

**FAIR HAVEN BOROUGH COUNCIL
REGULAR MEETING
APRIL 23, 2024**

The meeting was called to order by Mayor Halpern at 7:02 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 23, 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. 2024-13 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 (via Zoom), DiMiceli, Hoey, Koch and Olson. Absent: Councilman LaBarbera. Others present: Administrator Casagrande, Attorney Sobel, Engineer Gardella and Assistant Engineer Poruchynsky.

Mayor Halpern acknowledged and welcomed a few students, in the audience, from Trinity High School's AP Government class.

PRESENTATIONS

Rich Gardella, Director of Engineering and Public Works, came forward with Nick Poruchynsky, Assistant Director of Engineering and Public Works/Floodplain Administrator and said they would be giving a Stormwater Regulation Program update, going over some rule changes by the NJDEP and providing insight into what the Borough needs to do to remain in compliance.

Assistant Engineer Poruchynsky reviewed a Power Point Presentation on Stormwater Management and required ordinance updates. The slides showed a video of flooding on Hance Road during a rain event and photos of the intersection of Hance and Hunting Lane, as examples. Stormwater rule changes (Inland Flood Protection Rules or IFP) were reviewed as far as purpose and why. Based on the required changes, Fair Haven has to update its Stormwater Control ordinance which falls under Chapter 30 (Land Use), Section 14. This ordinance was last amended in 2021. The calendar for the amending ordinance is that it would be introduced at the May 28th Council Meeting, sent to the Planning Board for their review and recommendation at their June 18th meeting so we can adopt the ordinance at our July 8th meeting and meet the NJDEP deadline of July 16th. The summary of key changes for the IFP were provided such as raising the non-tidal flood elevation by 2', the future project precipitation is going to be used to calculate flood elevations, ensure that NJDEP Flood Hazard permits conform to NJ Uniform Construction Code standards and meet FEMA requirements, require stormwater Best Management Practices (BMPs) to be designed to manage runoff for today's storms and future storms and removes use of Rational and Modified Rational methods for calculations. Assistant Engineer Poruchynsky said there will be review of additional measures to address local water quality and flooding conditions as well as environmental and community needs. The Borough also needs to be compliant with the MS4 Permit which was originally issued February 2, 2004 and renewed in 2009, 2018 and 2023. Components of the MS4 Permit were reviewed and how Fair Haven has been compliant with its annual reports, ordinance updates, street sweepings, pipe cleaning, etc. We update the Borough's website to provide the most recent information. We now have the new "green can" for brush and leaf collection. Photos of the Storm X process and inlet and pipe cleaning efforts were provided. There are a lot of moving parts for stormwater and the Borough works hard to be in compliance with the law.

Councilwoman Cole thanked Assistant Engineer Poruchynsky for the presentation and asked if the items that he had highlighted in red are being handled by Avakian Engineering, through a grant, under his direction or if it is separate. Avakian helped update the Stormwater Pollution Plan for compliance and some of the other items such as the Stormwater Management Plan which has a 2025, 2026 and 2027 timeline so the details are still being worked on. Councilwoman Cole asked if he knew whether there would be state funding for the plan; it is state mandated, not necessarily state paid. The IFPs are separate from MS4; the ordinance to be adopted for July 2024 does not include the mapping portion (that is separate). The MS4 permit is ongoing compliance and part of ongoing work to maintain our permit. Engineering is working on infrastructure mapping; they have mapped the outfalls and will do future work. Engineer Gardella said there was pre-existing mapping prior to these rules back in the 1990s. She asked if there are areas of concern; Engineer Gardella advised the microproject work being done is addressing concerns. Assistant Engineer Poruchynsky advised there are low spots, by definition, where homes were built, and we have no control over. The proposed ordinance will go to the Planning Board for review and any recommendations will come back so that we can adopt the ordinance. Engineering will review, inspect and handle construction observation to make sure there is no negative impact even if it is a DIY project. Engineer Gardella said all of this could impact Borough staff who will assist and make sure we remain compliant.

Administrator Casagrande said that there is required training that the governing body, volunteers, employees etc. must take. There is \$10,000 budgeted for stormwater management projects which will be charged outside of CAP. The DEP is pushing all of this work to the local level. Councilwoman Hoey asked Administrator Casagrande if the Borough spent the \$25,000 awarded or do we still have it? Yes, we still have it, however, it can't be used for soft costs or the planning component. Nick Poruchynsky said the Borough should use the money to help with the mapping portion of the project. The DPW staff, as well as the Director and Assistant Director of Engineering and DPW check various Borough locations to make sure they are clear of debris.

Councilwoman DiMiceli is close to this matter and worried we are doing this in pieces; she asked how it is all connected and affecting each area. Assistant Engineer Poruchynsky said it is a "moving target" due to storm changes. Engineer Gardella said it comes down to funding; we recently spent \$60,000 cleaning pipes. The Borough had NJAW address some areas during their projects and we address as we can. Fair Haven has come a long way since these rules came into effect 20 years ago. The ordinance amendment target date is July 2024 and we are working with the Borough Attorney to meet the deadline. Councilwoman DiMiceli watched the stormwater management video. Projects that are happening in town are not close to the required regulations and rules; we are built out. It seems new construction is adding to the problem. Attorney Sobel said it is the builder's responsibility to make sure they are compliant and the project is following the appropriate guideline. They need to be up to code and it is up to the builder to warranty their work and product. Attorney Sobel said that he has a neighbor who built their home on a stream and the water has been subverted around it; they were aware. Councilwoman Koch said the required ordinance amendment will address these concerns and we have adopted ordinances to correct issues. Engineer Gardella advised it is up to the Building Department to be sure work is in compliance with rules and the project plan. Councilwoman DiMiceli asked who checks on our stormwater maintenance plan; we are audited every 2-3 years and we have been compliant in record keeping, housekeeping and our annual reports. The DEP checks locations to be sure we are doing what needs to be done. Fair Haven is unique as it has an in-house engineering department so there are eyes on everything and the DPW staff is trained on what to look for. Councilman Olson recapped the presentation and asked a few questions about the size of our pipes, maintenance requirements and costs involved.

Councilwoman DiMiceli asked if the stormwater requirements change the Police Department and Community Center project plans. Engineer Gardella said with regard to the DPW Facility renovation, there were stormwater management measures put in place by the consulting engineer; he explained the plan and what should occur. There was also an explanation as to what is happening under the parking lot at DPW; recharge and the rain gardens. Assistant Engineer Poruchynsky explained calculating and balancing things for stormwater management. Engineer Gardella gave the example of the stormwater basin installed around 2005 at Fair Haven Fields (between Dartmouth Avenue and the parking lot) and the size of it being extremely large, at that time; today the basin captures all major rainwater. A lot of the work to be done comes down to finance.

The Mayor thanked both Engineer Gardella and Assistant Engineer Poruchynsky for their time, hard work and the presentation.

Susan Sorensen and the Beautification Committee gave a presentation on a fundraising idea that they have. The Borough Clerk shared her screen with some photos of their idea. Mrs. Sorensen said they do things to not affect the budget which is why they want to do a fundraiser. They would like to resurrect the dedicated tree and bench program to raise money and offset costs of items the Borough wants to put into place. Councilwoman Koch said we are getting new benches at the dock

and asked if resurrecting the bench program can help; the benches were already ordered for the dock. Mrs. Sorensen advised that the goal is to have uniformity; the Beautification Committee is waiting on DJ Breckenridge for pricing of the benches. The Beautification Committee is asking permission to have a Buoy Tree at the dock; a photo of the location was provided. The Foundation of Fair Haven will sponsor the fundraiser and cut a check to the Beautification Committee. The buoy tree is not permanent; it would be anchored under the two poles with a sandbag to keep it stable. The display would be for a month to six weeks, in the summer. Electricity would be needed for the Christmas Tree lights; the lights would be on a timer. Mayor Halpern asked if there would be access issues for those who use the area for fishing and crabbing. Mrs. Sorensen said that the tree would not interfere with the concerts in the summer. Motion to approve the Buoy Tree fundraiser by the Foundation of Fair Haven for the Beautification Committee moved by Councilwoman Koch, second by Councilwoman DiMiceli with Ayes by all present.

WORKSHOP SESSION

There was a request for a Holy Cross Academy Golf Outing lawn sign to be posted between April 24th and May 18th. Motion to approve moved by Councilwoman Koch, second by Councilwoman DiMiceli with Ayes by all present.

The next matter to be discussed was to amend the code for Police Regulations by adding Section 21, entitled, "Resident Protection". A draft ordinance was provided with the agenda packet. Councilwoman DiMiceli asked Attorney Sobel if the Borough has authority to do this; yes. Chief McGovern looked at it and asked the attorney to look at it. State Statute overrides our ordinance. Attorney Sobel said there is no harm and no bias or discrimination. The Chief said this is a great idea as State Statute does not cover what we have in this draft ordinance; this will assist our court and cover us with any violation. Title 39 may not address all concerns; this ordinance gives avenues to cite. This ordinance will be listed for introduction on the May 13th agenda.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 8:09 p.m. Bonnie Torcivia, Battin Road, addressed the Stormwater Management presentation and said that it seems the Borough channels everything to the Navesink River; we do not. We hope that water sheath flows into the ground or on the property. Assistant Engineer Poruchynsky explained how it works; there is also gutter flow which infiltrates grass areas. Ms. Torcivia asked about the Lewis Lane project as she was trying to understand the concept as it seems everything goes into the Navesink River. Engineer Gardella said that we cannot sheet flow water onto neighboring properties. Ms. Torcivia lives at the end of Battin and there is a drain before the dock that is always full of water. She was told the drain comes from Holly Lane; it is a shallow pipe that drains the Holly/Battin intersection with a sub-inlet to flow toward the boat ramp. Ms. Torcivia said there needs to be consideration for lawn chemicals and pollution; Engineer Gardella said there are discussions at a higher level including the involvement of enforcement. The Environmental Commission and Green Team can address chemicals through their outreach programs. It also comes down to the companies that manufacture the products to educate consumers.

Stephanie Adams, Oxford Avenue, asked about stormwater management and construction sludge. There needs to be an initiative for clean construction sites. She said Monmouth Beach has an ordinance that is currently under attorney review requiring encapsulation of waste product (saw dust) vs. it running into the road and storm drains. She asked if engineering is familiar with it and if the Borough would consider doing the same. She will obtain a copy once out of attorney review and forward it to the Environmental Commission. The southeast corner of Dartmouth Avenue and Hunting Lane received new sidewalks and curbs and there is water gathering/ponding. She was advised that it will be addressed with the paving portion. Engineer Gardella said that the contractor is working through the concrete work and then will mill and pave all at once. The radius was opened up at the corner to make it easier for vehicles.

There being no further comments or questions, the meeting was closed to the public at 8:20 p.m.

APPROVAL OF MINUTES

Councilmember Koch made a motion to approve the Special Meeting minutes of April 8, 2024, second by Councilmember Olson

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch and Olson

Negative: None

Abstain: None

Absent: Councilman LaBarbera

Councilmember Koch made a motion to approve the Executive Session minutes of April 8, 2024 from the Special Meeting, second by Councilmember Olson

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch and Olson

Negative: None

Abstain: None

Absent: Councilman LaBarbera

Councilmember Koch made a motion to approve the Executive Session minutes of April 8, 2024 from the Regular Meeting, second by Councilmember Olson

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch and Olson

Negative: None

Abstain: None

Absent: Councilman LaBarbera

OLD BUSINESS

There was no old business brought before the governing body.

NEW BUSINESS

CONSENT AGENDA - RESOLUTIONS

- 1. Resolution No. 2024-102, Executive Session: Personnel

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. Chief Financial Officer
- 2. Borough Administrator Position
- 3. Volunteers

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 Koch, second by Councilmember Olson

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch and Olson

Negative: None

Abstain: None

Absent: Councilman LaBarbera

- 2. Resolution No. 2024-103, Amend Resolution No. 2024-32, Salary Adjustment for Assistant CFO

WHEREAS, Resolution No. 2024-32 was adopted by the Mayor and Council of the Borough of Fair Haven at the Reorganization Meeting of January 2, 2024; and

WHEREAS, this resolution approved a salary adjustment for the Assistant Chief Financial Officer and Qualified Purchasing Agent to reflect an annual salary of \$87,500; and

WHEREAS, there is a need to amend the resolution to reflect the appropriate salary breakdown for each position, which shall be as follows:

Assistant Chief Financial Officer	\$77,000.00
Qualified Purchasing Agent	\$10,500.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Resolution No. 2024-32 is hereby amended to reflect the appropriate salaries for Assistant Chief Financial Officer and Qualified Purchasing Agent as listed above.

BE IT FURTHER RESOLVED that a certified copy of this resolution be provided to the Finance Department and Nancy Britton, Assistant Chief Financial Officer/QPA.

Offered for adoption by Councilmember Koch, second by Councilmember Olson

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch and Olson

Negative: None

Abstain: None

Absent: Councilman LaBarbera

3. Resolution No. 2024-104, Amend Resolution No. 2024-93, NJDOT Grant Award Extension-Improvements to Fair Haven Rd, Phase I

WHEREAS, Resolution No. 2024-93 was adopted by the Mayor and Council of the Borough of Fair Haven at their April 8, 2024 Council meeting requesting a six-month extension to the New Jersey Department of Transportation for LA-2022-MA project; and

WHEREAS, the extension should have been for three months.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that they formally approve the request for a three-month award extension for the above stated project and that the Mayor and Borough Clerk are hereby authorized to sign said request on behalf of the Borough of Fair Haven and that their signatures constitute acceptance of the terms and conditions of the grant agreement

Offered for adoption by Councilmember Koch, second by Councilmember Olson

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch and Olson

Negative: None

Abstain: None

Absent: Councilman LaBarbera

4. Resolution No. 2024-105, Amend Resolution No. 2024-101, Payment of Vouchers

WHEREAS, Resolution No. 2024-101 was adopted by the Mayor and Council at their April 8th meeting which approved the Payment of Vouchers in the amount of \$2,159,822.59; and

WHEREAS, an error in the amount of \$898.39 was discovered in the 2024 Current Fund amount; and

WHEREAS, the correct amount for the 2024 Current Fund should have been \$1,342,072.56.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Payment of Vouchers approved on April 8, 2024 reflect the total amount of \$2,158,924.20 and a copy of this amending resolution be provided to the Finance Department for their records.

Offered for adoption by Councilmember Koch, second by Councilmember Olson

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch and Olson

Negative: None

Abstain: None

Absent: Councilman LaBarbera

5. Resolution No. 2024-106, Approve Fair Haven Day Fireworks Contract with Starfire

WHEREAS, proposals were solicited from Starfire Corporation, Advanced Pyrotechnics and Blue Sky Fireworks for a fireworks display to be held on June 8, 2024 (rain date June 9, 2024); and

WHEREAS, only one proposal was received from the solicitation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Mayor and Borough Clerk are hereby authorized to execute a contract with Starfire Corporation in the amount of \$15,000 for Fair Haven Day which will take place on June 8, 2024 (rain date of June 9, 2024).

BE IT FURTHER RESOLVED that the Borough had budgeted \$10,000 for the fireworks and the balance of \$5,000 will be paid by the Foundation of Fair Haven.

BE IT FURTHER RESOLVED that fire prevention code fees for this Borough event be waived by the Fire Marshal.

Offered for adoption by Councilmember Koch, second by Councilmember Olson

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch and Olson

Negative: None

Abstain: None

Absent: Councilman LaBarbera

6. Resolution No. 2024-107, Waive ABC Codes for Fair Haven Day (June 8th)

WHEREAS, the Borough of Fair Haven will be holding a picnic for Fair Haven Day on June 8, 2024 (rain date June 9, 2024); and

WHEREAS, Borough Code 3-19.1 “prohibits open consumption of any alcoholic beverages on public property within the Borough unless authorized by the Governing Body, or on private property without consent of the owner of the property or the person, over the age of twenty-one (21) years, in possession or control of the property” and Borough Code 9-1.22 “prohibits alcoholic beverages while in a public park, open space, sanctuary, or recreation area and all persons shall conduct themselves in a proper and orderly manner and, in particular, no person shall bring alcoholic beverages, drink same at any time nor shall any person be under the influence of intoxicating liquor”; and

WHEREAS, the picnic will take place at Fair Haven Fields and will include the provision of alcoholic beverage requiring that the above-mentioned codes be waived for alcohol purchased through the Foundation of Fair Haven as no outside alcohol will be permitted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Borough Codes 3-19.1 and 9-1.22 be waived on June 8, 2024 (rain date of June 9, 2024) between the hours of 3:00 p.m. and 10:00 p.m. for Fair Haven Day and codes be waived for alcohol purchased through the Foundation of Fair Haven as no outside alcohol will be permitted.

Offered for adoption by Councilmember Koch, second by Councilmember Olson

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch and Olson

Negative: None

Abstain: None

Absent: Councilman LaBarbera

7. Resolution No. 2024-108, Appoint Joseph Mule to the Housing Element and Fair Share Planning Subcommittee

WHEREAS, Resolution No. 2024-33 adopted by the Mayor and Council at their Reorganization meeting appointed the Housing Element and Fair Share Planning Subcommittee member; and

WHEREAS, there is a need to appoint an additional member to the subcommittee.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Joseph Mule be appointed as a Housing Element and Fair Share Planning Subcommittee member.

Offered for adoption by Councilmember Koch, second by Councilmember Olson

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch and Olson

Negative: None

Abstain: None

Absent: Councilman LaBarbera

8. Resolution No. 2024-109, Approve Block Party, Parker Avenue, September 14th

WHEREAS, a request was received to hold a Block Party on Parker Avenue on Saturday, September 14, 2024 from 6:00 pm to 10:00 pm with a rain date of Saturday, September 21st; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on April 8, 2024; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that approval is hereby granted for a block party to be held on Parker Avenue on Saturday, September 14, 2024 from 6:00 pm to 10:00 pm with a rain date of Saturday, September 21st.

BE IT FURTHER RESOLVED that Permit No. BP 2024-01 will be issued for said event.

Offered for adoption by Councilmember Koch, second by Councilmember Olson

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch and Olson

Negative: None
 Abstain: None
 Absent: Councilman LaBarbera

9. Resolution No. 2024-110, Authorize Performance Bond Return and Accept Maintenance Bond - Morgan Sackman

WHEREAS, Morgan Sackman is the owner of the real property known as Block 77, Lot 4.01; and

WHEREAS, Resolution No. 2021-89 adopted March 22, 2021 accepted a rider to the Subdivision/Site Improvement Bond (800047616) as the 90% bond in the amount of \$22,140.00, Check No. 416 in the amount of \$2,460.00 as the 10% cash performance guarantee and Check No. 402 in the amount of \$1,025.00 for engineering inspection posted pursuant to NJSA 40:55D-1, et seq.; and

WHEREAS, on February 20, 2024, the Borough Engineer authorized the release of the performance guarantees in exchange for a two-year maintenance bond in accordance with Municipal Land Use Law; and

WHEREAS, Ms. Sackman has provided a two-year maintenance bond (800166491) through Atlantic Specialty Insurance Company in the amount of \$3,321.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven, County of Monmouth and State of New Jersey that Bond (800047616) in the amount of \$22,140.00, the 10% cash in the amount of \$2,460.00 and the balance of engineering inspection fees in the amount of \$478.25 is hereby released and the two-year Maintenance Bond is hereby accepted.

Offered for adoption by Councilmember Koch, second by Councilmember Olson

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch and Olson
 Negative: None
 Abstain: None
 Absent: Councilman LaBarbera

10. Resolution No. 2024-111, Approve Temporary Appropriation

WHEREAS, emergent conditions have arisen with respect to the payment of bills in a number of accounts and no adequate provision has been made in a Year 2024 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 2024 for the Borough pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total **\$5,093,531.85** 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			
4-01-20-135-001	Audit – Contractual Services	\$16,500.00	Temp Budget
4-01-25-265-276	Fire Dept. – Fire Hydrants	\$25,000.00	Temp Budget
4-01-26-300-216	Shade Tree – Dues	\$1,500.00	Temp Budget
4-01-26-310-204	Buildings & Grounds – Repairs	\$10,000.00	Temp Budget
4-01-27-330-211	Bd. Of Health – Contractual	\$500.00	Temp Budget
4-01-27-335-229	Environmental Health – Misc	\$1,000.00	Temp Budget
4-01-30-420-299	Cele Pub Events – Misc	\$6,000.00	Temp Budget
4-01-31-440-276	Telephone Utilities	\$10,000.00	Temp Budget
4-01-31-446-276	Natural Gas – Utilities	\$10,000.00	Temp Budget
4-01-42-200-101	ILSA FH BOE SLEO III	\$1,000.00	Temp Budget
	TOTAL	\$81,500.00	

2. That said emergency temporary appropriations will be provided for in the 2024 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 Koch, second by Councilmember Olson

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch and Olson

Negative: None

Abstain: None

Absent: Councilman LaBarbera

11. Resolution No. 2024-112, Change Order No. 1 - 2023 Road, Sidewalk and Drainage Program

WHEREAS, Resolution No. 2023-211 awarded a contract for the Roads, Sidewalks and Drainage Project to Discover Construction, Dayton, NJ 08810 in the amount of \$1,129,965.77; and

WHEREAS, the Director of Engineering and Public Works has requested a change order for additional items increasing the contract amount by \$180,545.00.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven that Change Order No. 1 for the 2023 Roads, Sidewalks and Drainage Project authorizing an increase to the contract between the Borough of Fair Haven and Discover Construction, LLC for a total contract amount of \$1,310,510.77 is hereby approved.

Offered for adoption by Councilmember Koch, second by Councilmember Olson

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch and Olson

Negative: None

Abstain: None

Absent: Councilman LaBarbera

12. Resolution No. 2024-113, Change Order No. 1 - DPW Renovation

WHEREAS, Resolution No. 2023-282 awarded a contract for the DPW Facility Renovation Project to Hall Building Corporation, Farmingdale, NJ 07727 in the amount of \$3,020,655.00; and

WHEREAS, Ron Grammer, Project Architect, has requested a change order for additional items increasing the contract amount by \$12,613.84.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven that Change Order No. 1 for the DPW Facility Renovation Project authorizing an increase to the contract between the Borough of Fair Haven and Hall Building Corporation for a total contract amount of \$3,033,268.84 is hereby approved.

Offered for adoption by Councilmember Koch, second by Councilmember Olson

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch and Olson

Negative: None

Abstain: None

Absent: Councilman LaBarbera

13. Resolution No. 2024-114, Approve Fire Department Affiliate Membership, Fire Police - Ana Anttonen

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that Diana Anttonen, 92 Battin Road, Fair Haven, NJ having been duly accepted as a social member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department.

Offered for adoption by Councilmember Koch, second by Councilmember Olson

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch and Olson

Negative: None

Abstain: None

Absent: Councilman LaBarbera

14. Resolution No. 2024-115, Approve Fire Department Regular Membership - Vaughn Lynch

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven Vaughn Lynch, 21 N. Ward Avenue, Rumson, NJ having been duly accepted as a regular member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department.

Offered for adoption by Councilmember Koch, second by Councilmember Olson

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch and Olson
 Negative: None
 Abstain: None
 Absent: Councilman LaBarbera

15. Resolution No. 2024-116, 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 23, 2024 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2023 CURRENT FUND ACCOUNT	\$ 282.00
2024 CURRENT FUND ACCOUNT	\$ 1,754,576.75
GENERAL CAPITAL	\$ 26,379.33
OTHER TRUST	<u>\$ 59,192.78</u>
TOTAL	\$ 1,840,380.86

Offered for adoption by Councilmember Koch, second by Councilmember Olson

Affirmative: Councilmembers Cole, DiMiceli, Hoey, Koch and Olson
 Negative: None
 Abstain: None
 Absent: Councilman LaBarbera

Reports of Departments

March 2024

- Tax Collector
- Municipal Court
- Police Department

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

GOOD OF THE BOROUGH

Mayor Halpern opened the meeting to the public for comments or questions at 8:22 p.m. Councilwoman Cole had a Grant Committee report and asked Councilwoman DiMiceli to take the lead. A grant summary report was at the dais regarding a Deer Management Grant Program. There is an NJDEP Community Based Deer Management Program to address all of the deer in New Jersey. This is pretty good timing as we are assessing the deer population in the Borough. This starts with a forest health survey and will give an overview of tree species, diversity, tree cover and more. There is no grant match. The Committee is waiting on specifics (amount of program). There is no grant writer needed; our volunteers can handle this application which is due by May 3rd. Mayor Halpern asked if there is a commitment to use it if awarded and asked Administrator Casagrande if awarded and turned down, would it affect us for future grants. Councilwoman DiMiceli said the Borough is looking at deer mitigation local to us (we would not be joining another municipality). The Mayor and Councilwoman Koch wanted to confirm that we are not committed to this and can deny the grant award. Councilwoman Cole said Jodi Powers, NJDEP, was consulted and there are pre-approved vendors or it can be done through a forestry or engineering department outside of the Borough. Councilwoman Koch asked about the reference for the need of a forestry health survey and asked if it is a one person survey or the community. It is a survey of our canopy, forested areas, wetland areas, etc. Councilwoman Hoey kindly requested that the grant summary information be provided in advance of the meeting instead of the night of the meeting as there is no chance of being able to review and research what is involved. Motion to approve the Deer Management Grant Program application, with the understanding that there is the option that it is not used and funds returned, moved by Councilwoman Koch, second by Councilman Olson with Ayes by all present.

Bonnie Torcivia, Battin Road, mentioned a temporary sign at McCarter Park for spraying of mining bees which she saw when installing a pollinator garden near Sickles School. Mayor Halpern advised that he complained about the bees as they were out of control in the back corner of the park (15% of the entire park covered in ground bees). Administrator Casagrande had advised him not everyone is in favor of spraying. Parks and Recreation Director Breckenridge took a look at the area and agreed, with the number of bees being more than usual, there was a need for treatment. Ms. Torcivia said the spray was a deterrent (it was oil based); ground bees are pollinators and are not dangerous.

Mayor Halpern said he does not want them in the park and around children. It was asked if there is a policy on spraying in the Borough's parks. Councilwoman Hoey said the spray is made of Thyme and Rosemary (an organic spray). Mayor Halpern noted the Borough has not sprayed in a few years and now they made a larger home in the park. He said the bees can find homes elsewhere in the Borough. Administrator Casagrande advised we have licensed pesticide employees in the Borough and we have a service; both follow DEP procedures. Ms. Torcivia said signs advised there are a few treatments required. Councilwoman Hoey read from an online article which stated that ground bees will sting if threatened (male bees do not have a stinger, but the females do). It was not a chance to be taken, they were every 6" plotted at the back of the park (about 15% of the area).

Marti Egger, Hance Road, asked Engineer Gardella and Assistant Engineer Poruchynsky if they had a date for milling and paving on Hance Road. Engineer Gardella said he spoke with the contractor who stated that they can start any time after May 17th; they are finishing other jobs. Notices will go out, in advance, to the residents.

Stephanie Adams, Oxford Avenue, followed up on Ms. Torcivia's bee comments. While they are organic chemicals, they are chemicals none-the-less, and are neuro toxic. She encouraged the Borough to do a better job of letting the community know when spraying will occur. She was at Sickles School over the weekend and read the signage; the areas that are sprayed need to be left alone for 72 hours. It was suggested that next time the Borough should chicken wire the areas that are sprayed to prevent kids and dogs from going in the area. Notification to the community, in advance, should be given to look for the white flags and avoid areas that were sprayed. The Mayor thanked her for the feedback.

Carol Ferguson, Fair Haven Natural Area Advisory Chairperson, said they are having volunteer clean up weekend this Saturday and Sunday from 10 am -1 pm. On Saturday, the volunteers will meet at the Community Gardens entrance and Sunday, everyone will meet at the Fair Haven Road entrance. They need help with vines being pulled and trees being planted; all are invited to help and it was asked that everyone spread the word.

Councilwoman Hoey said on May 23rd, the Diamonds 12U baseball team will be fundraising for their Cooperstown trip. A Save the Date was sent out; more information to come.

Mayor Halpern said he could not make the event portion of the art show this past weekend. The art show comments and feedback received were fantastic. Councilwoman Cole reported that on Friday, alone, there were over 300 people who attended, in cycles.

Councilwoman DiMiceli advised Love Where You Live Day is Sunday, May 5th, 1-4 p.m. at the Third Street Trail.

There being no further comments or questions, the meeting was closed to the public at 8:46 p.m.

The Council went into executive session at 8:53 p.m. and this meeting was reconvened at 9:24 p.m.

ADJOURNMENT

Motion to adjourn moved by Councilmember Olson, second by Councilmember Hoey with Ayes by all present.

Time of Adjournment: 9:24 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC
Borough Clerk