

FAIR HAVEN BOROUGH COUNCIL
JUNE 26, 2023

The meeting was called to order by Mayor Halpern at 7:03 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 JUNE 26, 2023 IS AVAILABLE BY CALL IN PHONE NUMBER OR THROUGH WEB CONFERENCE (ZOOM). MEMBERS OF THE PUBLIC WILL BE ON MUTE UNTIL IT IS TIME FOR QUESTIONS AND COMMENTS, WHICH WILL BE ANNOUNCED. AT THAT TIME, THE PUBLIC HAS THE OPPORTUNITY TO QUESTION/COMMENT BY PHONE OR THROUGH ZOOM BY THE "RAISE HAND" BUTTON AND WILL BE CALLED ON AT THE APPROPRIATE TIME.

NOTICE OF THIS MEETING WAS INCLUDED IN A SCHEDULE OF MEETINGS WHICH WAS ADOPTED BY RESOLUTION NO. 2023-13 AND SENT TO THE ASBURY PARK PRESS, THE TWO RIVER TIMES, THE HUB AND THE STAR LEDGER ON JANUARY 6, 2023 POSTED ON THE BOROUGH WEBSITE, THE BULLETIN BOARD IN THE MUNICIPAL BUILDING AND HAS REMAINED CONTINUOUSLY POSTED AS REQUIRED UNDER THE STATUTE.

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

ROLL CALL

On Roll Call the following were present: Councilmembers Cole, Hoey, Koch, LaBarbera, Neff and Rodriguez (via Zoom). Others present: Administrator Casagrande, Christina Malamut, Esq. (Borough Attorney's Office) and Engineer Gardella.

HEARING ON PRE-QUALIFICATION OF BIDDERS: DPW FACILITY RENOVATION

The hearing was opened to the public at 7:05 p.m. on motion of Councilmember Cole, second by Councilmember Koch with Ayes by all present. Administrator Casagrande said this is the same process that was taken with prequalification for the Police Department and Community Center Facility. This hearing was advertised in the newspapers (Asbury Park Press and Star Ledger) and the Borough's social media platforms. Since this is a renovation project with a lower price-point, there is a larger pool of eligible contractors to bid. Councilmember LaBarbera said there are 271 eligible contractors who can bid. The DLGS was given a heads up on this. The prequalification process is to mitigate the risk.

Mayor Halpern asked if there was anyone from the public (in person or via Zoom) who wished to ask questions or make comment. There was no one from the public who wished to speak.

The meeting was closed to the public at 7:07 p.m. on motion of Councilmember Koch, second by Councilmember LaBarbera with Ayes by all present.

WORKSHOP SESSION

The first item of discussion was the proposed Tree Preservation Ordinance amendment. Councilmember Cole said there was a draft ordinance prepared and before the governing body for consideration. A subcommittee was formed for the sole purpose of examining the current ordinance which was made up of land use board members, Councilmembers Cole and Neff, Attorney Cannon and the Shade Tree Commission to review and provide comments. Councilmember Cole worked with Attorney Cannon over the past few weeks to bring it to what it is today. This is true to the original intent and incorporates the Administrator's comments. This draft ordinance has come a long way with room for more improvement. The goal is to plant more trees than have been taken down in Fair Haven. She provided bullet points. It will ask that that a property owner who removes a tree, plant a significant replacement tree or trees and if they do not have the room on their property, they may donate to the Shade Tree Trust so that a tree can be planted some place in the Borough. In the end, we used Rumson's ordinance as a basis to create this version. The Shade Tree Commission has a prominent role i.e. to hear appeals, however, there should be fewer appeals with this ordinance. Rumson's ordinance has their appeals going to their Planning Board. We would need a Tree Conservation Officer as well as a Tree Expert. The Tree Conservation Officer would be a part-time person on staff (up to the Administrator and Personnel Committee).

Councilmember LaBarbera recognized the amount of work that went into this draft ordinance, and he thanked those involved. He read it, in detail, and came up with questions (59 total). He asked some of his questions starting with Page 2, Section C under the Shade Tree section, where it calls out the specific balance; he felt there should be a little bit more highlighted on that. He noticed a slight blend of policy (why) and procedure (how) and we need to discern them; tree removal application and Tree Conservation Officer (TCO) roles and responsibilities and job description as well as Planning Board and Zoning Board roles. With regard to the land use sections, the processes should be vetted out and understood before agreeing to implement. Councilmember Cole asked if it is common to spell out roles in an ordinance with powers, duties and roles being kept together. Attorney Malamut said that it is common and typically there is a portion where there is the purpose of the ordinance and then the delegation of roles are spelled out in the ordinance to make it clear to everyone when it is read. Councilmember LaBarbera said in most instances, it makes sense, however, as we start to review more and more ordinances that blend policy and procedure, a procedure can become quickly outdated while the why remains consistent. He asked how we balance this with the State regulations and gave examples of policy and procedure changes and how quickly they can change. There are sections that reference Tree Expert and Tree Compliance Officer making an assessment and we need to clarify where the requirements and responsibilities lie. Chapter 25, Section 25-6, subsection D seeks to put a higher expectation on how our residents and businesses act when it comes to trees and the onus on the applicant to respond quickly. He asked when the 30, 60, 90 days come in and felt the applicant is expected to respond quickly; we should have a commensurate response. Mayor Halpern read from the reference. Councilmember LaBarbera will provide his notes and questions to the attorney. There also needs to be fee clarification for violations.

Mayor Halpern felt that this draft is better and strengthens what we want and need. He complimented everyone on a great job. He felt this could be tightened up and introduced by the end of summer.

Councilmember Neff asked if the Shade Tree Commission member terms could be shortened from the current 5-year terms which is excessive. She asked if there is a procedure for the Shade Tree Commission to receive the funds and implement the planting of a tree? It was asked if we can afford a Tree Conservation Officer and what the hours and pay would be. Councilmember Cole answered some of the questions on the process. We could incorporate an application fee to cover the administrative costs. The applicant would have to pay the Tree Expert in the event of an appeal. There will be new procedure(s) for the Shade Tree Commission with this version of the ordinance.

Councilmember Koch had a question on the funding and how we underwrite the TCO and if there is a specific set of qualifications for the person. Shari Spero may be able to help, or we can speak with Rumson on who they have in place. Councilmember Cole said the appeals go to the Planning Board in Rumson and it is because of the size of the properties, and it is considered a site plan issue. Councilmember Koch felt Shade Tree should have jurisdiction on this. The Borough will need a mechanism for the Shade Tree Commission, the replacement trees and decisions to be made. Councilmember Cole said a Community Forestry Plan is in place and Shade Tree is looking at canopy and ways to build up our tree inventory. Councilmember LaBarbera said there needs to be some sort of impartiality of the TCO to the Shade Tree Commission. The Mayor asked Administrator Casagrande if Brock Siebert, Code Enforcement Officer, can do this job; she made note. It was asked who has final say/impartiality separate from the Planning Board and Shade Tree Commission to protect the TCO; it would be the governing body.

Mayor Halpern asked for Council consensus regarding the appeal process and if it should go to the Shade Tree Commission or Planning Board. Councilmember Koch said Rumson's goes to their Planning Board because of the size of property and asked if appeals can be split between the Shade Tree Commission and Planning Board depending on property size. Councilmember Cole said there would need to be a conversation on what is the right board to go before. It was felt it should be consolidated under one board because of reporting at the end of the year and tracking plantings, etc. Councilmember LaBarbera said there will be changes in governing body and commission members, so there needs to be specifics for the changing membership.

Councilmember Hoey said she reviewed the ordinance draft and had questions, most of which have been answered. She agreed with the Mayor on "the what and how" as well as flexibility to swap sections in and out. She felt the Borough needs to be specific on who the TCO reports to from a finance perspective and communications regarding the process. She gave examples of removal scenarios.

There was Council discussion on tracking tree replacements being planted. Councilmember Cole said there is no mechanism to track that replacement trees are being planted and she liked the idea that the resident would be responsible for advising and providing proof of replacement tree planting. There are no fines or penalties for non-plantings. Councilmember Neff mentioned a need for education on how to care for newly planted trees because not many understand the commitment

and what is needed to be sure a new tree survives planting. The Shade Tree Commission has a program that they are starting for trees to be paid for by and provided to residents who will care for the tree. There is more work to be done to sharpen the process.

The proposed Open Space Tax was relisted for discussion. Administrator Casagrande provided an email and handout that was updated by CFO Lapp since the last meeting. She used the average residential home and provided $\frac{1}{4}$, $\frac{1}{2}$ and 1% revenues that would be generated. There is not much more to add than what was discussed/provided at the June 12th Council Meeting. Councilmember Neff advised that the Finance Committee met last week and spent time discussing this concept. She is a strong supporter to bring this to a vote of the residents at the General Election. This is not for an additional burden to our residents, but more flexibility to contribute to the expense load to maintain the property we have. It is becoming difficult for the Borough to run against the State CAPS. This is not meant to increase taxes but shift the tax to a separate balance sheet. Councilmember Neff advised she read the last meeting's minutes and Council's concerns. This governing body and last year's members have been fiscally prudent and not overspending. The Borough is up against difficult CAPs and the future budgets will be just as difficult/tight. There is no collective recommendation from the Finance Committee on this or how the funds would be used in the future. There are going to be hard decisions to be made with the need to cut expenses.

Mayor Halpern advised that he is against an Open Space Tax and felt the Borough would be "kicking the can down the road" by doing so. We need to ask the governing body hard questions now to balance the 2024 budget. Councilmember Hoey was not against it but felt there needs to be a deep dive on the budget (ie...tree expert and CTO) we need to figure out how do "X" things with "Y" as well as the handling of workloads. We need enough time to vet the Open Space Tax properly and she did not feel it could be done for this year. Councilmember Cole advised she is currently opposed to it. As a taxpayer, people would want to know what they are getting through an Open Space Tax. She would like to see a plan that tells everyone what we are buying with this tax; she is uncomfortable with this tax and there being no plan. It is understood that there are specifics as to what can and cannot be done (which is a lot) with the funds. Councilmember Neff said if it is not something Council would like to do this year, she asked that it be considered/contemplated for next year; it would be \$9 per month, per residence, according to CFO Lapp's calculation which is a small amount for residents who enjoy our open space. She said that you can increase the budget by 2% or increase the budget by 1% on one side and 1% on the other; it is the same increase but happening from two-points. There was an explanation on the shift in costs and how that works. Councilmember Cole felt that this is a tax with no change. The Mayor is concerned for when the current Council is no longer in the seat and the new Council spending to the ceiling. Councilmember Neff stated that it is the job of the Mayor and Council to make sure they are efficient with the budget and taxes while addressing our needs. She said the optics may not be the reality; the tax would be creating great flexibility to avoid drastic options to come under the CAP.

Councilmember LaBarbera said if this is a lever that is not going to be pulled, hard decisions need to be made by the end of the year. The governing body will need to cut \$185,000 from the 2024 budget from the beginning. He provided numbers off of the 2022 value; 22 cents on the dollar is what the Borough controls. If Fair Haven remains budget neutral, taxes will go up no matter what. He asked what the acceptable level of tax increase the governing body is willing to adopt. The facilities will have an impact on taxes for maintenance; an update is coming in the near future. Administrator Casagrande advised that there is no indication that the State is going to give the same relief from the Appropriations CAP that they gave us last year. This governing body has already made decisions when it comes to the Appropriations CAP; settling contracts, the promotions process, putting officers in the school and addressing the Japanese Knot wood. As the pressures mount to deliver more or say yes in various areas, something has to give with the Appropriations CAP; it is not negotiable. This is a decision that belongs to the residents of Fair Haven.

There was further discussion among the governing body on whether or not to have a referendum. There are going to have to be a lot of drastic decisions made to trim the budget, with or without an Open Space Tax. The Mayor asked if there is the possibility for an Open Space Tax for one year and then it goes away; the governing body would have to be repeal it. The garbage contract has to go out to bid and we do not know what the bids will be, and we are not sure where medical benefits will be; we are going to have to make hard decisions even with the great job prior Councils have done with the budget over the years. The Mayor said he does not believe that there is a large demand for increased services and there may be ways to cut some things. Councilmember Neff encouraged the Open Space Tax. Clerk Cinquegrana was asked if Council consensus is to move forward with the referendum and they wanted to hold a special election, what the cost(s) would be; she mentioned what would be involved (securing/renting the polling location, printing of sample ballots, rental of election equipment, paying poll workers, advertising). A special election is quite costly. Administrator Casagrande said that you do not want to include this in an off election as it would seem disingenuous because it is not being put out to the voters, at large. Administrator Casagrande said that she has worked for the Borough for 12 years and Fair Haven is so unique,

in the fact that the 100 acres of open space is Fair Haven's "Crown Jewel". No matter what happens in a future budget, no governing body is going to say we are not going to take care of the jewel. Councilmember Hoey said, "we are not the only municipality facing financial headwinds of this size" and asked, "what the other options/avenues are and what are other municipalities doing to offset costs besides the open space tax"? We need to explore all possibilities. Councilmember Koch said she believes in the Open Space Tax, and it is a great way to address issues with open space maintenance, however, there are three major projects are being started and will be an added expense besides all of the other costs to run the Borough; it will be too much for our taxpayers. We need facility costs to make an informed decision. Councilmember Cole asked Councilmembers Neff and LaBarbera what other revenue generating vehicles are available or can be improved; she asked that we find out from other professionals of the various committees to bring back information. Councilmember Rodriguez saw the value to bring it to a vote. No one wants to pay another tax, but flexibility is provided; we are just moving maintenance of our crown jewels (Fair Haven Fields, McCarter Park and the Natural Area) so he was in favor of giving flexibility.

Clerk Cinquegrana advised that a decision has to be made and if we are going to forward a resolution with the question, it has to be provided to the County Board of Elections no later than August 18th to be included on the November 2023 ballot. A straw poll was taken by the Mayor on whether to have the open space tax; there were four against, one in favor and one abstention. The matter will not move forward; possibly in the future. Mayor Halpern said this is something that should be kept in mind for future and asked if this could be something included on the Primary Election ballot. Not everyone votes in the Primary Election, and you would want a majority of the voters to have the opportunity.

The Fair Haven Community Center Program Requirements were presented by Councilman LaBarbera who put together what the community center would look like, specifically focused on the why. We need a written policy as to what its intended purpose is and be sure that it is met. Whether we rent it out remains to be seen, whether we host events remains to be seen; the intent and purpose is the why behind our Community Center. He asked for feedback from the governing body. He and Councilmember Hoey will work with Administrator Casagrande and DJ Breckenridge (Parks and Recreation Director) on the procedure behind it so that it is ready when the Community Center is opened. Close to a year is needed to figure it all out. Councilmember Cole asked about Paragraph 3, which addresses fees; she asked that he clarify all clubs, non-profits, boards and commissions who will not be paying the fee. She assumed there will be a fee for a family reunion or small classes to be held. There would be a third fee category for non-resident use. There were questions about the need for ABC waivers for events. Councilmember Hoey said that there will be a close look at the intake forms and waivers. There would be a need to report and collection of data (usage, issues) on a quarterly basis. The Community Center will need good oversight. DJ Breckenridge gave a presentation a few meetings ago with all of the recreation programs, usage of Borough facilities, etc. and how recreation is a revenue. Councilmember LaBarbera will report back at a future meeting to the governing body when the framework and everything is finalized.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 8:20 p.m. Stephanie Adams, Oxford Avenue, commented at the June 12th meeting regarding the referendum on Open Space Tax and listened as it was discussed again this evening. She was for it and encouraged the Mayor and Council to move forward. She understood that there is a negative connotation on the "tax" word. Every single municipality in New Jersey has this tax, including the surrounding municipalities; Fair Haven and Rumson are the only ones who do not. The Borough would not be asking for something completely unheard of and it is important to protect our crown jewel. She asked if the Open Space Tax would protect our green spaces i.e. a rain garden at Fair Haven Fields; yes. Ms. Adams said that it is important to craft the referendum question, so it is clear. Councilman LaBarbera advised in 2022, there were 22 out of the 53 municipalities in Monmouth County with an Open Space Tax. He agreed that most everyone feels our open space is "a crown jewel" and even if we do not go through with the referendum, it does not mean that we do not want to prioritize our open space. Ms. Adams asked about the proposed Tree Ordinance noting that the application fee was not filled in and asked what it will be? She asked if there would be an application fee and then a separate fee to remove the tree. Councilmember Cole said the Borough is still working out the calculation for the application; we are looking for a fee that is accessible but needs to offset the administrative fees. There was discussion on calculations and how they will be done and what it would apply to. Ms. Adams complimented and applauded all involved in the Tree Ordinance amendment; trees are a shared resource and actions taken affect everyone.

Mark Olson, Cambridge Avenue, noted there was a lot of great stuff before the Council on the agenda and was glad the Administrator mentioned the Borough's open space being our "crown jewel" and asked the Borough to have the residents make the decision. A few weeks ago, there was discussion to tax a fraction of the percent and not 1%. Mr. Olson suggested starting out at a ¼% or 1/10% put on the ballot to have the public decide. Councilmember Cole asked Mr. Olson,

hypothetically, if the Borough decided to buy four new lawn mowers and that is what the open space money would be spent on because we cannot take care of our open space without lawn mowers, how would he feel. She said the Borough needs to take care of what we have (open Space, residential neighborhoods, schools and businesses) and we need a plan for them. Mayor Halpern felt the crown jewel of Fair Haven is our residents, not necessarily open space and our natural areas. There are residents who are having a hard time paying bills and making ends meet. The Borough has a great responsibility to not encumber our residents with this tax. Councilmember Neff advised that we would not be increasing taxes, but offsetting taxes on the other side of the budget and stated the Borough would be buying lawn mowers no matter what, if needed. This doesn't have to be an increased tax. Mr. Olson asked that the Council start with a fraction of a percent and put the question on the ballot. Mayor Halpern felt if it is on the ballot, it will be voted through as it looks like the governing body is supporting it and recommending it to the residents, which is a concern. The Mayor said he cares about our open spaces; human nature is to go to the ceiling and pass the gap.

Ruth Blaser, River Road, asked about the resolution appointing a Tax and Finance Office Assistant and if the person is replacing an existing role or in addition; she would be filling a vacancy. She asked how much open space the Borough has; about 100 acres (a bulk is Fair Haven Fields, the Bird Sanctuary, McCarter Park, waterfront). She asked where there is open space to be purchased; Councilmember LaBarbera read the open space locations and acreage. Councilmember Cole said we need to identify and create best practices with property maintenance and a plan. Mrs. Blaser said if the Borough is taking little pieces around things, it takes away from the property and leaves no elbow room if we use it for something else. Mayor Halpern asked her to explain her comment. If the Borough is going to take money for open space and sees pieces available, it gives the governing body an option to use it for something else. She requested that the library be located above the Community Center; there is not a second floor planned for the Community Center. She asked that the Borough reconsider and pay for it now then have to address it in the future. Councilmember LaBarbera said it is not what the Mayor and Council approved or planned for and is not congruent to what the intention of the neighborhood is. He advised that he answered her email and did not receive an undeliverable message; she was asked to resend her email and he will reply again. Councilmember LaBarbera said the Community Center is a new building and due to the constraints of the site the mechanicals and duct work had to go into the building itself. Council acknowledged the great questions she had raised.

There being no further comments or questions, the meeting was closed to the public at 8:42 p.m.

APPROVAL OF MINUTES

Councilmember LaBarbera made a motion to approve the Special Meeting minutes of June 19, 2023, second by Councilmember Cole

Affirmative: Councilmembers Cole, Hoey, Koch and LaBarbera

Negative: None

Abstain: Councilmembers Neff and Rodriguez

Absent: None

OLD BUSINESS

HEARING AND ADOPTION OF ORDINANCES

1. Ordinance No. 2023-08, Amendment to the Non-Domestic Animal Ordinance

AN ORDINANCE AMENDING CHAPTER 5: "ANIMAL CONTROL" OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO PROHIBIT THE KEEPING, HARBORING, CONTROLLING, AND/OR POSSESSION OF CERTAIN NON-DOMESTIC ANIMALS WITHIN THE BOROUGH

Mayor Halpern advised that this ordinance was introduced at the June 12th Council meeting and since that meeting, there were edits made creating a substantive change to the ordinance.

Motion to rescind this ordinance and introduce a revised ordinance moved by Councilmember Koch, second by Councilmember LaBarbera

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

Negative: None

Abstain: None

Absent: None

2. Ordinance No. 2023-09, Amend Bond Ordinance No. 2020-15 to amend descriptions

**BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2020-15
ADOPTED ON DECEMBER 14, 2020 AND PROVIDING FOR VARIOUS 2020
GENERAL IMPROVEMENTS, IN ORDER TO AMEND TWO OF THE PURPOSES
THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF FAIR HAVEN, IN
THE COUNTY OF MONMOUTH, NEW JERSEY**

On motion of Councilmember Koch, second by Councilmember Cole with Ayes by all present, Mayor Halpern opened the meeting for comments or questions at 8:44 p.m.

There being no comments or questions, the Hearing was closed to the public at 8:44 p.m. on motion of Councilmember LaBarbera, second by Councilmember Koch with Ayes by all present.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: None

3. Ordinance No. 2023-10, Generic Bond Ordinance (\$215,000)

**AN ORDINANCE OF THE BOROUGH OF FAIR HAVEN, IN THE
COUNTY OF MONMOUTH, NEW JERSEY PROVIDING FOR THE
ACQUISITION OF VARIOUS EQUIPMENT, INFRASTRUCTURE,
IMPROVEMENTS TO PUBLIC BUILDINGS AND GROUNDS AND
APPROPRIATING THE SUM OF \$215,000.00 THEREFOR,
AUTHORIZED IN AND BY THE BOROUGH OF FAIR HAVEN, IN THE
COUNTY OF MONMOUTH, NEW JERSEY**

On motion of Councilmember LaBarbera, second by Councilmember Koch with Ayes by all present, Mayor Halpern opened the meeting for comments or questions at 8:45 p.m.

There being no comments or questions, the Hearing was closed to the public at 8:45 p.m. on motion of Councilmember Cole, second by Councilmember Koch with Ayes by all present.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: None

Councilman LaBarbera provided a Power Point Presentation with a Borough Facilities update. The DPW Facility schedule was reviewed. He reviewed Slide 3, with regard to DPW Fire Suppression. The Mechanical Engineers conducted their assessment for the existing electric infrastructure and fire suppression. NJAW did their assessment to make sure there is enough pressure to pump the water through the pipes to suppress a fire and there is none. We will need a water pump which would cost approximately \$100,000. The current electric service (single phase) cannot support fire suppression or EV vehicles. This requires a three-phase service upgrade for the building and surrounding area. We are not sure what JCP&L's budget looks like, and the time frame is 18 months to two years to complete the upgrade including generator upgrades. We can keep the current service, as is (pole on Maple Avenue that feeds into the building). There are a lot of unknown factors. Councilmember Cole asked about putting the line underground; it would need a new pole for three-phase and we are not certain about using the same conduit. Engineer Gardella advised the likelihood of having it for the near future is factored on time and money. It is up to the utility on whether they want to do this upgrade. Currently, we have a transformer to handle what we have in the present building. Mayor Halpern asked if the Borough should build out for the future. Engineer Gardella advised the renovation gives us the opportunity to use what is existing (we may need to revisit this because Maple Avenue will be opened while milling and paving so we can drop conduit). The building is in close proximity to Maple and the siding will make it easier to make the connection. Council had questions. Councilmember LaBarbera asked for direction from Council on how to move forward so that a pivot can be made in the plan and schedule. He will ask for options from the Mechanical Engineer to proceed with underground service, data points for fire suppression and planning for three phases. Councilmember Koch asked if there are other types of fire suppression systems that are not water based; yes, but the costs are unknown. The Owners Representative will be brought into this conversation when the project is handed off this week. Councilmember Hoey asked if there is grant money available for this work? The Borough is looking for additional quotes because it is expensive. A synopsis of the discussion and next steps were

reviewed on slide 7. The current fuel tanks are at their end of life.

With regard to the Police Department and Community Center project, there are resolutions on the agenda this evening. There was a discrepancy on the current site survey for the Police Department, Community Center and Fisk AME Chapel that needs to be resolved so a resurvey will be done. The side yard and ROW are where the issues lie (both a survey and title work issue). Avakian Engineering is cued up to do the survey and place monuments at property corners. Councilmember LaBarbera and Chief McGovern met with the Maple Avenue neighbor to discuss the encroachment(s); they were aware and asked that the Borough keep them apprised of the work and process. A two-phase demo proposal of the Community Center is on the agenda; G.S Ferguson (Owners Representative) reviewed and concurred with this approach. The Facilities Committee will refine costs with BFI for furniture. Slide 9 provided updates on bond/finance and bidding. As of June 23rd, the Appropriations Committee has not progressed with their bill; there is a two-week recess so they will not have anything until July 11th. With regard to a memorial, the team assessment is to procure a prefabricated memorial to commensurate the project site, he asked for Council's input. Slide 11 provided Key Next Steps. Attorney Malamut was advised that Attorneys Cannon and Sobel were sent the draft contract and were asked to review it to ensure that we have everything buttoned up so that we just need to award the contractor and contract at one governing body meeting. The schedule for the Police Department and Community Center was provided.

NEW BUSINESS

Council Committee Reports

Finance - Councilwoman Neff advised the Finance Committee met last week and discussed the proposed open space tax, contracts and budget cuts. Councilman LaBarbera advised that difficult decisions are coming down the pike and we will need to determine line items to be cut and what line items need to stay. The Finance Committee will continue to review and share with Council where cuts can be made.

Personnel - Councilwoman Hoey advised that there is a personnel matter listed on the Executive Session agenda to be discussed and we are going to hire a Finance and Tax Assistant later in the meeting.

Parks and Recreation - Councilwoman Hoey advised that summer camp started today (record attendance); there is a calendar on the website. Soccer registration is currently open and closes in two weeks. Summer concerts on the dock begin this week; information has been sent out on the dates and who the performers are.

Planning Board - Councilwoman Koch reported that at the June 20th meeting, there were two documents reviewed; the short-term rental ordinance which is consistent with the Master Plan, however, they suggested the ordinance read 95 **consecutive** days and the DPW Facility plans. The plans were reviewed by the Technical Review and Design Committee and were accepted by the board. It was found the development plan is consistent with the Master plan. The next meeting is scheduled for July 18th.

Police, Fire & OEM - Councilman Rodriguez shared his screen with three slides regarding the Knox Box concept that the fire department has requested be approved. He showed what it looks like, what it is for and how it operates (it can be an electronic master key and/or a manual key). This system allows for safe entry to a residence, business, gate, etc. in an emergency situation vs. breaking doors and windows. There is a pin code that the Chief would receive to enter the Knox Box and there is an audit trail provided for this activity. The cost for installation is \$1,500 (a one-time cost per box) with a recurring fee of \$600 for the pin codes provided and validating the requestor's identity. The Fire Department has asked that the Borough make this a requirement with an ordinance put in place; Council was not sure that this is the avenue to take and felt further review is needed. Currently, the Fire Chief carries the keys on a ring and may not respond to a fire so then no one has a way to access the location. The Mayor asked if there is a request this evening; yes, once we are comfortable with the concept, the fire department would like to move forward with a PO to place the equipment on the fire trucks and Chief's cars. Administrator Casagrande said that the Knox Box actually goes on the business location and would be paid for by the business. Council further discussed. The procedure is done in many local municipalities (Eatontown, Oceanport, Middletown, Ocean, Howell, Freehold Twp and Borough, Union Beach, Long Branch, Sea Bright, Allentown, Keyport, Matawan). The thought was to start out with two trucks (Chief's car and fire truck). Council had questions about whether there is an annual fee for the businesses; yes, it looks that way. The Borough would have an annual fee which covers the Fire Department's access to the whole town. Administrator Casagrande said most towns do not allow it to be optional. She encouraged this year's Chiefs to speak with the Business Association at their meeting. The Mayor felt that it should be optional but wanted more information. Councilmember LaBarbera bifurcated this matter as there are existing Knox Box keys for some locations in the Borough as well as the request for a program; a decision needs to be made if we are going to make this mandatory or voluntary. This topic will be placed on July 10th agenda

for further discussion.

The Police Committee met with Little Silver Councilman Doug Christensen today and the meeting went well. Red Bank Regional is going through a whole planning process on how they can improve the parking issue. Chief McGovern continues to meet with Little Silver's Chief. There will be an Open House held on July 8th with the Cambridge Avenue residents for discussion on solutions.

Zoning Board of Adjustment - Councilman LaBarbera advised the next meeting is scheduled for July 6th. The 2021 Zoning Board recommendations will be discussed.

Engineering and DPW - Councilman LaBarbera reported on engineering earlier. The next DPW Committee meeting will be held on June 29th. Dock maintenance will take place on June 27th; joist replacements and benches will be addressed. June 28th is the Brush and Leaf Committee meeting. Stormwater Management levers are in progress. On June 12th, street openings were discussed, and the utilities will be able to post a bond for projects vs. cash up front. A compliance letter was sent to M&M Realty for 626 River Road by Engineer Gardella.

Mayor Halpern said the dock was mentioned and advised that Johnny Kasun is playing on June 28th and will play again in July. He relayed that when he was introducing himself to the residents, door to door, he met Daniel Kasun who had mentioned that his son played guitar; he connected Johnny with DJ Breckenridge to be part of the summer concert line up.

Councilmember Hoey asked that an update on the 626 River Road project be provided at the July 10th meeting.

Borough Facilities - Councilman LaBarbera reported on this earlier.

Borough Communications and Community Outreach - Councilwoman Cole advised that the Committee met on June 22nd and reviewed the facilities information page on the Borough's website and other locations on the website. There was discussion on consolidating communications among different parts of government. The Committee will create a policy to better manage what is going out from the Borough via Instagram, Twitter, Facebook pages.

The Environmental Commission had three divisions of DEP wildlife management at their last meeting. There was an onsite meeting at Fair Haven Fields with the representatives to walk the area. Administrator Casagrande attended the walk and the Environmental Commission's meeting and answered questions from the Commission. There will be a meeting, in two weeks, with a debriefing of the site meeting. The DEP will provide a written management plan for us or conduct a public awareness workshop; Mayor and Council would need to give their consent. She asked how they want the form of presentation to be (oral, written). Rumson and Little Silver allow for bow hunting on private property. There could be bow and arrow containment areas established. The deer are removed and donated as a food source; this is stewardship program. Councilmember Hoey asked that the recording link of the last Environmental Commission meeting be passed to the governing body to review. Council gave their input on the presentation they would like. Councilmember Neff said there needs to be a sign on Ridge Road with a deer warning near the intersection of Fair Haven Road. Engineer Gardella said it is a county road so the request would have to be funneled through the County. Councilmember Koch wanted a document/proposal on deer management. Councilmember LaBarbera would like to speak with other municipalities, our size, that allow hunting on private property. The current deer population is a health and safety issue. Councilmember Cole acknowledged the Environmental Commission for how seriously they took this task and the homework that they did.

The Shade Tree Commission still has 20 trees from the Arbor Day planting that need to be planted due to an issue with mark outs. Councilmember Cole will speak with Administrator Casagrande about it. Shade Tree is working on a Tree Inventory project.

The Green Team is planning a town "Sports Swap" for the Borough in October (i.e. trading shin guards, cleats, sports equipment, etc.).

The Grant Committee met and will be providing a template with requirements for a grant: purpose, amount, why. This will prevent duplicated efforts. The Committee will create guidelines and provide what grants are available. Councilmember LaBarbera asked if the Borough does not receive the Shade Tree grant money requested for the tree inventory, does the Borough foot the balance of the \$15,000 cost.

Councilmember Cole said the Business District needs to be a priority for the governing body, so they know the Borough is in their corner.

Mayor Halpern asked about payments on the bill list for Christ Church (cell tower); there

was a recalculation on what we owed the Church; this will clean up the matter by paying them for contract adjustments. He asked about money being paid to Middletown for Quarter 2 CFO ILSA from the Storm Sandy account. Administrator Casagrande will check.

INTRODUCTION OF ORDINANCES

1. Ordinance No. 2023-08, Amend Chapter 5, Animal Control, to prohibit the keeping, harboring or possession of non-domestic animals and/or farm animals.

AN ORDINANCE AMENDING CHAPTER 5: “ANIMAL CONTROL” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO PROHIBIT THE KEEPING, HARBORING, OR POSSESSION OF NON-DOMESTIC ANIMALS AND/OR FARM ANIMALS WITHIN THE BOROUGH.

WHEREAS, the Borough of Fair Haven (the “Borough”) finds that the keeping, harboring, or possession by a person of a non-domestic animal and/or farm animal within the limits of the Borough represents a health, safety, and/or welfare risk to the Borough and its residents; and

WHEREAS, to protect the health, safety and welfare of persons and property within the Borough, it is necessary to prohibit the keeping, harboring, and possession of non-domestic animals and/or farm animals as defined in this Ordinance; and

WHEREAS, if any non-domestic animal or farm animal remains within the Borough, for a period of more than twelve (12) hours, the person(s) keeping, harboring, or possessing such animal(s) shall be in violation of this Ordinance; and

WHEREAS, this Ordinance shall not apply to service animals within the Borough;

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 5-18: “Prohibited Non-Domestic Animals and Farm Animals” of Article IV: “Regulations Applicable to All Animals” of Chapter 5: “Animal Control” of the Revised General Ordinances of the Borough of Fair Haven is hereby amended as follows (~~stricken~~ text deleted; underlined text added):

§ 5-18 PROHIBITED NON-DOMESTIC ANIMALS AND FARM ANIMALS.

§ 5-18.1 Purpose and Intent.

This section is adopted in order to protect the health, safety and/or ~~welfare~~ welfare ~~well-being~~ of persons and property by prohibiting ~~certain~~ certain ~~non-domestic animals and farm animals~~ non-domestic animals and farm animals within the Borough of Fair Haven. The Borough of Fair Haven finds and determines that the harboring of ~~certain~~ certain ~~non-domestic animals and farm animals~~ non-domestic animals and farm animals within the Borough may present a health, safety and/or welfare risk to persons and property. ~~be offensive to other residents so as to constitute a public nuisance and may pose a threat to the safety of its inhabitants and their property.~~

§ 5-18.2 Definitions.

A. “Animal” shall mean any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as follows:

- (1) “Domestic Animals” shall mean those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, nonpoisonous, non-venomous, and non-constricting reptiles or amphibians, and other similar animals.
- (2) “Non-Domestic Animals” shall mean those animals commonly considered to be naturally wild or exotic and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:
 - i. Any member of a large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards, and jaguars, but excluding commonly accepted domesticated house cats.
 - ii. Any natural wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.

- iii. Any crossbreeds such as a crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a crossbred domesticated animal.
- iv. Any member or relative of a rodent family including skunk (whether or not de-scented), raccoon, fox, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.
- v. Any poisonous, venomous, constricting, or inherently dangerous member the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
- vi. Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this subsection, including, but not limited to bears, deer, monkeys, and game fish.

(3) “Farm Animals” shall mean those animals commonly associated with a farm or performing work in an agricultural setting, including members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese potbellied pigs), goats, and other animals associated with a farm, ranch, or stable. Farm animals shall not include honey bees or any other apiary activities regulated by State law.

B. “Owner” shall mean any person or persons, firm, association or corporation owning, keeping, harboring or possessing an animal.

§ 5-18.23 Prohibited Animals.

It shall be unlawful for any person to keep, maintain, have in his or her possession or under his or her control or to permit another to keep, maintain or have under his or her control within the Borough limits of the Borough of Fair Haven any non-domestic animal or farm animal as defined in this section ~~cattle, goats, chickens, bees, hens, hogs, horses, ocelots, pigs, (including potbelly pigs), pigeons, sheep, swine or any other animal that is deemed to be dangerous to humans.~~ The foregoing enumeration is not intended to be all-inclusive. The determination of whether or not an animal is deemed to be a non-domestic animal, a farm animal, or otherwise presents a risk to the health, safety, and/or welfare of persons or property ~~dangerous to humans~~ shall be made by either the Borough's Animal Control Officer or a Police Officer of the Fair Haven Police Department or the Mayor and Borough Council.

§ 5-18.34 Enforcement.

This section shall be enforced by the Borough's Animal Control Officer and/or Police Department.

~~**§ 5-18.4 Application for Waiver; Notice.**~~

~~An owner desirous of owning and maintaining a non-domestic prohibited animal as provided for herein shall have the right to make application to the Mayor and Council of the Borough for a waiver under this section. The application for a hearing before the Mayor and Council must be submitted not less than 10 days prior to a regularly scheduled meeting, with notice published in the official newspaper of the Borough of Fair Haven not less than 10 days prior to said meeting, and giving written notice to all property owners within 200 feet of the applicant's property. The applicant shall obtain a certified list of all property owners within 200 feet of his/her property from the Borough of Fair Haven's Tax Assessor's office.~~

~~A. Type of Notice. Notice must be made to all property owners within 200 feet of the applicant's property by regular and certified mail, return receipt requested, with proof of service being presented to the Mayor and Council at the time of the hearing with an affidavit setting forth that the mailing has been made to the appropriate property owners.~~

~~B. Form of Notice. The notice shall set forth the following:~~

- ~~(1) Name and address of the applicant.~~
- ~~(2) The address and lot and block number of the household or dwelling unit for which the applicant intends to harbor the non-domestic animal.~~
- ~~(3) The nature of the waiver requested, setting forth the number and identity of the proposed non-domestic animal.~~
- ~~(4) The date, time and place of the hearing before the Mayor and Council.~~

~~C. Consideration for Granting of Waiver, Burden of Proof and Vote. By majority vote of quorum of the Borough Council, the Mayor and Council may grant or deny an application for a request for a waiver based upon a preponderance of evidence that the applicant has demonstrated good cause for the granting of such waiver. In examining whether or not a waiver should be granted, the following shall be considered:~~

- ~~(1) The size of the property of the applicant where the non-domestic animal(s) are intended to be kept.~~
- ~~(2) The distance between the location of where the non-domestic animal is intended to be kept on the applicant's property and the physical location of an adjacent property owner's home or dwelling unit.~~
- ~~(3) Whether the applicant's property is fenced so as to shield the non-domestic animals from the sight of the surrounding property owners.~~
- ~~(4) Whether the non-domestic animals are kept in the applicant's home or remain primarily outside of the applicant's home.~~
- ~~(5) The proposed non-domestic animal and its size.~~
- ~~(6) The prior history of complaints filed against the applicant for violation of this section, or previous ordinances pertaining to animal control.~~
- ~~(7) The zoning district of the applicant's property,~~
- ~~(8) Whether the non-domestic animals serves some purpose other than the desire to have a non-domestic animal as a pet.~~
- ~~(9) For other such reasons as the Mayor and Council may feel appropriate to consider according in the case, facts and circumstances presented at the time the application is heard.~~

~~D. State Number of Non-Domestic Animals. Should the applicant's request for a waiver be granted, the Mayor and Council shall set the number of proposed non-domestic animals permitted.~~

~~E. Revocation of Waiver. A waiver granted by the Mayor and Council may be revoked upon proper application made by a Borough official, member of the Borough Police Department or an individual by making applications to the Mayor and Council at least 10 days proper to a Council meeting and by serving notice upon the owner by regular and certified mail, return receipt requested, of the application for revocation of the waiver. The notice shall also include a factual basis for the requested revocation. A hearing shall then be held by the Council on the application for revocation. The Mayor and Council will evaluate the application for revocation of waiver based upon the same criteria previously set forth herein under this section.~~

~~F. Vaccinations. All non-domestic animals as authorized by a waiver shall be vaccinated against rabies and any other disease as required by a licensed veterinarian and all vaccines shall be done in accordance with the following:~~

- ~~(1) Vaccination shall be performed by a veterinarian licensed to practice in the State of New Jersey. The vaccine used shall be from a manufacturer licensed by the Bureau of Animal Husbandry of the United States Department of Agriculture or such other agency as shall be approved by the State Department of Health. The dosage shall be as recommended by the manufacturer. All animals shall be revaccinated before the expiration of the period of time for which the vaccine used is known to be effective.~~
- ~~(2) No waiver shall be granted until the certificate indicating that the animal has been vaccinated or otherwise inoculated has been presented to the Borough Clerk. The certificate shall be submitted with the request for a waiver application but no later than the hearing date schedule for the waiver application hearing.~~

§ 5-18.5 — Limitations on Granting of Waiver/Permit.

~~The granting of a waiver and permit hereunder shall in no way authorize the creation of a nuisance or the maintenance of an obnoxious condition and shall in no way regulate or prevent the passing of future ordinances concerning the prohibition of or the limitation upon the keeping of non-domestic animals.~~

~~§ 5-18.6 — Term of Permit; Expiration; Fee.~~

~~Any permit granted after obtaining a waiver, shall be valid for a period of one year from the date it is issued. A permit must be obtained on annual basis. The permit fee shall be \$25.~~

~~§ 5-18.7 — Building, Feeding and Operational Requirements.~~

~~Any person having obtained a waiver as set forth herein shall comply with the following provisions:~~

- ~~A. The storage of any such non-domestic animal shall be such as to preclude odors and sounds therefrom from interfering with the comfortable enjoyment of life and property on neighboring premises.~~
- ~~B. Building, food storage bins, appliances, equipment, feeding areas and other facilities on the premises which might provide food or shelter are to be constructed and maintained in such a fashion as to permit proper cleansing.~~
- ~~C. The water supply shall be adequate for proper sanitation.~~
- ~~D. Water or other liquids to which mosquitoes may have access shall be properly treated to prevent their breeding.~~
- ~~E. Rodents to insects hazardous to public health shall be controlled so that they do not exist or reproduce therein or thereon.~~
- ~~F. Adequate equipment shall be available to maintain all yards, enclosures or premises in which such non-domestic animals shall be kept, raised or maintained in a sanitary condition at all times.~~

~~§ 5-18.8 — Fencing.~~

~~The area wherein the non-domestic animals are kept, except where they are housed in closed buildings, shall be completely fenced with a sturdy, well constructed closely woven wire fence or other equally effective fence so as to prevent trespassing on adjoining property.~~

§ 5-18.5 Expiration of Pre-Existing Permits

As of July 15, 2023, within sixty (60) days of the expiration of any previously issued and unexpired permit or waiver for the keeping, harboring, controlling, or possession of non-domestic or farms animals, the permit holder shall remove all non-domestic and farm animal(s) from within the Borough and no further keeping, harboring, controlling, or possession of non-domestic or farm animals shall be permitted.

§ 5-18.96 Violations and Penalties.

A person guilty of violating the provisions of this section shall be subject to a fine in an amount not to exceed ~~\$100~~250 for the first offense and no more than \$500 for all subsequent offenses.

SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fair Haven, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Fair Haven are ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall hereby take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

Offered for introduction by Councilmember Neff, second by Councilmember LaBarbera

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

Negative: None

Abstain: None

Absent: None

The hearing and adoption will be held on July 10th.

RESOLUTIONS

1. Resolution No. 2023-174, 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

Contract Negotiations

1. Interlocal Service Agreement with Monmouth County
2. Interlocal Service Agreement with Fair Haven BOE

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 Koch

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

Negative: None

Abstain: None

Absent: None

2. Resolution No. 2023-175, Approve Appointment of Tax and Finance Office Assistant - Zaneta Malinowska

WHEREAS, there is a need for an assistant in the Tax and Finance Office; and

WHEREAS, the Borough Administrator advertised the position on the Borough’s website, the New Jersey League of Municipalities website, Indeed.com and other Borough social media platforms; and

WHEREAS, resumes were received, and interviews were conducted for said position and the Borough Administrator, Assistant Chief Financial Officer and Personnel Committee have confirmed that Zaneta Malinowska is qualified to fill said position.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, that Zaneta Malinowska is hereby appointed as a full time Assistant for the Tax and Finance Offices at an annual salary of \$45,000.00 and in accordance with the terms in the Offer Letter attached hereto.

BE IT FURTHER RESOLVED that the start date of Mrs. Malinowska will be determined by the Borough Administrator.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: None

3. Resolution No. 2023-176, Approve Street Opening Cash Repair Refund for 35 Kemp Avenue

WHEREAS, Ordinance No. 2023-04 governs the Street Excavation Ordinance which requires a cash repair deposit be posted to serve as security for the inspection, repair and performance of work necessary to put the street in as good a condition as it was prior to the excavation if the permittee fails to make the necessary repairs or to complete the proper refilling of the opening and the excavation work performed in accordance with the excavation permit; and

WHEREAS, the Assistant Director of Engineering and Public Works has completed an inspection of the street opening (Permit No. 2023-14 approved on April 5, 2023) for Robert Dean, 35 Kemp Avenue, to replace the existing driveway surface area to the garage; and

WHEREAS, the Assistant Director of Engineering and Public Works has recommended that the cash repair deposit posted by Mr. Robert Dean be returned in the amount of \$180.00.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the foregoing cash deposit return is hereby approved, and the Chief Financial Officer/Assistant Chief Financial Officer are hereby authorized to pay said refund to Mr. Robert Dean, 35 Kemp Avenue.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

- 4. Resolution No. 2023-177, Support Shade Tree’s grant application to NJ Urban & Community Forestry: Tree Inventory

WHEREAS, the Borough of Fair Haven has been proactive in applying for various grants to assist with funding for various projects within the Borough; and

WHEREAS, the New Jersey Urban and Community Forestry Program provides opportunities for Shade Tree Commissions to apply for grant funding for projects that facilitate and improve urban forest management; and

WHEREAS, updated guidelines for Community Forestry Management Plans include a requirement for a tree inventory in order to maintain accreditation; and

WHEREAS, the amount requested from the Fair Haven Shade Tree Commissions will be the maximum award of \$15,000.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council authorizes CME Associates on behalf of the Shade Tree Commission to prepare and submit the grant application necessary for said grant funding.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

- 5. Resolution No. 2023-178, Approve The Goldstein Partnership Proposal - Phased Demolition of Community Center

WHEREAS, a proposal dated June 19, 2023 was received from the Borough’s Architect, Eli Goldstein (The Goldstein Partnership), to provide professional services for a phased demolition of the current Community Center, Fisk Street; and

WHEREAS, The Goldstein Partnership’s non-fair and open paperwork was submitted at the beginning of the year; and

WHEREAS, the proposal states that the total costs for this work shall not exceed a total of \$8,450.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, that the proposal received from Eli Goldstein, The Goldstein Partnership, be accepted and awarded to provide professional services for a phased demolition of the current Community Center, Fisk Street at a cost not to exceed \$8,450 and the Mayor is authorized to execute paperwork, if required.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

6. Resolution No. 2022-179, Authorize Leon S. Avakian, Inc. to provide survey services: Police Department Property

WHEREAS, Resolution No. 2023-01 appointed Peter R. Avakian, P.E., P.L.S., of Leon S. Avakian, Inc. as the Borough’s Consulting Engineer; and

WHEREAS, Resolution No. 2023-117 awarded a proposal to Leon S. Avakian, Inc. for survey work of the Police Department and Fisk AME Properties; and

WHEREAS, there is a need for the Police Department property to be resurveyed; and

WHEREAS, Leon S. Avakian, Inc. has provided a proposal for said work in the amount of \$9,000.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, that Leon S. Avakian, Inc. is authorized to conduct said work and the Finance Department is authorized to pay the \$9,000 upon completion of the work.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

7. Resolution No. 2023-180, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the June 26, 2023 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2023 CURRENT FUND ACCOUNT	\$ 1,616,490.37
GENERAL CAPITAL	\$ 46,545.04
GENERAL FUND	\$ 6,627.00
OTHER TRUST	<u>\$ 1,110.00</u>
	\$ 1,670,772.41

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Reports of Departments

May 2023

- Municipal Court
- Tax Collector
- Police Department

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

GOOD OF THE BOROUGH

Mayor Halpern opened the meeting to the public for comments or questions at 10:07 p.m. Michal DiMiceli, River Road, said there is an urgency with flooding on River Road and asked if there are any updates; Administrator Casagrande said with regard to Colonial Court, Smith Street, and Forman Street, the Engineering Department is looking at upgrades to the infrastructure and are submitting a grant for Forman Street Improvements. New Jersey American Water is doing upgrades to Smith Street and there are a lot of Capital Improvement Projects in queue. The County is aware of the issue and met with Engineer Gardella 8 months ago. Councilmember Hoey asked if there could be a temporary remedy with sandbags; Ms. DiMiceli said it is beyond a temporary remedy and cannot wait much longer or her house is going to collapse. A 5-year prediction is too long. She was advised that the Borough is meeting with the developer this week to address the Colonial Court subdivision. Ms. DiMiceli said the backflow pipe has not been installed by the developer and her yard is a catch basin. Councilmember LaBarbera said that the Borough is looking to the County, developer and State to help address the issue. We track there weekly. Ms. DiMiceli asked when it becomes an emergency; she was advised it is an emergency. Councilmember Cole asked who cleans

the catch basins and has jurisdiction; the County for River Road. Engineer Gardella said the Borough made a request for the catch basins to be cleaned prior to the paving project and they maintain them. Mayor Halpern asked if the Borough could send photos and videos to the County? Engineer Gardella said his office has sent some and there has been some follow-up. Ms. DiMiceli said her family is losing possessions if not put away and her neighbor has two sinkholes in the backyard. The Mayor said the Borough recognizes the issue and will try to expedite it. Councilmember LaBarbera asked Engineer Gardella to get a proposal to TV the pipes in the area to see if there is a systematic failure. Engineer Gardella has data from the pipe being televised and stated that the drainage area being discussed is substantial as it is coming from the Gentry area, not just the Colonial Court area. The shopping plaza has installed a 1,000-gallon recharge system moving the drainage underground to help alleviate flooding. There is a meeting with the developer for Colonial Court on Wednesday to review approvals, project status and get them to address the issues.

Ruth Blaser, River Road, asked if the governing body has held a meeting with the Emergency Management Office about setting up a warming and cooling center in the new facility for emergencies. Yes, it will be addressed with the Community Center which includes a generator being installed.

Mark Olson, Cambridge Avenue, questioned Page 11 on the bill list asking what an ILSA is; they are Interlocal Service Agreements that are paid quarterly for CFO, Tax Collector and Court.

Stephanie Adams, Oxford Avenue, asked about electric vehicles for the police department. There was a schematic a few years ago with a canopy to go over EV stations and she asked if was still planned or will it be reconsider for future. A full analysis for solar for our facilities was done. Councilmember LaBarbera asked if she was referring to the police department or DPW? The police department solar is laid out now. DPW has not been planned because there will not be a public charging station. The Borough has confirmed that the roofs can handle solar, but we are not acting on it now. There is not enough light at the DPW site for the solar panels because of the location.

Carolyn Ferguson, Colonial Court, thanked Council for their concern regarding Colonial Court flooding. She advised that both she and Dave Bordelon have an email conversation with the Borough for the past 4 years about the flooding. Colonial Court is a little area severely impacted by two developments (shopping center and KM Hughes project). Stormwater is draining on other people's properties and should not. Mrs. Ferguson thanked Councilmember LaBarbera for his televising request as she is not sure where the problem is coming from and would like a further analysis done. She asked that Engineer Gardella repeat his comment regarding the shopping center. Mayor Halpern advised when the retail center was upgraded, they took the roof water and refocused it underground with a 1,000-gallon capacity recharge system. Their downspouts used to drain on Smith Street and no longer do that. Engineer Gardella was asked to check the sheet flow system (a pre-existing condition) to see if flow is coming from the parking lot. A 1,000-gallon recharge system was installed at the corner of Smith and Forman Streets. Engineer Gardella advised he is collecting data and reviewing infrastructure maps for the Borough. It takes a lot of research to figure out what the issue is i.e. flow, pipe capacity, development. The Mayor asked if this is a matter where a specialist needs to be hired to conduct a study and provide solutions; no, Engineer Gardella advised that Forman Street has been on his radar and will be addressed with stormwater management and improving the existing infrastructure. With the bids that we have issued, there is a requirement to camera the area's infrastructure and jet the pipe. The Borough addressing Forman and Smith Streets will help alleviate the situation; there could be a back pitch situation. He explained the various locations with separate drainage into the main line. Councilmember Neff requested that this area be moved up on the priority list/matrix to resolve the issue. Councilmember Cole asked that the Borough put the County on notice since River Road is the County's evacuation route; River Road needs attention or no one can evacuate due to flooding conditions. Mrs. Ferguson said the intersection of Smith Street and Colonial Court seems to be the issue and asked if the catch basins are functioning properly; yes, they are not clogged, as the Borough does annual inspections of them. Councilmember LaBarbera advised there are other areas in town that flood as well (Hance and Hunting, Dartmouth as well as DeNormandie Ave) that need to be addressed. The Mayor did not want to minimize the other areas, but Colonial Court and River Road have been a major concern and need to be addressed to give the residents relief. Mrs. Ferguson said Knox Boxes need to be brought to the Fair Haven Business Association input for discussion and as a partnership.

Michal DiMiceli asked how the Borough gets someone to analyze the issue with Colonial Court and flooding on River Road to understand the entire problem. She asked if there is a grant to address this matter. She questioned why nothing has been addressed in the past few years. Councilmember LaBarbera advised that Engineer Gardella and Administrator Casagrande are not to blame as they take their direction from the governing body. Councilmember Cole asked for confirmation that the pipes in that area are clear. Mayor Halpern asked that this be discussed at the June 29th Engineering and DPW Committee meeting.

There being no further comments or questions, the meeting was closed to the public at 10:44 p.m.

Council went into executive session at 10:48 p.m. and this meeting was reconvened at 11:10 p.m.

ADJOURNMENT

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

Time of Adjournment: 11:10 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk