

FAIR HAVEN BOROUGH COUNCIL
APRIL 17, 2023

The meeting was called to order by Mayor Halpern at 6:52 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 APRIL 17, 2023 IS AVAILABLE BY CALL IN PHONE NUMBER OR THROUGH WEB CONFERENCE (ZOOM). MEMBERS OF THE PUBLIC WILL BE ON MUTE UNTIL IT IS TIME FOR QUESTIONS AND COMMENTS, WHICH WILL BE ANNOUNCED. AT THAT TIME, THE PUBLIC HAS THE OPPORTUNITY TO QUESTION/COMMENT BY PHONE OR THROUGH ZOOM BY THE "RAISE HAND" BUTTON AND WILL BE CALLED ON AT THE APPROPRIATE TIME.

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

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

ROLL CALL

On Roll Call the following were present: Councilmembers Cole, Hoey, Koch (via Zoom), LaBarbera, Neff and Rodriguez. Others present: Administrator Casagrande, Chief McGovern, Engineer Gardella and Attorney Sobel.

The governing body watched an Elected Officials training video as required by the MEL JIF who encourage ongoing training. We will receive a credit of \$250 per person attending toward our assessment.

PROCLAMATION AND PRESENTATIONS

Mayor Halpern read a proclamation for Arbor Day which occurs the last Friday in April which will be April 28th, this year.

The Mayor congratulated Administrator Casagrande on the arrival of her grandson, Emmett Patrick, who was born April 14th.

Administrator Casagrande advised that a Prioritization Matrix was created by the DPW/Engineering Committee (Mayor Halpern, Councilmembers LaBarbera and Cole, Administrator Casagrande and Engineer Gardella). The matrix (which was provided to the governing body in their packets) is an attempt to show everything that is out there in engineering projects and tying them to a ranking system to give the governing body a sense of the priorities. Engineer Gardella reviewed the matrix which will be used as a tool for all of the projects that are in queue and explained how we bring an idea for a project. The Borough receives ideas from the governing body, the Engineer's Office, the Central Office, residents and community. Everything is tied to time, budget, resources and other projects already in the works. The matrix shows a list of all the projects we have, projects in the planning phase, conceptual type projects, projects that we are closing out (whether grant funded, land related), types of projects that we can submit for grant funding opportunities. The matrix before the governing body is a draft where there are different types of categories with a ranking system. He reviewed the checklist and what type of maintenance may be involved, internal resources that may be required, as well as external resources (consultants, experts, etc). How a project is tied to the Borough's Master Plan is reviewed. If something is built and we are using it, we must review and consider what it would cost to maintain it and how often it needs to be maintained. He used the DPW Facility as an example for the governing body and went through the checklist and how it ranks. Anything that is considered a life/safety concern is #1. Engineer Gardella said that a matrix will be created for DPW because there are tasks that are done (leaf and brush pick-up, street sweeping, street plowing, maintaining the ballfields) and there are other special projects that the DPW works on such as the downtown that need to be accounted for from a time and resource perspective. The DPW matrix is more involved because of our buildings and property which is being tightened up and will be shared when completed. Mayor Halpern asked how the

prioritization is determined and by whom. Engineer Gardella said the matrix is a fluid document that can be changed. Administrator Casagrande said it would be the governing body determining the priority; this is a tool to be used by Engineering/DPW. Councilwoman Cole said this is helpful, but not perfect; feedback is welcome. The Clerk shared her screen with the matrix for the public to see/follow along. Councilwoman Hoey asked if there could be a progress column to track; yes, and Engineer Gardella explained how it is tracked. Councilman LaBarbera said that consideration is life safety risk vs. life safety issue. Everything has a life safety risk, but when it evolves over time to an issue, we need to take action. There will be new projects plus maintenance plus life of the project. Council was advised there are questions to consider in the main document and weigh the project by category. It is a tool, a working document and shows the progress and status of the project. Administrator Casagrande advised that Engineer Gardella's time is valuable, and this shows what he is working on, what is in queue, what has been completed. The micro-projects took Engineer Gardella a few hundred hours to develop. The 50 projects listed on his matrix will be shared with the governing body.

Engineer Gardella reviewed the micro-project scope of work with the governing body. The Borough Clerk shared her screen with a Power Point prepared by Engineer Gardella; he directed each slide as he spoke. Councilwoman Cole said she wanted a bullet point for community input to be included on the Power Point under "Capital Improvement Process"; Engineer Gardella advised that it falls under Project Location Selection. He reviewed the process followed for projects including locations for the microproject list. He reviewed each road included and planned work: Park Lane (address catch basins, curb, drainage, mill/pave, tighten up intersections and radiuses) will cost \$225,000. Hunting Lane (failing drainage and sinkhole repairs were done though another project); mill/pave, pedestrian improvements (crosswalk with ADA, high visibility striping and adding sidewalk) will cost \$75,000. Lewis Lane (some areas were improved with the Battin Road project); will complete the entire street; he spoke with the neighbors because the first house has sidewalk and advised we will continue to tie it all in and the cost will be \$180,000. Harding Road will have sidewalk improvement/pedestrian enhancement (County Route 34). Improvements were made to Harrison Avenue (NJDOT grant), and we prepped this in a way for sidewalks to be installed on Harding Road. There is a report on right-of-ways. Sidewalks will be installed from Charles Court to Harrison Avenue and Harrison Avenue to Oaklawn Road. Harding Road will get curb and sidewalks that are ADA compliant and will cost \$100,000. There have been discussions with the County since it is a County Road. There is a pedestrian crossing at Harrison Avenue and Harding Road. DeNormandie Avenue is where the Borough acquired the land for a passive park. It needs a new curb and brick sidewalk to match the other historic district sidewalks. This project will clean up the road and clean up the driveway that was paved out into the street; the cost will be \$40,000. Fair Haven Road Historic District; in 2009 we redid the brick sidewalks and curbing as well as milled and paved. There is some uplift that will be addressed, and bricks will be re-laid to smooth the area and fix tripping hazards. Administrator Casagrande advised that Shari Spero, CME Associates, will be coming this week to look at the trees. The project will occur from River Road to the dock on both sides of Fair Haven Road and will cost \$50,000. Gentry Drive is lined with oak trees that are causing the sidewalks to lift. The development was built in the late 1980s/early 1990s. New sidewalks and all of the ramps will be redone to be ADA compliant. Two catch basins will be addressed with a project cost of \$60,000.

Other projects, "if and when directed", were reviewed. Handouts were provided to the governing body to follow along. These are small areas showing what could be done to improve the street or area.

Project costs are \$950,000 in total. Administrator Casagrande advised these are all Fair Haven capital improvement costs to be paid through ordinances that were previously approved by Mayor and Council. Administrator Casagrande and Engineer Gardella will review the funding to be sure it is available and will speak with Bond Counsel. There are a lot of moving parts to this. Councilwoman Cole asked Engineer Gardella of all eight (8) locations, has anyone spoken with the residents; here and there, but nothing formal. The property owners affected by the projects will be advised and spoken to about what is involved. Councilwoman Cole said that the Borough needs the communication piece for these projects and the DPW/Engineering Committee should discuss. Councilman LaBarbera said that the committee can discuss and report back to Council on May 8th. Engineer Gardella's Power Point will be posted on the website. Councilwoman Hoey suggested that an email communication also go out because not everyone goes to the website.

Authorization to bid will be placed on May 8th agenda. Engineer Gardella said that the plan is to get the projects out for bid and completed this year.

A pocket park update was given. Administrator Casagrande advised this matter was listed to let the governing body know, that their input and Environmental Commission's input was noted and shared with Colliers Engineering. We received an email back from Joe Rafferty on April 14th answering some of the questions we had. We have a failing bulkhead that we need to address and

we will soften the Grange Avenue design. We do not want to make changes that will affect the DEP permits we have; the governing body will be kept abreast on the project. Councilman LaBarbera noted that this has been going on for nine years...it is important to bifurcate Hance Road from the original plan leaving Grange Avenue and Battin Road. We are receiving guidance from a DEP expert with regard to modifications for minor (softening the project or de-intensifying the area) and major changes and hope to have more data points on May 8th. Regarding the end of Battin Road, we are learning about dredging and the shellfish line rule. It does need to be fixed, but what we have is not really a boat ramp. There are safety concerns so there will be fencing and signage. Councilwoman Cole asked that we lower the line of sight with fencing. With the opportunity to do something at Hance Road, we need to be thoughtful. Councilman LaBarbera will have a presentation at the May 8th meeting. There was discussion with the County regarding waterfront access and the definition (this is still being investigated). Administrator Casagrande advised that the Council is going to have to approve another proposal from Colliers so that we can encumber the funds. As liaison to the Environmental Commission, Councilwoman Cole mentioned their memo regarding a tree and losing the coastal bluff at Williams Robard Park which means we are losing ability to sure it up.

WORKSHOP SESSION

Tree Removal Appeal from James and Catherine Keane, 44 McCarter Avenue. The Keanes were in attendance and Council received the correspondence. Mr. Keane advised that they bought their house in 2015 and revitalized it and now are addressing the back yard. The Mayor read a reply from Shari Spero, Certified Tree Expert, regarding the replacement plan. Councilwoman Cole asked about the Sycamore tree and advised them that the tree company “butchered the tree” and it will not survive. Fritz’s Tree Service did the limb up of the tree and caused the issue. They are registered with the Borough, and we will speak with them. Motion to approve the appeal moved by Councilman LaBarbera, second by Councilwoman Cole with Ayes by all present.

Tree Removal Appeal from Cambridge Custom Homes, 78 Parker Avenue. Tim Chenoweth, developer, was in attendance and advised that the property was purchased in December 2022. The trees on the property were not maintained and have vines growing around them. Mr. Chenoweth advised that he hired a tree expert (Zig Panek) who recommended the trees come down. The tree permit was submitted prior to the Zoning Application for demolition and the home has been demolished. Councilwoman Cole advised that there are 11 mature trees on the site, and one has already been removed (in the middle of the excavation area, tree #9). Mr. Chenoweth stated no trees were removed. He would prefer not to remove any trees, but their condition is terrible. It was noted that Zig Panek is his tree expert and Shari Spero, Certified Tree Expert, also inspected and gave a recommendation. Councilwoman Cole advised that the Borough Code states there is no clear cutting in the Borough and that not all of the trees are in poor condition. There are trees on the west side of the property that will contribute as a privacy buffer. Mr. Chenoweth advised that he spoke with the neighbor about the trees because one is tangled in their fence plus the driveway for the new home will be placed where the tree is. Mayor Halpern asked how many homes Mr. Chenoweth has built in Fair Haven; nine (9) homes and never clear cut the properties. Councilwoman Cole was not comfortable authorizing a clear cut of this property. He will replant what the Borough requires, but advised he planned to plant three replacement trees. Councilwoman Neff stated that she would like Shari Spero’s recommendation on how many trees should be planted, including the type and size. Councilwoman Cole advised Mr. Chenoweth to reconsider the path being taken. It was suggested that Council deny the appeal and modify the number of trees to be removed. Attorney Sobel felt that Ms. Spero’s report was lacking some information, however, the applicant has done what is required to appeal the denial. Mayor Halpern asked if tree #9 is still on the property and asked that it be verified one way or the other. Mr. Chenoweth reiterated the site was not maintained for 30 years and the trees are full of vines. Councilman LaBarbera was not comfortable challenging the opinions of two tree experts that the trees should be removed due to their condition. Attorney Sobel stated his opinion that the Borough’s Tree Expert should be in attendance at a Council Meeting when there is a tree appeal in case there are questions or need for clarification; she can attend remotely. Council agreed there need to be amendments made to the tree removal ordinance to better clarify. Mr. Chenoweth advised that the house on the property was demolished leaving nothing to block heavy winds that could take the trees down and hurt someone. Motion to carry the tree appeal request to the May 8th meeting moved by Councilwoman Cole, second by Councilwoman Hoey with Ayes by all present.

A request from Jersey Shore Youth Rugby to post lawn signs advertising registration (4/24-5/22) was received. Motion to approve moved by Councilman Rodriguez, second by Councilman LaBarbera with Ayes by all present.

A request from Dermer Dreams to post lawn signs advertising their May 6th Food Collection (4/24-5/7) was received. Motion to approve moved by Councilman Rodriguez, second by Councilman LaBarbera with Ayes by all present.

A request from Girls On The Run to post lawn signs for their June 4th event (5/21-6/5) was received. Motion to approve moved by Councilman Rodriguez, second by Councilman LaBarbera with Ayes by all present.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 8:58 p.m. Ruth Blaser, River Road, asked that the Council review the Vacant/Abandoned Property Ordinance before adopting it; it is an unfair ordinance. Attorney Sobel advised that this is a State regulation that addresses commercial and residential foreclosures. This ordinance is accurate and does not infringe on taxpayer's rights. Mrs. Blaser said private property owners should be left alone to do what they want. She felt the language is a harassment tool. Attorney Sobel said the ordinance is in compliance and follows the State Statute.

There being no further comments or questions, the meeting was closed to the public at 9:01 p.m.

APPROVAL OF MINUTES

Councilmember LaBarbera made a motion to approve the Regular Meeting minutes of March 13, 2023, second by Councilmember Cole

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

Negative: None

Abstain: Councilwoman Neff

Absent: None

Councilmember Cole made a motion to approve the Regular Meeting minutes of March 27, 2023, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: Councilmembers Hoey and Neff

Absent: None

Councilmember Cole made a motion to approve the Executive Session minutes of March 27, 2023, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: Councilmembers Hoey and Neff

Absent: None

OLD BUSINESS

HEARING AND ADOPTION OF ORDINANCES

1. Ordinance No. 2023-02, Amendments to Land Use Code

AN ORDINANCE AMENDING CHAPTER 30: "LAND USE AND DEVELOPMENT REGULATIONS" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR HAVEN TO REVISE CERTAIN ZONING REGULATIONS IN AN EFFORT TO PRESERVE AND PROTECT THE EXISTING CHARACTER OF THE BOROUGH'S ESTABLISHED NEIGHBORHOODS

On motion of Councilmember Rodriguez, second by Councilmember LaBarbera with Ayes by all present, Mayor Halpern opened the meeting for comments or questions at 9:03 p.m.

Attorney Sobel advised this amendment will continue to protect the integrity of the building process in the Borough. Building in Fair Haven continues at warp speed. This ordinance addresses the height between ground level and first floor, unfinished attic space, the mounding of dirt (this addresses it with grading) and setbacks for the front of the property to keep things uniform and preserves the character of the neighborhood. Councilwoman Neff was thrilled with this ordinance which is important for uniformity; she thanked all involved in the creation. Councilwoman Cole stated this ordinance eliminates Habitable Floor Area (HFA). Councilwoman Hoey asked how the ordinance is monitored; the Building Inspector will inspect, and a CO is either issued or not issued. Councilmembers Neff and LaBarbera explained other scenarios that occur which would bring something to light that may not be correct.

Marti Egger, Hance Road, mentioned "cookie cutter" not giving a different vibe. She felt it is nice to have a variety of setbacks in a neighborhood which makes the character of the street.

There being no further comments or questions, the Hearing was closed to the public at 9:11 p.m. on motion of Councilmember LaBarbera, second by Councilmember Rodriguez with Ayes by all present.

Offered for adoption by Councilmember Cole, second by Councilmember LaBarbera

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

Negative: None

Abstain: None

Absent: None

Mayor Halpern acknowledged and thanked all who were involved (Todd Lehder, Peter Neczesny, Councilmembers Koch and LaBarbera, Engineer Gardella, Assistant Engineer Poruchynsky, Joe Mule, the Borough Attorney's office) in this ordinance and the collaboration that went into the amendments.

2. Ordinance No. 2023-03, Create a Vacant/Abandoned Property Ordinance

AN ORDINANCE SUPPLEMENTING CHAPTER 14: "PROPERTY MAINTENANCE" OF THE BOROUGH'S REVISED GENERAL ORDINANCES WITH NEW SECTION 14-12: "VACANT AND FORECLOSED PROPERTIES; REGISTRATION" TO ESTABLISH REGULATIONS PERTAINING TO VACANT PROPERTIES WITHIN THE BOROUGH TO COMPORT WITH NEW STATE LAW

On motion of Councilmember Neff, second by Councilmember LaBarbera with Ayes by all present, Mayor Halpern opened the meeting for comments or questions at 9:12 p.m.

There being none, the Hearing was closed to the public at 9:12 p.m. on motion of Councilmember Neff, second by Councilmember LaBarbera with Ayes by all present.

Offered for adoption by Councilmember Cole, second by Councilmember LaBarbera

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

Negative: None

Abstain: None

Absent: None

3. Ordinance No. 2023-04, Amend Chapter 15, Street Opening Regulation Ordinance

AN ORDINANCE AMENDING CHAPTER 2: "ADMINISTRATION" AND CHAPTER 15: "STREETS AND SIDEWALKS" OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO UPDATE REGULATIONS PERTAINING TO STREET AND SIDEWALK EXCAVATIONS AND TO REQUIRE BETTER RESTORATION OF STREETS AND SIDEWALKS FOLLOWING EXCAVATIONS FOR PUBLIC AND PRIVATE PURPOSES

On motion of Councilmember LaBarbera, second by Councilmember Neff with Ayes by all present, Mayor Halpern opened the meeting for comments or questions at 9:13 p.m.

There being none, the Hearing was closed to the public at 9:13 p.m. on motion of Councilmember Neff, second by Councilmember LaBarbera with Ayes by all present.

Offered for adoption by Councilmember Rodriguez, second by Councilmember LaBarbera

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

Negative: None

Abstain: None

Absent: None

4. Ordinance No. 2023-05, Amend Chapter 11, Building and Construction Code

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 11: "BUILDING AND CONSTRUCTION" OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO COMPORT WITH SHARED SERVICES AGREEMENT WITH THE BOROUGH OF RUMSON

On motion of Councilmember Neff, second by Councilmember LaBarbera with Ayes by all present, Mayor Halpern opened the meeting for comments or questions at 9:14 p.m.

There being none, the Hearing was closed to the public at 9:15 p.m. on motion of Councilmember Neff, second by Councilmember LaBarbera with Ayes by all present.

Offered for adoption by Councilmember Rodriguez, second by Councilmember LaBarbera

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

Negative: None

Abstain: None

Absent: None

5. Ordinance No. 2023-06, Amend Chapter 12, Fire Prevention Code

AN ORDINANCE AMENDING CHAPTER 2: “ADMINISTRATION” CHAPTER 12: “FIRE PREVENTION AND PROTECTION” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO COMPORT WITH FIRE PREVENTION SHARED SERVICES AGREEMENT WITH THE BOROUGH OF RUMSON

On motion of Councilmember Neff, second by Councilmember LaBarbera with Ayes by all present, Mayor Halpern opened the meeting for comments or questions at 9:15 p.m.

There being none, the Hearing was closed to the public at 9:16 p.m. on motion of Councilmember Neff, second by Councilmember LaBarbera with Ayes by all present.

Offered for adoption by Councilmember Rodriguez, second by Councilmember LaBarbera

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

Negative: None

Abstain: None

Absent: None

Administrator Casagrande complimented Allyson Cinquegrana on tracking these ordinances and their different iterations, she did an amazing job as this is a lot of code work to coordinate with the Borough’s codification company.

With regard to the Borough’s fence ordinance, Administrator Casagrande spoke with Councilmembers Koch and Cole who were working on this. Councilwoman Cole stated the Borough needs to clean up the ordinance language so that it is easier to understand and there needs to be a review of types of exemptions. The Committee is still discussing and will bring it to the Mayor and Council when completed. Councilman LaBarbera said he and Councilwoman Koch have been reviewing various ordinances so he can add the fence ordinance to the list, and he will do an overview to start the process. Councilman LaBarbera will work with Councilwomen Cole and Koch on the ordinances and forward them to the Attorney for review and to present amendments.

Councilman LaBarbera gave an updated Power Point presentation for Borough Facilities. American made solar panels are coming on the market in the next five years. Councilwoman Cole said she read the reports and was excited, but it does not make sense to go with solar right now. The buildings should be built to accommodate solar in the future as a Phase II project. Consensus of Council was no solar in Phase I. There will be four charging stations at the police department for vehicles and there will be some for the public. Slide 3 showed the DPW project which has been discussed with key points of contact. An underground storage tank was found and is being dealt with by Engineer Gardella and our consulting engineer. The consensus of the Council was to move forward with fire suppression. We are aligning the roof and DPW renovation projects. Our Certified Tree Expert assessed the trees at the site and there are trees that will need to be removed with a replanting and landscape plan. The fuel tanks will be addressed. The DPW draft project schedule was provided (slide 5). The goal is that September 25th is when construction should start. Open Houses will be scheduled, accordingly. We found temporary trailers that can be in place during construction for the safety of our employees.

With regard to the Police Department/Community Center, the April 3rd Planning Board meeting went well, and we received a memo from the Planning Board Attorney, Doug Kovats, which was provided to Mayor and Council; the Board is in favor of what was presented. May 22nd is the plan for Council to authorize the project to go to bid. The Owners Representative will oversee both the Police and DPW projects. There is an encroachment from the property on the other side of Fisk Chapel, the kitchen for the Community Center was discussed, as well as flooring and finish/color boards. There has been discussion on the bid process and monies involved for the project. Things are trending in the right direction.

Councilwoman Koch left the meeting at 9:51 pm to catch her plane home.

Key Next Steps were reviewed with timelines/schedule, costs, landscaping plan, bidding, contractor mobilization, demolition and construction.

Administrator Casagrande provided an update to the Fair Haven Fields #4 Project. She worked with Councilmembers Hoey and Koch, Engineer Gardella, Parks and Recreation Director Breckenridge and Fair Haven Baseball on the project details. Three quotes for the project have been received (Precise Construction, Kudos Enterprises and Good Mowin); she read the proposal numbers that came in. Fair Haven Baseball advised they are willing to contribute \$15,000 toward the project cost. Administrator Casagrande said she needs Mayor and Council's approval to authorize \$28,575 from "pay as you go" capital funding. We need to get the project started in a timely manner. Engineer Gardella spoke about the issues (field was installed in 2013 and needs maintenance) and what is required to fix the field. The goal is to fix all of the issues, not just the main ones, so it would be a reconstruction with everything in good working condition for another 5-10 years. He addressed what is involved and that the maintenance of field education will be done annually (possibly a training video showing protocol). Councilwoman Cole did not recall Mayor and Council authorizing the need to get an estimate of repairs. It was reported by Councilwoman Hoey at a prior meeting that there is a need for Fair Haven #4 to be improved and a plan was in progress; a few of the governing body members recalled a brief discussion. Councilwoman Cole asked that a better procedure for this be done through an intake process. Engineer Gardella said fields needs to be addressed every 10-15 years. Administrator Casagrande advised that Precise Construction is the lowest quote. The Council had a discussion on private sponsorships on the fence or "in the ground" signs as well as what happens to the money received through the sponsorships. Fair Haven Baseball usually reports on the monies taken in and how they were expended or DJ Breckenridge reports this information. If these improvements are not made, Field #4 cannot be played on. Motion to approve \$28,575 from pay as you go capital funding and accept \$15,000 from Fair Haven Baseball moved by Councilman LaBarbera, second by Councilwoman Hoey

Ayes: Councilmembers Cole, Hoey, LaBarbera and Neff

Nays: None

Abstain: Councilmember Rodriguez

Absent: Councilmembers Koch

NEW BUSINESS

Council Committee Reports

Finance - Councilwoman Neff advised that the Finance Committee is meeting this week. The Borough is introducing the budget tonight. The committee will discuss funding and long-range planning.

Personnel - Councilwoman Hoey advised that the Borough is looking to hire a Police Officer to replace an officer who is leaving; the Council interviewed two candidates tonight and will be acting on a hire at the May 8th meeting. The Council is appointing a Deputy Emergency Management Coordinator tonight via resolution.

Parks and Recreation - Councilwoman Hoey advised the baseball opening day parade will be held on April 22nd. A new program, A Spoken Word Proposal forum, will occur after school on Tuesdays for grades 4-6; the program is open to Fair Haven and Rumson students and will be held in the Community Center.

Planning Board - Councilwoman Koch was absent. Mayor Halpern reported, on her behalf, that the next Planning Board meeting will be held tomorrow; the subdivision of Fair Haven property is on the agenda for review. A Beautification Committee meeting will be held on Wednesday, April 19th.

Police, Fire & OEM - Councilman Rodriguez reiterated that there were qualified candidates interviewed for the Police Officer position. There will be an appointment made at the next Council meeting. The Fire Department had 19 calls in January with 426-man hours, in February there were 12 calls with 201-man hours and nothing has been reported for March or April, at this time. There will be a Fire Department Open House on April 26th from 6:30-8:30 p.m. all were invited to see what the Department does and all of the various functions (water rescue, fire police, first aid etc) and how they do it. They will also be recruiting volunteers.

Councilmembers LaBarbera and Rodriguez met with the Fire Department and reconciled the budget for 2023; they will come before the Mayor and Council with a plan for 2024. With regard to Cambridge Avenue, Councilmembers Rodriguez and LaBarbera met with Little Silver Councilmembers. Chief McGovern reported that he was just advised that the original plan for RBR to change the flow in their parking lot has not been approved. The current signage is working out pretty well. There will be a meeting and discussion with the residents on Cambridge Avenue.

Engineering and DPW - Councilman LaBarbera advised the Leaf and Brush meeting was

cancelled. The Tier 1 State Assessment for Stormwater Management has begun. He thanked the Fair Haven Fields Natural Area Advisory Committee for their input and help with creating the intake process. Bryce Leonard, Borough Mechanic will be taking 12-weeks of FMLA; he is working on a small vehicle engine maintenance plan. Borough vehicles will have the Borough seal on them. The areas of concern on the dock are being addressed. A full proposal on the River Road Light Project is forthcoming. Meetings on the Hance and Cooney Project and Third Street, Phase II are scheduled for May.

Borough Facilities - Councilman LaBarbera already reported on this under Old Business.

Zoning Board of Adjustment - Councilman LaBarbera advised the Zoning Board will next meet on May 4th.

Borough Communications and Community Outreach - Councilwoman Cole advised that the Hance and Cooney Project is the pilot for our communications template; were a looking for consistency, timeliness, and clearer messaging that is more informative from a resident’s standpoint. She had a construction project template that has been created and needs to be used when putting out the information. The communication will advise who the contractor is, project length and description. The contractor will be hand delivering a letter to the residents affected by the project. Councilman LaBarbera asked if the same communication will be used for the micro-projects? Yes. The Borough will require a 48-hour notification review to turn around feedback; this needs to be coordinated.

The Environmental Commission provided memos on projects. They submitted a \$1,500 ANJEC grant application for a Pollinator Project. The Green Team’s second annual “Love Where You Live Day” will take place on May 7th from 1-4 pm at Bicentennial Hall. The Shade Tree Commission continues to champion the tree preservation ordinance. Councilwoman Cole, Attorney Cannon and Attorney Sobel are working on a memo for next steps toward amending the ordinance and are looking to reduce the administrative load for this ordinance. The Borough needs a Conservation Officer to advise on the ordinance outside of Shari Spero.

The Fair Haven Business Association will be hosting their Meet and Greet on April 26th beginning at 5:00 pm. Administrator Casagrande warned against a quorum being in attendance.

CONSENT AGENDA
RESOLUTIONS

1. Resolution No. 2023-107, Authorize 2023 Introduced Budget to be read by Title

WHEREAS, N.J.S.A. 40A 4-8, as amended, provides that the Budget shall be read, in full, at the public hearing, or that it may be read by title only if:

1. At least one week prior to the date of the hearing a complete copy of the approved Municipal Budget is made available to each person requesting the same, during said week, and during the public hearing. The Budget document will also be made available online at www.fairhavernj.org.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Fair Haven that, it is hereby declared that the conditions of N.J.S.A. 40A:4-8, as amended, set forth in subsection 1, have been met and therefore the Municipal Budget shall be read by title only.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Neff

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

Negative: None

Abstain: None

Absent: Councilmember Koch

2. Resolution No. 2023-108, Introduce 2023 Municipal Budget

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the calendar year 2023.

BE IT FURTHER RESOLVED that said Budget be published in the May 1, 2023 issue of the Asbury Park Press.

BE IT FURTHER RESOLVED, that the governing body does hereby approve introduction of the Municipal Budget for Calendar Year 2023.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Neff

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

Negative: None

Abstain: None

Absent: Councilmember Koch

3. Resolution No. 2023-109, Approve Execution of Release Agreement with Robert Townshend, Police Captain

WHEREAS, Robert Townshend retired from the Fair Haven Police Department effective April 1, 2023 and will execute an Accrued Leave Time Release Agreement, as per the collective bargaining agreement between the Borough of Fair Haven and PBA Local 184; and

WHEREAS, Article XVI of the PBA Local 184 contract addresses Sick Leave Accrual (attached as Exhibit A) and states that the maximum payment, regardless of the total number of sick days accumulated, is \$15,000; and

WHEREAS, there is a need to subtract medical insurance back deductions for the 1st Quarter 2023 in the amount of \$609.90.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Finance Department is hereby authorized to process a payment release in the amount of \$14,390.10 (unused accrued leave time minus medical insurance back deductions) to Robert Townshend.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Neff

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

Negative: None

Abstain: None

Absent: Councilmember Koch

Mayor Halpern brought up a concern he has regarding the Sidewalk Café licenses and the safety of patrons dining outside. He felt that bollards should be placed out to protect the public to avoid what happened at the post office. Chief McGovern said that the café license locations do not have forward facing parking spaces like the post office and did not feel there was a need for bollards. The Mayor asked that this be considered for the future, not necessarily for this approval. The Council had a brief discussion on their thoughts and possibly having the establishment place planters near the outside dining area. The Chief was asked to look at the various sites to see if there is a need to place a protective barrier. The Chief asked what exactly the Council is looking for. Councilwoman Cole asked that the Business Association discuss this and make suggestions.

4. Resolution No. 2023-110, Approve Sidewalk Café License for Dos Banditos - 609 River Road

WHEREAS, Chapter 4-2.1 governs Sidewalk Cafes and Restaurants in the Borough of Fair Haven; and

WHEREAS, Dos Banditos, 609 River Road, has filed the appropriate Sidewalk Café License Application and paid the appropriate fee; and

WHEREAS, the Police Chief has reviewed said application and submitted his approval dated April 12, 2023 for said permit as follows:

5 Tables and 32 chairs to accommodate 32 patrons.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Sidewalk Café Permit is hereby approved and shall be issued by the Municipal Clerk with an expiration date of December 1, 2023.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Neff

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

Negative: None

Abstain: None

Absent: Councilmember Koch

5. Resolution No. 2023-111, Approve Sidewalk Café License for Tavolo Pronto - 610 River Road

WHEREAS, Chapter 4-2.1 governs Sidewalk Cafes and Restaurants in the Borough of Fair

Haven; and

WHEREAS, Tavolo Pronto, 610 River Road, has filed the appropriate Sidewalk Café License Application and paid the appropriate fee; and

WHEREAS, the Police Chief has reviewed said application and submitted his approval dated April 12, 2023 for said permit as follows:

11 Tables and 36 chairs to accommodate 52 patrons.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Sidewalk Café Permit is hereby approved and shall be issued by the Municipal Clerk with an expiration date of December 1, 2023.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Neff

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

Negative: None

Abstain: None

Absent: Councilmember Koch

6. Resolution No. 2022-112, Appoint Deputy Emergency Management Coordinator - Cpl. John Koetzner

BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that John Koetzner be appointed as a Deputy Emergency Management Coordinator for a term to expire December 31, 2025.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Neff

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

Negative: None

Abstain: None

Absent: Councilmember Koch

7. Resolution No 2023-113, Executive Session - Personnel and Acquisition of Property

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 Hiring

Acquisition of Property

1. 21 Fair Haven Road

WHEREAS, minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW, THEREFORE, BE IT RESOLVED that the public be excluded from this meeting.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Neff

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

Negative: None

Abstain: None

Absent: Councilmember Koch

8. Resolution No. 2023-114, 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 2023 temporary budget for the aforesaid purposes; and

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

WHEREAS, the total temporary emergency resolutions adopted in the year 2023 for the Borough pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total **\$4,048,038.14** for the Current Fund.

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

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

Account Number	Description	Amount	Reason
Current Account			
3-01-20-100-202	Administration - Contractual Services	\$10,000.00	Temp Budget
3-01-21-185-211	Zoning Board - Contractual Services	\$10,000.00	Temp Budget
3-01-23-215-228	Worker's Comp Insurance	\$25,000.00	Temp Budget
3-01-25-258-220	Water Rescue - Equip Maintenance	\$4,500.00	Temp Budget
3-01-26-310-204	Buildings & Grounds - Repairs	\$5,000.00	Temp Budget
3-01-28-375-209	Recreation - Park Maintenance	\$1,000.00	Temp Budget
3-01-30-405-299	Cell Tower Property Lease	\$30,000.00	Temp Budget
3-01-31-430-276	Electricity Utilities	\$10,000.00	Temp Budget
3-01-31-435-276	Street Lighting	\$10,000.00	Temp Budget
3-01-31-440-276	Telephone Utilities	\$5,000.00	Temp Budget
3-01-31-447-276	Fuel Oil Utilities	\$5,000.00	Temp Budget
3-01-31-460-276	Gasoline Utilities	\$10,000.00	Temp Budget
3-01-31-465-299	Reclamation Fees Misc	\$25,000.00	Temp Budget
3-01-36-477-299	DCRP	\$5,000.00	Temp Budget
3-01-45-930-299	Bond Interest	\$105,000.00	Temp Budget
	Total	\$256,500.00	

2. That said emergency temporary appropriations will be provided for in the 2023 budget under the appropriate titles.

3. That one certified copy of this resolution will be filed with the Director of Local Government Services.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Neff

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

Negative: None

Abstain: None

Absent: Councilmember Koch

9. Resolution No. 2023-115, Approve Sidewalk Café License for Fairwinds Deli -798 River Road

WHEREAS, Chapter 4-2.1 governs Sidewalk Cafes and Restaurants in the Borough of Fair Haven; and

WHEREAS, Fairwinds Deli, 798 River Road, has filed the appropriate Sidewalk Café License Application and paid the appropriate fee; and

WHEREAS, the Police Chief has reviewed said application and submitted his approval dated April 13, 2023 for said permit as follows:

3 Tables and 12 chairs to accommodate 12 patrons.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Sidewalk Café Permit is hereby approved and shall be issued by the Municipal Clerk with an expiration date of December 1, 2023.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Neff

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

Negative: None

Abstain: None

Absent: Councilmember Koch

10. Resolution No. 2023-116, Approve Borough Personnel for Fair Haven Day Event

WHEREAS, the Mayor and Council of the Borough of Fair Haven that the Borough Administrator is authorized to allocate Borough resources, including Borough Personnel and budgeted funds, to successfully carry out the Fair Haven Day event on June 10, 2023.

BE IT FURTHER RESOLVED that Police personnel will receive the Special Duty Rate of \$50.00 per hour as per Ordinance 2022-17.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Neff

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

Negative: None

Abstain: None

Absent: Councilmember Koch

11. Resolution No. 2023-117, Award Proposal: Survey and Base Map Services for Fisk Street (Police Dept and Fisk AME) to Leon S. Avakian, Inc.

WHEREAS, Resolution No. 2023-01 appointed Peter R. Avakian, P.E., P.L.S., of Leon S. Avakian, Inc. as the Borough’s Consulting Engineer; and

WHEREAS, there is a need for Surveying and Base Map Services for the Fair Haven Police Department Site and Fisk AME Property; and

WHEREAS, Leon S. Avakian, Inc. has provided a proposal for said work in the amount of \$9,750.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, that Leon S. Avakian, Inc. is authorized to conduct said work and the Finance Department is authorized to pay the \$9,750 upon completion of the work.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Neff

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

Negative: None

Abstain: None

Absent: Councilmember Koch

12. Resolution No. 2023-118, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the April 17, 2023 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2022 CURRENT FUND ACCOUNT	\$ 3,462.45
2023 CURRENT FUND ACCOUNT	\$ 327,112.85
GENERAL CAPITAL	\$ 84,937.39
GRANT FUND	\$ 1,620.14
PAYROLL AGENCY	\$ 15,455.16
OTHER TRUST	\$ 7,899.63
DOG TRUST	\$ <u>16.80</u>
	\$ 440,504.42
LESS VOIDED CHECKS	- <u>494.70</u>
	\$ 440,009.72

CURRENT CHECK NO. 63891, \$ 494.70

Offered for adoption by Councilmember LaBarbera, second by Councilmember Neff

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

Negative: None

Abstain: None

Absent: Councilmember Koch

13. Resolution No. 2023-120, Award Proposal for Environmental Consultant for Police Department/Community Center

WHEREAS, there is a need for an Environmental Consultant to assist with the bid specifications, demolition and oil tank removal for the Police Department and Community Center site; and

WHEREAS, two proposals were received for said service; one from Colliers Engineering & Design and one from RJB Environmental, Inc.; and

WHEREAS, the proposal dated April 14, 2023 received from Colliers Engineering & Design to provide Environmental Consultant Services states that the total costs for this work, broken down as follows, shall not exceed a total of \$28,500:

Task Name	Fee
Task 1.0 Bid Specifications	\$6,000
Task 2.0 Abatement Monitoring	\$15,000
Task 3.0 UST Closure Monitoring and Testing	\$4,000
Task 4.0 UST Closure Report	\$3,500
TOTAL	\$28,500

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, that the proposal received from Colliers Engineering & Design, be accepted and awarded as Environmental Consultant for the Fair Haven Police Department and Community Center at a cost not to exceed \$28,500 and the Mayor is authorized to execute paperwork, if required.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Neff

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

Negative: None

Abstain: None

Absent: Councilmember Koch

Reports of Departments

March 2023

- Municipal Clerk
- Dog License
- Municipal Court
- Tax Collector
- Planning Board and Zoning Board
- Police Department

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

GOOD OF THE BOROUGH

Mayor Halpern opened the meeting to the public for comments or questions at 10:40 p.m. Carolyn Ferguson, Colonial Court, asked if the businesses are a problem? If not, let them do their cafes. She thanked Councilwoman Cole for supporting the Business Association and asked the Borough to partner with the businesses. Mrs. Ferguson stated she is advocating for fence ordinance changes and asked the Borough to consider four (4) things: amend the guidance and procedures, clarification that the ordinance applies to new and replacement fences, exceptions should be expanded (she felt it was a complicated ordinance). Also, the fence height and what style is allowed and is not allowed. Mrs. Ferguson suggested a reference table for height rules to show the different scenarios and what rule applies where; this would be helpful for everyone (public, employees, professionals).

Bonnie Torcivia, Battin Road, thanked the Mayor for approving the Arbor Day proclamation. She noted that the field near the brush grind site has been approved to be repaired. The Green Team wants to place a water bottle refill station on Third Street to help eliminate all of the water bottles and Gatorade bottles that are used and to help provide water for the Third Street Trail work. Engineer Gardella said Assistant Engineer Poruchynsky has looked at alternatives with volunteer groups and we can't do it right now as we would need to change the bid.

There being no further comments or questions, the meeting was closed to the public at 10:45 p.m.

The Council went into executive session at 10:50 p.m. and this meeting was reconvened at 11:12 p.m.

ADJOURNMENT

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

Time of Adjournment: 11:12 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk