration will be May 14th. There is a lot going on as far as events and information; Betty Ann Berube, Administrative Assistant, is phenomenal with the information and retention. Everyone should be receiving and reading Constant Contact which provides updates and important information. The Fair Haven Business Association held their annual Networking meeting last Wednesday at the Knights of Columbus; they are currently undergoing a survey process for the Business District and they are considering how to play the most meaningful role for the Business District, as a whole.

She and Councilwoman Neff have worked hard with the Shade Tree Commission and the ordinance amendment. Attorney Cannon has a meeting on March 23rd with the Shade Tree to review their ordinance recommendations and have something for the next Council meeting.

CONSENT AGENDA
RESOLUTIONS

1. Resolution No. 2022-71, Approve Maintenance Bond Release for 810 River Road

WHEREAS, Resolution No. 2019-56, adopted February 25, 2019, released the Performance Guarantees and accepted Maintenance Bond (No B 1211940) in the amount of \$49,410.00 posted by Selective Insurance Company of America and retainage of the Cash Bond in the amount of \$5,489.96 for a Major Subdivision at 810 River Road (Block 52, Lots 11 and 12), Fair Haven, NJ; and

WHEREAS, the Borough Engineer has recommended the release of the Maintenance Bond.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fair Haven, that the Maintenance Bond in the amount of \$49,410.00 for Block 52, Lots 11 and 12 and \$5,792.19 are hereby released and the Finance Department is authorized to process said refund.

Offered for adoption by Councilwoman Koch, second by Councilwoman Cole

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

Negative: None

Abstain: None

Absent: None

- 2. Resolution No. 2022-72, Appoint Building Maintenance Technician - Jared Okerson

WHEREAS, per the 2017-2021 Teamster’s contract, there is a stipend for the position of Building Maintenance Technician in the amount of \$7,500; and

WHEREAS, Resolution No. 2021-40 was adopted by the Mayor and Council on January 25, 2021 appointing Jared Okerson to the position through 2021; and

WHEREAS, Richard Gardella, Director of Engineering and Public Works Superintendent, has submitted his recommendation for the reappointment of Jared Okerson to this position and Theresa Casagrande concurs with the recommendations made.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of said stipend of \$7,500.

BE IT FURTHER RESOLVED that this reappointment will be in effect for the year 2022.

Offered for adoption by Councilwoman Koch, second by Councilwoman Cole

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

Negative: None

Abstain: None

Absent: None

- 3. Resolution No. 2022-73, Appoint DPW Foremen - David Karl and James O’Brien

WHEREAS, Resolution No. 2017-235 was adopted on November 27, 2017 and authorized the Mayor to execute an amendment to the Agreement with Teamsters Local 177 to include Foreman position appointments; and

WHEREAS, per the Teamster’s contract, there is a stipend for these positions in the amount of \$3,500.00 each; and

WHEREAS, David Karl has held the Buildings, Grounds and Parks Foreman position since March 2016; and

WHEREAS, James O’Brien will be appointed as Streets and Sanitation Foreman; and

WHEREAS, these appointments are being made per the recommendation of Richard Gardella, Director of Engineering and DPW and Theresa Casagrande, Borough Administrator, concurs with said recommendations.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the aforementioned DPW employees be appointed as follows:

David Karl - Buildings, Grounds and Parks Foreman retroactive to January 1, 2022

James O’Brien - Streets & Sanitation Foreman effective March 15, 2022

Offered for adoption by Councilwoman Koch, second by Councilwoman Neff

Councilman McCue asked to provide the back-story/history to this recommendation which was made at the end of last year. It started in the Committee process for efficiency. The DPW Committee did not support the Director of Engineering and Public Works recommendation and the HR Department had concerns about the process. The Director created a rubric rating scale to support his original recommendation. Councilman McCue was alarmed that the job description for

Streets and Roads Foreman was the only position to have a proposed change and nothing was changed for the Building Maintenance Technician position when there are two huge facility projects in the works. Councilman McCue proposed keeping the Foremen appointed in the past and setting up an evaluation process, similar to what the Police Chief does for his department, for any future changes and recommendations from the Director of Engineering and Public Works.

Councilwoman Chrisner-Keefe said that she thought the rubric was prepared in connection with the process. She was advised it was an ad-hoc, after the fact, due to the concerns of HR. Administrator Casagrande said it was last year when the former DPW Co-Chair requested that it be approached in that fashion. Councilwoman Chrisner-Keefe noted that this year was a different posting and description and thought the rubric was in place for this year. Councilman McCue said that it was not his understanding at all. She asked if the rubric was created last year or this year; Administrator Casagrande said it was created last year. Councilman McCue said it was created after a Councilwoman, with a demonstrated history in HR, had concerns about the process. It was created after the recommendation was made in late November for the process. He felt the Personnel Committee should have also looked at this. The posting was done in November for a January 1st appointment.

Mayor Halpern said there is a recommendation from the Department Head stating that these are the persons for the roles. Councilwoman Chrisner-Keefe said changes for this year's appointment are different from previous years and it is an annual appointment. Councilman McCue agreed with the Mayor but felt the process should be done like the Police Chief does for his appointments by giving his recommendation and the governing body having a say. Mayor Halpern said the DPW Department is short-handed, as it is, and we need to respect the Director's recommendation as he is familiar with the employees and what the needs are. Administrator Casagrande sent everything to the Personnel Committee on January 25th, and it was reviewed and vetted.

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

4. Resolution No. 2022-74, Appoint Environmental Consultant for the DPW Facility - CME Associates

WHEREAS, a proposal dated February 10, 2022 was received from CME Associates for the professional environmental services, Licensed Site Remediation Professional (LSRP) services and remedial action for the Department of Public Works property; and

WHEREAS, CME Associates non-fair and open paperwork was submitted at the beginning of the year; and

WHEREAS, the proposal states that the total cost for Phase 1 through 8, broken down as follows, shall not exceed a total of \$37,100:

| | |
|-------------------------------------|-----------------|
| Phase 1.0 LSRP Services | \$ 2,500 |
| Phase 2.0 Public Notification | \$ 1,250 |
| Phase 3.0 Bid Specifications | \$ 4,500 |
| Phase 4.0 Remedial Action Workplan | \$ 5,000 |
| Phase 5.0 Abatement Monitoring | \$ 1,750 |
| Phase 6.0 Remedial Action Oversight | \$12,100 |
| Phase 7.0 Remedial Action Report | \$ 7,500 |
| Phase 8.0 Response Action Outcome | <u>\$ 2,500</u> |
| Total | \$37,100 |

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, that the proposal received from CME Associates be accepted and awarded for the Phases 1-8 at a cost not to exceed \$37,100 and the Mayor is authorized to execute any paperwork associated with the proposal.

Offered for adoption by Councilwoman Koch, second by Councilwoman Cole

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

5. Resolution No. 2022-75, Appoint Environmental Consultant for the Police Department - CME Associates

WHEREAS, a proposal dated February 11, 2022 was received from CME Associates for the professional environmental services, Licensed Site Remediation Professional (LSRP) services and remedial action for the Police Department property; and

WHEREAS, CME Associates non-fair and open paperwork was submitted at the beginning of the year; and

WHEREAS, the proposal states that the total cost for Phase 1 through 4, broken down as follows, shall not exceed a total of \$25,750:

| | |
|--|-----------------|
| Phase 1.0 Preliminary Assessment | \$ 6,700 |
| Phase 2.0 Geophysical Survey: | |
| Geophysical Survey | \$ 4,000 |
| Survey of Identified Subsurface Features | \$ 3,800 |
| Phase 3.0 Asbestos Survey | \$ 9,150 |
| Phase 4.0 Meetings and Consultation | \$ 2,100 |
| Total | \$25,750 |

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, that the proposal received from CME Associates be accepted and awarded for the Phases 1-4 at a cost not to exceed \$25,750 and the Mayor is authorized to execute any paperwork associated with the proposal.

Offered for adoption by Councilwoman Koch, second by Councilwoman Cole

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

Negative: None

Abstain: None

Absent: None

6. Resolution No. 2022-76, Amend 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 2022 temporary budget for the aforesaid purposes; and

WHEREAS, NJSA 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned; and

WHEREAS, the total temporary emergency resolutions adopted in the year 2022 for the Borough pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total **\$2,890,870.30** for the Current Fund.

NOW, THEREFORE, BE IT RESOLVED that not less than two-thirds of all members of the Borough Council of the Borough of Fair Haven, New Jersey affirmatively concurring in accordance with the provisions of NJSA 40A:4-20:

1. An emergency temporary appropriation shall be and the same is hereby made for the following purposes:

| Account Number | Description | Amount | Reason |
|------------------------|------------------------------|--------------------|-------------|
| Current Account | | | |
| 2-01-23-215-228 | Worker’s Comp Insurance | \$25,000.00 | Temp Budget |
| 2-01-27-340-201 | Animal Control – Contractual | \$2,000 | Temp Budget |
| 2-01-43-499-202 | Animal ILSA – Contractual | -\$2,000 | Temp Budget |
| G-02-03-022-002 | Streets & Roads | \$10,296.23 | Temp Budget |
| TOTAL | | \$35,296.23 | |
| | | | |

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 Councilwoman Koch, second by Councilwoman Cole

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

Negative: None

Abstain: None

Absent: None

7. Resolution No. 2022-77, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the March 14, 2022 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

| | | |
|----------------------|----|-----------------------|
| 2021 CURRENT ACCOUNT | \$ | 5,186.99 |
| 2022 CURRENT ACCOUNT | \$ | 2,188,060.76 |
| GENERAL CAPITAL | \$ | 8,920.00 |
| PAYROLL AGENCY | \$ | 14,218.82 |
| OTHER TRUST | \$ | 10,205.97 |
| DOG TRUST | \$ | <u>50.40</u> |
| | | \$2,226,642.94 |
| LESS VOIDED CHECKS | - | <u>435.00</u> |
| TOTAL | | \$2,226,207.94 |

CURRENT CHECK NO. 62161, \$ 435.00

Offered for adoption by Councilwoman Koch, second by Councilwoman Cole

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

Negative: None

Abstain: None

Absent: None

8. Resolution No. 2022-78, Final Decision on 32 Fisk Street Tree Removal Permit Appeal

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, Capital Home Builders clear-cut all trees and all vegetation from the subject property; and

WHEREAS, as a result, Capital Home Builders became 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 respect to the subject Tree Removal Permit; and

WHEREAS, 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, by Resolution dated February 28, 2022, the Borough’s Governing Body issued an Interim Decision, whereunder the appeal of Capital Home Builders was 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 and a tree replacement plan for 32 Fisk Street, also known as Block 30, Lot 15; and

WHEREAS, on March 14, 2022, the Borough’s Governing Body held a second hearing in connection with the appeal of Capital Home Builders and received evidence under Code Section 14-8(f)(3), evaluating whether: “(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”;

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, is hereby granted, subject to Capital Home Builders’ compliance with the recommendations of the Borough Tree Expert’s Report, attached as Exhibit A; and
- (2) Any escrow funds remaining on deposit with the Borough in connection with this appeal shall be refunded to Capital Home Builders and/or Capital Home Builders shall pay for any overages incurred thereupon; and
- (3) That a certified copy of this Resolution shall be forwarded to the Borough Administrator, Borough Forrester, and Capital Home Builders.

Offered for adoption by Councilwoman Cole, second by Councilman Rodriguez

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

Negative: None

Abstain: Councilman McCue

Absent: None

9. Resolution No. 2022-79, Final Decision on 4 Rutgers Drive Tree Removal Permit Appeal

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 were 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; 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, the Borough’s Governing Body was unable to determine on February 7, 2022 whether relief was appropriate under Code Section 14-8(f)(3); and

WHEREAS, by Resolution dated February 28, 2022, the Borough’s Governing Body issued an Interim Decision, whereunder the appeal of Halcyon Homes was adjourned without prejudice, pending the Governing Body’s receipt of a report from the Borough’s certified tree expert as to the appellant’s proposed tree removal(s) at 4 Rutgers Drive, also known as Block 4, Lot 47; and

WHEREAS, on March 14, 2022, the Borough’s Governing Body held a second hearing in connection with the appeal of Halcyon Homes and received evidence under Code Section 14-8(f)(3), evaluating whether: “(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”;

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, is hereby granted, subject to Halcyon Homes’ compliance with the recommendations of the Borough Tree Expert’s Report, attached as Exhibit A; and
- (2) Any escrow funds remaining on deposit with the Borough in connection with this appeal

shall be refunded to Halcyon Homes and/or Halcyon Homes shall pay for any overages incurred thereupon; 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 Neff

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

Negative: None

Abstain: Councilman McCue

Absent: None

Reports of Departments

2020 Annual Report

-Zoning Board of Adjustment

2021 Annual Report

-Tax Collector

February 2022

-Municipal Clerk

-Dog Report

-Planning Board

-Municipal Court

-Tax Collector

-Budget Status

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

Mayor Halpern pointed out that this time last year, his kids had a mask and shield going to school. A month ago, we were not even gathered for meetings. He was thankful that the Borough of Fair Haven has pulled through “to get to the other side”. He was thankful and felt lucky to be here, but the other side of the world is going through some hard times; he was hopeful it ends as soon as possible.

GOOD OF THE BOROUGH

Mayor Halpern opened the meeting to the public for comments or questions at 9:12 p.m. Councilwoman Chrisner-Keefe stated that she and Councilwoman Koch are liaisons to the Recreation Committee. She was excited when the Parks and Recreation Director approached bringing back the dance when the COVID restrictions were lifted, and the Committee began to discuss and come up with the dance details. It was asked that the names of the events be changed because it suggests that a certain gender child must be paired with a certain category parent in order to attend; with the current event names, there are children and families that will feel excluded or that they cannot participate. It is a difficult task to be a volunteer and put yourself out there and recognize the decisions that are being made are not about them or their family, but the community, as a whole. We need to think of what is best for the community (all children and all families). Many community members felt the names should be the same. She thanked Lauren Porter for proposing the event be called “Dance with Me”. The committee had a short time to plan the events. She was hopeful that for future years we can come up with a name that does not include the gender or category of a child or adult since we have homes where a parent has passed away, the family member is not available, same sex parents or children who are non-binary.

Shervyn von Hoerl, River Road, said he and his wife have 3 kids (Ben, Hilly and Edy) and that he loves this Borough and the life that his children have here. He has volunteered for many organizations (i.e. baseball, the Fireman’s Fair). There are events in the Borough that his middle child cannot attend simply by the name of it because his child is non-binary (pronouns are used and they do not identify as a son or daughter). There are kids who do not identify as a boy or a girl and it prevents them from being comfortable to attend a certain named event. The event will go on as planned this year and it is understood. Mr. von Hoerl asked the Mayor and Council to commit to total inclusivity by having the Recreation Committee understand what that means and institute a process to discuss future events with public input/comments to come up with a decision. He asked for Council’s support.

Jessica Patel, Fair Haven Road, said she has a son who is gender creative (a boy who identifies as a boy and dresses in girl clothing). She wants her child to attend the events and enjoy these moments whether it is with her, or her husband and he can be himself with who he considers to

be “his people”. Not every kid falls into a box. Recreation does a great job, and it is a beautiful event; she wants to go with all of her kids to have a great time and not just the kids that “fit the mold”. Mrs. Patel stated that this is not a political talking point or about politics, it is about including all children who live in this community.

Ruth Blaser, River Road, wants rules for Land Use to be loosened so she can have two curb cuts on her property. There are two houses that have 2nd curb cuts on River Road. She applied and spoke with Sandi Papa and was given regulations. Mrs. Blaser does not have a survey of her property and will not pay for one; her property is located where Streetscape West work will be done. She wants to do the curbs in conjunction with the road project and does want to go before the Zoning Board or go through the regulations. The County said the Mayor and Council are the only ones to change the requirements. Mayor Halpern asked Mrs. Blaser if she has gone to Planning Board or Zoning Board and been denied? No. The Mayor advised that the Borough is not going to change the regulations to accommodate the second curb cut. She was advised that she can appeal to the Board if denied by the Zoning Officer. Attorney Cannon advised Mrs. Blaser that the governing body does not have the authority to waive this requirement without amending the ordinance for all. She can check off waiver on the application for whatever she is looking for and go before the board for consideration. River Road is a County road, and she may need to go to the County Planning Board for consideration since she is exiting on to a County road. Mayor Halpern suggested Mrs. Blaser go through the process per Borough ordinance.

Erin Howard, Dartmouth Avenue, said she appreciated the Zoom option for commuters and parents. She is happy that events are coming back but would like an alternate name for the dance due to different family make ups. She supports continued discussion next year for an inclusive name for the dance event. Ms. Howard said she appreciated the note on the dance flyer that stated the event is open for all. She thanked the Recreation Committee for their work and the discussion.

Mike Sena, Lake Avenue, asked Chief McGovern about the letter posted online for the rash of car thefts. His neighbor had a Range Rover stolen 6-8 weeks ago. He asked if there is a County or State task force working on this; yes, there is both a County and State Task Force that Fair Haven is part of. These thefts are happening all over the State. It was asked if they made progress; yes, but this cannot be discussed in public. Chief McGovern asked Mr. Sena to call him.

Bea Sena, Lake Avenue, commended Mayor and Council for their solidarity for the people of Ukraine; she requested a resolution in support of the people of Ukraine. Councilwoman Cole agreed and asked that a resolution be included on the next agenda.

Councilwoman Neff responded to the comments on the dance events; they are great events and reflect tradition. It is important to modernize the programs to include all and if there are speakers, we need to move forward with a broader set of skills and talents (not just involving sports, but all genres) for future events.

Councilwoman Koch said that we no longer have speakers because it went from a mother/son brunch to a mother/son dance. In light of all of the conversations, DJ Breckenridge has done a great job in keeping it together for this year and trying to make it as inclusive as possible under the constraints of the name. The Recreation Committee is looking forward to further discussions for next year and future events.

Councilwoman Cole said it seems a conversation has been started within the community, which is around tradition which should not be lost, and we should be guided by kindness. Traditions guided by kindness are important to lead us in the right direction.

There being no further comments or questions, the meeting was closed to the public at 9:38 p.m.

Council returned to executive session at 9:50 p.m. and this meeting was reconvened at 11:57 p.m.

ADJOURNMENT

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

Time of Adjournment: 11:58 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk