

FAIR HAVEN BOROUGH COUNCIL
MAY 22, 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 22, 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 (via Zoom) and LaBarbera. Absent: Councilmembers Koch, Neff and Rodriguez. Others present: Administrator Casagrande, Engineer Gardella, Assistant Engineer Poruchynsky and Christine Malamut, Esq., Borough Attorney's Office (via Zoom).

PRESENTATIONS

Mike Gianforte, Executive Director, Two Rivers Water Reclamation Authority, provided updates to the governing body. He had visual boards showing the replacement project for the main pump station and tower. He spoke on the Pleasure Bay Interceptor (Highland Avenue, Monmouth Beach). Two Rivers Water Reclamation Authority received \$9 million from Superstorm Sandy. He explained the need for replacement and what the project (pipe and pump station replacement) entails.

Attorney Sobel arrived at 7:10 p.m.

The project was estimated at \$70 million; the bids came in over \$110 million and were rejected. Bidders were pre-qualified, and the project went out to bid again; the project cost is \$111,180,000. There is \$9 million received from Super Storm Sandy, as well as a \$20 million grant in COVID money. There is a million dollars that was secured to cover the salaries of Mr. Gianforte and other administrative staff who worked on and administrate the grant, which will be a savings. There will be zero interest loans for the \$111 million. The Notice to Proceed was issued on May 15th and the project will take three (3) years for completion. Fair Haven is a member town, not a customer town. Rates have not been increased since 2001. With this new project, there will be a \$10 fee increase (per quarter) next year which should result in 10 years with no rate increases. Councilman LaBarbera asked what risk management processes and protocols are in place for failure? There is a temporary bypass system at the existing main pump station, and they have pumps and fittings on hand should they be needed. The treatment plant has enough capacity to handle additional flow. There is a newsletter coming out regarding the project and how the April Storm was handled as far as flow. Two Rivers Water Reclamation Authority has insurance through the JIF (base coverage and excess coverage). If something leaks, it will leak out; there are measures in place. Mayor Halpern asked if the board members are paid; no.

Attorney Malamut left the meeting at 7:15 pm

Councilwoman Cole asked, after the grant monies that were secured are deducted for the project, what the net cost for the project is? Mr. Gianforte said that he was unsure, at this time. They are bonding for \$110 million for engineering design and construction observation costs (\$5 million), DEP fees (\$3 million), and other costs for services. She asked about long-term maintenance. There is a concrete cylinder (100' in diameter) with an elevator to get to the bottom. The piping that will be used for the project has a 100-year warranty. Councilman LaBarbera asked how they chose the engineer and bidder for the project? They pre-qualified a general contractor who was tied to a "tunneler". There was criteria

for the Superintendents and the staff that would be involved and there was criteria for the number of pump stations they had done of similar size (same for the tunnels). There were seven (7) pre-qualified bidders with only two (2) bidding on the job. Mr. Gianforte advised that all of the information is on the Two River Water Reclamation Authority website for the public under the Tunnel Banner (located at the top of the home page).

WORKSHOP SESSION

Mayor Halpern asked Assistant Engineer Poruchynsky to come forward and present Stormwater Management which will include our Stormwater Management General Permit, Leon S. Avakian's (Consulting Engineer) Proposal and the StormX and Stormwater System Operation. Engineer Gardella said he and Nick were in attendance to talk about Stormwater Management Rules. Nick has been with Fair Haven for over 10 years and has a Power Point Presentation on stormwater rules and regulations. Stormwater regulations were enacted by the State in 2004 and new rules have been implemented this year. Fair Haven is a Tier A municipality receiving the MS4 permit in 2004 and renewed in 2009, 2018; we will be renew in 2023. This is a task where assistance is needed so Leon S. Avakian Engineering provided a proposal (dated April 10th) that outlines the fee structure and the various phases of what is required by the mandates. Stormwater is unseen; however, it impacts everyone (residents, governing body, volunteers, developers). A Power Point Presentation was shared to screen and Assistant Engineer Poruchynsky spoke to each slide shown. The NJ DEP MS4 permit and the Clean Water Act and Rules were presented. He explained the permit process and that we need to renew our permit this year. The Federal Government and DEP are doing a watershed analysis. The Council asked questions through the presentation about compliance, communication, cleaning of storm waters and inlets. Nick and Rich advised that with MS4 Conveyance there are both cleanings and inspections (including between inlets) of pipes and basins conducted for any defects. Even private resident basins or drywells must be in compliance and follow State rules and regulations. The Borough staff has been trained in what to look for as far as obstructions, flow or issues with stormwater and to report it so it can be addressed. Councilwoman Cole felt that residents do not understand stormwater management and the importance so there should be more communication with the public to help them understand. Councilwoman Hoey agreed that there should be a one-page communication about this topic. There was discussion on how stormwater regulations tie into road projects. The Watershed Improvement Plan is part of the new 2023 requirements. Assistant Engineer Poruchynsky advised that the State DEP received a Master Permit from the federal government so each individual municipality will have to tailor their renewal of MS4 to meet the permit regulations. He reviewed the steps taken to be sure we are in compliance with our permit and the regulations. He showed that the Borough's website has a Stormwater Management component with links and information pertaining to our ordinance and permit that can be accessed through the Engineer page by the public. He shared the current mapping that shows the Borough's infrastructure and outfall mapping. Avakian Engineering steps for permit renewal were reviewed and explained for Council. Councilmember Cole questioned who the compliance team is; it is from the Avakian firm not the Borough. We completed the NJDEP Stormwater Grant Application form (it is on a rolling basis). Stormwater utilities are a potential funding mechanism. Councilwoman Hoey asked how the catch basins are cleaned and how often it is done. The DPW staff is "boots on the ground" and they are looking for any issues with our system to be sure everything is operating well including pre and post storms. Defects are noted as well as the material that is collected in each basin (included quantity). In the micro-projects, there was the statement of "if and where directed", which has a series of catch basins to be repaired in various locations throughout the Borough. Councilwoman Cole asked that Nick and/or Rich explain Green Street designs for Fair Haven and how it affects the Borough. Assistant Engineer Poruchynsky said the DEP put out information on what they consider "green infrastructure" which is a table of various different things i.e. rain gardens, impervious pavement treatments which now has "rain scaping" (pertains to incorporating environmental green infrastructure into your landscape design which also has regulations to be followed).

The StormX net was discussed with the Environmental Commission and falls under our MS4 permit. Ours is located at the Fair Haven Dock to catch floatables where our small outfall is. It is visible to the public so they can see what is caught. StormX was installed in the spring and is being monitored for floatables and organic waste; we are looking to place some sort of signage explaining what it is and how it fits into our stormwater management plan. Administrator Casagrande advised that it functioned as it was supposed to during our most recent storm. He reminded everyone that residents, officials, employees, and volunteers are all on the same team and responsible for all of this; it is not one person's responsibility.

Mayor Halpern opened the meeting for public comment, on this topic only, at 8:13 pm Bonnie Torcivia, Battin Road, asked about the study by Rutgers and have we done anything to implement it? Yes, we have installed rain gardens at Knollwood School, and the Acme installed a drywell system. Ms. Torcivia asked if Acme could plant some trees; they can, but it is their choice. She asked if there is a rain garden in the buffer next to Borough Hall; yes. She asked if another could be added near Borough Hall; she was advised it is easier to have rain gardens or plantings done with a new construction project.

Councilwoman Neff arrived at 8:14 pm.

Ms. Torcivia said that there was mention of stormwater and trees and asked if something could be incorporated into the new Tree Ordinance with plantings and replantings. There will be discussions with Shade Tree, Planning Board, Green Team and Environmental Commission to review the permit and requirements (old and new) that could be included in the MS4 permit with the new tree ordinance.

Councilman Rodriguez arrived at 8:16 pm.

Attorney Sobel advised that we could incorporate it into the new Shade Tree ordinance. Mayor Halpern advised the goal is to get the new tree ordinance in place ASAP; the draft ordinance will be listed on the June 12th agenda for discussion. Administrator Casagrande advised the DEP requires a tree ordinance be in place; we are ahead of it.

Michal DiMiceli, River Road, stated she has been affected by stormwater management for 3½ years and is concerned about resident safety. River Road has been fully flooded. She was panicked with the last storm because she had a lot of water in her backyard and front yard. She asked how Fair Haven identifies problem spots and if the Colonial Court project fell through the cracks? Ms. DiMiceli stated that she and her neighbors were affected badly by the last storm. There is a concern about the new pocket parks and if they were looked at as far as rain scaping and the plans. She verified that StormX had nothing to do with the flooding; Assistant Engineer Poruchynsky said no, StormX worked as it was designed to. She asked if River Road should be closed when it floods. Engineer Gardella spoke with the developer's engineer for Colonial Court project and information was requested of them; there are further discussions to take place. Engineer Gardella and Assistant Engineer Poruchynsky are aware of the problem areas with Colonial Court and Smith Street when televising the line, tree roots were found affecting the pipe; some trees have been removed to help improve drainage. Assistant Engineer Poruchynsky explained the process with construction, waterflow and how the Borough is trying to have improvements made. Engineer Gardella explained that approval is based on the developer's engineering rendition is provided to us; we have followed up with them and we are awaiting answers. Councilwoman Neff asked if the Borough could do something to expedite the developer correcting the problem; it is a serious issue and needs to be fast tracked because it affects multiple homes. There should be consequences if this situation is not taken care of. Engineer Gardella will speak with Attorneys Cannon and Sobel regarding the developer's agreement, approvals, bonding, etc. Councilwoman Cole was concerned because it is becoming a regional issue not just a neighbor issue. Mayor Halpern advised that the dais is sensitive to the issue and understands it is an issue; we will get this area into the prioritization matrix once we receive all of the information. Stephanie Adams, Oxford Avenue, asked if emergency services could get to Ms. DiMiceli's home; yes. Mayor Halpern asked if there was an issue with this past Saturday's rain; no.

Stephanie Adams, Oxford Avenue, had sump pump and run off questions because there is a lot of developing and projects in her neighborhood. The sump pumps are constantly pumping out water into the street and our waterways. There is a mechanism in the new ordinance to prevent builders from building up to build down. Mayor Halpern asked if there will be less sump pump activity with the new Land Use ordinance? Assistant Engineer Poruchynsky explained the ordinance where the developers are required to do geotechnical work and identify the ground water table and build the foundation two feet above. The ordinance was constructed to eliminate sump pump issues. New houses require drywells to discharge into the stormwater system, not the roadway. Most conditions are pre-existing and not from new construction. The Two Rivers Water Reclamation Authority is also trying to educate the public to prevent these issues. Ms. Adams advised that the Environmental Commission applied for an ANJEC grant for a rain garden but were unsuccessful. The Green Team wants to fund a rain garden at McCarter Pond and would like to privately crowd fund it for the O'Neill Family. She asked if other resolutions would be required to fund raise or look for other grants. Administrator Casagrande advised that we need to find solutions for the hydro-rake project before anything else is done or added to the pond. The Environmental Commission has some areas that could be considered for rain gardens.

Ruth Blaser, River Road, addressed Michal DiMiceli and the governing body on the River Road flooding. She advised River Road has been flooding long before Ms. DiMiceli bought and moved into her home. Colonial Court never should have been subdivided and the project should have never happened or been allowed to happen. The area should have been kept as wetlands area.

Ms. DiMiceli said she was told the area was built up and created the issue with the water having no place to go.

Carolyn Ferguson, Colonial Court, advised with regard to the intersection of Smith Street and Colonial Court, there are many emails with photos, videos and documentation of the flooding. The area is always flooding and is not new to the April storm. It's a seriously affected area.

The meeting was closed to the public for comments or questions at 8:48 pm and Assistant Engineer Poruchynsky left the meeting.

Engineer Gardella spoke to potential projects for the NJDOT Grant Funding Cycle. He handles the grant application based on the Council's input/request. He reviewed the Capital Projects in queue: Hance and Cooney (2021), Fair Haven Road Phase I (2022), Fair Haven Road Phase II (pending as it has

not been funded yet). At the Engineering/DPW Subcommittee meeting, there was discussion regarding resubmitting for Fair Haven Road Phase II or Improvements to Forman Street (it could capture some of the drainage issue). The Council can also consider Linden Drive and/or submit more than one project. Engineer Gardella said there was a meeting with NJDOT two weeks ago and they are not sure about 2022 funding or funding for Fair Haven Road Phase II. Engineer Gardella has some estimates for Forman Street (Cedar to Hance) for stormwater and we can resubmit Fair Haven Road Phase II. Councilman LaBarbera reviewed data points for these projects. Applications are due by July 1st. A resolution will be required to submit the grant. Councilwoman Cole does not want the resolution to restrict the project; she was advised that it is a model resolution from the NJDOT without specifics. The resolution just allows us to submit a grant application for “XYZ” project. Once the application is approved by the NJDOT, there will be more in-depth plans created. There was discussion on the submittal; a resolution would be listed on the June 12th meeting agenda.

The draft Tree Preservation Ordinance has been pulled from the agenda as both versions were just received this afternoon. This will be listed on the June 12th agenda.

With regard to the draft Short Term Rental Ordinance, the Mayor asked Attorney Sobel about Section 4-4.3(b) where there seems to be an exception. He was advised by Attorney Cannon that it is due to the regulation. Sharing a property that is owner/occupied means you are a houseguest. We don't want a short term of less than 125 days. Attorney Sobel stated it comes down to a rational basis test of the courts. Attorney Cannon provided two cases (Belmar and Pt. Pleasant); it was found Point Pleasant's term is allowable. Attorney Sobel said his office does a fair share of real estate litigation. We are trying to prevent party houses. The Mayor said that 30 days for the exception was discussed. It is defensible and there are no real issues in Fair Haven. Mayor Halpern said he would like 125 days with a 30-day exception.

The Council discussed 125 days and someone possibly challenging. Councilman Rodriguez mentioned that Millburn had a challenge. It seem that 90-days is more defensible than 125 days. Attorney Sobel advised that his firm represents Bradley Beach and has represented Belmar; Fair Haven is not a beach town. There was discussion of 90 days being more defensible than 125 days. Councilwoman Cole felt our residents would be well-served by the ordinance, as written. The Mayor said it is a living document that can be amended. There is also an enforcement issue as well. Councilman LaBarbera said the ordinance also needs to have a strict violation fee, not \$100. Attorney Sobel said section 4-4.8 has the fines. There was discussion on the market, and whether it should dictate Fair Haven's laws. Mayor Halpern asked Council to allow him to work with Attorney Sobel and straighten out what we think is best (minimum and maximum days) for the ordinance. Councilman LaBarbera suggested a bump in the fine and incorporate Peter Neczesny's comments from the May 8th Council meeting. The appeals should be brought before the Borough Administrator.

With regard to the draft Non-Domestic Animal Ordinance, Councilwoman Hoey asked Attorney Sobel about due process and the rational basis test. The ordinance is straightforward and to the point; she asked, “can the governing prohibit this activity on private property”? Attorney Sobel had no concerns with the ordinance. Councilwoman Hoey asked if we should increase the fine(s)? It was noted that the last page allows for current license holders to have a one time, one year renewal and Council was asked if they were OK with it; it was felt that the ordinance should not exacerbate the situation for another 14 months because it is a health and safety issue. A resident mentioned that the issue with rats happens in the winter. After discussion, it was decided effective Labor Day, there should not be non-domestic animals. The consensus was to introduce the ordinance at the June 12th meeting.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 9:24 p.m. There being none, the meeting was closed to the public at 9:24 p.m.

APPROVAL OF MINUTES

Councilmember Rodriguez made a motion to approve the Regular Meeting minutes of May 8, 2023, second by Councilmember LaBarbera

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

Negative: None

Abstain: None

Absent: Councilmember Koch

Councilmember Rodriguez made a motion to approve the Executive Session minutes of May 8, 2023, second by Councilmember LaBarbera

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

Negative: None

Abstain: None

Absent: Councilmember Koch

OLD BUSINESS
HEARING ON 2023 MUNICIPAL BUDGET

The hearing on the 2023 Municipal Budget was opened to the public at 9:25 p.m. There being no comments or questions from the public, the hearing was closed at 9:25 p.m.

With regard to a Facilities Update, Councilman LaBarbera thanked Mayor and Council for their trust with this process. Mayor Halpern echoed Councilman LaBarbera's sentiments (it applies to those on the dais and all of the professionals). He thanked Councilmembers LaBarbera and Hoey for their hard work. A Power Point Presentation was provided. There were plans on the table which reflect the amount of time put into these projects and planning. Clerk Cinquegrana screen shared with the Power Point. The Pre-qualification process sets the timeline slightly back. The DPW schedule was reviewed first. From the open house, an 8' fence is preferred and that it be wood and stone. There were a lot of comments on the recycling center. Page 3 provided the preferred materials and ideas, and page 4 showed the preferred Site Plan. We are reducing the DPW building by 6,000 square feet.

There is a link on the website that has all of the presentations and information provided for the public to review; this is another communication platform especially for when the project begins. Councilman LaBarbera asked Council if they would also like to follow the pre-qualification process for this project? Administrator Casagrande said that the DPW is more of a renovation project vs. a new facility so the thought was that it would not be required. Contractors may not have gone through the State for this process or type of project. The Council consensus was to prequalify bidders as the concern is for the surrounding neighborhoods, as well as financial risk. Councilman LaBarbera said there is no guarantee, but it is important. Administrator Casagrande asked for a project figure for the pre-qualifying. Councilman LaBarbera said that the figure of \$3.2 million should be used for the DPW renovation. More research will be done with Ron Grammer as to what is involved. Freehold Soil permits will need to be taken out as it affects more than 5,000 square feet and stormwater management also comes into play. Selective site demolition was done. The second open house for DPW will be held on May 31st, the Technical and Design Review Committee meeting is scheduled for June 6th and there is a meeting with BFI tomorrow.

The pre-qualification process for the Police Department and Community Center was reviewed (page 7); an advertisement for the June 12th hearing was in the newspapers on May 19th, there will be a special meeting on June 19th to approve the June 12th meeting minutes so that the process can continue at the State level. We are at an inflection point with these projects (page 8). Updates were provided and reviewed via page 9. The Borough will not be publishing plans for the police department per Department of Corrections safety guidelines. The Borough was given the green light by the Department of Corrections, verbally on May 19th. There was discussion on cornerstone vs. plaque. It was suggested that we put a plaque in the Community Center. Councilman Rodriguez did not feel there needs to be a plaque at the Community Center. There was a meeting with Fisk Chapel on May 19th and we provided the draft agreement for parking for their review; there could be another meeting this week. Administrator Casagrande said the 2015 Bond Ordinance will be amended to include the Community Center and Borough Hall; the ordinance will be listed for introduction on June 12th. The Committee met with 33 Fisk Street and 66 Maple Avenue about the project. We are reconciling site surveys. The current generator is 3-phase and Bicentennial Hall is 2-phase so it will not work. The Key Next Steps were reviewed. We hope to authorize bids on June 12th.

NEW BUSINESS

Council Committee Reports

Finance - Councilwoman Neff reported that there is nothing new. The 2023 budget will be approved this evening. The Finance Committee is meeting this week so there will be more to report to Council on June 12th.

She noted that there were Fair Haven Fields Natural Area Advisory members in attendance who will make comments later. There was a great meeting held this past month. It was felt that the Council should look further into support for the Fair Haven Fields Natural Area Committee, so their needs are being met, and for better ways to provide support. There are many volunteer hours given for us to enjoy our Natural Area. She requested the Mayor workshop this topic.

Personnel - Councilwoman Hoey advised that there are some Rec-N-Crew hires on the agenda this evening, as well as, Special Police hires.

Parks and Recreation - Councilwoman Hoey advised that Recreation is looking for a head counselor for the younger kids; we received some resumes to be reviewed. The AEDs have been ordered for delivery at month end. Fair Haven Fields #4 upgrades should begin this Wednesday; Precision will be present to start addressing the work. The McCarter Park playground was re-mulched today.

Planning Board - Councilwoman Koch was absent.

Police, Fire & OEM - Councilman Rodriguez provided fire stats at the May 8th meeting. They suggested a meeting at the firehouse, in the future, to help everyone understand what they do and foster relations.

With regard to the Police Department, a Class I and II hire are on the agenda for appointment. Mayor Halpern acknowledged that Chief McGovern’s birthday is next week.

Engineering and DPW - Councilman LaBarbera advised with regard to Cambridge Avenue, there will be an open house in June with the residents to talk through the stop signs and parking signs. There will also be another meeting with a Little Silver Council representative. A Brush and Leaf Committee meeting was held on May 18th; vegetative waste was discussed. There is a target for a September meeting to provide solutions. Hance and Cooney paving is on hold until a Verizon pole is figured out. Project prioritization is being worked on. Brush grinding will be starting tomorrow.

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

Zoning Board of Adjustment - Councilman LaBarbera advised the Zoning Board’s June meeting will be held on the 1st.

Borough Communications and Community Outreach - Councilwoman Cole said there is a focus on construction notices; we are “t’d up” and ready to go for the Hance and Cooney start. There has been excellent outreach on the DPW Open Houses. We are coordinating with Engineering and DPW on the organization chart giving a horizon line for construction. The Environmental Commission is contemplating the next roundtable. The Green Team’s grant did not come through for a pollinator and rain garden. The Shade Tree is looking at a resident tree buying program for the fall. The vendor will sell the tree and install it; they are looking at steps to be put in place. The Tree Ordinance is being reviewed and there will be input. The Fair Haven Business Association will be holding a barbecue on the first Wednesday in June. The Grant Committee met on May 1st; it is a terrific group (5 residents) with all different backgrounds, and they have a lot of ideas and input. They are coming up with ideas and a grant summary. A productive call occurred with Senator Pallone’s office on how they can support Fair Haven as we look at the grants available. Councilman LaBarbera noted that there will be a rain garden being installed at the police department location.

CONSENT AGENDA
RESOLUTIONS

1. Resolution No. 2023-142, Authorize Self Examination of the 2023 Budget

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the **Borough of Fair Haven** has been declared eligible to participate in the program by the Division of Local Government Services and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2023 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the **Borough of Fair Haven** that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

- 4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Rodriguez

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

Negative: None

Abstain: None

Absent: Councilmember Koch

2. Resolution No. 2023-143, Approve Adoption of 2023 Municipal Budget

SECTION 2 - UPON ADOPTION FOR YEAR 2023

RESOLUTION 2023-143

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

- (a) \$ 8,077,883.43 (Item 2 below) for municipal purposes, and
- (b) \$ - (Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
- (c) \$ - (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S.A. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (d) \$ - (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) \$ - (Sheet 44) Arts and Culture Trust Fund Levy
- (f) \$ - (Item 5 Below) Minimum Library Tax

RECORDED VOTE
(Insert last name)

Ayes

Nays

Abstained

Absent

SUMMARY OF REVENUES

1. General Revenues			
Surplus Anticipated	08-100	\$	1,500,000.00
Miscellaneous Revenues Anticipated	13-099	\$	1,487,170.46
Receipts from Delinquent Taxes	15-499	\$	140,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)	07-195	\$	-
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:	07-190	\$	8,077,883.43
Item 6, Sheet 42			
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	\$	-
TOTAL AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY		\$	-
4. To Be Added to THE CERTIFICATE FOR THE AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:			
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191		
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY TAX	07-192	\$	-
Total Revenues	13-299	\$	11,205,053.89

Sheet 41

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS:	XXXXXX	XXXXXXXXXXXXXX
Within "CAPS"	XXXXXX	XXXXXXXXXXXXXX
(a & b) Operations Including Contingent	34-201	\$ 7,273,401.00
(e) Deferred Charges and Statutory Expenditures - Municipal	34-208	\$ 929,873.43
(g) Cash Deficit	46-885	\$ -
Excluded from "CAPS"	XXXXXX	XXXXXXXXXXXXXX
(a) Operations - Total Operations Excluded from "CAPS"	34-305	\$ 1,054,629.46
(c) Capital Improvements	44-999	\$ 450,000.00
(d) Municipal Debt Service	45-999	\$ 497,150.00
(e) Deferred Charges - Municipal	46-999	\$ 400,000.00
(f) Judgments	37-480	\$ -
(n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40:48-17.1 & 17.3)	29-405	\$ -
(g) Cash Deficit	46-885	\$ -
(k) For Local District School Purposes	29-410	\$ -
(m) Reserve for Uncollected Taxes	50-899	\$ 600,000.00
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICT ONLY (N.J.S.A. 40A:4-13)	07-195	
Total Appropriations	34-499	\$ 11,205,053.89

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 22nd day of May, 2023. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2023 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this 22nd day of May, 2023, _____, Clerk

Sheet 42

Offered for adoption by Councilmember LaBarbera, second by Councilmember Rodriguez

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

Negative: None

Abstain: None

Absent: Councilmember Koch

3. Resolution No. 2023-144, Authorize Execution of FY2024-2026 CDBG Interlocal Agreement

WHEREAS, certain Federal funds are potentially available to Monmouth County under Title I of the Housing and Community Development Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, it is necessary to establish a legal basis for the County and its residents to benefit from this program; and

WHEREAS, a Revised Amendment Cooperation Agreement has been adopted under which the Borough of Fair Haven and the County of Monmouth in cooperation with other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8B-1; and

WHEREAS, it is in the best interest of the Borough of Fair Haven to enter into the revised amendment cooperation agreement.

NOW, THEREFORE, BE IT RESOLVED by the Fair Haven Council of the Borough of Fair Haen, that the Revised Amendment Agreement between the County of Monmouth and Certain Municipalities located herein for the establishment of a Cooperative Means of Conducting certain Community Development Activities, a copy of which is attached, thereto, be and same is hereby approved.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk be and same are hereby authorized to execute said agreement in accordance with the provisions of law; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its enactment.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Rodriguez

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

Negative: None

Abstain: None

Absent: Councilmember Koch

4. Resolution No. 2023-145, Appoint Part-time Seasonal Laborer - Evan Quon

WHEREAS, there is a need for a part-time Seasonal Public Works Laborer; and

WHEREAS, Richard Gardella, Director of Engineering and Public Works has recommended that Evan Quon, be appointed as a part-time Seasonal Laborer with hours not to exceed 30 hours weekly; and

WHEREAS, the rate of pay for this position is \$17.50 per hour.

NOW, THEREFORE, BE IT RESOLVED that the appointment of Evan Quon, as part-time Seasonal Laborer is hereby confirmed.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Rodriguez

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

Negative: None

Abstain: None

Absent: Councilmember Koch

5. Resolution No. 2023-146, Appoint Counselors for 2023 Rec-N-Crew Summer Camp

WHEREAS, the Borough of Fair Haven will be offering a Rec-N-Crew Summer Camp Program through the Parks and Recreation Department for the 2023 summer season; and

WHEREAS, DJ Breckenridge, Parks and Recreation Director has recommended the following individuals be appointed as part time Counselors for the 2023 program:

Camp Employee	Hourly Salary	Title/Notes	Term
Alex Componile	\$25.00	Head Counselor	June 26 - July 28
Giavonna Darcy	\$15.00	Assistant Head Counselor	June 26 - July 28
Chris Ryan	\$15.00	Assistant Head Counselor	June 26 - July 28
Alec Benedetto	\$11.00	Counselor	June 26 - July 28
Jack Butler	\$11.00	Counselor	June 26 - July 28
Antonio Darcy	\$11.00	Counselor	June 26 - July 28
Matteo Darcy	\$11.00	Counselor	June 26 - July 28
Sophia DePaulis	\$11.00	Counselor	June 26 - July 28
Philip Gambino	\$11.00	Counselor	June 26 - July 28
Carl Neff	\$11.00	Counselor	June 26 - July 28
Sophia Neff	\$11.00	Counselor	June 26 - July 28
Thomas Pantaleo	\$11.00	Counselor	June 26 - July 28
Sarah Rodriguez	\$11.00	Counselor	June 26 - July 28
Brendan Ryan	\$11.00	Counselor	June 26 - July 28
Brittany Stephan	\$11.00	Counselor	June 26 - July 28
Ben Turoczi	\$11.00	Counselor	June 26 - July 28

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 2023 Summer Rec-N-Crew Camp Program at the program salaries listed above for the program beginning June 26, 2023 through July 28, 2023.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Rodriguez

Affirmative: Councilmembers Cole, Hoey, LaBarbera and Rodriguez

Negative: None

Abstain: Councilmember Neff

Absent: Councilmember Koch

6. Resolution No. 2022-147, Adopt Pre-Qualification Regulations for Bidders: New Police Facility and Community Center

WHEREAS, N.J.S.A. 40A:11-25 permits a governing body to establish reasonable regulations appropriate for controlling the qualifications of prospective bidders for contracts awarded on behalf of the governing body; and

WHEREAS, N.J.S.A. 40A:11-25 further provides that the governing body may require each bidder to furnish a statement of their qualifications and may refuse to accept bids from a bidder unless the bidder satisfies the pre-qualification requirements; and

WHEREAS, the Borough of Fair Haven (“Borough”) desires to establish specific pre-qualification requirements for bidders in connection with the contract for the Borough of Fair Haven’s New Police Facility and Community Center Project; and

WHEREAS, in accordance with N.J.S.A. 40A:11-25, on May 19, 2023 notice was published in The Asbury Park Press and the Star Ledger regarding the hearing before the Borough Council on pre-qualification requirements; and

WHEREAS, in accordance with N.J.S.A. 40A:11-25, on June 12, 2023 the Borough will hold a public hearing on the pre-qualification requirements; and

WHEREAS, the Borough desires to adopt the pre-qualification requirements for a contract for the New Police Facility and Community Center Project as set forth in the advertisement and the Notice to Bidders as prepared by The Goldstein Partnership.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Borough of Fair Haven, County of Monmouth, State of New Jersey, they being the governing body thereof as follows:

1. Pursuant to N.J.S.A. 40A:11-25, the Borough hereby adopts the pre-qualification requirements for bidders on the contract for the Borough of Fair Haven’s New Police Facility and Community Center Project as set forth in the advertisement and the Notice to Bidders as prepared by The Goldstein Partnership.
2. The Municipal Clerk of the Borough of Fair Haven is hereby authorized and directed to

forward a certified and sealed copy of this resolution and completed, certified and sealed Standard Certification Form to the Director of the Division of Local Government Services for approval pursuant to N.J.S.A. 40A:11-25.

3. The Mayor, Borough Attorney, and Municipal Clerk, together with all other appropriate employees and professionals are hereby authorized and directed to take any and all steps necessary to effectuate the purpose of this resolution.
4. This Resolution shall take effect immediately.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Rodriguez

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

Negative: None

Abstain: None

Absent: Councilmember Koch

7. Resolution No. 2023-148, Executive Session: Personnel 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:

Personnel

1. Library Staffing
2. Tax and Finance Assistant

Contract Negotiations

1. Interlocal Service Agreement with Fair Haven BOE
2. 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 LaBarbera, second by Councilmember Rodriguez

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

Negative: None

Abstain: None

Absent: Councilmember Koch

8. Resolution No. 2023-149, Set Special Council Meeting for June 19, 2023

WHEREAS, the Mayor and Council have determined that a special meeting is required to be held in order to approve the June 12, 2023 Council Meeting minutes to initiate the process with the Division of Local Government Services for Pre-Qualification of Bidders for the Police Department and Community Center Project; and

WHEREAS, the Mayor and Council have selected Monday, June 19, 2023 at 5:30 p.m. via Zoom Platform, for a Special Meeting to approve the June 12, 2023 Council Meeting minutes; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven, County of Monmouth, and State of New Jersey, that the Mayor and Council shall hold a special meeting on Monday, June 19, 2023, at 5:30 p.m. via Zoom Platform to approve the June 12, 2023 Council Meeting minutes to initiate the process with the Division of Local Government Services for Pre-Qualification of Bidders for the Police Department and Community Center Project.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Rodriguez

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

Negative: None
 Abstain: None
 Absent: Councilmember Koch

9. Resolution No. 2023-150, 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 22, 2023 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2023 CURRENT FUND ACCOUNT	\$4,213,418.39
GENERAL CAPITAL	\$ 13,280.00
GRANT FUND	\$ 1,200.00
OTHER TRUST	\$ 13,892.69
DOG TRUST	\$ 6.00
	<u>\$4,241,797.08</u>
LESS VOIDED CHECK	- 2,925.00
	<u>\$4,238,872.08</u>

CURRENT CHECK NO. 63992 - \$2,925.00

Offered for adoption by Councilmember LaBarbera, second by Councilmember Rodriguez

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

10. Resolution No. 2023-151, Authorize Execution of Agreement with Meghan Ann Bennet, Dilworth Paxson, LLP

WHEREAS on January 3, 2023 Meghan Ann Bennett of GluckWalrath LLP was appointed as Bond Counsel; and

WHEREAS on June 1, 2023, Meghan Ann Bennett, Esq. of GluckWalrath LLP will become affiliated with the firm of Dilworth Paxson LLP; and

WHEREAS the governing body desires to amend the appointment of Bond Counsel and to enter into an agreement to reflect the affiliation of Meghan Ann Bennett with Dilworth Paxson LLP.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, as follows:

1. Effective June 1, 2023, Meghan Ann Bennett of the law firm Dilworth Paxson LLP is hereby retained for the provision of bond counsel services for the balance of the one-year term ending December 31, 2023, pursuant to an agreement that shall include the same terms, fees and conditions of the agreement previously authorized on January 23rd, 2023 for the calendar year 2023.
2. The Mayor is hereby authorized to execute and the Borough Clerk to attest to, respectively, the execution of said agreement with Meghan Ann Bennett of the law firm of Dilworth Paxson LLP.
3. This resolution shall take effect June 1, 2023.
4. That a certified copy of this resolution shall be forwarded by the Borough Clerk to the Chief Financial Officer and to Meghan Ann Bennett.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Rodriguez

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

11. Resolution No. 2023-152, Appoint Special Officer, Class II - Ryan Achyuthuni

WHEREAS, a request was made by Police Chief Joseph McGovern to appoint a Special Law Enforcement Officer Class II, effective July 1, 2023; and

WHEREAS, Joseph McGovern, Fair Haven Police Chief, has recommended that Ryan Achyuthuni be appointed as a Special Law Enforcement Officer, Class II.

WHEREAS, the rate of pay for this position is \$20.00 per hour.

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

Offered for adoption by Councilmember LaBarbera, second by Councilmember Rodriguez

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

Negative: None

Abstain: None

Absent: Councilmember Koch

12. Resolution No. 2023-153, Appoint Special Officer, Class I - Jack Sullivan

WHEREAS, a request has been made by Police Chief Joseph McGovern to appoint a Special Law Enforcement Officer Class I, effective May 23, 2023; and

WHEREAS, Joseph McGovern, Fair Haven Police Chief, has recommended that Jack Sullivan 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 Jack Sullivan be appointed to the position of Special Class I Officer.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Rodriguez

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

Negative: None

Abstain: None

Absent: Councilmember Koch

Reports of Departments

2021 Annual Report

-Zoning Board of Adjustment

Councilwoman Cole stated that every year the Zoning Board prepares an annual report. She acknowledged how hard they work on the applications; it is not easy. The report is data to understand what their undertaking was for the year, and we should take their recommendations into account. She highlighted some of the points from the report i.e. enforcement (what was approved vs. what was built). There is a request for workshops for discussion or informal reviews. Councilman LaBarbera stated that he was intimately involved with this annual report; they tried to identify trends in the data from 2016 to 2021. He reviewed the percentages of approvals noted in the report. An informal volley of the cases in a workshop might help residents understand and may reduce applications. It comes down to workshop and communication.

Councilwoman Cole asked Administrator Casagrande and Attorney Sobel if there can be a 15-minute workshop. Engineer Gardella advised the Municipal Land Use Law does not allow it. Administrator Casagrande said that Assistant Engineer Poruchynsky and Joe Mule spend a lot of time with our residents going over their plan/project and working with them on changes to their plan, so they do not need to go to the Zoning Board. Administrator Casagrande said, "It seems that the issues are with the professionals and the Zoning Board appoints their professionals so they should speak with them". The Zoning Board is autonomous. Attorney Sobel said there is no mechanism for an informal review with the Zoning Board. It was felt that there should be more communication on the process and educating the public.

April 2023

-Tax Collector

-Municipal Court

-Police Department

-Planning Board and Zoning Board

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

GOOD OF THE BOROUGH

Mayor Halpern opened the meeting to the public for comments or questions at 10:28 p.m. Mark Olsen, Fair Haven Fields Natural Area Advisory Committee member, said that the Third Street trail trees were planted. The western side is full of invasives including dead Ash trees, Atlantis trees, Norway Maples and other large trees that have fallen. Mr. Olsen spoke with Frontier Tree who is willing to help out for a few thousand dollars (funds would be raised through donations). Mayor Halpern said the area looks beautiful. Councilman LaBarbera said this needs to be added to our intake process. Mr. Olsen said June 12th and 13th is the window for the work to be done. We would need to close the trail for safety reasons and have the material trucked to the brush site. Councilman LaBarbera said that he will assist with the intake and submit to Administrator Casagrande with minimal support of DPW and no public funding. A check would be provided to the Borough and deposited in Shade Tree Trust.

Michal DiMiceli, River Road, asked if there could be a workshop meeting with River Road/Colonial Court residents similar to what is being done for Cambridge Avenue residents; it is a great idea.

Councilwoman Neff said something came up at the Fair Haven Natural Area meeting about the process that the Borough has for encroachments on Borough property, i.e FH Road. Administrator Casagrande said the Borough undertook a project (3-5 years ago) with Green Acres and markers were placed around Fair Haven Fields property with identified encroachments. The markers have been removed and encroachments are appearing again. Councilwoman Neff asked about planting evergreen trees and bushes for a buffer of the Natural Area. The DPW should give the resident notice and mow it down; we have to stop this behavior. Mayor Halpern asked that she or the Fair Haven Fields Advisory Committee share the information with the Borough so we can address it. The Borough has a survey, but it does not show trees, etc., just boundaries. We would need the resident's survey to look at. There is a lot of time and a cost involved with this process.

Ruth Blaser, River Road, said if Green Acres did the marking, they must have marked property lines, taken measurements and given the Borough a copy. With that in hand, she suggested DPW walk the property and note any encroachment or violation. The Borough did the survey markings not Green Acres.

There being no further comments or questions, the meeting was closed to the public at 10:43 p.m.

The Council went into executive session at 10:50 p.m. and this meeting was reconvened at 11:06 p.m.

ADJOURNMENT

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

Time of Adjournment: 11:06 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk