

**FAIR HAVEN BOROUGH COUNCIL
MAY 8, 2023**

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 MAY 8, 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, LaBarbera, Neff and Rodriguez. Others present: Administrator Casagrande, Christine Malamut, Esq. (Borough Attorney's Office), Chief McGovern and Engineer Gardella.

Chief McGovern asked for Sean Langan's appointment as Patrolman. It was a tough process that took place over a month. Sean came from Camden City Police Department and is a good fit; the best of the best.

RESOLUTION

1. Resolution No. 2023-121, Hire Police Patrolman - Sean Langan

WHEREAS, a resignation in the position of Police Patrolman was received effective May 1, 2023 which leaves a vacancy within patrol of the Fair Haven Police Department; and

WHEREAS, the position was posted, and interviews were held by the Chief and second interviews were held with the Mayor and Council on April 17, 2023; and

WHEREAS, Police Chief Joseph McGovern recommends the appointment of Sean Langan to fill the vacancy in order to maintain the Department staffing model; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Sean Langan is hereby appointed as a Probationary Police Officer in the Fair Haven Police Department retroactive to May 4, 2023.

BE IT FURTHER RESOLVED that the annual salary will be \$52,350.00.

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

OATH OF OFFICE

Mayor Halpern administered the Oath of Office to Patrolman Langan. His wife, mother and daughters stood by his side while his cousin, Mary (former Chief of the Elizabeth Police Department), held the Bible.

Chief McGovern thanked the Mayor and Council for the appointment and thanked the men and women of the Fair Haven Police Department, who were all in attendance, for everything they have endured over the last few years with COVID and the anti-police rhetoric.

Patrolman Langan thanked his fellow officers of the Fair Haven Police Department and the Mayor and Council for being so welcoming from the first day he met everyone. He thanked his family who allows him to do what he does on a daily basis and his cousin, Mary, who has been instrumental in his role as a Police Officer.

Mayor Halpern read a statement regarding the McCarter Pond Hydro-Raking Project. The Borough awarded a bid for this project in December 2022 and the contractor mobilized in early April 2023. To date, the vegetative waste removed from the pond has been well below the anticipated quantity which is very concerning to the Borough. With the upcoming fish spawning season, at the Borough's request, the contractor will be demobilizing within the next two weeks. The Borough will be working with its Consulting Engineer and their pond specialist to determine the best course of action going forward. The Borough does not anticipate additional work on the pond until the fall.

WORKSHOP SESSION

Emma Najarian, Rumson-Fair Haven Regional High School Junior, explained the Green Yard Project and its purpose. There is a website with information. She submitted a request to post nine (9) lawn signs throughout the Borough from May 8th until August 2023 to get the word out on this initiative. Mayor Halpern advised he was not in favor of this idea because he felt it sets a bad precedent by placing these types of signs on public property. He loved the idea and was willing to put a sign on his private property. Councilwoman Koch agreed and had no problem with signs on private property from the beginning of the summer (May 15th to June 15th) because that is when residents decide on lawn care/services. Councilwoman Neff asked Council how this is different from Dermer Dreams; the Mayor said Dermer Dreams is a charitable cause. In the Mayor's opinion, if it is an activity, an event or a non-confrontational charitable cause then it can go on public land. There was discussion regarding this request and the difference between the various signs advertising whatever event. The Council needs to think about lawn signs a little further. Councilwoman Neff suggested Emma team up with the Borough's Green Team. The Mayor felt that Emma's cause was great, and he is thankful that she is working on this initiative. Councilwoman Cole said that the Environmental Commission and Green Team will receive a debrief after the hydro raking project is complete which will involve maintenance of the pond and invited Emma to attend the meeting and debrief. Emma advised that The Green Yard Project is non-profit. Councilwoman Hoey asked that the sign ordinance be strengthened. Councilwoman Neff suggested, again, that Emma partner with the Environmental Commission and Green Team to move this forward. Councilman Rodriguez thanked Emma for bringing this forward and her effort and advised there is no time frame for advertising on private property. He suggested she door knock or send out literature. The Clerk advised of the no knock list with residents who do not want solicitations; if Emma decided to go door to door, the list could be provided to her. Emma showed Council what the signs look like. The Mayor asked Emma if she would like to withdraw her request. She requested that a vote be taken. Councilman Rodriguez made a motion to allow the signs to be displayed on public property for three weeks, second by Councilwoman Neff.

Ayes: Councilmembers Neff and Rodriguez

Nays: Councilmembers Cole, Hoey, Koch and LaBarbera

Abstain: None

Absent: None

Mayor Halpern asked Tim Chenoweth, Cambridge Custom Homes, to come forward regarding his tree removal appeal for 78 Parker Avenue. Shari Spero, Tree Expert, reviewed the matter and made recommendation that the trees come down and suggested a few replacement trees. Motion to approve the appeal moved by Councilmember Rodriguez, second by Councilmember LaBarbera with Ayes by all present.

The Mayor asked if Clark Toner was in attendance to discuss his tree appeal for 121 Kemp Avenue; he was not. Motion to approve the appeal moved by Councilmember Cole, second by Councilmember LaBarbera with Ayes by all present.

DJ Breckenridge, Director of Parks and Recreation came forward to present his 2022 Annual Report. He provided a handout to the governing body. DJ said he appreciates Mayor and Council's support, as well as, the Borough Administrator's support of what parks and recreation has going on. He reviewed his handout and the upcoming events. The Recreation Committee is bringing back summer concerts on the water with great bands. For a small town, we have a lot of parks; he works with DPW on park maintenance and preparation of the fields. Councilman LaBarbera asked to meet with DPW and Recreation on maintenance planning and what requires preparation and upgrade. Rec-N-Crew camp is coming up (last year we had 200 kids). We are looking for a head counselor for

the Community Center location; preferably a teacher. On May 22nd there will be a resolution for counselor hires; we have been holding off on the hires until we see how many campers have registered so it is evenly distributed. DJ gave the history of counselor hires and counselor in training positions. There are many offers for the summer camps (5 weeks). Mayor Halpern asked DJ if he finds the camps, people request camps or businesses solicit to be part of Fair Haven camps; it is a mix. It was asked if there is ever an advertisement on the website to gain new programs? Administrator Casagrande said there is no need to push for new programs because “the net may be cast too wide”. Councilman LaBarbera was intrigued by the last page in the report which pertained to revenue taken in. There was a brief discussion regarding the programs, fees and revenues. Councilman LaBarbera said that he is working with DJ on the new Community Center and programs. Administrator Casagrande said it is not common to have a full-time Parks and Recreation Director in a municipality this small; she said he is great and does an outstanding job.

Administrator Casagrande said Fair Haven has several streetlights downtown that have been damaged, over time, and funds are recouped through insurance or the person who hit the pole and paid restitution. Engineer Gardella has a lot of design and contracting work in front of him, so she was asked to get a quote from Peter Avakian, Consulting Engineer’s office. A proposal was submitted and distributed to the Mayor and Council with a not to exceed amount of \$17,900. She asked that the Council award this scope of work to Peter Avakian’s office. Mayor Halpern asked Engineer Gardella to explain the components of the job. He put together a scope of work outline and worked with the County for tree pruning (Monmouth County Shade Tree was involved) to prevent hazards for walkers and trucks. He explained the banners being displayed; we need a plan to spread the banners out through the district. We need to replace the poles that have been knocked down. We also have JCP&L lights that we pay a fee for usage and maintenance (they were installed in 2006/2007). DPW has a spreadsheet of the light poles with their location; there is no identifying number on the poles, but they will be identified for maintenance, repair, replacement. Councilwoman Cole clarified the steps and what is being considered. Mayor Halpern asked Engineer Gardella if he is going to be answering constant questions from Avakian Engineering; he did not want to pay the \$17,900 proposal cost if Engineer Gardella would be handling most of the work. Engineer Gardella sent Avakian Engineering all of the information i.e. cut sheets, streetscape project plans, etc. The Mayor noted, for the future, that the Borough should not wait this long to maintain or replace poles because we are going to exceed the bid threshold; the lights should be repaired as they break. This is an important project for many reasons, especially safety. Councilman LaBarbera said if Engineer Gardella takes on this project, then we need to take other projects off of his plate. Administrator Casagrande said materials and supply were an issue during COVID. Councilwoman Cole stated the Environmental Commission did a study on lumens and provided Council with a report. Clerk Cinquegrana advised that the report was provided in October 2021. Councilman LaBarbera advised that Shari Spero, CME Engineering, is a lighting specialist and 3,000 lumens is recommended for residential as well as for the facilities; anything not amber is LED. Administrator Casagrande will issue a PO for Avakian Engineering, Consulting Engineer, to do the Streetlight Upgrade work. Councilman LaBarbera wants this work done before the Annual Firemen’s Fair starts.

Regarding the Borough’s Non-Domestic Animal Ordinance, Councilwoman Hoey included information and supporting documentation regarding what we have in town and a survey of what other municipalities have done to address this topic. Resident concerns have been raised about chickens bringing in rodents and other critters to the property and surrounding neighbor’s property. Mayor Halpern asked what a chicken’s life span is. Many felt that it is not appropriate to have these animals on property as we do not have farmland. There was a suggestion that the Borough grandfather the two residents that already have licenses. Councilwoman Hoey noted that most municipalities have tighter language about the coop and distance between properties. Fair Haven has small lots and allowing non-domestic animals (chickens, sheep, goat, bees, pigs, etc.) is not appropriate. Mayor Halpern read from the Borough ordinance. Councilwoman Koch agreed to change the distance in our ordinance and to allow the two licensees to have one more renewal year. Councilwoman Cole would support eliminating permission for the non-domestic animals for all lots or looking at the size of a lot that can accommodate chickens without affecting the neighbor(s). She felt that bees are different. Councilwoman Neff agreed with banning chickens to be kept from certain size lots. Others had concerns about raising bees and people having allergies; this could cause an issue if someone who is allergic to bees and is stung. Councilman Rodriguez asked if this is a request to eliminate the ordinance? Yes, eliminate it or create a tighter ordinance to allow them to be kept. Councilman LaBarbera said that there are things to be taken into consideration regarding the coop and what is best for the chicken. Councilwoman Neff felt that chickens and bees should be kept in the ordinance for larger properties. They agreed to one more renewal from this year to next year for the two properties that currently have a license, and then they need to be rehomed. This is providing a year’s notice for them to prepare. The consensus was to have the Borough Attorney draw up language to negate the ordinance. Councilwoman Hoey advised what the neighbors were experiencing with one licensed property. The Borough’s Health Officer was to the site a few times and inspected the property finding no evidence of rats on or around the property.

With regard to project prioritization, Administrator Casagrande stated that it was brought to the Borough's attention that there may be a safety issue vs. a life-safety issue. It was proposed to separate categories to critical life safety (20 points) and life safety (15 points) with the number system. The Council needs to advise on the list of projects and what they feel is life safety or critical life safety so that the matrix can be updated to reflect same. Councilman LaBarbera stated everything has risks that can become an issue; we are trying to fine tune this to a 75-80% state to be comfortable. There is a difference between a risk and an issue. Councilwoman Cole agreed that there should be a yes/no component and points/no points in the weighing category. She felt if a project pertains to or aligns with the Master Plan, then it should be addressed. Administrator Casagrande and Engineer Gardella advised that every project pertains to the Master Plan. Councilwoman Cole asked what is meant by requirements? It is with regard to scope of work because, in the past, requirements were not clear; we want it to be clearly understood. There was a brief discussion on capital improvements and capital funds. Councilwoman Cole reviewed the waterfront projects and asked that they be thought of holistically and separated out. Councilman LaBarbera understood her point and will adjust. She asked about the Bicentennial Hall maintenance plan. The current plan should be reviewed and updated. Councilman LaBarbera confirmed what the rating will be and will make the amendment(s), as discussed. All data is being centralized to enable Council to make more informed decisions.

Councilman LaBarbera gave an update on the pocket parts. The Borough solicited more information by speaking with Colliers Engineering and Design and understanding the implications of changing the plan and softening costs, minor vs. major. The DEP grant was awarded in 2014 and affects our future grant applications. He reported that if we want to make changes (minor or major), it adds \$30,000-50,000 in redesign costs and 6-12 months to get DEP approval; a much bigger process. What we have at the end of Battin Road is not really considered a boat ramp and after the DEP's review, due to the west water break, we would need to add a fishing pier to the boat ramp, which is a significant modification. If the Council decides to change the plans for each project, there is a cost and time consideration. It was asked if we de-intensify the project, would it trigger a minor modification. The garbage cans are OK and when redesigning or removing the stairs it affects the bulkhead because it was designed and approved with that information in mind. Councilwoman Cole felt the public does not want something so industrial; the design seems to be a problem and inconsistent with the values of Fair Haven. Councilwoman Hoey stated that someone can step through what is currently there; it is a safety issue, so we need to address it. There was further discussion about the plans and process for these projects. Councilman LaBarbera agreed to pull the Hance Road Park from the plans to address at a later time. Any changes to the plans submitted would create more cost and require more time for the DEP to act on approving a new plan. Our boat ramp cannot handle a 70' boat so it should be called, "Small Craft Marine Access" vs. Boat Ramp. This is a project with grant approval from 2014 and we need to close it out. The future goal should be when decisions are made that they do not saddle a future governing body with something that cannot be completed. A resolution will be added to this evening's agenda approving Collier's Engineering and Design to move forward with the work required. Some members felt the public should be heard before moving forward.

A draft Short-Term and Seasonal Rental Ordinance was provided in the packet. It was originally on the agenda for introduction and when the draft was distributed, it was moved back to Workshop for further discussion. There was language about renting on a daily basis or a weekly basis. Administrator Casagrande provided a news article regarding Air B&B pushing room rentals vs. full home rentals. Mayor Halpern was against this type of ordinance for short term rentals. Most people, if going through construction, move out of their homes for a minimum of 6 months. It was asked if landlords should register with Fair Haven that they are doing this type of rental. Administrator Casagrande said Fair Haven does not have a CO process and we do not have someone to inspect the homes and review the checklist. There should be no exceptions in the ordinance. Councilman Rodriguez advised there are currently six homes in Fair Haven advertising their property for rent at \$4,500 to \$6,000 per month and three additional homes as an Air B&B for \$200 per night with one for \$2,100 per night (located on the water and would be June 7th to July 7th). Consensus was to only allow rentals for 125 days (no less). There would need to be staffing if a CO process is put in place; look to discuss in 2024 or make it a project for the end of summer/beginning of fall (the position could be part-time). The Borough would need to put parameters in place. Councilman Rodriguez asked if Council needs to pick a start date for this ordinance to take effect i.e. September 1st. Attorney Cannon will be asked to make the necessary amendments.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 9:00 p.m. Marti Egger, Hance Road, stated for pocket parks, she would want the area as natural as possible at the end of Grange, Hance, etc. Mayor Halpern advised the plans have been discussed since 2014 when the

Borough applied for the grant. He agreed with her comments especially with the natural aspect and to have it as pervious as possible. She was advised that the concern is the bulkhead which is a life safety issue, and it would cost a lot more money to separate the bulkhead piece from what was submitted and approved. Councilman LaBarbera said there is a tremendous amount of frustration on the dais regarding these projects.

Stephen Callas, Dartmouth Avenue, spoke about the non-domestic animal ordinance. The concern is public health and how the Borough ensures the animals are properly cared for and maintained to prevent an environment that causes other health issues. Mr. Callas asked if there are inspections of the property to make sure they are abiding by health and Borough rules. There are five residents that have been affected by rodent infestation between November 2022 to February 2023. There needs to be an extermination plan. This is a very serious issue, and he was disappointed in Council's reaction to this topic; there are five families affected by this licensed home. The Council's decision is respected, but he asked that the surrounding neighbors to be considered, and how they are affected. Mayor Halpern assured him that the Council has spent more time on this topic with discussions than other issues that weigh just as heavy on the Borough. He is proud of the Council's commitment to the Borough. Mr. Callas was thanked for his comments and input that will be taken into consideration.

Peter Neczesny, Park Lane, spoke on the short-term rental ordinance and questioned the definitions and some conflicting language especially page 2, regarding the seasonal rental definition with the number of days (one section states 120 days or fewer and another section states a minimum of seven-days). He was advised that it should be 125 days. Attorney Malamut took notes to amend some of the language and intent of the proposed ordinance. She advised that the language shows a differential between seasonal and a longer-term rental. Council does not want that. This ordinance will be workshopped again once the changes have been made.

Bonnie Torcivia, Battin Road, advised with regard to pocket parks, she prefers them to be green vs. concrete. It seems the plans for Grange are completed and asked that more consideration be given to Hance Road and its design, and that public input be allowed.

Kim Callas, Dartmouth Avenue, supported her husband's comments and said the chickens are a winter issue. She said the infestation can start again in the fall. The rodents were scratching through the walls all through the night; it was a difficult issue to deal with. The Mayor said as soon as the Borough was made aware of the concerns, the Board of Health went out a few times to inspect and speak with the homeowner. She was in compliance. The Council is reviewing and addressing the ordinance based on this situation. He felt badly that residents had to deal with such an issue. He is proud of how the Borough and Council have handled this topic.

Sarah Schiavetti, Cooney Terrace, asked for clarity on the Grange Avenue plans. She was advised a resolution would need to be added to the agenda. Councilwoman Cole asked that the public be made aware of this idea before approving anything; there is a planning change as of tonight and the residents should be made aware of the new plan. Ms. Schiavetti said that there was something added to the last Council agenda during the meeting and did not feel that it should be handled the way it was. Mayor Halpern advised he was happy to not add anything to the agenda. He was unhappy at the last meeting with a project moving forward without getting the public's opinion/input. She noted the notice given for the Hance and Cooney Project was provided on Friday for work to begin on Monday. This is more about the process. The Mayor said there was no discussion on Fair Haven Field #4 improvements that seemed to come out of nowhere vs. these pocket park that have been discussed since 2014. We are now in 2023 with a life safety issue; the Borough is trying to get the problem fixed. Ms. Schiavetti said no one has seen the plan with actual numbers; there needs to be something clear and understandable for the public. Councilman LaBarbera addressed the pocket parks noting that the Borough "dodged a bullet" with the past storm (record rainfall and high tide at the same time) that the bulkhead did not fail. There is a risk, and this is problematic from a process perspective. The Mayor said the governing body is addressing the concerns and has taken in a lot of community feedback; the most ever taken on a project. Last week's flooding pushed the Borough to get our contractor to put the permanent curbing in and we notified the residents as soon as we heard with letters that were hand delivered and an electronic sign was put in place. The governing body is trying to fix quality of life issues and decisions need to be made on the fly. Councilwoman Cole said the pocket parks are a holdover from a former era. Pocket parks and improvements to public land were made by engineers and professionals without consulting with the public. She felt it is a bad design and should have had community engagement prior to the plans being drawn up. Just because the matter is listed on workshop does not mean we need to vote on a resolution if not listed for adoption. Councilwoman Neff said when she first joined Council, Hance Road and the pocket parks at Hance and Grange Avenue were discussed for a full year and then some, including putting in sidewalk and curbing. The Borough is trying to provide the public with access to the river. The plan was created from a well-crafted vision. The governing body serves 6,000 people who would like access to the water. She agreed Council should be talking to the

community, but not for months. The pocket parks have been on the agenda quite a bit and two professionals presented this plan and provided the information, a few meetings ago. All of the public input has paralyzed making decisions and grounded us to a halt. We now have a dangerous situation that needs to be addressed. There are clear decisions that need to be made. Mayor Halpern said based on the feedback, we will be placing the necessary resolution(s) on this evening's consent agenda.

There being no further comments or questions, the meeting was closed to the public at 9:31 p.m.

APPROVAL OF MINUTES

Councilmember LaBarbera made a motion to approve the Special Meeting minutes of April 17, 2023, second by Councilmember Rodriguez

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

Negative: None

Abstain: Councilmember Neff

Absent: None

Councilmember LaBarbera made a motion to approve the first set of Executive Session minutes of April 17, 2023, second by Councilmember Rodriguez

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

Negative: None

Abstain: Councilmember Neff

Absent: None

Councilmember LaBarbera made a motion to approve the Regular Meeting minutes of April 17, 2023, second by Councilmember Rodriguez

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

Negative: None

Abstain: Councilmember Koch

Absent: None

Councilmember LaBarbera made a motion to approve the first set of Executive Session minutes of April 17, 2023, second by Councilmember Rodriguez

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

Negative: None

Abstain: Councilmember Koch

Absent: None

OLD BUSINESS

Councilman LaBarbera provided a Borough Facilities status update with a PowerPoint Presentation. He started with the project schedule for DPW; there will be two open houses (May 20th and May 31st) to discuss design which is needed before going to the Technical Design and Review Committee's June 6th meeting. Review of architectural and site design as well as sidewalk improvement was provided. The Borough's Certified Tree Expert assessment was provided for the trees; it is consistent. Decisions on LSRP and the roof are needed by the Council, tonight. Research has been confirmed for the fuel tanks; there would be more costs if we went to someone else for the specifications. Ron Grammer uses the same contractor who is used by the State through State Contract. The open houses for May 20th and 31st would have similar times as the Police Department Open Houses; 5:30-7:00 pm and 9:30 am -11:00 am. Councilwomen Hoey and Koch volunteered to attend the May 31st Open House with Heyer Gruel also in attendance. Councilwoman Hoey asked Council-woman Cole what the difference is having Heyer Gruel vs. another planner. Councilwoman Cole said a lot of things are intentional and felt it would be best that those involved handle the open house. Councilwoman Hoey felt the Facilities Committee is capable of handling the open house and answering questions. Councilwoman Koch said \$7,500 for the planner's attendance is an expense, but it was helpful to have a 2-dimensional drawing of the facility to show the public and changes were made for the second open house based on public feedback. Councilwoman Neff agreed with whatever the Facilities Committee recommends and agreed with what Councilwoman Koch said about the 2D drawing. Councilman LaBarbera would like to give a DPW facility status to the Planning Board on May 16th. He reviewed the conceptual for the site plan; we may be able to reduce the DPW building's size. The entrance and exit gates will remain in the same position. The building concept was shared and reviewed as well as the next steps (fencing, trees, buffers, cardboard area). The site can be made smaller. Councilwoman Cole said the public needs to see elevations and what we are proposing for the DPW property. It is important that the gates be closed for aesthetics especially when the vehicles are out on the road. The gates will open and close automatically. The

cardboard recycling area will be a concrete pad which will allow it to be picked up by the loader for disposal. The building layout was shown and briefly reviewed showing furniture placement, which is subject to review/change. The exterior with various bays were shown providing options. There will be onsite selective demolition done by Engineer Gardella and his staff to see what is behind the walls, etc. Councilman LaBarbera advised that the LSRP costs (\$57,500) were sent out on Friday and would need to be added to this evening's consent agenda for approval, if the Council is agreeable.

With the Police Department and Community Center, we are looking to have bidders pre-qualified; some information on the process went out on Friday afternoon. The pre-qualification will define the bidding requirements to avoid a contractor who is not experienced or financially solvent. Councilman LaBarbera spoke with both Eli Goldstein (Architect) and Scott and Greg Ferguson (Owners Representatives) and they say bidders go south more often than you think. Page 13 of the Power Point referenced pre-qualification discussion which includes drafting a Notice to Bidders document listing the "pre-qualification" requirements, noticing the public, a public hearing is held, adopting a resolution that sets the regulations and getting approval from the DLGS after all steps are followed. The consensus was to move forward with pre-qualifying bidders; Colts Neck has a prototype for the process that we can use. Councilman LaBarbera had sample lights for the Community Center and asked for the Council's opinion; opinions were given and requests for alternate options. BidNet is a service that would support the bidding process; the bidders subscribe to the service and are able to access bid documents and project information; it is a way to ensure that we are "casting a wide net" for bidders, at no charge to the Borough. An appropriations update was given and will be revised pending confirmation if our project is included in Congresses spending bill. BFI Furniture provided a proposal for furniture and there is a resolution authorizing us to work with them for the police and community center. Councilwoman Cole asked what the budget is for furniture; approximately \$200,000, but that was pre-Community Center. Councilman LaBarbera reported that for each \$1 million saved in cost, Fair Haven avoids \$445,000 in interest over the course of the loan plus \$1 million in principle. It was asked, "how many dedication plaques do we want; 1 or 2 or a corner stone with the date building was erected"? Consensus was a cornerstone with the year. The Borough is going to have a CD of the construction documents (70 pages). The original generator vendor is providing a quote to cap and move the generator from the Police Department to Bicentennial Hall and install it. The key next steps for the Police Department and Community Center were reviewed. Councilman LaBarbera wants to create a "one stop shop" link for the website to be worked out with Administrator Casagrande, Councilwoman Hoey, Councilwoman Cole, and Betty Ann Berube for the facilities information. Chief McGovern is working with the Borough's radio equipment contractor to ensure radios are not impacted through the project; this takes a significant amount of coordination. There are a lot of moving sequences. An acoustics report has been requested for the Community Center. Phase II will be a discussion regarding the Community Center Fields and surrounding area. There will be a meeting with the two neighbors to discuss the project and their encroachments. The Police Department project schedule was reviewed; this planning process began February 3, 2023.

NEW BUSINESS

Council Committee Reports

Finance - Councilwoman Neff reported the Finance Committee met and is looking at and trying to gain an understanding as to how much money we need to raise and timelines. There was also discussion on borrowing funds and how much is needed to start projects.

Personnel - Councilwoman Hoey reported that there is nothing new. There was a Police Officer appointment made earlier in the meeting.

Parks and Recreation - Councilwoman Hoey advised the Recreation Committee met last week and discussed the dances that were held and the correct format moving forward. The next meeting is June 6th.

Planning Board - Councilwoman Koch advised the Planning Board meeting this month will be held on the 16th and there will be a Technical Design and Review Committee meeting on June 6th. The Beautification Committee continues to meet; a few low impact areas have been identified for improvement. Fair Haven Day is being planned and packages are becoming available. Other sales (t-shirts, hats, etc.) will be available later in the week. Volunteer opportunities for Fair Haven Day will be opened up and advertised at the end of the week. There are various time slots available, and we need as many volunteers as we can get. Betty Ann Berube will be posting to social media and the website.

Police, Fire & OEM - Councilman Rodriguez commended Councilman LaBarbera for advancing the Police Department plan. The Fire Department responses for March were 12 responses (159 hours) and 17 responses (102 hours) in April. A burning home drill was held at the Academy in Middletown and many of our volunteers attended.

Engineering and DPW - Councilman LaBarbera reported there will be a meeting with the residents of Cambridge Avenue. There is a leaf and brush committee meeting scheduled for May 18th; Engineer Gardella will attend and give a briefing on the process. The Third Street, Phase II Project is coming down the pike with a pre-construction meeting.

Borough Facilities - Councilman LaBarbera reported under Old Business.

Zoning Board of Adjustment - Councilman LaBarbera did not have an update. Next meeting is June 1st.

Borough Communications and Community Outreach - Councilwoman Cole advised the Committee will meet on May 25th. The proper communication on construction projects is being worked on. The first phase of communication for Hance and Cooney was not great, the Phase II communication went out fast and needs to be fine-tuned and the plan for Phase III communication will be better. A deer management meeting is being held soon and she will report back. There was a review of pocket parks at the last meeting. On May 7th, Love Where You Live Day was held and was a great success with great weather. Six Green Team members attended the Sustainable Jersey Summit; they thanked the Borough for paying the registration fee. The Shade Tree Commission met last week and discussed the Tree Preservation Ordinance. There will be two different drafts presented at the next meeting; Attorney Cannon is working on them for presentation and consideration.

The Shade Tree is looking to have soil samples taken in Memorial Park where the Christmas tree is located. She was advised that there were samples taken a few years ago; Councilwoman Cole asked that the results be shared. They would like a new Christmas Tree at the park. Shade Tree is holding a tree sale where a resident purchases a tree, the company comes and plants the tree and the owner is responsible for its care. Krystie Larsen can answer any questions and provide information on this.

With regard to the Fair Haven Business Association, Councilwomen Cole and Koch are looking to meet with the Borough Planner to have an exploratory meeting to leverage and preserve our business district. Administrator Casagrande advised that the Borough will have to issue a purchase order so we need a proposal for this. Councilwoman Cole said that she will bring back a summary of the meeting to the Council.

CONSENT AGENDA
RESOLUTIONS

2. Resolution No. 2023-122, Executive Session: Potential Litigation and Contract Negotiations

WHEREAS, the Open Public Meetings, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body may wish to discuss the following matters:

Potential Litigation

1. McCarter Park Hydroraking

Contract Negotiations

1. Interlocal Service Agreement with Rumson-Fair Haven Regional Board of Education
2. Interlocal Service Agreement with Fair Haven Board of Education
3. Teamsters Contract

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

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

Offered for adoption by Councilmember Koch, second by Councilmember LaBarbera

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

Negative: None

Abstain: None

Absent: None

3. Resolution No. 2023-123, Approve 43rd Annual Red Bank CROP Walk - October 15, 2023

WHEREAS, the annual Red Bank Area Crop Walk for the Hungry helps to make a difference in the lives of people here at home through fourteen local partner programs and around

the world in eighty countries by raising money and peanut butter for food pantries; and

WHEREAS, the Annual Red Bank Area Crop Walk for the Hungry has been serving those in need for many years; and

WHEREAS, the Annual Red Bank Area Crop Walk for the Hungry has requested permission to conduct their 43rd Annual Walk through Fair Haven between the hours of 2:00 pm and 3:00 pm on Sunday, October 15, 2023; and

WHEREAS, Fair Haven Police Chief Joseph McGovern, has advised, in writing, his approval for this event.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven that the request to permit the 43rd Annual Red Bank Area Crop Walk for the Hungry in the Borough of Fair Haven is hereby approved to be held on Sunday, October 15, 2023 between the hours of 2:00 pm and 3:00 pm.

Offered for adoption by Councilmember Koch, second by Councilmember LaBarbera

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

Negative: None

Abstain: None

Absent: None

4. Resolution No. 2023-124, Approve Social Membership Application - Fair Haven Fire Department - John Reid

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that John Reid, 19 McCarter Avenue, 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 LaBarbera

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

Negative: None

Abstain: None

Absent: None

5. Resolution No. 2023-125, Approve Regular Membership Application - Fair Haven Fire Department - Rafael Buzgariu

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that Rafael D. Buzgariu, 84 Navesink 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 LaBarbera

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

Negative: None

Abstain: None

Absent: None

6. Resolution No. 2023-126, Authorize Release of Performance Guarantees and Accept Maintenance Bond - Washington Phillips for 101 and 105 Princeton Road

WHEREAS, Burlington Builders, LLC posted a Performance Bond and a 10% cash deposit as required for a Minor Subdivision for Block 5, Lot 19, 101 Princeton Road, Fair Haven, NJ; and

WHEREAS, Burlington Builders, LLC posted the cash bond in the amount of \$4,186.80 and Performance Bond NFB3437522 in the amount of \$37,682.00 on November 15, 2021; and

WHEREAS, on April 26, 2023, the Borough Engineer recommended the release of the 90% performance guarantee and the 10% cash deposit.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fair Haven, that the Performance Bond in the amount of \$37,682.00 and cash deposit in the amount of \$4,186.80 for Block 5, Lot 19, 101 Princeton Road, Fair Haven, NJ, is hereby released.

BE IT FURTHER RESOLVED that the two-year Maintenance Bond posted by check 967 in the amount of \$5,652.18 is hereby accepted.

Offered for adoption by Councilmember Koch, second by Councilmember LaBarbera

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

Negative: None

Abstain: None

Absent: None

7. Resolution No. 2023-127, Waive ABC Municipal Codes for Fair Haven Day

WHEREAS, the Borough of Fair Haven will be holding a picnic for Fair Haven Day on June 10, 2023 (rain date June 11, 2023); 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 10, 2023 (rain date of June 11, 2023) 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 LaBarbera

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

Negative: None

Abstain: None

Absent: None

8. Resolution No. 2023-128, Appoint Special Officer, Class I - Timothy Wisely

WHEREAS, a request has been made by Police Chief Joseph McGovern to appoint a Special Law Enforcement Officer Class I, effective May 9, 2023; and

WHEREAS, Joseph McGovern, Fair Haven Police Chief, has recommended that Timothy Wisely be appointed as a Special Law Enforcement Officer, Class I.

WHEREAS, the rate of pay for this position is \$16.50 per hour.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Timothy Wisely be appointed to the position of Special Class I Officer.

Offered for adoption by Councilmember Koch, second by Councilmember LaBarbera

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

Negative: None

Abstain: None

Absent: None

9. Resolution No. 2023-129, Approve the Borough to work with BFI Furniture for the Police Building and Community Center Furnishings

WHEREAS, the governing body has approved a new Police Facility and Community Center be built; and

WHEREAS, part of the plans for the new Police Facility and Community Center include furnishings once the buildings have been built; and

WHEREAS, the Facilities Committee and Borough Professionals have met with and had discussions with BFI Furniture to create a plan and preliminary budget for the furnishings that will be required to complete the Facilities Project; and

WHEREAS, BFI will work through State Contract for the necessary furnishing purchases and has submitted a Preliminary Furniture Budget in the amount of \$279,898, and noted the appropriate vendor and State Contract Number, attached as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Borough and Facilities Committee are authorized to continue working with BFI Furniture and the preliminary furniture budget is hereby approved.

Offered for adoption by Councilmember Koch, second by Councilmember LaBarbera

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

Negative: None

Abstain: None

Absent: None

10. Resolution No. 2023-130, Authorize Bid for Microprojects

WHEREAS, at the April 17, 2023 Council Meeting, Borough Engineer, Richard Gardella, gave a presentation on the 2023 Microproject Program through the Borough of Fair Haven; and

WHEREAS, the consensus of Mayor and Council was to move forward with authorizing the Receipt of Bids for the projects, as presented for the following locations:

1. Park Lane
2. Hunting Lane
3. Lewis Lane
4. Harding Road
5. Fair Haven Road (Historic District)
6. Gentry Neighborhood
7. DeNormandie Avenue
8. If and Where Directed - 23 locations

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that authorization is given to the Borough Administrator and Richard Gardella, Borough Engineer, to advertise for receipt of bids for the Borough's Microprojects.

Offered for adoption by Councilmember Koch, second by Councilmember LaBarbera

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

Negative: None

Abstain: None

Absent: None

11. Resolution No. 2013-131, Approve Execution of Architect Contract for DPW Rehabilitation - Grammer Designs, LLC.

WHEREAS, Resolution No. 2023-94 accepted an Architectural Services proposal, and approved the appointment of Grammer Designs, LLC., as the Architect for the DPW Facility Rehabilitation Project; and

WHEREAS, based on the proposal acceptance, Grammer Designs, LLC., submitted a contract for said work to be done, attached as Exhibit A, which was reviewed and approved by the Borough Attorney.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Mayor Joshua Halpern is authorized to execute said proposal.

BE IT FURTHER RESOLVED that the total amount for architectural services for this project shall not exceed \$200,000

Offered for adoption by Councilmember Koch, second by Councilmember LaBarbera

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

Negative: None

Abstain: None
Absent: None

12. Resolution No. 2023-132, Approve Execution of Owner’s Representative Contract - G.S. Ferguson Group, LLC

WHEREAS, Resolution No. 2023-106 accepted a proposal and approved the appointment of GS Ferguson Group, LLC, as the Owner’s Representative for construction services pertaining to the new Police Facility, Community Center and DPW Facility; and

WHEREAS, based on the proposal acceptance, GS Ferguson Group, LLC., submitted a contract for said work to be done, attached as Exhibit A, which was reviewed and approved by the Borough Attorney.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Mayor Joshua Halpern is authorized to execute said proposal.

BE IT FURTHER RESOLVED that the total amount for Owners Representative services for these projects shall not exceed \$225,000.

Offered for adoption by Councilmember Koch, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera, Neff and Rodriguez
Negative: None
Abstain: None
Absent: None

13. Resolution No. 2023-133, Approve 2023 Temporary Emergency 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 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 **\$4,238,538.14** 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			
3-01-20-150-211	Tax Assessment - Contractual Services	\$6,000.00	Temp Budget
3-01-21-186-237	Zoning Officer Supplies	\$500.00	Temp Budget
3-01-23-215-228	Worker's Comp	\$25,000.00	Temp Budget
3-01-25-240-100	Police Salary & Wages	\$50,000.00	Temp Budget
3-01-26-305-202	Solid Waste Contractual Services	\$50,000.00	Temp Budget
3-01-26-307-101	Recycling Salaries	\$5,000.00	Temp Budget
3-01-26-310-204	Bldgs & Grounds Repairs	\$25,000.00	Temp Budget
3-01-27-330-216	Bd. Of Health - Dues	\$16,000.00	Temp Budget
3-01-30-420-299	Cele Pub Events Miscellaneous	\$6,000.00	Temp Budget
3-01-43-498-202	Fire Prevention ILSA	\$2,000.00	Temp Budget
TOTAL		\$185,500.00	

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 Koch, second by Councilmember LaBarbera

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

Negative: None

Abstain: None

Absent: None

14. Resolution No. 2023-134, Approve Social Membership Application - First Aid Squad, Johanna Garcia-Momplaisir

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that Johanna Garcia-Momplaisir, 39 Jackson Street, 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 LaBarbera

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

Negative: None

Abstain: None

Absent: None

15. Resolution No. 2023-135, Approve Sidewalk Café License - Lupo Pizzeria

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

WHEREAS, Lupo Pizzeria, 757 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 May 3, 2023 for said permit as follows:

6 Tables with 24 chairs to accommodate 24 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 Koch, second by Councilmember LaBarbera

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

Negative: None

Abstain: None

Absent: None

16. Resolution No. 2023-136, Approve Sidewalk Café License - Jack's Goal Line Stand, 591 River Road

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

WHEREAS, Jack's Goal Line Stand, 583 River Road, has filed the appropriate Sidewalk Café License Application and fee; and

WHEREAS, the Police Chief has reviewed said application and submitted his approval dated May 4, 2023 for said permit as follows:

6 Tables with benches to accommodate 36 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 Koch, second by Councilmember LaBarbera

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

Negative: None

Abstain: None

Absent: None

17. Resolution No. 2023-137, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the May 8, 2023 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2022 CURRENT FUND ACCOUNT	\$ 5,920.39
2023 CURRENT FUND ACCOUNT	\$ 1,524,584.88
GENERAL CAPITAL	\$ 44,627.55
GRANT FUND	\$ 1,556.23
PAYROLL AGENCY	\$ 17,677.08
OTHER TRUST	<u>\$ 39,895.50</u>
	\$ 1,634,261.63
LESS VOIDED CHECKS	<u>- 2,310.00</u>
	\$ 1,631,951.63

Current Check No. 63257 - \$ 350.00
 Current Check No. 63439 - \$1,540.00
 Current Check No. 63557 - \$ 120.00
 Current Check No. 63648 - \$ 300.00

Offered for adoption by Councilmember Koch, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera, Neff and Rodriguez
 Negative: None
 Abstain: None
 Absent: None

18. Resolution No. 2023-138, Approve Execution of Service Agreement with BidNet Direct for Facilities Bids

WHEREAS, the Borough of Fair Haven will be advertising for Receipt of Bids for a new Police Facility and Community Center; and

WHEREAS, it has been recommended by the Borough’s Architect that due to the scope of work involved with this project, that the Borough use the services of BidNet Direct, 15 British American Boulevard, Latham, New York 12110, a web-based solicitation system that provides on-line bidding services that will broaden the bidder pool; and

WHEREAS, BidNet Direct will track the companies that access the bid specification, provide any addenda to the bid (if applicable) and post the bid results and award; and

WHEREAS, there would be no cost to the Borough for this service.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Fair Haven that Mayor Halpern is hereby authorized to execute the attached agreement (Exhibit A) for BidNet Direct’s services.

Offered for adoption by Councilmember Koch, second by Councilmember LaBarbera

Affirmative: Councilmembers Cole, Hoey, Koch, LaBarbera, Neff and Rodriguez
 Negative: None
 Abstain: None
 Absent: None

19. Resolution No. 2023-139, Approve Starfire Corporation to conduct Fair Haven Day fireworks display

WHEREAS, proposals were solicited for a fireworks display to be held on June 10, 2023 (rain date June 11, 2023); and

WHEREAS, proposals were received from Garden State Fireworks and Starfire Corporation.

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 10, 2023 (rain date of June 11, 2023).

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 LaBarbera

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

Negative: None

Abstain: None

Absent: None

20. Resolution No. 2023-140, Approve Proposal for Colliers Engineering and Design: Pocket Park and Boat Ramp

WHEREAS, there is a need for the professional services of an Engineer to assist with the design and permits for a Pocket Park and Boat Ramp; and

WHEREAS, the proposal dated May 3, 2023 received from Colliers Engineering & Design to provide Engineering Professional Services states that the total costs for this work, broken down as follows, shall not exceed a total of \$12,500:

Phase Name	Fee
Phase 1.0 Design Services	\$10,000
Reimbursables (NJDEP Permit Application Fee and Noticing)	\$2,500
TOTAL	\$12,500

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 for Engineering Professional Services for Fair Haven’s Pocket Park and Boat Ramp at a cost not to exceed \$12,500 and the Mayor is authorized to execute paperwork, if required.

Offered for adoption by Councilmember Rodriguez, second by Councilmember Koch

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

Negative: Councilmember Cole

Abstain: None

Absent: None

21. Resolution No. 2023-141, Approve Proposal for Colliers Engineering and Design: DPW LSRP and Design

WHEREAS, there is a need for an Environmental Consultant to assist with the bid specifications, demolition and oil tank removal for the DPW Facility; and

WHEREAS, the proposal dated May 5, 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 \$57,500:

Task Name	Fee
Task 1.0 LSRP Services	\$6,500
Task 2.0 Public Notification	\$3,500
Task 3.0 Geophysical Survey	\$3,500
Task 4.0 Bid Specifications	\$6,500
Task 5.0 Abatement Monitoring	\$10,000
Task 6.0 Abatement Summary Report	\$1,500
Task 7.0 Remediation Monitoring	\$12,000
Task 8.0 Remedial Action Report Preparation	\$10,500
Task 9.0 NJDEP Response Action Outcome	\$3,500
TOTAL	\$57,500

WHEREAS, this proposal is being awarded as a professional service through the non-fair

and open process.

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 DPW Facility at a cost not to exceed \$57,500 and the Mayor is authorized to execute paperwork, if required.

Offered for adoption by Councilmember Koch, second by Councilmember LaBarbera

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

Negative: None

Abstain: None

Absent: None

Reports of Departments

April 2023

-Dog License

-Municipal Clerk

Motion to accept the reports, as submitted, moved by Councilmember LaBarbera, 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 10:50 p.m. Marti Egger, Hance Road, felt the construction notice needs to be perfected. The letter was distributed after Borough Hall hours on Friday. She and her neighbors had questions with no one to ask such as if there would be milling and paving too; no, just concrete work. Milling and paving will be done at a separate time. She advised the residents were anticipating replacement of existing curbs and were surprised that lawns were dug up and concrete was poured. Mayor Halpern said on October 18, 2021 he had mentioned the project would be to replace existing curbs and in certain sections of the road, there would be drainage and 10' on each side of the drainage, there would be concrete. Mrs. Egger asked for the future, that the residents be notified. Mayor Halpern said the plans are on the Borough's website. One and a half weeks ago was a tough situation with rain and flooding and the need for curbs was heavily expressed to the Mayor. The Borough was successful with the last storm that not a lot of damage was sustained. We had a limited amount of time to get the word out and the employee who handles our mail blasts and notifications was off on Friday; the notice was revised multiple times and had to be distributed as time was running out. Mrs. Egger felt there needs to be better communication by the Borough. The Mayor said there was a large electronic sign on River Road advising of the work to be done on Hance and a letter was provided. He advised that he would have answered any questions that residents and her neighbors had, but he was not contacted. The Borough has been up front with the Hance Road plans; they are on the website and there have been many public discussions. Councilwoman Hoey encouraged residents to participate in the meetings to keep informed.

Councilwoman Koch said the Garden Club of Fair Haven did a presentation and community outreach at the Community Center with four stations on native, non-evasive plants which was extremely informative including options for organic pest control. She advised with the last leaf and brush pick up, four homes put out leaves and brush after their street was picked up and it happened before the stormy weekend causing the debris to go into the storm drains. She encouraged the public to follow the Borough's website and blasted information and not rely on their neighbors.

There being no further comments or questions, the meeting was closed to the public at 10:59 p.m.

The Council went into executive session at 11:05 p.m. and this meeting was reconvened at 11:17 p.m.

ADJOURNMENT

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

Time of Adjournment: 11:17 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk