

**FAIR HAVEN BOROUGH COUNCIL**  
**JULY 24, 2023**

The meeting was called to order by Mayor Halpern and GianCarlo Aliseo, Mayor for the Day, at 7:01 p.m. The Flag Salute was followed by a Moment of Silent Reflection.

Mayor Halpern advised the public that joining Council at the dais this evening is GianCarlo Aliseo, Mayor for the Day, who read the following Sunshine Law Statement:

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 JULY 24, 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 and Rodriguez. Absent: Councilmember Neff. Others present: Administrator Casagrande, Attorney Cannon and Chief McGovern.

**PUBLIC COMMENT ON AGENDA ITEMS**

The meeting was opened to the public for comments or questions at 7:04 p.m. Kevin Barnett, Church Street, asked for clarification on the Short-Term Rental Ordinance listed for hearing and adoption. He advised that two weeks out the year, he rents out his home for vacation purposes in the summer. He understood that there are short-term rental situations in Belmar, Manasquan and smaller beach towns which bring in a "party culture". Most of his renters are Princeton Professors and Alumni of Rumson-Fair Haven Regional High School who represent him and his home. He asked if something happened in town that warranted this ordinance's creation.

Gerrin Presti, Church Street, asked what the facts driving the decision for an ordinance are? Mayor Halpern said that it is not necessarily facts driving the ordinance; the governing body is trying to get ahead of what is seen in many municipalities (parties and noise) to keep Fair Haven as a residential community. Many governing body members have spoken with residents and neighbors who have voiced their concern and request to not live next to a transient rental property. Air B&B popularity is rising across the country. We banned marijuana establishments before any problems could arise, we are doing the same with short-term rentals. Mr. Presti was advised that the original ordinance had a longer time frame (125 days) and after discussion, it was changed to be more reasonable with 95 consecutive days. Mr. Presti advised Council that he has been renting out a cottage in the back of his property for the last five years, without incident. The issues are with long-term renters; there are reports on file and documentation with the police department. He said that he is doing a service to Rumson and Fair Haven as 70-80% of the people he rents to are people coming back to the Borough to visit kids, grandkids, parents, etc.; this saves them money or the need to pay hotel fees, etc. The governing body was asked to outline what they are trying to propose. He was provided a copy of the ordinance. Mr. Presti asked that the Council review the police reports and compare them to long term vs. short term renters.

There being no further comments or questions, the meeting was closed to the public at 7:12 p.m.

**APPROVAL OF MINUTES**

Councilmember Cole made a motion to approve the Regular Meeting minutes of July 10,

2023, second by Councilmember LaBarbera

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

Negative: None

Abstain: None

Absent: Councilmember Neff

Councilmember Cole made a motion to approve the Executive Session minutes of July 10, 2023, second by Councilmember LaBarbera

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

Negative: None

Abstain: None

Absent: Councilmember Neff

**OLD BUSINESS**  
**HEARING AND ADOPTION OF ORDINANCES**

1. Ordinance No. 2023-07, Create a Short-Term Property Rental Ordinance

**AN ORDINANCE SUPPLEMENTING CHAPTER 30: “LAND USE AND DEVELOPMENT REGULATIONS” OF THE BOROUGH’S REVISED GENERAL ORDINANCES WITH NEW SECTION 30-7.34: “SHORT-TERM RENTALS IN RESIDENTIAL ZONES” TO PROHIBIT THE RENTAL OF RESIDENTIAL STRUCTURES AND DWELLINGS, IN WHOLE OR IN PART, FOR LESS THAN NINETY-FIVE CONSECUTIVE DAYS TO PRESERVE RESIDENTS’ QUALITY OF LIFE WITHIN THE BOROUGH**

On motion of Councilmember Rodriguez, second by Councilmember Koch with Ayes by all present, Mayor Halpern opened the meeting for comments or questions at 7:13 p.m. He stated that the cliff notes is that short-term rentals must be for 95 consecutive days with the exception of the overlay zone (business district).

Both Church Street residents, Kevin Barnett and Gerrin Presti spoke and asked questions again. Attorney Sobel said that if they would be renting their property for two weeks or less than 95 consecutive days, they would be “skirting the law” (asking for an exception to the rule). The Borough cannot advise anyone what to do unless there is a process implemented. The ordinance states 95 consecutive days and if someone rents less than that period of time, they are setting themselves up for a visit from the Code Enforcement Officer and possible fine. Mr. Barnett and Mr. Presti were advised that they are the only two who have voiced opposition to this ordinance; everyone else is in favor. They stated, “a lot more people were vocal” on Facebook and were surprised there are not more people in attendance to speak.

Kevin Barnett, Church Street, stated there are only 5 Air B&Bs in the Borough and other towns have issues with short term rentals not Fair Haven. He asked if the ordinance is passed, will Code Enforcement knock on doors to find out who is renting and who is not. It was stated, there are residents who wanted the ordinance; Code Enforcement will enforce the regulation and neighbors near these rentals will also report it. Mayor Halpern advised that advertisements will also show locations, dates, and other details so it can be tracked that way as well.

Katy Frissora, Lexington Avenue, advised that she rents from local Air B&Bs in Fair Haven which are better than staying at the Oyster Point and Molly Pitcher from a price point. She is a member of the First Aid and attends many calls for assistance and they are not for short-term rental properties, it is from house parties. She asked if there could be a distinction between cottages and primary residences or could there be a cap on the number of short-term rentals.

Councilman Rodriguez suggested that there be a higher fine level for those who bring in shorter term rentals (i.e. \$10,000) to discourage bad behavior. Attorney Sobel advised that the Borough cannot do this as it is discriminatory in nature. Mayor Halpern understood the concerns of the two residents who spoke, however, he has had the discussion with most of the residents in Fair Haven and they overwhelmingly stated no to short-term rentals.

Suzanne Presti, Church Street, asked for clarification on what was stated about a large fine and asked why a higher fine would be discrimination? Attorney Sobel said it wasn’t the amount of the fine, it is the implication of targeting people who party in homes, targeting younger people vs. targeting families. Councilman Rodriguez said he was not saying they had to be young, but anyone who is acting out or violating the noise ordinance should receive a large fine. He is trying to accommodate what is a trend; he advised that he was a short-term renter while his home was under construction. Attorney Sobel said that we have both short-term ordinance being discussed and the noise ordinance so the person can be charged twice. If this is the case, the Borough would have to

amend the noise ordinance for short term rental matters. He explained the process.

Councilwoman Cole appreciated the comments made regarding this matter. She supports the ordinance and said, in the future, we will need to consider the same for mixed use and business district. The quality of life in the Borough needs to be preserved. Attorney Sobel said that the ordinance can be amended when there is a need for it.

There being no further comments or questions, the Hearing was closed to the public at 7:26 p.m. on motion of Councilmember Rodriguez, second by Councilmember LaBarbera with Ayes by all present.

Offered for adoption by Councilmember Koch, second by Councilmember Cole

Affirmative: Councilmembers Cole, Hoey, Koch and LaBarbera

Negative: Councilmember Rodriguez

Abstain: None

Absent: Councilmember Neff

Councilman LaBarbera had a Power Point Presentation with a Facilities Update. He provided language from the contract that we have for the Owner Representative and the tasks they are handling. The goal is that in the future there will not be a Power Point; just updates. The impacted areas for the construction (both Police Department/Community Center and the DPW construction) was provided. There is a Purge and Auction Plan (there will be storage items that could be purged, other items that will be auctioned and others that will require temporary storage). The initial approach is to hold two auctions with separate resolutions for each auction. The DPW project schedule was reviewed, and he asked that a special meeting be approved for August 7<sup>th</sup> to authorize receipt of bids. The Police Department and Community Center bid is live as of today for bids to be received on August 31<sup>st</sup>. It will take three weeks to bid the project for DPW and there is the possibility that there could be the same contractor bidding on both projects. The Borough attorneys were brought on board and are aware that the Borough would like to award the Police Department and Community Center bid at the September 11<sup>th</sup> Council meeting. After the last meeting, the temporary trailer (\$100,000) was reviewed again and we have an alternate to stage the DPW employees at the Concession Stand for breaks, there is internet connection so they can check email (the department is a mobile force) and we can reserve parking for vehicles and equipment in the lot. There was discussion about allowing certain DPW employees to bring their Borough vehicle home. The DPW Temporary Storage Plan was reviewed which includes maintaining the commercial containers until no longer required to support storage and the possibility of renting additional storage pods using Third Street and the Tennis Courts as an additional temporary storage location. Construction Bifurcation was provided on Slide 8; the DPW site will be “split” into two zones (salt dome and fuel tanks). The Recycling Center will be closed during renovation of the site due to the inability to use equipment to remove cardboard. Questions were raised at the July 10<sup>th</sup> meeting about automatic gates; there is not enough power at the site to automate the gates. Automatic gates can be Phase II for electricity service. Updates were provided on Slide 10 (CD final review, LSRP, Bidder Prequalification, rain garden and fuel tanks). Shari Spero reviewed the landscape plan, and it will go to the Shade Tree Commission for their review. The Borough Hall roof and DPW roof need to be separate.

With regard to the Police Department and Community Center, the project is advertised and out to bid. Everyone should have access to the plans, digitally. In order to make sure all feedback is covered, there is a meeting on July 26<sup>th</sup> at 7 a.m. There is a provision for an onsite walk through on August 9<sup>th</sup> from 11am -2 pm. There was brief discussion on an alternate to the bid and whether it would be needed or not and how to determine the lowest bidder if a contractor is lowest on the base bid, but higher in the alternate or vice versa. Attorney Sobel talked the governing body through the process and scenarios. We have been advised that we should receive funding in the amount of \$1.05 million for the Community Center; federal approval is needed through the T-HUD bill. A meeting was held with Fisk Chapel on July 21<sup>st</sup> with attorneys for both sides; a short-term parking agreement is underway and will need governing body approval. There will also need to be a long-term agreement required in the future. Slide 16 provided updates such as the need to demo the basketball and tennis courts which require extensive repair there is an addendum to replace with seed and soil. Key Next Steps were on Slide 17 and the construction schedule was reviewed on Slide 18.

GianCarlo had a question about the Fair Haven Fields parking lot and how the Borough is going to prevent someone for parking in the temporary employee parking spaces; signage will be needed and there would be fencing with a possible camera on a pole. Councilman LaBarbera will discuss the best approach with Chief McGovern.

Councilman Rodriguez asked how long the temporary parking would be needed for (what days and what hours)? He asked if the public could use the space during off hours? Councilman LaBarbera will speak with Chief McGovern. We may reserve the spaces Monday through Friday, 7 am-3:30 pm for DPW use and then open it up. If we allow some of the employees to take their vehicles home, that will free up some of the spaces on off hours. It is estimated that parking would be needed for at least six months; some of those months will be winter months when the fields are not being used.

Councilwoman Cole felt that Councilman LaBarbera has been doing a great job with this project and the updates. DPW is a renovation. Feedback was received from the public regarding the large driveway openings and gates not closing regularly. She asked if the governing body were on board to have the gates automated, are we able to do it or is it a JCP&L issue? Yes, it is a JCP&L issue and comes down to how much time we are willing to wait. Councilman LaBarbera said the Owners Representatives will get us in touch with someone at JCP&L for a timeline. We need to start the application to upgrade the service at DPW because we need power there. Cameras are needed for recycling, and they need to be "beefed up". Four trailers would be needed and would be kept after construction (not all would be equal in length depending on what is stored).

Councilwoman Hoey said there have been fantastic updates each meeting and it's great we are on target and saving money. All of this comes down to communication and a larger plan to get the message out there. Councilman LaBarbera will send what the Owners Representatives proposed; it is a lot of information.

Councilwoman Koch thanked Councilman LaBarbera for all of his hard work. She asked if use of the Concession Stand for DPW would interfere with meetings? No. She asked about the JCP&L upgrade for Police Department fire pump and if there were a way for NJ American Water to prioritize Fisk Street; they have already started the work today. She asked for cost estimates for electric upgrade at DPW; soft costs from their engineer were provided and it is hundreds of thousands of dollars.

The Borough Clerk asked Council what time the governing body would like to hold the Special Meeting on August 7<sup>th</sup>; it was decided to hold it at 8:30 am via Zoom. At the meeting will be for authorization to bid DPW with fuel tank cost estimates, off-site improvements, etc.

## NEW BUSINESS

### Council Committee Reports

**Finance** - Councilwoman Neff was absent. Councilman LaBarbera advised there was no update.

**Personnel** - Councilwoman Hoey reported that there was no July meeting; the next Personnel meeting will be August 17<sup>th</sup>. There will be meetings with the Library Board of Trustees regarding staffing for the library. There will be two job postings coming out in the coming weeks as there are two employees retiring in the near future.

**Parks and Recreation** - Councilwoman Hoey advised all is going well with summer camp and the dock concerts. There was no July meeting; meeting again on August 1<sup>st</sup>.

**Planning Board** - Councilwoman Koch advised the July Planning Board meeting was cancelled due to lack of agenda; the next meeting will be on August 15<sup>th</sup>.

**Police, Fire & OEM** - Councilman Rodriguez asked Councilman LaBarbera to update on Cambridge Avenue status. On the agenda is introduction of an Ordinance for stop signs and no parking during school hours on Cambridge Avenue. If the ordinance is introduced tonight, it will be listed for hearing and adoption on the August 14<sup>th</sup> agenda. Little Silver will be advised, and everything will be implemented by the beginning of the school year. Councilman Rodriguez advised National Night Out will be held on August 1<sup>st</sup>, 6-8 pm at the Community Center.

**Engineering and DPW** - Councilman LaBarbera advised of a Brush and Leaf Committee meeting on August 16<sup>th</sup>; Enforcement and Betty Ann Berube will attend the meeting. There are three viable/achievable solutions starting in 2024. Third Street is also part of the ordinance to be introduced with two stop signs to be implemented (Cedar and at Church). There is a change order for Third Street, Phase II for curbing. Regarding Stormwater Management, the Borough met with the County on July 17<sup>th</sup> on River Road; we are waiting on the County to do an assessment. Colonial Court is in progress. With regard to Forman Street, there is a near term fix with the microprojects. NJAW is upgrading pipes on six streets and will include paving curb to curb beginning now until November. The microprojects Receipt of Bids is being advertised in this Thursday's Asbury Park Press for receipt on August 8<sup>th</sup>.

**Borough Facilities** - Councilman LaBarbera provided an update under Old Business.

**Zoning Board of Adjustment** - Councilman LaBarbera advised that the August meeting is cancelled. He asked Attorney Sobel for guidance on this; there are some outstanding items that need to be approved i.e. minutes since March/April. He asked if the governing body has any authority on it. It seem that four months without a meeting is a lot. Attorney Sobel will look into this.

**Borough Communications and Community Outreach** - Councilwoman Cole advised there is a meeting on July 27<sup>th</sup> to discuss the internal communication with parts of government (Commissions and Committees communicating with one another). There are many construction projects underway that need to be communicated to the public so we will look at how to best communicate this with everyone. The Borough needs people to sign up for our alerts and important information. The public can scan the QR code and fill out the form or reach out to Betty Ann Berube.

The Environmental Commission is on break for August. The Green Team is working on Spotted Lantern Fly education....**stomp them out**. There is some type of tape that residents can put on their trees to prevent Lantern Fly damage. Fair Haven Hardware is ordering the tape for their stock; we will put the information on the Borough website.

The Shade Tree Commission recessed in July. The Tree Preservation Ordinance has been reviewed and a final draft is coming shortly.

The Grant Committee met and are coming up with a way to provide data to Mayor and Council to make a decision on whether to take next steps. There was a template form created by Councilwoman Hoey and provided to Mayor and Council for consideration which could help decided whether or not to move forward with a grant. The go ahead was given for a Stormwater Management Grant to provide resources such as feasibility studies. It is best to apply sooner than later; the application deadline closes at the end of December. Engineer Gardella and Assistant Engineer Poruchynsky will apply for it. Administrator Casagrande advised she just received the form and has not had a chance to review it.

Councilwoman Cole advised the Business District is gearing up for the Firemen’s Fair.

**INTRODUCTION OF ORDINANCES**

- 1. Ordinance No. 2023-11, Amend Chapter 7, Sections 11 Stopping or Standing Prohibited During Certain Hours on Certain Streets, 20 Stop Intersections and 21 Multi-Way Stop Intersections

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF MONMOUTH SUPPLEMENTING CHAPTER 7, VEHICLES AND TRAFFIC, BY AMENDING SECTION 11, STOPPING OR STANDING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS, SECTION 20, STOP INTERSECTIONS AND SECTION 21, MULTI-WAY STOP INTERSECTIONS**

**WHEREAS**, the Mayor & Council of the Borough of Fair Haven (the “Borough”) consider pedestrian and traffic safety to be a significant and important priority for the Borough and the welfare of its residents; and

**WHEREAS**, the Borough’s Police Department has recommended the implementation of certain measures to enhance pedestrian and traffic safety, including the prohibition of parking in certain places and the installation of new stop signs at certain intersections; and

**WHEREAS**, the Mayor and Council find it to be in the best interests of the Borough’s residents to implement such measures recommended by the Borough’s Police Department:

**NOTE:** The section of Chapter 7 that is to be supplemented by Ordinance is Sections 11 Stopping or Standing Prohibited During Certain Hours on Certain Streets, 20 Stop Intersections and 21 Multi-Way Stop Intersections. All additions are shown in ***bold italics with underlines***. The deletions are shown as ***strikeovers in bold italics***. Sections of Chapters 7-11, 7-20 and 7-21 that will remain unchanged are shown in normal type.

**SECTION 1.**

**7-11 STOPPING OR STANDING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS.**

- a. No person shall stop or stand a vehicle between the hours specified on any day upon any of the streets or parts of streets described.

Name of Street	Side	Hours	Location
<u>Cambridge Avenue</u>	<u>Both</u>	<u>School Days: Between 7:30 a.m.-8:30 am and 2:00p.m.-4:00 p.m.</u>	<u>From Ridge Road ending 150 feet north along Cambridge Avenue</u>

Hance Road	West	All	From northerly curbline of Third Street to a point 310 feet north at Popular Avenue
Hance Road	West	All	From northerly curbline of Third Street to a point 115 feet south ending at driveway at Knollwood School
Hance Road	East	All	From northerly curbline of Third Street to a point 310 feet north, ending at Jackson Street
Jackson Street	North	No parking from 7:30 a.m. until 3:30 p.m. while school is in session	From a point 150 feet east of Hance Road
Poplar Avenue	Both	No parking from 7:30 a.m. until 3:30 p.m. while school is in session	From a point 70 feet west of Hance Road
Willow Street	South	All	From a point 243 feet east of the easterly curbline of Fair Haven Road and extending to a point 531 feet therefrom

b. Penalty. Any person who violates this section shall be liable to a fine of \$35. (Fee restated at subsection 2-56.1, Fee Schedule.)

**SECTION 2.**

**7-20 STOP INTERSECTIONS.**

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections described are hereby designated as Stop Intersections. Stop signs shall be installed as provided therein.

<b>Intersection</b>	<b>Stop Sign(s) On:</b>
Battin Road at Boat Ramp	Battin Road
Battin Road at Lewis Lane	Lewis Lane
Beekman Place at Lake Avenue	Beekman Place
Borough Hall Parking Lot at Fair Haven Road	Parking Lot Exit
Buttonwood Drive at Linden Drive	Buttonwood Drive
Charles Court at Harding Road	Charles Court
Clay Street at Gillespie Avenue	Clay Street
Cypress Court at Poplar Avenue	Cypress Court
Danna Court at Gentry Drive	Danna Court
Dartmouth Avenue at Fair Haven Fields	Exit to Fair Haven Fields
Denise Court at Gentry Drive	Denise Court
Elm Place at Willow Street	Elm Place
Fisk Street-Hayes Place at Maple Avenue	Fisk Street-Hayes Place
Gentry Drive at Dartmouth Avenue	Gentry Drive
Harrison Avenue at Harding Road	Harrison Avenue
<b><u>Harvard Road at Cambridge Avenue</u></b>	<b><u>Harvard Road</u></b>
Harvard Road at Harrison Avenue	Harvard Road
Harvard Road at Lake Avenue	Lake Avenue
Hillcrest Road at Buttonwood Drive	Hillcrest Road
Hillcrest Road at Kemp Avenue	Hillcrest Road
James Court at Gentry Drive	James Court
Kemp Avenue at Willow Street	Kemp Avenue
Lake Avenue at Princeton Road	Princeton Road

Laurel Drive at Oak Place	Laurel Drive
Lexington Avenue at First Street	Lexington Avenue
Lincoln Avenue at First Street	Lincoln Avenue
Linden Drive at Kemp Avenue	Linden Drive
Linden Drive at South Woodland Drive	Linden Drive
Maple Avenue at Hendrickson Place	Maple Avenue
Maple Avenue at McCarter Avenue	Maple Avenue
Oak Place at Laurel Drive	Oak Place
Oak Place at Willow Street	Oak Place
Oaklawn Road at Harding Road	Oaklawn Road
Park Lane at Laurel Drive	Park Lane
Park Lane at Linden Drive	Park Lane
Park Road at Cambridge Avenue	Park Road
<b><u>Princeton Road at Cambridge Avenue</u></b>	<b><u>Princeton Road</u></b>
Smith Street at Jackson Street	Smith Street
William Street at Henderson Place	William Street

**SECTION 3.**

**7-21 MULTI-WAY STOP INTERSECTIONS.**

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections herein described are designated as Multi-Way Stop Intersections. Stop signs shall be installed as provided herein.

**Intersection**

**Stop Signs On:**

Cedar Avenue at Fisk Street	Cedar Avenue at Fisk Street
Cedar Avenue at Parker Avenue	Cedar Avenue at Parker Avenue
Clay Street at DeNormandie Avenue	Clay Street at DeNormandie Avenue
Forman Street at Smith Street	Forman Street at Smith Street
Hendrickson Place at Maple Avenue	Hendrickson Place at Maple Avenue
Lake Avenue at Beekman Place	Lake Avenue at Beekman Place
Linden Drive at Kemp Avenue	Linden Drive at Kemp Avenue
<b><u>Third Street at Cedar Avenue</u></b>	<b><u>Third Street at <del>Both Sides of</del> Third Street at Cedar Avenue</u></b>
<b><u>Third Street at Church Street</u></b>	<b><u>Third Street at <del>Both Sides of</del> Third Street at Church Street</u></b>

**SECTION 4.** 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 5.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, 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 hereby ratified and confirmed, except where inconsistent with the terms hereof.

**SECTION 6.** This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

Offered for introduction by Councilmember Cole, second by Councilmember Koch

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

1. Resolution No. 2023-188, Executive Session: Personnel, Property Acquisition, Possible Litigation & 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

**Acquisition of Property**

1. 21 Fair Haven Road

**Possible Litigation**

1. K.M. Hughes Enterprises: Colonial Court

**Contract Negotiations**

1. NJ American Water Company
2. ILSA with Middletown
3. ILSA with Fair Haven Board of Education
4. Knights of Columbus

**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 and Rodriguez

Negative: None

Abstain: None

Absent: Councilmember Neff

2. Resolution No. 2023-189, Approve Fire Department Regular Membership - Damian Goldstein

**BE IT RESOLVED** by the Borough Council of the Borough of Fair Haven Damian Goldstein 121 Church Street, Fair Haven, NJ having been duly accepted as a regular member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: Councilmember Neff

3. Resolution No. 2023-190, Approve Fire Department Affiliate Membership/First Aid - George Kressler

**BE IT RESOLVED** by the Borough Council of the Borough of Fair Haven that George A. Kressler, 118 Avenue of Two Rivers, Rumson, NJ having been duly accepted as an affiliate member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department/First Aid Squad.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: Councilmember Neff

4. Resolution No. 2023-191, Approve Fire Department Affiliate Membership/First Aid - Douglas Fleisher

**BE IT RESOLVED** by the Borough Council of the Borough of Fair Haven that Douglas K. Fleischer, 117 Maple Avenue, Fair Haven, NJ having been duly accepted as an affiliate member of



the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department/First Aid Squad.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: Councilmember Neff

5. Resolution No. 2023-192, Authorize Street Opening Application Refund to NJ Natural Gas (Hillside Place)

**WHEREAS**, New Jersey Natural Gas submitted a Street Opening Application for service renewal at 24 Hillside Place with the appropriate application and inspection fee; and

**WHEREAS**, New Jersey Natural Gas found an error in their submission as to where the meter was going to be located and found that where the actual meter was going to be set did not require a need to open the street; and

**WHEREAS**, a request has been made for a refund of the application and inspection fee in the amount of \$550.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that a refund in the amount of \$550.00 to New Jersey Natural Gas is hereby approved and the Finance Department is authorized to process said refund.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: Councilmember Neff

6. Resolution No. 2022-193, Extend Grace Period of 3<sup>rd</sup> Quarter 2023 Taxes to August 29, 2023

**WHEREAS**, the Tax Collector has informed the Mayor and Council that the Monmouth County Board of Taxation was delayed in forwarding necessary information for the preparation and mailing of final tax bills to the real estate taxpayers of the Borough of Fair Haven for the year 2023; and

**WHEREAS**, the present statute requires the imposition of a late charge if 3<sup>rd</sup> quarter 2023 taxes are not paid by the 10<sup>th</sup> of August; and

**WHEREAS**, it would be unfair and unreasonable to impose a penalty for a delinquent payment when the amount of the payment is unknown.

**NOW, THEREFORE, BE IT RESOLVED**, that the Tax Collector of the Borough of Fair Haven is hereby ordered and directed, according to Public Law 1994, Chapter 72, signed July 14, 1994, that if tax bills are not delivered or mailed at least 25 (twenty-five) calendar days prior to the standard due date, then the delinquency date for 3<sup>rd</sup> quarter 2023 taxes shall be established as the twenty-fifth (25) calendar day after the date the tax bill was delivered or mailed. The tax bills will contain the date on which interest shall start accruing.

**THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven are hereby extending the grace period for payment of 3<sup>rd</sup> quarter 2023 taxes to August 29, 2023.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: Councilmember Neff

7. Resolution No. 2023-194, Approve Block Party - Laurel Drive (between Oak Place), September 9<sup>th</sup>

**WHEREAS**, a request was received to hold a Block Party on Laurel Drive on Saturday,

September 9, 2023 from 1:00 pm to 10:00 pm; and

**WHEREAS**, Police Chief McGovern reviewed the application and submitted his approval on July 18, 2023; and

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Fair Haven that approval is hereby granted for a block party to be held on Laurel Drive on Saturday, September 9, 2023 from 1:00 pm to 10:00 pm.

**BE IT FURTHER RESOLVED** that Permit No. BP 2023-02 will be issued for said event.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: Councilmember Neff

- 8. Resolution No. 2023-195, Approve Proposal from Colliers Engineering & Design: Additional UST Work for DPW

**WHEREAS**, there is a need for additional Underground Storage Tank (UST) investigative work to be conducted for the DPW Facility; and

**WHEREAS**, Colliers Engineering & Design submitted a proposal to the Borough of Fair Haven on July 19, 2023 to investigate a potential UST behind the DPW building for an amount not to exceed \$4,600; and

**WHEREAS**, this proposal is being awarded as a professional service through the non-fair and open process.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven, that the proposal received from Colliers Engineering & Design, be accepted and awarded for additional UST investigative work for the DPW Facility at a cost not to exceed \$4,600 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 and Rodriguez

Negative: None

Abstain: None

Absent: Councilmember Neff

- 9. Resolution No. 2023-196, Approve Change Order from Roof Maintenance Systems to include salt shed at DPW

**WHEREAS**, Resolution No. 2023-57 awarded a proposal to Roof Maintenance Systems for the reroofing of the Department of Public Works and selected roof sections for Borough Hall in an amount not to exceed \$9,700; and

**WHEREAS**, a request for a Change Order to Purchase Order No. 23-00190 by a letter dated July 18, 2023 from Roof Maintenance Systems has been received to incorporate the shingled salt shed at the Department of Public Works in the reroofing project; and

**WHEREAS**, the additional work will increase Purchase Order No. 23-00190 by \$3,650 for a total amount of \$13,350.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Roof Management System is authorized to incorporate the shingled salt shed to be reroofed and the Finance Department is hereby authorized to make the appropriate change to Purchase Order No. 23-00190 for this work.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: Councilmember Neff

10. Resolution No. 2023-197, Payment of Vouchers

**BE IT RESOLVED** by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the July 24, 2023 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2023 CURRENT FUND ACCOUNT	\$ 191,358.75
GENERAL CAPITAL	\$ 51,966.40
OTHER TRUST	\$ 20,393.08
DOG TRUST	\$ 256.15
	<u>\$ 263,974.38</u>
LESS VOIDED CHECK	<u>- 4,604.95</u>
	<b>\$ 259,569.43</b>

CURRENT CHECK NO. 64182 - \$ 200.00  
 CURRENT CHECK NO. 64283 - \$ 494.70  
 CURRENT CHECK NO. 64335 - \$2,910.25  
 CURRENT CHECK NO. 64371 - \$1,000.00

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

11. Resolution No. 2023-198, Approve Temporary Sign Installation for Fair Haven Fire Company (The Outback)

**WHEREAS**, in accordance with Borough Code, **30-7.24 (f) Special Event Signs**, civic groups or service organizations may erect a temporary sign prior to a special event provided that permission is granted by the Mayor and Council; and

**WHEREAS**, the Fair Haven Fire Company has submitted paperwork to the Borough requesting permission to install a temporary sign for their Annual Firemen’s Fair; and

**WHEREAS**, on July 19, 2023, Nicolas Poruchynsky, Zoning Officer approved the Zoning Application for the temporary sign.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that the Fair Haven Fire Company is hereby authorized to erect a temporary sign “The Outback” on an accessory structure that exists on the property from August 19, 2022 until September 9, 2023.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

**Reports of Departments**

**June 2023**

- Tax Collector
- Municipal Court
- Police Department
- Budget Status

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 8:32 p.m. Darryl Breckenridge, former Police Chief and current Monmouth County Undersheriff, introduced himself. He thanked the governing body, especially Councilman LaBarbera for all of the work that has been done for the new police facility. He asked to give input on the new police department which he is 100% for. He was in attendance and speaking on behalf of the African American community

and the “colored” school. He does not want the “colored” school to be remembered as a 2X2 plaque inside the building; it deserves more as it is history (the Fair Haven rule where the curriculum was written and mirrored from how the white kids were taught, Brown vs. Board of Education where Fair Haven was acknowledged in Trenton’s ruling). Undersheriff Breckenridge advised that every municipal building should have a flagpole and asked that the Borough erect a monument noting “the site of the colored school” with the appropriate years it was a school. Councilman LaBarbera advised that there is currently a flagpole where the memorial is going to be erected; the Facilities Committee is working with Fisk Chapel on what it is going to be. There is a dedicated site on the site plan of where the memorial will be (i.e. a monument or a statue commemorating what the building was). Undersheriff Breckenridge was not sure how vocal the African American community has been regarding a monument and offered to sit with Mayor and Council to create something. Councilwoman Cole advised that the Historic Association of Fair Haven has been re-established and is fully committed to making sure that the school’s story is told and is raising money to be sure that it happens. Brown vs. Board of Education is important and Fair Haven was instrumental, in its small and mighty way, of changing the course of history in the United States. Undersheriff Breckenridge attended the “colored school” in the 1960s where there were 450 African American residents; now there are only about 14.

Katy Frissora, Lexington Avenue, a member of the Historic Preservation Commission and the Historic Association advised Fair Haven has a lot of history. She is working on the restoration of Bicentennial Hall (formerly known as Fisk Chapel) and creating a digital museum with all of this information; there are a lot of oral histories. Mrs. Frissora interviewed the late Ray Taylor and gathered information from him and there is a lot of history that cannot be lost. Mayor Halpern wanted to make it clear that at no point was the memorial ever going to be just a plaque.

Bill Perkins, Hance Road, felt the Borough is doing a great job on Borough Facilities. He commented on the Power Point Presentation and advised the Borough needs a reconciliation of the finalized cost estimate (it should be the first item). Councilman LaBarbera said one has been done for the Police Department and Community Center and he is working on one for DPW. Mr. Perkins advised that all of the prospective bidders should tour the site together because questions are going to come up and it is easier to address them as a whole and not on a rolling basis. Mr. Perkins felt the Borough should allow the public on Zoom to be able to see the ordinances; it was explained to him that the agenda and supporting documents are all posted as one document. He questioned the amount of stop signs being added in the Borough; he was advised that the stop signs being added are marked in bold, underlined and italicized in the ordinance.

Becky Lomba, Allen Street, lives across from the DPW and missed a few meetings. She noted that some things have changed since the last meeting she attended such as no automatic gates; there is disappointment that they will not be automatic. She and her neighbors overlook the DPW which is unsightly. She was not counting on the auto gate being Phase II due to the budget. She felt the gates are going to be enlarged and not automatic so it will remain an open gate at all times of the day. Mrs. Lomba said the demand of recycling outweighs the capacity by 2 to 3 times. It is understood there is no funding for the fence and was speaking on behalf of her neighbors who need relief in aesthetics. She hoped for good landscaping to shield the view and deter people from dumping. A wooden fence is going to need to be maintained. Mayor Halpern advised that every decision that has been made has taken the entire neighborhood into consideration which is why there were open houses held. The governing body, at the last Council meeting, discussed the gate sounds when opening and closing, the idling of trucks waiting for the gates to open causing fumes and other quality of life items. Councilman LaBarbera offered to sit with Mrs. Lomba and the neighbors to go over the plans and what has taken place to date. The Facilities Committee discussed the landscape plan created by a professional Landscape Architect which was sent to the Borough’s Certified Tree Expert and then passed along to the Shade Tree Commission.

Cameron Spector, Lake Avenue, advised Council that he has been making movies in Fair Haven since 2014 and has been getting permits and asking Council to waive the fee. He would like to shoot a film between August 11-13<sup>th</sup> (shooting at Fair Haven Fields) and the next Council meeting is August 14<sup>th</sup>; he requested permission to shoot and have the fee waived. Attorney Sobel advised that it just can’t be added as an action item. Council consensus was to add the request to the August 7<sup>th</sup> Special Meeting agenda. Clerk Cinquegrana advised Mr. Spector that he needs to provide more detail for Council. The Mayor asked that Mr. Spector follow the Borough Calendar in order to make a request. The additional information such as who, what, where, why should be sent to Clerk Cinquegrana.

Stephanie Adams, Oxford Avenue, stated that Councilman LaBarbera’s announcement of the grant money for the Community Center is amazing news. She noted the tearing down of the tennis courts and basketball court and asked that the wall for wall ball be considered as it gets a lot of use. She thanked Katy Frissora and Darryl Breckenridge for their thoughts to preserve Fair Haven’s history.

Councilwoman Koch advised there is no leaf or brush pick up in the month of August and that everyone must follow the rule; there should be nothing on the roads in August. Councilman LaBarbera advised that vegetative waste could go in the garbage.

Mayor Halpern noted that it has been many, many years in the making to get to this point with the Borough Facilities. The Borough staff and professionals worked hard on this, but everyone should

applaud Councilman LaBarbera for all of his work and time to move these projects forward.

The Mayor advised that someone outshined everyone this evening and he has not seen anyone with more enthusiasm than GianCarlo who every time he has come in contact with him, puts a smile on his face. He asked that GianCarlo be given a round of applause and presented him with the nameplate and a Borough banner signed by Mayor and Council.

There being no further comments or questions, the meeting was closed to the public at 9:04 p.m.

Council went into executive session at 9:13 p.m. and this meeting was reconvened at 9:54 p.m.

**ADJOURNMENT**

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

Time of Adjournment: 9:54 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR  
Borough Clerk