

FAIR HAVEN BOROUGH COUNCIL
APRIL 25, 2022

The meeting was called to order by Mayor Halpern at 7:01 p.m. The Flag Salute was led by the Mayor and Bo Lydon 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 25, 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 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. 2022-13 AND SENT TO THE ASBURY PARK PRESS, THE TWO RIVER TIMES, THE HUB AND THE STAR LEDGER ON JANUARY 6, 2022 POSTED ON THE BOROUGH WEBSITE, THE BULLETIN BOARD IN THE MUNICIPAL BUILDING AND HAS REMAINED CONTINUOUSLY POSTED AS REQUIRED UNDER THE STATUTE.

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

ROLL CALL

On Roll Call the following were present: Councilmembers Cole, Koch, McCue and Rodriguez. Absent: Councilmembers Chrisner-Keefe and Neff. Others present: Administrator Casagrande and Chief McGovern.

PROCLAMATION

Mayor Halpern asked the Third Grade Mid-Monmouth Boys Championship Basketball Team to come forward. He explained to the players what a proclamation is and who it was from. The proclamation was read which congratulated the team on their championship win. The Mayor asked the team some questions and gave them words of encouragement and praise for their season and contributions before providing Andy Data, Coach and Sean McNeil, Assistant Coach with framed copies and the players with their own paper copies.

Attorney Cannon arrived at the meeting at 7:15 p.m.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:15 p.m. There being none, the meeting was closed to the public at 7:16 p.m.

APPROVAL OF MINUTES

Councilman Rodriguez made a motion to approve the Regular Meeting minutes of April 11, 2022, second by Councilwoman Koch

Affirmative: Councilmembers Cole, Koch, McCue and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Chrisner-Keefe and Neff

Councilman Rodriguez made a motion to approve the Executive Session minutes of April 11, 2021, second by Councilwoman Koch

Affirmative: Councilmembers Cole, Koch, McCue and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Chrisner-Keefe and Neff

OLD BUSINESS

PUBLIC HEARING ON THE 2022 MUNICIPAL BUDGET

The 2022 Municipal Budget was introduced at the March 28, 2022 meeting and advertised in the April 11, 2022 Asbury Park Press. Administrator Casagrande gave a brief lead in to the budget on behalf of CFO Lapp who attended via Zoom. The budget was reviewed in great length by the Finance Committee and governing body members over the course of several months. The Borough is under, both, the appropriation CAP and levy CAP. CFO Lapp updated four sheets from the State budget document distributed to Council this evening; there were updates made based on comments from the State. The updates do not affect the budget at all.

CFO Lapp reviewed the updated sheets: On Sheet A, the Auditor's license number was added (inadvertently omitted) and Sheets 9, 24 and 24A appropriately reflect Chapter 159 grants that were added to last year's budget. They have no impact on this year's budget, it just shows the activity from last year.

The hearing was opened to the public for comments or questions at 7:17 p.m. There were no comment and questions from the public (in-person or via Zoom).

Councilwoman Cole asked CFO Lapp if Sheet 24 is showing the Clean Communities Appropriation (\$11,808) money being carried forward to 2022 from 2021 because it was not allocated. CFO Lapp said all Sheet 24 is showing is that a Chapter 159 was done last year which allowed us to add this grant money to the 2021 budget (this is the only way we can add money to the budget after it has been adopted). Sheet 24 shows the appropriation and Sheet 9 shows the revenue which goes into the grant fund and that is where the spending happens. There is no impact if it was spent or not.

At 7:20 p.m., Councilwoman Neff arrived to the meeting.

Administrator Casagrande advised that she can run and e-mail a report to Councilwoman Cole. We do log the amount every single year we receive the grant, and any Clean Communities money is charged to the oldest grant, back. We charge Mutt Mitts to the grant and trash cans which is reflected through purchase order.

Councilman McCue asked for clarification on the American Rescue Plan. CFO Lapp said the ARPA is a little different in how the State had us handle the funds; we received \$300,000 last year, but we can only bring in and use the money that we had a purpose for which was done through a Chapter 159; we set aside \$3,000 to engage our Financial Advisors to help us with the planning and reporting for the money. It does not mean that it has been spent (we have spent very little or nothing, so far). Administrator Casagrande said that there was a Purchase Order cut for the Financial Advisor (we used \$250), but once the State and Federal government changed the fund parameters, we no longer needed to use our Financial Advisor so we will cancel that PO.

There being no further comments or questions, the hearing was closed to the public at 7:24 p.m.

With regard to the draft ordinance prohibiting the planting of bamboo and other invasive species, Attorney Cannon said he drafted the ordinance based off of Bradley Beach's ordinance and changed some things to reflect Fair Haven's administrative operations side. He made an Enforcement Officer using various employees to provide flexibility to staff and respond to complaints. He requested input for staffing and there are things that may not address certain species; if there is a local species that needs to be added, the Borough should advise so they can be addressed. Administrator Casagrande asked Attorney Cannon about the use of a tree specialist and adding a fee to help offset the cost. He advised there is not a dedicated mechanism like there is for Shade Tree. As far as Municipal Court, it is anticipated to be in the same manner as Code. There may be court fines involved if the ordinance is not abided by. The Environmental Commission reviewed the ordinance and discussed it. Councilwoman Cole said she studied the list of species and had someone else look at it who is versed in invasive species. Attorney Cannon advised the term "Tree Conservation Officer" is used in the ordinance to enforce which is not a term in the Borough's code.

Attorney Cannon asked Councilwomen Cole and Neff what they see the next steps for the Tree Preservation Ordinance amendment being (i.e. send to Shade Tree for review). Councilwoman Cole said that it is a Land Use Ordinance so it should come to Council and then referred to Land Use. There are two provisions; one for invasives and one for bamboo. Bamboo does take time to mitigate so there could be an extension for good faith efforts of the resident based on the discretion of the Enforcement Officer.

HEARING AND ADOPTION OF ORDINANCES

1. Ordinance No. 2022-02, Amend Salary Ordinance No. 2021-05

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF MONMOUTH SETTING THE SALARY RANGES OF OFFICERS,

EMPLOYEES AND ADMINISTRATIVE AND EXEMPT MEMBER OF THE BOROUGH OF FAIR HAVEN

On motion of Councilman Rodriguez, second by Councilwoman Koch with Ayes by all present, Mayor Halpern opened the meeting for comments or questions at 7:31 p.m. There being none, the Hearing was closed to the public at 7:32 p.m. on motion of Councilman Rodriguez, second by Councilwoman Cole with Ayes by all present.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: None

Councilwoman Cole asked that Ralph Wyndrum, Environmental Commission Chairman, be able to present the 2021 Annual Environmental Commission report. Dr. Wyndrum advised that the report is one page which shows 8-9 items. He reviewed the report for Council.

At 7:35 p.m., Councilwoman Chrisner-Keefe arrived to the meeting.

Dr. Wyndrum explained LED streetlights and how many lights he had for the trial through JCP&L; he gave examples of the wattage that LED lights come in. Another matter is the Navesink River clean up; the river is cleaner than in previous years thanks to Brian Rice who monitors the river monthly. Councilwoman Cole asked Dr. Wyndrum what the #1 goal after Bronze Certification is? Gold Certification and then the top priority for the Environmental Commission is streetlight installation. She asked if there were any other concerns of the Environmental Commission i.e. McCarter Pond? The pond needs to be addressed this year before it becomes a meadow; it needs to be a Council priority. He provided his observations of the pond over the years. Mayor Halpern thanked him for his time as a volunteer and all he does for Borough.

NEW BUSINESS

Council Committee Reports

Finance - Councilwoman Neff advised the Finance Committee met ten days ago and discussed upcoming capital expenses and what it means on a monthly basis for the residents.

Personnel - Councilwoman Chrisner-Keefe advised there have been formal and informal personnel matter discussions that have occurred. The Fair Haven Natural Area clean-up is this weekend from 9 am-1 pm. There is a sign up or anyone can just show up to help.

Planning & Zoning - Councilwoman Koch advised the Planning Board will meet tomorrow via Zoom at 7:30 pm. The Zoning Board will meet on May 5th (not sure if it will be via Zoom or in person). We will advise through our social media.

Parks and Recreation - Councilwoman Koch advised that she and Councilwoman Chrisner-Keefe are excited that tomorrow the new playground at the Community Center will be opened at 3:45 pm with a ribbon cutting ceremony. May 7th is the Fishing Derby; there will be two sessions and participants can register through the Borough's website.

Police, Fire & OEM - Councilman McCue advised the Police Department report reflected no car thefts in March; there will be some for April's report. The Police Department is being as diligent as they can. Car thefts is an epidemic all around the State; please lock your car and remove keys and fobs. The thefts are not just happening at night, they are happening all through the day. A behavior change is needed so we need to be vigilant and take away the bait. He thanked the Fair Haven Police Department for stepping up their efforts and keeping us safe. Fair Haven is still one of the safest towns in the State and Country. There was no Fire or OEM report.

Engineering and DPW - Councilman McCue said there is an ongoing project on River Road with the County and NJAW. The Streetscape work will start on May 2nd. We will keep a lane open while the project is taking place. Milling and paving is being done by the County on River Road and Fair Haven has been in their cue and we hope to be one of the first projects the County bids. Paving could start as early as mid-July after bids are awarded. Paving will be done at night per Administrator Casagrande. We will finish the Willow Street Project with the Board of Education in late June (when school is out); the contractor doing the work will also be handling the Hance and Cooney Project. Third Street will need to go out to bid by November. Councilwoman Chrisner-Keefe asked if Third Street will be done in the summer or during the school break. Chief McGovern said Phase I was done while kids were in school (it took a lot of manpower to get it completed). It would be best with kids not attending school because there would not be as many detours needed. The NJDOT requires us to award the bid by November.

Chief McGovern commented on the car thefts; we had one in January/February and one this month. A few attempts were made this weekend and last week, so residents are doing a great job. Lock doors when at the store and never leave a child in a car alone. The car can be stolen without the key fob if the car is running, they just can't restart it. Some thefts are being done by organizations and some are not.

Chief McGovern said NJAW is finishing their project tomorrow but will need to do tie ins for the next week or so. River Road Streetscape will start Monday, May 2nd; the concrete has to be taken out of the road from Smith Street to Buena Vista Avenue which will take about 1-2 weeks and the work will be done at night. Councilman McCue asked the Chief for the car theft statistics; about 70-80% of the vehicles are recovered, 10% of cars are lost to other crimes and 10% are never recovered. The public should dial 9-1-1 if they see something and give a description of what is seen; call it in right away! Councilwoman Neff thanked the Chief for the communication side about the car thefts. She is concerned about cars speeding down Third Street and Hance Road and injuring someone; the thieves are checking cars in the middle of the day and leaving quickly. Mayor Halpern added that Chief McGovern and his department are doing a great job and he thanked the residents during this challenging situation. He is asking the County and State for some help with this situation; we need solutions that are going to work and for police departments to be able to use their training for when and when not to pursue. These incidents are unfortunate, and we need intervention. The Mayor has received some responses (Senator Declan O'Scanlon has spoken with the Attorney General and Assemblypersons Vicky Flynn and Gerry Scharfenberger reached out). Councilwoman Neff asked that the Borough keep up the community communication especially for children who are out playing or walking the dog. Mayor Halpern said he is concerned, criminals should not be here, and we should not accept it. Councilman Rodriguez asked Chief McGovern if these happen in episodes and waves and then go away for periods of time. The Chief said it does, but we are being hit harder and more than usual.

Borough Facilities - Councilman Rodriguez reported there is a Zoom meeting on Wednesday, April 27th regarding our facilities beginning at 7 pm. The public can review the plans along with the governing body. The presentation will be given by Borough Architect, Eli Goldstein.

Borough Communications and Community Outreach - Councilwoman Cole advised there was no Communications or Community Outreach meeting held since the last Council meeting. She has been holding conversations with residents about outreach and communications and how we can improve; Council and the public should e-mail their thoughts and ideas. The Environmental Commission Chairman was here with the Annual Report; they want McCarter Pond treated and asked when it is going to be done (June/July). The Environmental Commission asked for a window of time for treatment suspension. The Green Team is hosting a Composting Workshop on May 2nd and on May 14th they are hosting the Love Where You Live event, both at Bicentennial Hall. Administrator Casagrande was asked how composting would affect our tipping fees. Shade Tree is continuing its work. Councilwoman Neff said Cherry trees were planted a few weeks ago on Fair Haven Road; she is going to plant a few more on her property.

Councilman McCue asked if there was a process for Nixle Alerts that go out? Administrator Casagrande said that Nixle is typically only for emergencies or disasters to communicate to the residents. Mayor Halpern said that Nixle has been used to ask for Green Team members, NJ Devils trips, Board of Education meetings as well as brush pick up. Nixle has two phases (phone call to landlines or emails). Chief McGovern uses it for safety and law enforcement related information similar to Saturday's blast. Councilman McCue said the one sent yesterday was informative, as well as the one last Friday. It was asked if both were from the Chief? Yes, he sent a draft for review, then a final draft and Betty Ann Berube sent it out. Councilman McCue felt the joint notice sent out should not have stated to contact government representatives; it was viewed by the public as political. Mayor Halpern said it went out late Friday (a holiday) because residents were going away or were having company and it started a conversation. What is happening is unacceptable and people are scared. Councilwoman Chrisner-Keefe said everyone agrees on safety of the residents and understood Councilman McCue's comment that it was not appropriate to have residents reach out to legislators. The Mayor was thankful the notice was sent out to make residents aware of what is going on. He appreciates the feedback and will think about the next release if it comes to that.

CONSENT AGENDA RESOLUTIONS

Councilwoman Koch was concerned about Resolution No. 2022-112 and asked if could be discussed and voted on separately.

1. Resolution No. 2022-111, Approve Adoption of 2022 Municipal Budget

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SECTION 2 - UPON ADOPTION FOR YEAR 2022
RESOLUTION NO. 2022-111

Be it Resolved by the COUNCIL MEMBERS of the BOROUGH of FAIR HAVEN, County of MONMOUTH that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 7,850,982.00 (Item 2 below) for municipal purposes, and
- (b) \$ - (Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
- (c) \$ - (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S.A. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (d) \$ - (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) \$ - (Sheet 44) Arts and Culture Trust Fund Levy
- (f) \$ - (Item 5 Below) Minimum Library Tax

RECORDED VOTE
(insert last name)

Ayes: CHRISNER-KEEFE
COLE
KOCH
MCCUE
NEFF
RODRIGUEZ

Nays: NONE

Abstained: NONE

Absent: NONE

1. General Revenues		SUMMARY OF REVENUES	
Surplus Anticipated	06-100	\$	1,250,000.00
Miscellaneous Revenues Anticipated	12-099	\$	1,318,348.30
Receipts from Delinquent Taxes	15-499	\$	100,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 2(a), Sheet 11)	07-190	\$	7,850,982.00
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:			
Item 6, Sheet 42	07-195	\$	-
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	\$	-
TOTAL AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY			
\$ -			
4. To Be Added TO THE CERTIFICATE FOR THE AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:			
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	\$	-
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY TAX			
	07-192	\$	-
	13-299	\$	10,519,330.30
Total Revenues			

Sheet 41

SUMMARY OF APPROPRIATIONS			
5. GENERAL APPROPRIATIONS:			
Within "CAPS"		xxxxxx	xxxxxxxxxxxxxx
(a & b) Operations Including Contingent	34-201	\$	6,950,812.00
(e) Deferred Charges and Statutory Expenditures - Municipal	34-209	\$	895,000.00
(g) Cash Deficit	46-885	\$	-
Excluded from "CAPS"		xxxxxx	xxxxxxxxxxxxxx
(a) Operations - Total Operations Excluded from "CAPS"	34-305	\$	718,368.30
(c) Capital Improvements	44-999	\$	450,000.00
(d) Municipal Debt Service	45-999	\$	497,150.00
(e) Deferred Charges - Municipal	46-999	\$	400,000.00
(f) Judgments	37-480	\$	33,000.00
(n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40:48-17.1 & 17.3)	29-405	\$	-
(g) Cash Deficit	46-885	\$	-
(k) For Local District School Purposes	29-410	\$	-
(m) Reserve for Uncollected Taxes	50-899	\$	575,000.00
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICT ONLY (N.J.S.A. 40A:4-13)		07-195	
Total Appropriations	34-499	\$	10,519,330.30
It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the <u>25th</u> day of <u>April</u> , 2022. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2022 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.			
Certified by me this _____ day of _____, 2022,		Signature	Clerk

Sheet 42

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: None

2. Resolution No. 2022-113, Executive Session: 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. Code Enforcement Officer

Contract Negotiations

1. Borough Architect Proposal - Bicentennial Hall
2. PBA Negotiation
3. Teamster Negotiation
4. River Road – Precise Construction

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

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

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: None

3. Resolution No. 2022-114, Approve Block Party Application for Briarwood Road - June 5th

WHEREAS, a request was received to hold a Block Party on Briarwood Road on Sunday, June 5, 2022 from 2 pm to 9 pm with a rain date of Sunday, June 12, 2022; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on April 11, 2022; 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 Briarwood Road on Sunday, June 5, 2022 from 2 pm to 9 pm (rain date: Sunday, June 12th).

BE IT FURTHER RESOLVED that Permit No. BP 2022-01 will be issued for said event.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: None

4. Resolution No. 2022-115, Authorize Special Council Meeting for 2022 Bond Ordinance
Considerations: May 23rd at 5:00 pm

WHEREAS, the Mayor and Council have determined that a special meeting is required to be held for a Borough Facilities presentation with any and all business of the Borough to be conducted; and

WHEREAS, the Mayor and Council have selected Monday, May 23, 2022 at 5:00 p.m. via Hybrid Method, for a Special Meeting to discuss 2022 Bond Ordinance considerations; and

WHEREAS, the Borough Clerk will notice for and advertise the special meeting in accordance with the requirements of the Open Public Meetings Act.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven, County of Monmouth, and State of New Jersey, that the Mayor and Council shall hold a special meeting on Monday, May 23, 2022, at 5:00 p.m. via Hybrid Method to discuss considerations for a 2022 Bond Ordinance.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: None

5. Resolution No. 2022-116, Approve Fire Department Application/Social Membership - Robert Silva

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that Robert Silva, 551 Buchanan Boulevard, Red Bank, 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 Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: None

- 6. Resolution No. 2022-117, Accept Performance Guarantees from Ilvento Builders, 37 Third Street

WHEREAS, Ilvento Builders, Inc. has obtained Preliminary and Minor Subdivision approval from the Fair Haven Planning Board pursuant to a Resolution adopted by the Planning Board on November 19, 2021; and

WHEREAS, the Planning Board Engineer prepared a bond estimate for this minor subdivision by way of letter dated February 1, 2022 which is annexed hereto; and

WHEREAS, Ilvento Builders has posted performance guarantees in conformance with the bond estimate including additional fees as follows:

- Check No. 1705 in the amount of \$ 300.00 (Tax Map Revision Fee)
Check No. 1728 in the amount of \$18,000.00 (Demolition Bond)
Check No. 1729 in the amount of \$ 1,531.25 (5% of the engineering inspection fees)
Check No. 1730 in the amount of \$ 36,750.00 (120% cash deposit)

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, that the aforementioned performance guarantees are accepted by the Borough in order to secure performance by the property owner of a Preliminary and Minor Subdivision to effectuate the terms and conditions of the subdivision approval.

Councilman McCue asked for some clarification on this resolution and what it means. The Borough Clerk explained that in order to comply with the Planning Board’s approval, the developer has to post bonds to guarantee the work is done in accordance with the approvals given by the Board.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: None

- 7. Resolution No. 2022-118, Approve Temporary Appropriation Amendment – Not needed, the budget was adopted
8. Resolution No. 2022-119, 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 25, 2022 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

Table with 2 columns: Account Name and Amount. Rows include 2021 CURRENT ACCOUNT, 2022 CURRENT ACCOUNT, OTHER TRUST, and TOTAL.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: None

- 9. Resolution No. 2022-112, Waive ABC Municipal Codes for Fair Haven Fireworks (June 11, 2022)

WHEREAS, the Borough of Fair Haven will be holding Fair Haven Fireworks on Saturday, June 11, 2022; 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 fireworks will take place at Fair Haven Fields and outside alcohol brought in by attendees will be permitted requiring that the above-mentioned codes be waived for alcohol consumption.

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 11, 2022 between the hours of 7:00 p.m. and 10:00 p.m. for Fair Haven Fireworks permitting attendees to consume alcohol that they brought with them for the event.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Cole

Councilwoman Koch felt there is liability for the Borough with BYOB. There could be a problem on the grounds or a problem as the public leaves the event. With BYOB, there is no way of assessing the condition of the attendees. Councilwoman Chrisner-Keefe asked if Councilwoman Koch was proposing there be served alcohol or no alcohol at all? Councilwoman Koch stated when the Foundation of Fair Haven sponsored Fair Haven Day, there was insurance and a rider from the Foundation and the vendor. Foundation members served the alcohol and kept an eye on the consumption. Councilwoman Neff agreed with the concerns that there would not be any control over what happens. Attorney Cannon advised that there is less liability with BYOB than if there was served alcohol; there is greater exposure when serving the alcohol. Planning, security, observation, and enforcement are most important. When it comes to serving alcohol, there is a legal obligation to not serve visibly intoxicated people. In a personal injury suit, it comes down to whether the person was visibly intoxicated at the bar or not, where they drank and who gave it to them. Councilwoman Chrisner-Keefe asked what happens if we do not waive the code and people bring alcohol anyway. She asked if this is the same resolution that was used for Fair Haven Day; yes. There was comparison of the two events (the fireworks event is only three hours vs. Fair Haven Day’s six hours. Attorney Cannon said that a successful event comes down to the security. Councilwoman Koch felt Fair Haven Day was more controlled.

Councilwoman Neff asked Chief McGovern what security plan will be in place for this event. He advised that there would be patrols there on a smaller scale than Fair Haven Day because the hours are less, and it is just to view fireworks.

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

Negative: Councilmembers Koch and Neff

Abstain: None

Absent: None

Reports of Departments

2021 Annual Report

-Fair Haven Environmental Commission

March 2022

-Police Department

-Municipal Court

-Budget Status

Motion to accept the reports, as submitted, moved by Councilman Rodriguez, second by Councilman McCue with Ayes by all present.

GOOD OF THE BOROUGH

Mayor Halpern opened the meeting to the public for comments or questions at 8:30 p.m. Alyse Dermer, Lewis Lane (Dermer Dreams), said last year in November the governing body allowed 2 banners (River and Ridge) advertising the annual food drive. There is an upcoming food drive set for May 14th; she asked if they could display two banners. Councilman Rodriguez made a motion to approve two banners to be posted for 2 ½ weeks (one on River and one on Ridge), second by Councilwoman Chrisner-Keefe with Ayes by all present. Mrs. Dermer requested permission for lawn signs as well as long as she receives them in time. Councilman Rodriguez amended his motion to include approval of 25 lawn signs, second by Councilwoman Cole with Ayes by all present.

There being no further comment or questions, the meeting was closed to the public at 8:31 p.m.

Council went into executive session at 8:35 p.m. and this meeting was reconvened at 9:08 p.m.

ADJOURNMENT

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

Time of Adjournment: 9:08 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk