

**FAIR HAVEN BOROUGH COUNCIL
BICENTENNIAL HALL
MAY 9, 2022**

The meeting was called to order by Mayor Halpern at 7:04 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 BICENTENNIAL HALL, 25 CEDAR AVENUE, FAIR HAVEN, NJ. PUBLIC PARTICIPATION FOR THIS REGULAR COUNCIL MEETING OF MAY 9, 2022 IS AVAILABLE BY CALL IN PHONE NUMBER OR THROUGH WEB CONFERENCE (ZOOM). MEMBERS OF THE PUBLIC WILL BE ON MUTE UNTIL IT IS TIME FOR QUESTIONS/COMMENTS, WHICH WILL BE ANNOUNCED. AT THAT TIME, THE PUBLIC HAS THE OPPORTUNITY TO QUESTION/COMMENT BY PHONE OR THROUGH ZOOM BY THE "RAISE HAND" BUTTON AND WILL BE CALLED ON AT THE APPROPRIATE TIME.

NOTICE OF THIS MEETING WAS INCLUDED IN A SCHEDULE OF MEETINGS WHICH WAS ADOPTED BY RESOLUTION NO. 2022-13 AND SENT TO THE ASBURY PARK PRESS, THE TWO RIVER TIMES, THE HUB AND THE STAR LEDGER ON JANUARY 6, 2022 WITH A LOCATION AMENDMENT PUBLISHED IN THE APRIL 28TH ISSUE OF THE ASBURY PARK PRESS. IT HAS BEEN POSTED ON THE BOROUGH WEBSITE, THE BULLETIN BOARD IN THE MUNICIPAL BUILDING AND HAS REMAINED CONTINUOUSLY POSTED AS REQUIRED UNDER THE STATUTE.

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

ROLL CALL

On Roll Call the following were present: Councilmembers Chrisner-Keefe, Cole, Koch, McCue, Neff and Rodriguez. Others present: Administrator Casagrande, Attorney Cannon and Engineer Gardella.

Mayor Halpern stated the reason this Council Meeting was being held in Bicentennial Hall was because the Borough is seriously considering many facilities projects. One of the projects is Bicentennial Hall so Council wanted to get a feel for the acoustics, logistics for the staff and the viability of hosting like meetings in the future. This is the first time in ten years that we are holding a Council Meeting here.

The Mayor advised that COVID is on the uptick and the transmission rate has increased; he asked all residents to be smart with what they are doing to help curb the spread of the virus.

WORKSHOP SESSION

With regard to McCarter Pond, the Borough has budgeted for treatment based on a February 14th quote that was received. The quote was sent to the Environmental Commission, but we did not receive any input from them. Administrator Casagrande asked for authority to execute the agreement so she can have a Purchase Order created. If the pond is not treated, it will inevitably turn green. Councilwoman Cole asked that the Borough hold off on this matter as the Environmental Commission has concerns with the chemical treatment (it has not treated the problem). Councilwoman Chrisner-Keefe advised the Fair Haven Natural Area Advisory Committee had a discussion last year regarding a place to store the spoils for any of the hydro raking if that were the direction the governing body chose; there was a consensus to assist, in that regard. Hydro raking does make sense. Councilwoman Cole said that hydro raking is the better treatment option. Administrator Casagrande said hydro raking would not be done until the fall and a pond treatment should be done (\$750 per treatment) to avoid the pond turning green. Councilwoman Neff felt some members of the Environmental Commission should attend the next meeting to discuss timeline so we can understand what needs to be done by the summer and what gets done afterwards including costs involved. She agreed with Administrator Casagrande that a treatment should be done in June.

Mayor Halpern asked for the River Road Project update. Administrator Casagrande said she met with Engineer Gardella and the Public Works Committee last week regarding a change order to Precise Construction. The Borough awarded the bid in 2020 and the project was put on hold due to NJ American Water's water main project on River Road. There has been an increase in unit costs. Attorney Cannon and Engineer Gardella worked on a resolution for a change order which is listed on this agenda. NJ American Water should finish their project by the end of this week; they will be

back to remove concrete in a few weeks and that work will take about two weeks. NJ American Water has agreed to pay for crosswalk restoration costs along River Road. There are some crosswalk considerations such as decorative (high visibility) crosswalks which are there now or regular crosswalks with just striping. We do need the County's approval for additional crosswalks to be created. Engineer Gardella is designing the bike lanes; the County adopted a new policy and have advised that they will pay for the entire bike lane cost. Engineer Gardella advised that the Precise Construction started the River Road Project beginning at Lake Avenue and they are making progress as they approach Schwenker's Pond (curbs, sidewalks and ADA ramps). Traffic Control has been coordinated with Chief McGovern. Direction is needed from Council with regard to the type of crosswalks he needs to design (options were provided i.e. put back what we have with high visibility striping, standard crosswalk like at the intersection of Third and Fair Haven Road and adding additional crosswalks). If we add additional crosswalks, a study will be needed because we would be altering the current design of the streetscape as well as the other phases that were done because some of the areas are "T" intersections and would require ADA ramps and some of those ramps may fall in front of resident's houses as well as driveways or conflict with utility poles, hydrants, landscaping, streetlights planters. When you add crosswalks, sight distance must also be taken into consideration as a driver, bicyclist and pedestrian and the placement of signage, for each crosswalk, prior to the crosswalk and at the actual location. The first step is to look into what we have as far as materials and what is in the bid specification. Mayor Halpern asked how many additional crosswalks we are looking for. Engineer Gardella said there is a crosswalk at Cedar Avenue near Krauszers and the next one is at Fair Haven Road. We need to consider if we want one at Battin Road and west at Church Street and Maple Avenue. The streetscape project started in 2005/2006 and the current project will be the 4th Phase. River Road is a county road, and this comes down to liability for the Borough and the County. Administrator Casagrande said Council needs to give direction on type of crosswalks and the number of additional crosswalks they are looking for. Engineer Gardella said the crosswalks we have now from Smith Street to Rumson are decorative and NJ American Water is going to pay for all of them to be redone (currently in discussion). For this phase of the River Road Project, decorative crosswalks were in the bid from Lake Avenue to Smith Street. It is not a cost issue; it is more of a design and aesthetic issue. Councilwoman Neff asked if the crosswalks should be uniform and if it would be strange to have both decorative and regular crosswalks. Additional crosswalks came up as an idea during an Engineer/DPW Committee meeting; decorative crosswalks add design aesthetic for the businesses also serving as a type of traffic calming measure. There was discussion about additional crosswalks being needed for pedestrian safety and Councilwoman Cole felt that we need more crosswalks than we have (currently, two crosswalks between two traffic calming signals) so we need to work with the County. Councilwoman Neff said the decorative crosswalk adds something extra to the street including traffic calming which is needed and would benefit River Road; she suggested staying with that style. She did not agree with having too many additional crosswalks and/or locating them every two blocks. Engineer Gardella said that he would need to review and figure out a balance and what, if any, obstructions there are. He spoke with the county a few weeks ago during a Zoom meeting and they are willing to meet and discuss because we need their input, however, there is limited time with the concrete contractor. Councilwoman Koch requested a hybrid approach; she agreed with keeping the decorative crosswalks in the business district and regular crosswalks as you get to the Red Bank border. Councilman Rodriguez would support a crosswalk at Church Street and another at Battin Road as well as decorative crosswalks in the downtown and traditional striping on other streets. He asked if the crosswalks could be offset by 5-8 feet. Engineer Gardella stated he needs to keep the fire department and other matters under consideration when reviewing. Councilwoman Koch said a Haddon Park resident requested a crosswalk at that end of town because there is none to allow the children to cross the street; Engineer Gardella looked at the area requested and based on the geometry of the street, utility poles, hydrants and that it borders Red Bank, it would be very challenging. There will be a crosswalk installed on the next block east at Tyson Drive. Councilwoman Chrisner-Keefe supported Councilwoman Koch's idea; we absolutely need more crosswalks to increase the walkability on the main road. Councilwoman Cole and Councilman McCue would like to attend the meeting with the County to discuss the crosswalks on River Road. Councilwoman Chrisner-Keefe asked what the cost differential between a decorative vs. regular crosswalk would be; substantial. The cost for the current crosswalks is being covered by NJ American Water so any additional crosswalks would be done at our expense; the hybrid option may "wash itself out somehow".

The Restaurant Committee (Todd Lehder, Carolyn Ferguson and Dan Busch) was in attendance to present their findings memo. Mr. Lehder said the committee was formed, pre-COVID, by the governing body and members were asked to look for solutions to the issues that arose when Dunkin Donuts came before the Planning Board. A memo was submitted with a summarization of the work that was done. It is important to present the baseline information created by the Committee. Dan Busch said there were diverse backgrounds on the committee (Attorney, Engineer, Finance, Businesses) and based on a lot of discussion hours, there were a diverse number of opinions so the memo submitted reflects the consensus of the Committee members. The committee was chartered in September 2019 and met weekly for several months; there were public meetings, surveys taken, meetings with Legal Counsel until the beginning of 2020 and then COVID tabled the

work that was done. The Committee and the work commenced again this year with review of the work done to date to complete the memo. Carolyn Ferguson reviewed the research that was done; it was a very complex issue involving review of the Borough's ordinances, the Master Plan, various articles, different legal opinions and other municipality's ordinances. A public meeting was held in the Fall 2019 to receive specific feedback from the public on what they wanted to see or not see in town. About 50 different restaurant logos (independent, small chain, large chain) were displayed with information such as how many locations they have and if they were specific to NJ; the public was asked to mark the locations with a red dot (don't want in town) or green dot (would like in town). In Appendix A of the memo, it provides the results of the types of restaurants that are wanted, and Appendix B shows the survey results. There were questions beyond restaurants. Fair Haven residents value the business district. Bulk standards and parking in the Borough were discussed and how to promote bicycle usage to the downtown business district with bike racks, etc. There needs to be improvement of the Exempt Development Ordinance. There was overwhelming support of outdoor dining and relaxing the parking standards and heavy consultation regarding ordinance changes for restaurants. Mr. Lehder said the Dunkin Donuts application brought rooms full of people as it went from Planning Board to Zoning Board and back to Planning Board which brought on the idea of forming a Restaurant Committee to review whether these are the types of businesses we want in town. The Committee has tried to capture the public's point of view. The survey was fantastic and there were multiple sides of the argument. There were discussions with legal counsel and planners and the public wants something different than we currently have. The law is that everyone is treated the same. People do not like the feel of a chain restaurant which led to discussion on design standard; Fair Haven has a "hodge podge" of businesses in the downtown area. The committee took apart the fast-food ordinance and defined each section. In July 2020 there was an initial draft memo and then the matter was tabled due to COVID. The public feels differently about the businesses since the pandemic realizing how important they are. There was review of drive-in restaurants, drive thru windows, etc. Mr. Lehder read the definition of fast food and discussed chain businesses; Lupo and Booskerdoo, both have various locations and could be considered chain businesses. Criteria of fast-food vs rapid service were discussed.

Mayor Halpern asked if the conclusion is unanimous of the entire committee; Mr. Busch said the entire memo is the consensus of the committee (there are things that some members like that other do not like and vice versa). It was asked if businesses would be grandfathered from the process if they are moving from one location in the Borough to another; no, they have to submit a new application for Change of Use. Mr. Lehder said if the business is existing and staying in the same location, they would not be subject to any future ordinance changes. If a business moves, they have to follow the same procedure that a new business would go through. Councilwoman Chrisner-Keefe inquired about the last sentence of the proposed fast-food restaurant definition that came from the committee. If the governing body is considering the recommendation, Mike Irene, Esq., (Zoning Board Attorney) would be the person to discuss and receive feedback from. She felt that the definition would fit both restaurant and fast-food. It was asked how we create an application for those who are evaluating it to make a proper decision; it needs to be extremely meticulous and well laid out. Mr. Busch said the Zoning Officer would be the person who would have to ask for the information needed in order to make his decision. Councilwoman Chrisner-Keefe said there is a lot of required information and more intense questions will need to be asked. The Mayor asked Attorney Cannon what happens if a lease is signed for a business and the Zoning Officer has denied the application. Attorney Cannon said it is between private parties; the contract could have contingencies in it. Mr. Lehder said there are no easy answers because the ordinance has been on the books for decades and concerns were raised with the Dunkin Donuts application. Councilwoman Chrisner-Keefe would like the application to be easy to understand and user friendly so a restaurant owner would know that their business fits the criteria of the Borough. She thanked the committee for their time.

Councilwoman Neff thanked the committee for all that they had done, to date, with all of the meetings and work they put into the matter. She referred to survey question no. 5 which most responses were that large chain restaurants are least wanted in town. The definition that has been proposed for fast food restaurants seems to be broader based and more subjective (covering a lot of things) and gives more flexibility. It seems that these types of applications should go to not only the Zoning Officer but go to the Planning Board for a decision to be made. Mr. Busch said it is definitely subjective and deliberately vague and he explained the process. Councilwoman Neff said that it is very open ended, and it seems that more than one person would need to review and make a decision on these types of applications; there would need to be some sort of process for review. She asked if the ordinance would be excluding fast food restaurants. Councilman Rodriguez thanked everyone and acknowledged that it took a lot of time and effort. We do not want everything to be uniform, and in the memo it had examples of environmentally friendly materials, etc. and it will be difficult to roll this out and may become a little more difficult for our Zoning Officer. Councilwoman Koch thanked the committee for the hundreds of hours that they put in; there was a lot of work and a lot of discussions, and this should allow our Zoning Officer to have the latitude to make a decision. Councilman McCue thanked the committee for their work and said they answered his

questions in the beginning of the presentation. He liked the recommendations and their guidance. Councilwoman Cole thanked the committee and the community who participated in the meetings; this is a positive outcome for Fair Haven. There is a lot of information in the committee's memo and there needs to be partnership with the Fair Haven Business Association to create designs and bulk standards. It is extremely important that the Master Plan and public are in agreement. She noted that restaurants are being discussed, but this is a land use matter. We decide, as a community, the design and development of our business district. The Land Use Law is important to preserve the pedestrian nature of our business district. We would be empowering our Zoning Officer with these suggestions. It advises what we do want not just what we don't want. Mr. Busch said it is a long timeframe to do the things that are suggested, and it will be necessary to form another committee, RFP for professionals to hire a consultant, etc. Councilwoman Neff noted that parking standards are important for how we view the Borough's future and the idea of how to manage parking. We need to consider and figure out how we want to address this. Mayor Halpern noted a defined interest in the matter, but more information is needed.

Councilwoman Cole said the Borough needs to acknowledge receipt of the memo and commit to an expanded definition; there is an excellent adjustment to the definition. She asked if we would be changing our ordinance or only the definition and asked Attorney Cannon to provide the B1/B2 section of the zoning ordinance to incorporate into the definition. Attorney Cannon asked Mr. Lehder if the Dunkin Donuts application and outcome satisfies the definition. Mr. Lehder explained the review of case law when Dunkin Donuts was considered as well as the amount of time it took for the Restaurant Committee to get the memo prepared to present to the governing body. Attorney Cannon will speak with Mike Irene, Esq. about this to get his thoughts and input. Councilwoman Chrisner-Keefe said we need to put the changes and ideas on paper for discussion (definition vs. ordinance).

Mayor Halpern thanked the Restaurant Committee for attending the meeting and for all of the time and work they put into this matter.

PROCLAMATION

Mayor Halpern read a proclamation acknowledging National Police Week (May 15-21, 2022) and presented it to Chief McGovern.

Councilwoman Neff left the meeting the meeting at 8:44 p.m.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 8:45 p.m. Carolyn Ferguson, Restaurant Committee, property and business owner in town, asked the governing body that any ordinance amendment should apply to new businesses not current businesses who stay in place. She gave the governing body things to consider especially simple ordinances that a business owner can navigate on their own, so they do not have to hire costly professionals to help with the process. We need to think about the possible impact on the current businesses. There are 11 restaurants that are part of the Business Association; 5 are part of a multi-unit property so we need to think about who would be negatively impacted. There are many types of business in the Business Association which helps all of the businesses be vibrant. Most everyone wants the same outcome; we need to work on how we get there.

Michel Berger, resident and Fair Haven Business Association President, appreciated the work the Restaurant Committee has done. He advised that he did some work for his business and dealt with the Historic Preservation Commission, Planning Board and Zoning Board on three different occasions and had to deal with a lot of professionals (both private and Borough). He advised that it was a long and frustrating process as some of the ordinance language is open to interpretation and can be confusing; it seems subjective which is not fair. Businesses compete with other businesses in town, and it is hard to get new businesses to come to the Borough because the process is difficult. He asked that the governing body make the process simple, clear and concise because "mom and pop shops cannot afford the process. He stated the restaurant ordinance will carry over to all businesses. Mayor Halpern said it seems Mr. Berger is talking about more than what was presented in the Restaurant Committee memo and suggested the Fair Haven Business Association meet with Councilwoman Cole, who is their liaison, to come up with synergy.

Dick Fuller, Elmwood Lane, said that it would be useful to have clarification as it forces you to think of what the Borough needs. He gave his feeling and observation with regard to when Dunkin Donuts came to town. He likes variation of businesses, and that the community creates the range of business opportunities. Mr. Lehder said a lot is changing in the Borough and asked that fast food not be excluded because it could bring opportunity so everyone gets what they would like; it is important to think of the overall community. Councilwoman Cole said her concerns are how to preserve the character of businesses, not food or costs and gave her reasoning and thought. Mayor Halpern referred to the age of those who filled out the survey that was circulated by the Restaurant

Committee which was Question #31 (most were over the age of 19).

Marti Egger, Hance Road, suggested differentiating between fast food chains because there are international food chains and there are local chains. The Mayor agreed and stated he does a lot of work with restaurants and part of the issue is some restaurants that are in New York may also have locations in Florida which gives it a national chain feel; it is a good point and another challenge to consider. Mr. Lehder said that the committee did look at the various chains and if certain establishments would be excluded by the definitions to be put into place.

Chris Hempstead, Willow Street, gave feedback on the meeting being held in Bicentennial Hall and the challenges with hearing the dialogue due to the rustling of papers. He addressed Todd Lehder and the Restaurant Committee and stated that there is a national and legal precedent on defining the formula chain or formula restaurants. He asked that a definition be added to the Code to define what is a formula restaurant. He asked what it looks like for the paving of River Road because it is getting worse. Councilman McCue said Engineer Gardella spoke to this earlier. The Borough has started Streetscape West which includes curbs, sidewalks, etc. Monmouth County is bidding their paving project in late June, and we hope that we are at the top of the list. The bid reply should come back in July, and we hope paving of River Road would begin in late August/early fall. Engineer Gardella and Administrator Casagrande met with the County, and we are at the top of the list, but they are flexible with our project. Mayor Halpern said the Borough understands the sacrifice of Fair Haven based on the work that has been done, we are looking at the end result which is clean water and a beautiful final product.

Ruth Blaser, River Road, agreed with Carolyn Ferguson regarding the process for businesses in town. With regard to the crosswalks, she notices that people cross from the Acme to the other side of the road, they do not walk down to Cedar Avenue to cross the street and she asked if there is going to be enforcement to cross at the marked crosswalks. Mrs. Blaser stated that Fair Haven used to be a village, a place where you stayed from birth to college and now the average amount of time residents stay is five to seven years. Fair Haven has dramatically changed; it used to be more diverse and more sustainable (she gave examples of the variety of businesses that were in town). The only business that represents what Fair Haven used to be is Fair Haven Hardware. Mrs. Blaser stated that the DPW used to put out mulch, chips and compost for the residents to come and take and asked that this happen again. She advised the governing body that by attending the meeting via phone, the acoustics are dreadful and reverberate. Mayor Halpern advised that the governing body is aware of the acoustics and having the meeting this evening was to help decide if Bicentennial Hall would be a place to hold meetings or not. He also advised that we can educate our youth on using crosswalks to cross the street.

Councilwoman Chrisner-Keefe asked Councilmembers McCue and Cole if mulch can be made available to the residents. Councilman McCue said that it is possible and thought it was made available with the last grind. It depends on the grind and could help save on the hauling costs. Engineer Gardella explained that we would need to double grind the material (there is a cost associated with the process and would need to be incorporated into the bid). As it relates to trail maintenance, the Fair Haven Fields Natural Area Advisory Committee and DPW are using wood chips rather than shred. The shred does not last, gets muddy and creates a mess. We are receiving wood chips from tree companies which is a different product and no cost which has been a success. Mrs. Blaser asked if the wood chips could be left outside the gates of DPW since they are locked, and most residents would be coming on the weekend for the material.

There being no further comments or questions, the meeting was closed to the public at 9:19 p.m.

APPROVAL OF MINUTES

Councilman Rodriguez made a motion to approve the Regular Meeting minutes of April 25, 2022, second by Councilwoman Chrisner-Keefe

Councilwoman Cole asked for a correction to the minutes with regard to the treatment of McCarter Pond and wanting it hydro raked not treated chemically.

Councilwoman Cole made a motion to amend the Regular Meeting minutes of April 25, 2022, second by Councilwoman Chrisner-Keefe

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

Negative: None

Abstain: None

Absent: Councilwoman Neff

Councilman Rodriguez made a motion to approve the Executive Session minutes of April 25, 2022, second by Councilwoman Chrisner-Keefe

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

Negative: None

Abstain: None

Absent: Councilwoman Neff

Councilman Rodriguez made a motion to approve the Special Meeting minutes of April 27, 2022, second by Councilwoman Chrisner-Keefe

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

Negative: None

Abstain: None

Absent: Councilwoman Neff

OLD BUSINESS

There was no old business brought before the governing body.

NEW BUSINESS

Council Committee Reports

Finance - In Councilwoman Neff's absence, Councilman Rodriguez reported a Finance Committee meeting will be held on May 12th. He noted that Councilwoman Cole advised the committee that there is a NJ Infrastructure Grant available. Councilman Rodriguez thanked her and said that these types of grants are looked into and discussed with our Financial Advisor as to whether we should apply.

Borough Facilities - Councilman Rodriguez touched on the April 27th Special Meeting when this matter was last discussed. He met with Councilwoman Cole and other members of the governing body to further enhance the plans we have out there. The Committee is looking into the finances and noted that Councilwoman Cole's suggestions have merit for the Police Department. Input has also been received from the public and we are trying to address those; the plan is not final and there will be a Facilities meeting in a few weeks to continue discussion.

Personnel - Councilwoman Chrisner-Keefe advised that advertisements are out for an Engineering/DPW Administrative Assistant, full-time Laborer and Seasonal Laborer. The Fair Haven Fields Natural Area Advisory Committee cleanup (4/20 and 5/1) was well attended and there was a lot of help. She thanked everyone who participated, especially DPW for their assistance.

Planning & Zoning - Councilwoman Koch advised there will be a Planning Board meeting on May 17th at 7:30 p.m. via Zoom and the next Zoning Board meeting will be held on June 2nd at 7:15 p.m. (this meeting may be in person).

Parks and Recreation - Councilwoman Koch advised that the Fishing Derby was rescheduled to June 4th due to the bad weather on May 7th. If you are registered for the May 7th event, you are automatically registered for the new date. Anyone who did not register and is now available on June 4th can still register to participate. The Memorial Day Parade will take place on May 30th beginning at 9:00 a.m. from Knollwood School with a ceremony at Memorial Park at 9:30 a.m.

Police, Fire & OEM - Councilman McCue reported that Fair Haven has had zero car thefts. There were a few unsuccessful attempts; residents were asked to remain vigilant.

Mayor Halpern noted that Corporal John Waltz is participating in his 7th Police Unity Bike Tour to Washington, D.C. Chief McGovern said they left today and will ride to Delaware and then continue until they reach Washington.

Engineering and DPW - Councilman McCue advised the River Road Streetscape West Project is under way and moving east; the need for additional crosswalks on River Road was also discussed. There is also a need for crosswalks on Fair Haven Road by Buttonwood Drive. Third Street Phase II needs to be approved in November and crosswalks will be needed there. The bike lanes will be paid 100% by Monmouth County which is a \$45,000 savings for us. We will still need to pay for curbing and striping.

Borough Communications and Community Outreach - Councilwoman Cole advised that Betty Ann Berube got a QR code to help facilitate sign-ups for Constant Contact at Borough events. We will be trying it for the first time at the May 14th "Love Where You Live" event. The Shade Tree Commission organized an Arbor Day Art Contest and Canyon Pass was kind enough to provide \$50 gift certificates to each winner; their names and grades were read. She is attending the NJ Future Planning and Redevelopment Conference in June (two days are virtual and one day is in-person). She looks forward to working with the Business Association and addressing challenges. The Facilities Special Meeting was held on April 27th, and she thanked Councilman Rodriguez for

reporting on the feedback. Feedback is still needed and welcome. It is important to make sure that we do not overspend.

INTRODUCTION OF ORDINANCES

- 1. Ordinance No. 2022-03, Supplement Borough Code, Chapter 14 to Prohibit the Planting of Bamboo and Invasive Species.

The Mayor asked if anyone had comments or questions before proceeding. Councilwoman Chrisner-Keefe said she reviewed the proposed ordinance and received some feedback from residents and Fair Haven Fields Natural Area Committee members. There is a concern about including invasives in the ordinances as it is presented; there needs to be more about addressing them. She asked that this be tabled for further discussion. This matter came to the governing body’s attention by a resident who was having an issue with invasives. It was felt that Section 14-11.3 and 14-11.4 should be treated differently. Invasives have been around for a long time and are everywhere so we need to spend more time on invasive treatment. Dick Fuller, Elmwood Lane and member of the FHF Natural Area Advisory Committee, gave input on bamboo, prohibition of plantings and invasives. There was brief discussion on bamboo vs. invasives. The Mayor asked if the Borough would be better off without an ordinance or should this ordinance be instituted and amend as needed.

Attorney Cannon said that an ordinance can be introduced only addressing bamboo at the May 23rd meeting. He stated that 14-11.4 was intentionally vague. We can address prohibited plants, but we need someone who knows the plants. He gave options on how to write/phrase the ordinance.

- 2. Ordinance No. 2022-04, Amend Borough Code, Chapter 7-39.4 (Accessible Parking), to include 626 River Road

AN ORDINANCE AMENDING SUBSECTION 7-39.4 OF CHAPTER 7: “VEHICLES AND TRAFFIC” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO INCLUDE NEW ACCESSIBLE PUBLIC PARKING SPACES TO BE LOCATED AT THE APPROVED DEVELOPMENT AT 626 RIVER ROAD (BLOCK 31, LOT 1).

WHEREAS, in accordance with the New Jersey Motor Vehicle Code, the Borough of Fair Haven the “Borough”) authorizes and enforces the placement of certain accessible public parking spaces located upon private properties within the Borough to which the public is invited; and

WHEREAS, the owner of 626 River Road (Block 31, Lot 1) has received approval from the Borough to develop said property in a manner that requires accessible public parking spaces to be located thereupon; and

WHEREAS, the Borough hereby amends its vehicle and traffic regulations to incorporate the new accessible public parking spaces to be located upon 626 River Road (Block 31, Lot 1);

NOW, THEREFORE, BE IT ORDAINED by the Mayor & Council of the Borough of Fair Haven, in the County of Monmouth, in the State of New Jersey” as follows:

SECTION 1. Section 7-39.4 entitled “Accessible Parking on Private Property Open to the Public and to Which the Public is Invited (Retail Business)” of Section 7-39 entitled “Accessible Parking” of Chapter 7 entitled “Vehicles and Traffic” of the Revised General Ordinances of the Borough of Fair Haven is hereby amended as follows (~~stricken~~ text deleted; underlined text added):

CHAPTER 7: “VEHICLES AND TRAFFIC”

* * *

§ 7-39 ACCESSIBLE PARKING.

* * *

§ 7-39.4 Accessible Parking on Private Property Open to the Public and to Which the Public is Invited (Retail Business)

In accordance with the provisions of N.J.S.A. 40:48-2.46, the following off-street parking yards are designated as accessible parking areas. Such spaces are for use by persons who have been issued special identification cards, plates or placards issued by the Motor Vehicle Commission, or a temporary placard issued by the Chief of Police. No other person shall be permitted to park in these areas.

<i>Property</i>	<i>No. of Spaces</i>	<i>Location</i>
Office Building 823 River Road Block 51, Lot 21.1	1	As shown on site plan dated May 15, 1978
Bank/Office Building 756 River Road Block 52, Lot 10	1	As shown on site plan dated June 1, 1998
Retail/Office Commons 740 River Road Block 27, Lot 19	2	As shown on site plan dated June 1, 1998
Office Building 623 River Road Block 25, Lot 10	2	As shown on site plan dated June 1, 1998
Retail Building 597 River Road Block 25, Lot 10	1	As shown on site plan dated June 1, 1998
Restaurant Building 583 River Road Block 25, Lot 16	2	As shown on site plan dated June 4, 1981
Retail Building 569 River Road Block 25, Lot 20	1	As shown on site plan dated June 1, 1998
Commercial Building 561 River Road Block 25, Lot 20	1	As shown on site plan dated June 1, 1998
Shopping Center Complex 560 River Road Block 32, Lot 2	7	As shown on site plan dated November 23, 1980
Retail Building 553 River Road Block 25, Lot 22	1	As shown on site plan dated June 1, 1998
Bank Building 550 River Road Block 33, Lot 10	1	As shown on site plan dated June 1, 1998
Restaurant Building 121 Fair Haven Road Block 52, Lot 26	1	As shown on site plan dated October 27, 1983
Office Building 21 Cedar Avenue Block 31, Lot 13	2	As shown on site plan dated June 29, 1982
Office/Retail Building 120 Fair Haven Road Block 28, Lot 26	1	As shown on site plan dated May 28, 1999
Retail Building 619 River Road Block 25, Lot 10.1		
Retail Building 120 Fair Haven		

Vouchers in the amount of \$1,561,694.41 at their April 25, 2022 Council Meeting; and

WHEREAS, the appropriate total amount of the vouchers paid should have been \$1,669,585.05 to reflect payment to Chase Bank (via wire transfer) for bond interest paid April 1, 2022 in the amount of \$107,890.64.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council, Borough of Fair Haven, that the correct amount for Resolution No. 2022-119 should be \$1,669,585.05.

Offered for adoption by Councilwoman Cole, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Neff

3. Resolution No. 2022-122, Authorize 2nd Quarter Tax Overpayment Refund for 23 Kemp Avenue

WHEREAS, the Tax Collector, has provided a request for a tax overpayment refund for 2nd Quarter 2022 due to duplicate payment and advises that the following property owners qualify for a refund as follows:

Owner	Address	Block	Lot	Refund
Dennis and Carrie Nitka	23 Kemp Avenue	55	3	\$2,746.33

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Tax Collector and Chief Financial Officer are hereby authorized to pay said refund in the amount listed above.

Offered for adoption by Councilwoman Cole, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Neff

4. Resolution No. 2022-123, Award RFP for Electrical Services to Joan of Arc Electric

WHEREAS, the Borough’s Qualified Purchasing Agent (QPA) advertised for Request for Proposals (RFP) for Electrical Services on the Borough’s website to be received on April 21, 2022; and

WHEREAS, one proposal was received from Joan of Arc Electric, 919 Route 33, Freehold, NJ 07728 for Electrical Services, attached as Exhibit A.

WHEREAS, upon review of the proposal, it has been determined that Joan of Arc Electric, submitted all of the necessary paperwork in compliance with the RFP issued.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Electrical Service RFP be awarded to Joan of Arc Electric and Nancy Britton, Assistant CFO/QPA, is hereby authorized to pay each invoice in accordance with the amounts submitted in their proposal.

Offered for adoption by Councilwoman Cole, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Neff

5. Resolution No. 2022-124, Approve the 42nd Annual Red Bank Crop Walk - October 16th (2-3 pm)

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 42nd Annual Walk through Fair Haven between the hours of 2:00 pm and 3:00 pm on Sunday, October 16, 2022; 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 42nd Annual Red Bank Area Crop Walk for the Hungry in the Borough of Fair Haven is hereby approved to be held on Sunday, October 16, 2022 between the hours of 2:00 pm and 3:00 pm.

Offered for adoption by Councilwoman Cole, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Neff

6. Resolution No. 2022-125, Appoint two, Part-time School Crossing Guards and Special Class I Officers

WHEREAS, there is a need for part-time School Crossing Guards and Class I Special Officers for the Fair Haven Police Department; and

WHEREAS, Chief Joseph McGovern has recommended that **Thomas O’Friel** and **Ryan Achyuthuni**, who meet all of the required qualifications for both positions be appointed as follows:

Part-time School Crossing Guard effective May 10, 2022 at an hourly salary of \$20.00

Class I Special Officer effective June 1, 2022 at an hourly salary of \$16.00

BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Thomas O’Friel and Ryan Achyuthuni are hereby appointed as part-time School Crossing Guards and Class I Special Officers as noted above.

Offered for adoption by Councilwoman Cole, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Neff

7. Resolution No. 2022-126, Hire 2022 Rec N Crew Summer Camp Counselors

WHEREAS, the Borough of Fair Haven will be offering a Rec-N-Crew Summer Camp Program through the Parks and Recreation Department for the 2022 summer season; and

WHEREAS, DJ Breckenridge, Parks and Recreation Director has recommended the following individuals be appointed as part time Counselors for the 2022 program:

Camp Employee	Hourly Salary	Title/Notes	Term
Alex Componile	\$25.00	Head Counselor	June 27 - July 29
Emily Bruno	\$20.00	Head Counselor	June 27 - July 29
Francesca Darcy	\$15.00	Assistant Head Counselor	June 27 - July 29
Thomas Friedman	\$15.00	Assistant Head Counselor	June 27 - July 29
Jack Benedetto	\$11.00	Counselor	June 27 - July 29
Antonio Darcy	\$11.00	Counselor	June 27 - July 29
Giavonna Darcy	\$11.00	Counselor	June 27 - July 29
Ben Kroll	\$11.00	Counselor	June 27 - July 29
Alex Lindgren	\$11.00	Counselor	June 27 - July 29
Brody McGowan	\$11.00	Counselor	June 27 - July 29
P.J. Rawlins	\$11.00	Counselor	June 27 - July 29
Chris Ryan	\$11.00	Counselor	June 27 - July 29
Daniel Schmid	\$11.00	Counselor	June 27 - July 29
Brittany Stephan	\$11.00	Counselor	June 27 - July 29
	\$11.00		June 27 - July 29
Danny Stephan		Counselor	
Ben Turoczi		Counselor	

	\$11.00		June 27 - July 29
Luke Alex Turoczi	\$11.00	Counselor	June 27 - July 29

WHEREAS, the Summer Playground Program is offset through the fees paid by participants of the programs by way of the Recreation Trust Fund.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that the above Counselors be appointed for the 2022 Summer Rec-N-Crew Camp Program at the program salaries listed above for the program beginning June 27, 2022 through July 29, 2022.

Offered for adoption by Councilwoman Cole, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Neff

8. Resolution No. 2022-127, Approve Change Order for Precise Construction - River Road Streetscape Project

WHEREAS, by Resolution No. 2020-141, dated August 17, 2020, the Borough of Fair Haven awarded a construction contract for the River Road Streetscape Project for the Base Bid including Options #1 and #2 to Precise Construction, 1016 Highway 33, Freehold, NJ, 07728 in the amount of \$974,880.00; and

WHEREAS, prior to performing under the awarded contract, Precise Construction encountered unexpected and substantial delays arising from coordination of the River Road Streetscape Project with the replacement of water mains in the same area by New Jersey American Water; and

WHEREAS, as a result of said delays of the River Road Streetscape Project, Precise Construction has encountered increased costs for said project, and has provided the Borough with a change order in the amount of \$103,255.36 for the aforementioned unexpected costs; and

WHEREAS, the total amount of the requested change order is less than 20% of the total amount of the contract awarded to Precise Construction; and

WHEREAS, the Chief Financial Officer of the Borough of Fair Haven will provide the appropriate certification as required by law.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Fair Haven hereby authorizes and approves Precise Construction's change order in the amount of \$103,255.36, increasing the total contract amount for the Base Bid including Options #1 and #2 for the River Road Streetscape Project from \$974,880.00 to \$1,078,135.36; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided by the Borough Clerk to the Borough Administrator, Borough Engineer, Borough CFO, and Precise Construction.

Councilwoman Cole asked if there is an increase in the job and cost of materials. Engineer Gardella advised there is no increase in the scope of work; it is an increase in per pay items.

Offered for adoption by Councilwoman Cole, second by Councilman Rodriguez

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

Negative: None

Abstain: None

Absent: Councilwoman Neff

9. Resolution No. 2022-128, Approve Chapter 159: Department of Justice Body Armor Grant

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such items of revenue in the Budget of the County or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and

WHEREAS, the Borough of Fair Haven has received a \$2,640.00 grant from the Department

of Justice for a Body Armor Replacement Fund and wishes to amend its 2022 budget to include this amount as revenue; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2022 in the amount of \$2,640.00 which items in now available as revenue from:

Department of Justice
Body Armor Replacement Fund

BE IT FURTHER RESOLVED that a like sum of \$2,640.00 be and the same is hereby appropriated under the caption of General Appropriations – Operations Excluded from CAPS:

Department of Justice
Body Armor Replacement Fund

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

Offered for adoption by Councilwoman Cole, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Neff

10. Resolution No. 2022-129, 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 9, 2022 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2021 CURRENT ACCOUNT		\$ 2,007.64
2022 CURRENT ACCOUNT		\$3,074,738.13
GENERAL CAPITAL		\$ 25,171.86
PAYROLL AGENCY		\$ 14,354.90
OTHER TRUST		\$ 7,902.59
DOG TRUST		<u>\$ 2.40</u>
		\$3,124,177.52
LESS VOIDED CHECKS	-	<u>\$ 685.17</u>
TOTAL		\$3,123,492.35

CURRENT CHECK NO. 61859		\$ 88.00
CURRENT CHECK NO. 61961		\$ 274.99
CURRENT CHECK NO. 61981		\$ 90.19
CURRENT CHECK NO. 62004		\$ 40.00
CURRENT CHECK NO. 62074		\$ 191.99

Offered for adoption by Councilwoman Cole, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Neff

Reports of Departments

- Dog Report
- Municipal Clerk
- Budget Status

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

GOOD OF THE BOROUGH

Mayor Halpern opened the meeting to the public for comments or questions at 9:56 p.m. Marti Egger, Hance Road, attended the April 27th Special Meeting on facilities and asked that the

Borough scale back on the buildings because the financial climate is uncertain. The Mayor said we are taking this very seriously and are carefully reviewing options.

Mary Briel, Linden Drive, thanked Councilwoman Koch and Nick Poruchynsky for answering the questions that she had. Mrs. Briel sent an e-mail to everyone asking that the Construction Office be brought back to Fair Haven because there is a real disconnect. She also requested that construction of houses not be permitted on the weekends. She advised that there is a NJ rule that contractors need to use a wet saw when cutting stone and concrete and workers need to wear masks when doing this type of work. She asked who she has to call to report violations. Councilwoman Cole asked if this should be added to the next Engineering and DPW Committee meeting agenda. She was advised this is a broader topic and is a construction matter. Councilwoman Chrisner-Keefe said this could be a workshop matter. She noted that there have been issues at the property that Mr. and Mrs. Briel have had to deal with and asked where the Land Use Committee is with providing suggestions. Mayor Halpern said that it is still being worked on and it is about 60 days out before suggestions will be brought forward (there is work being done with professionals). He said that the Borough hears everyone's concerns and are trying to make Fair Haven a better place to live and work.

Michal DiMiceli, River Road, said there is a property on Colonial Court that has been a dangerous construction site with open areas; it has been ongoing for about 10 years. She asked how long it is allowed to be sitting without progress. The house has probably not been finished because there is litigation sent for the past year. She was advised that this is the jurisdiction of the Construction Code Official to have the site kept clean and secure.

Councilman Rodriguez thanked the governing body, Administrator Casagrande, Clerk Cinquegrana and Attorney Cannon for setting up the meeting at Bicentennial Hall. He was excited to be meeting here and being able to see everyone and hearing everyone which is really important. This trial meeting helped the governing body learn a lot. There will not be another meeting here until we address the technical and acoustic needs. The Clerk thanked the DPW for setting the room up.

Councilwoman Koch asked residents Susan O'Brien and Marti Egger for their thoughts on holding meetings here. Bill Dorner said that he liked having the meeting at Bicentennial Hall and being able to have a clear visual of the dais. Mrs. O'Brien said if the meetings are held here, that the dais should not be raised. Robbyn O'Neill, River Road, liked the location, but the exterior needs to be addressed. It is important to preserve this history and legacy and she asked what she can do to help preserve the building. The Borough needs to preserve the exterior of the building and the trees on the property.

Ruth Blaser, River Road, said if the governing body and public felt the room was noisy, everyone should attend when the seniors meet. She said the senior meetings have been held at Bicentennial Hall and it is awful. The next senior meeting will be held on May 17th and the Mayor would like to attend.

Bill Perkins, Hance Road, said there are 100 plants that are invasive species in New Jersey. He agreed with Councilwoman Chrisner-Keefe that the list in the proposed ordinance is vague. With regard to the Borough Facilities, he asked if a Construction Manager has been hired or will be hired. We did hire someone for the initial phase only (pre-construction). He asked if they performed the cost estimates because the costs presented via Zoom were very broad. Mr. Perkins suggested getting the word out to the public on the cost estimates and where the project stands. Councilman Rodriguez said that the discussions for these facilities started in 2018/2019 and then the Pandemic occurred which caused costs to rise due to inflation and supply/demand. The Facilities Committee and governing body will try to trim and scale back, where it can. Councilman Rodriguez advised a discussion on how to fund the projects will be held (currently the interest rates are up 50 basis points and will continue to increase). He is behind getting these buildings done and the people who will be in them. We will address all things in the most cost-effective way that we can.

There being no further comments or questions, the meeting was closed to the public at 10:22 p.m.

Council went into executive session at 10:27 p.m. and this meeting was reconvened at 11:38 p.m.

ADJOURNMENT

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

Time of Adjournment: 11:39 p.m.

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Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk