

FAIR HAVEN BOROUGH COUNCIL
AUGUST 14, 2023

The meeting was called to order by Mayor Halpern at 7:08 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 AUGUST 14, 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, Attorney Sobel and Chief McGovern.

Mayor Halpern apologized for the delayed start to the meeting explaining that he had performed a marriage ceremony for Charlie and Sarah at the dock. It was a beautiful ceremony to start their beautiful future.

WORKSHOP SESSION

A request was received from Fair Haven Business Association to display lawn signs for Sidewalk Sales (August 25-26) beginning August 15th until August 28th. Motion to approve moved by Councilmember LaBarbera, second by Councilmember Neff with Ayes by all present.

Administrator Casagrande advised that a proposed Salary Ordinance Amendment has been listed for discussion as it coincides with this evenings appointment for SLEO II and III as well as the ILSA with Fair Haven Board of Education to share in the cost of the officers in our schools. This would add them to the salary ordinance with a range. The actual salary amount is done by resolution. Councilmember LaBarbera asked about the Class III and if he will receive a \$12 increase within the same year? No, as it is the first year. Councilwoman Hoey asked about advertising and vetting for the position; it was already done by Chief McGovern and School Superintendent Sean McNeil conducting the interviews and making recommendation.

Mayor Halpern asked that the Borough's code for noise be listed for a general discussion, not setting anything. He asked for thoughts and ideas regarding noise. He reviewed the Borough Code for lawn maintenance and construction which is permitted between 8:00 a.m. until sunset. He asked about making a change for the summer months so there is no noise after 5 p.m. or a shorter amount of time for noise. Potentially on Sunday providing a morning to sleep in and make a "Lazy Sunday" by starting at 11 am or 12 noon. Thoughts are welcome. We don't want to restrict residents doing work on their own properties. Councilmember Koch saw a problem with moving the hours later in the summer for this work because it is hot in the later hours and would limit beach time. Mayor Halpern saw her point and asked about continuing to allow construction on Sundays or now prohibiting it? Councilmember Cole said she has received calls and feedback from residents about the constant drone of lawn maintenance equipment noise; she felt it was reasonable to have a day with no construction. Entertainment systems are also an issue with wireless speakers and TVs outside with noise traveling; it is important to improve the quality of life for residents and neighbors. Not everyone is responsive when asked to turn it down. Councilmember Neff mentioned a portion of the current code where it allows music until 12 midnight. Mayor Halpern said he brought this up for a conversation and asked Council to think about this. It will be tabled to a future meeting to discuss

some hours, days, etc. Councilmember LaBarbera felt there needs to be a realistic approach and asked that we check the State regulations for noise, construction, etc. so that we are aligned. It seems most resident complaints are due to construction. Councilmember Hoey went through a similar situation regarding noise with the non-domestic animal code and offered to poll other municipalities on their noise ordinance and create a spreadsheet regarding days, hours, type of noise, etc.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:23 p.m. There being none, the meeting was closed to the public at 7:23 p.m.

APPROVAL OF MINUTES

Councilmember LaBarbera made a motion to approve the Regular Meeting minutes of July 24, 2023, second by Councilmember Koch

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

Negative: None

Abstain: Councilmember Neff

Absent: None

Councilmember LaBarbera made a motion to approve the Executive Session minutes of July 24, 2023, second by Councilmember Koch

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

Negative: None

Abstain: Councilmember Neff

Absent: None

Councilmember LaBarbera made a motion to approve the Special Meeting minutes of August 7, 2023, second by Councilmember Koch

Affirmative: Councilmembers Hoey, Koch, LaBarbera and Rodriguez

Negative: None

Abstain: Councilmembers Cole and Neff

Absent: None

OLD BUSINESS

HEARING AND ADOPTION 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

On motion of Councilmember LaBarbera, second by Councilmember Koch with Ayes by all present, Mayor Halpern opened the meeting for comments or questions at 7:24 p.m.

There being no comments or questions, the Hearing was closed to the public at 7:24 p.m. on motion of Councilmember LaBarbera, second by Councilmember Koch with Ayes by all present.

Offered for adoption by Councilmember Cole, second by Councilmember LaBarbera

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

Negative: None

Abstain: None

Absent: None

Councilmember LaBarbera provided a Power Point Presentation on the status of Borough Facilities starting with the DPW project and the updated project schedule. There were a few "TBDs" listed in the schedule timeline. The ceiling over the DPW second floor office collapsed over the weekend. We are looking to redo the stairs between the two garages. Councilmember Hoey would like to put something comprehensive together showing a lens that we are doing this together and will continue to engage the public from beginning to end. Councilmember LaBarbera said that no additional USTs at DPW has been confirmed. The roof projects have been bifurcated between DPW and Borough Hall. There will be a plaque at DPW. He advised that 95% of the projects are done and ready to be transitioned to the Owners Representatives so there will probably be one more Power

Point after this one. We should be ready to go out to bid very soon.

The Police Department/Community Center walk through occurred on August 9th with 6-8 contractors coming out. An addendum to the bid is being issued tomorrow, August 15th (a page turn occurred and there will be an addendum as some of the discussed changes did not make it into the document). We are working with NJ American Water for an updated HFT/MFT to avoid the fire pump alternate becoming a bidding risk. As of last week, there were 44 vendors who have accessed the bid (some of which are brokers); this is a good turnout. DJ Breckenridge, Director of Parks and Recreation, did an analysis of Community Center usage from 2022 with an estimate for 2023 to try to figure out how much we will need to use the Knights of Columbus, Church of the Nativity or Board of Education. Some discussion will take place in executive session regarding alternate meeting space as well as Fisk Chapel and what is needed to move forward (no action being taken). We are on track and the contractor should start October 2023. There is a meeting on August 18th with a vendor to discuss the memorial.

Councilmember Cole was glad to hear about the cameras at the recycling area and felt the cameras should live there beyond the construction at DPW. Councilmember LaBarbera agreed and advised there will be two cameras (one facing the cardboard pad and where the gate is to see who approaches at night to record the license plates). He gave a brief description of the view for what the cameras can pick up. She asked if Chris Alworth, IT, was involved; yes. It was asked if we are using a broker to search out the trailers; she felt it may be best to have used trailers vs. new trailers. Councilmember LaBarbera will look into this.

NEW BUSINESS

Council Committee Reports

Finance - Councilwoman Neff did not have a major update. The Finance Committee is working on the finance side of the Police Department/Community Center project. There are also discussions for ways to cut back on expenses for next year's budget.

Personnel - Councilwoman Hoey reported that there have been discussions regarding the SLEO III position with an appointment on this evening's agenda. The position for a part-time Library Director was advertised; applications are currently being received.

Parks and Recreation - Councilwoman Hoey advised that adjustments are being made to the tennis reservation system to accommodate both tennis and pickle ball; there are deadlines for reservations depending on use which she explained. All four (4) tennis courts can be used for pickle ball. The fifth court will be for tennis only. We are providing access in accordance with Green Acres regulations. A tree fell on the fence and bleachers of the newly constructed Fair Haven Fields #4. We are getting repair quotes for the fence and bleachers so that field is closed.

She asked Chief McGovern what the status of the AEDs is? They have been ordered and they are on back order; we are ready but need the equipment.

On a communications side, the Firemen's Fair is coming up and volunteers are needed; kids of all ages can volunteer/participate (set up, clean up, shucking corn). Older kids can help prepare the seafood. Kids age 14+ can help with the duck pond and mini golf and 12-year-olds may do so with a parent.

Councilman Rodriguez advised that there is a crack in one of the courts that should be looked at.

Councilwoman Hoey asked if DPW could hose down the dock from bait which is attracting bees and other insects.

Planning Board - Councilwoman Koch reported that the Planning Board meeting scheduled for tomorrow has been cancelled due to lack of an agenda; the same happened in July. The next meeting is scheduled for September 19th.

Police, Fire & OEM - In Councilman Rodriguez's absence, Councilman LaBarbera reported on the following: there will be a Women's Self-Defense class held on August 21st from 5-7 p.m.; it was a huge success last year. There is a Firearm Safety Presentation this Wednesday, August 16th at 7:00 p.m. at Borough Hall. The Cambridge Avenue no stopping or standing signs and stop signs are part of the ordinance on this evening's agenda for adoption tonight. There will be an OEM electronic sign posted advising of the new traffic laws. He reviewed the Firemen's Fair schedule with it beginning on August 25th. Chief McGovern advised he looks forward to seeing everyone at the Police seminars and presentations over the next week.

Engineering and DPW - Councilman LaBarbera advised that with regard to Fair Haven's street

lighting, a walk through has been done; we went through a co-op to save on costs. There will be a Brush and Leaf discussion on the next Council Agenda Workshop; the Leaf and Brush Committee is meeting on August 16th. Third Street, Phase II is complete. With regard to Stormwater Management, we are actively working with the County to have them conduct some due diligence (piping, televising, etc. on the county-owned roads. We had an opportunity come up to do some stormwater cleaning on Hance Road as part of the Third Street Phase II project. It was a great effort and there was a tremendous amount of debris that was pulled they may have been blocking flow; we are waiting on an official report. Microprojects are on the agenda tonight for contract award. Fair Haven Road, Phase II was approved so we hope to join Phase I and II for economies of scale which means requesting an extension for Phase I to address design for the phases. Councilman LaBarbera said he has been thinking through how we prioritize the microprojects and he saw three themes: ADA, stormwater management and sidewalks. Any thoughts of Council are welcome. The Borough is working toward a solution for McCarter Pond.

Borough Facilities - Councilman LaBarbera reported on under Old Business.

Zoning Board of Adjustment - Councilman LaBarbera advised the August meeting was cancelled; the next meeting is scheduled for September 7th. He stated if there is something that is not being addressed, to reach out to Administrator Casagrande or Clerk Cinquegrana who will look into it.

Borough Communications and Community Outreach - Councilwoman Cole reported there is a Communication and Outreach meeting on August 24th. At the last meeting, the Committee spoke about construction on the horizon (PD/Community Center, DPW, Microprojects, Stormwater Management improvements, other utility work and projects). We will work closely with Engineering and DPW to get the information out as it is known or changes. She encouraged the residents to sign up for all Borough communications so they don't miss Borough announcements and updates with what is happening around the Borough and for targeted zone notification. The public can reach out to Betty Ann Berube or scan the QR code. We are at about 60% of our residents registered.

With regard to the Environmental Commission and the Green Team, they have been working on the Third Street Trail pollinator garden. The Shade Tree has its resident tree buying program currently in effect which has been included in the Borough Buzz and other Borough media. The planting area is marked out, tree planted and staked with a one-year guarantee. You can reserve a tree through the link in the information that has been sent. She commended the Shade Tree Commission for bringing the tree planting program forward and implementing same. The Grant Committee is meeting later this month. She showed that Pat Drummond, Fair Haven Road resident and the Borough's Historian, is featured in Fair Haven Living magazine this month. The Historic Association Garden Party is being held on September 9th at Councilwoman Cole's home; tickets are currently on sale. The Mayor stated that there are also two articles in Fair Haven Living Magazine written by Councilman Rodriguez.

INTRODUCTION OF ORDINANCES

1. Ordinance No. 2023-12, Amend Ordinance No. 2020-07, Creating a Habitat Rezoning Ordinance

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF MONMOUTH AMENDING CHAPTER 30, LAND USE AND DEVELOPMENT REGULATIONS, AMENDING THE R-5 SINGLE-FAMILY RESIDENTIAL ZONE TO PERMIT AN AFFORDABLE TWO-FAMILY DWELLING ON A PORTION OF BLOCK 45

WHEREAS, in March 2019, the Borough Council of the Borough of Fair Haven, Monmouth County, New Jersey (the "Borough") voluntarily petitioned the Court via Declaratory Judgment Action ("DJ Action") for approval of its Housing Element and Fair Share Plan ("HEFSP"), which was also adopted in March of 2019; and

WHEREAS, as a result, the Borough and its Planning Board obtained immunity from builder's remedy and Mount Laurel litigation, while its plan was processed; and

WHEREAS, the Borough Council of the Borough of Fair Haven, Monmouth County, New Jersey, entered into a Settlement Agreement with Fair Share Housing Center (FSHC) on February 12, 2020 that resolves the Borough's DJ Action globally; and

WHEREAS, a Court Order was signed by the Honorable Judge Linda Grasso-Jones on June 5, 2020, that found that the Borough's proposed affordable housing strategy as set forth within the FSHC Settlement Agreement is facially constitutionally compliant and provides a fair and reasonable opportunity for the Borough to meet its obligations under Mount Laurel IV; and

WHEREAS, pursuant to the executed Settlement Agreements and Court Order, the Borough proposes to dedicate a minimum 5,000 square foot portion of a municipally owned lot at the corner

of Hendrickson Place and Allen Street to Habitat for Humanity or another qualified non-profit entity for the purpose of constructing two affordable housing units; and

WHEREAS, in order to permit the construction of two residential units on one minimum 5,000 square foot lot, the Borough desires to amend the standards of the R-5 Zone District as they pertain to Block 45, Lot 10.02; and

WHEREAS, this Ordinance implements and incorporates the Borough’s executed Settlement Agreement with FSHC, the Court Order, and the New Jersey Fair Housing Act of 1985.

NOW THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Fair Haven, County of Monmouth as follows:

The Schedule of Permitted Uses as they pertain to the R-5 Zone District is hereby amended as follows:

Section 1. Section 30-5.3 Permitted and Prohibited Uses is hereby amended as follows:

a. Permitted principal uses, accessory uses, and conditional uses within each zone district are set forth in the schedules of permitted uses. The letter "P" means that the use is a permitted principal use in the zone. The letter "C" means the use is a permitted conditional use. The letter "A" means permitted accessory use in the zone. Any use, except for essential services, which is not specifically listed as a permitted use, an accessory use or a conditional use on the schedule of uses shall be deemed a prohibited use.

1. **For Block 45, Lot 10.02 in the R-5 Zone (the “Lot”), the only permitted use is a 100% affordable housing development consistent with the following parameters:**
 - (a) **One (1) two-family dwelling consisting of affordable residential units with a minimum lot area of 5,000 square feet. A two-family dwelling is defined as: A building occupied or intended for occupancy as separate living quarters for no more than two families, with separate access, cooking, sleeping and sanitary facilities for the exclusive use of the occupants of each unit, which units are separated from each other either by vertical walls to the underside of the roof or by horizontal floors.**
 - (b) **One unit shall be an affordable for-sale family unit and one unit shall be a very low-income rental unit as that term is defined in the Fair Housing Act.**
 - (c) **Affordable housing units shall be subject to the standards in the Borough’s Affordable Housing Ordinance (Section 30-15.2).**
 - (d) **All bulk, design, and other applicable standards in the R-5 Zone shall apply except as follows:**
 - (i) **The Lot shall not be required to comply with the R-5 Zones prohibition precluding parking in the front yard setback. An entry driveway may cross any yard area but not more than 40% of the front yard area shall be used as a driveway or for off street parking.**
 - (ii) The Lot shall be permitted a total of two driveways.
 - (iii) The Lot shall be exempt from providing curb-to-curb restoration at the points of utility connection pursuant to (Section 15-1.25).
 - (iv) The Lot shall be exempt from the tree reforestation requirements provided in Section 14-8. However, the developer shall use any and all measures to comply with the ordinance to the extent feasible and/or not cost generative.
 - (v) The Lot shall be exempt from providing street trees. (Section 30-8.4d)
 - (vi) **Conflict: All other applicable municipal ordinances shall apply to this ordinance except that where any conflict exists between this Overlay Ordinance and the Borough’s code, whether in Zone R-5 or otherwise, this ordinance shall control.**

b) Prohibited uses shall include but not be limited to the following:

1. All billboards, signboards, advertising signs and devices not expressly related to the business being conducted on the premises or otherwise specifically permitted by this section.
2. Camping sites, trailer camps, trailer courts or trailer coaches used as dwellings, offices or storage facilities or commercial activities related to the outdoor storage or display of trailer coaches, except that during development construction trailers may be permitted specifically limited as to the extent of time such use and requiring the payment of an annual fee to the municipality for the granting of such license for such use.

3. Auction markets.
4. Junk yards, automobile wrecking yards or disassembly yards, or the sorting or baling of scrap metal, paper, rags, or other scrap or waste material, except for recycling operations operated by or with the approval of the Borough.
5. Privately operated dumps for the disposal of garbage, trash, refuse, junk, or other such material.
6. Adult bookstores.
7. Peep shows.
8. Massage parlors as defined in Section 30-2 of this chapter.
9. Amusement arcade.
10. Explosive storage, except small arms ammunition, or by special permit, where explosives are to be used on the premises.
11. Incineration, reduction, storage or dumping of slaughterhouse refuse, rancid fats, garbage, or dead animals.
12. Slaughtering and slaughterhouses for fowl or animals.
13. Any use of any building or premises in such a manner that the health, morals, safety or general welfare of the community may be endangered.
14. Keeping or raising of pigs, sheep, horses, donkeys, mules, cattle, goats, chickens, and other such livestock, unless a waiver is obtained in accordance with the provisions of subsection 5-18.4 of these Revised General Ordinances.
15. Asphalt plants, concrete plants, asphalt batching plants, concrete batching plants, asphalt mixing plants, concrete mixing plants, asphalt manufacturing plants, concrete manufacturing plants.
16. Auto, horse or dog racetracks.
17. Keeping or raising of mink, fox or similar fur bearing animals.
18. Open air drive-in motion picture theaters.
19. Seasonal resort cottages.
20. Any use which emits excessive and objectionable amounts of dust, fumes, noise, odor, vibration, smoke, glare or waste products.
21. The use of boats or vehicles as residential dwellings.
22. Fast-Food Restaurants, Drive-In Restaurants, and Drive-Through Windows, as defined in Section 30-2 of this chapter.
23. Heliports, helistops or aviation field.
24. The operation of Cannabis Cultivators, Cannabis Distributors, Cannabis Manufacturers, Cannabis Wholesalers, Cannabis Retailers, Cannabis Delivery Services.
25. Warehouses and wholesale/fulfillment storage facilities.

Section 2. This ordinance shall take effect immediately upon final passage and publication thereof according to law.

Offered for introduction by Councilmember Koch, second by Councilmember LaBarbera

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

Negative: None

Abstain: None

Absent: None

CONSENT AGENDA
RESOLUTIONS

1. Resolution No. 2023-201, Executive Session: Personnel, Acquisition of Property, Possible Litigation and Contract Negotiations

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

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

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

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. 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 Hoey, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: None

2. Resolution No. 2023-202, Approve Fire Department Social Membership Application - Christine Koutouzakis

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that Christine Koutouzakis, 65 Second Street, Fair Haven, NJ having been duly accepted as a social member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department.

Offered for adoption by Councilmember Hoey, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: None

3. Resolution No. 2023-203, Approve Block Party on Lincoln Avenue (between First and Second), September 23rd

WHEREAS, a request was received to hold a Block Party on Lincoln Avenue (between First and Second Streets) on Saturday, September 23, 2023 from 12:00 pm to 11:00 pm with a rain date of October 1, 2023; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on July 25, 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 Lincoln Avenue (between First and Second Streets) on Saturday, September 23, 2023 from 12:00 pm to 11:00 pm with a rain date of October 1, 2023.

BE IT FURTHER RESOLVED that Permit No. BP 2023-03 will be issued for said event.

Offered for adoption by Councilmember Hoey, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: None

4. Resolution No. 2023-204, Approve Interlocal Service Agreement with Middletown Township for CFO, Tax Collector and Finance Services

WHEREAS, the "Uniform Shared Services and Consolidation Act" N.J.S.A. 40A:65-1 through 40A: 65-35 (the "Act"), authorizes local units of the State of New Jersey to enter contracts with any other local unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the Borough of Fair Haven, in the County of Monmouth, State of New Jersey has determined that it would be beneficial for the Borough of Fair Haven to enter into an Interlocal Services Agreement with the Township of Middletown; and

WHEREAS, the Administrations, with the help of the Chief Financial Officer for both municipalities, have identified a number of areas where working together through Shared Services will result in positive outcomes for both municipalities; and

WHEREAS, the Borough of Fair Haven and Township of Middletown have agreed, in principle, that the Interlocal Services Agreement will include the following services:

- Chief Financial Officer
- Tax Collector
- General Financial/Administrative Services

WHEREAS, the municipalities have agreed to continue their relationship and enter into an Interlocal Services Agreement until December 31, 2025 with the option of an additional 3-year term.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Mayor and Municipal Clerk are hereby authorized and directed to sign the attached Interlocal Services Agreement between the Borough of Fair Haven and the Township of Middletown for the services listed above, in a form as approved by the Borough Attorney and Administrator; and

BE IT FURTHER RESOLVED that the Municipal Clerk shall forward a certified true copy of this resolution to Middletown's Municipal Clerk.

Offered for adoption by Councilmember Hoey, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: None

5. Resolution No. 2023-205, Approve Interlocal Service Agreement with Fair Haven Board of Education for Special Law Enforcement Officer, Class III

WHEREAS, the Interlocal Services Act, N.J.S.A. 40A:65-1 authorizes joint activities among municipalities and was enacted with the intent to facilitate and promote Interlocal Services Agreements; and

WHEREAS, the Borough of Fair Haven and Fair Haven Board of Education have agreed that the Interlocal Services Agreement for Special Law Enforcement Officers, Class III will be in accordance with the attached agreement; and

WHEREAS, it is in the best interest of the Borough of Fair Haven and Fair Haven Board of Education to begin services with the start of the 2023/2024 school year; and

WHEREAS, it is agreed by the Borough of Fair Haven and Fair Haven Board of Education that the Agreement may be extended; and

WHEREAS, a copy of the Interlocal Services Agreement is on file in the office of the Municipal Clerk; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Mayor and Municipal Clerk of the Borough of Fair Haven are hereby authorized to sign said Agreement.

Offered for adoption by Councilmember Hoey, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: None

6. Resolution No. 2023-206, Approve Interlocal Service Agreement with Monmouth County for Commodity Resale

WHEREAS, N.J.A.C. 5:34-7.15 authorizes local contracting units to enter into a Commodity Resale Agreement for the purchase of certain commodities for other contracting units; and

WHEREAS, the County of Monmouth has authorized the renewal of the Monmouth County Commodity Resale System (SYSTEM IDENTIFIER 99174-MCCRS) for the period of October 1, 2023 through September 30, 2028; and

WHEREAS, it would be in the best interest of the Borough of Fair Haven to remain a member of the Monmouth County Commodity Resale System.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Mayor and Borough Clerk are hereby authorized to execute the attached Commodity Resale Agreement with the County of Monmouth.

BE IT FURTHER RESOLVED that the Municipal Clerk forward a certified copy of this resolution, along with the executed Commodity Resale Agreement to the Board of County Commissioners, County of Monmouth, Hall of Records Annex, First Floor, One East Main Street, Freehold, New Jersey 07728.

Offered for adoption by Councilmember Hoey, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: None

7. Resolution No. 2022-207, Accept Blank Street Opening Bond from NJ Natural Gas in Lieu of Cash Repair Deposits

WHEREAS, Subsection 15-1.8 of Ordinance No. 2023-04 allows for the posting of a surety bond by utility companies for street opening projects in lieu of posting individual cash repair deposits renewable on a yearly basis; and

WHEREAS, NJ Natural Gas has posted Bond No. 107855727 from Travelers Casualty and Surety Company of America in the amount of \$100,000 to cover cash repair amounts for their projects or need to open the street or right of way within the Borough of Fair Haven.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Bond No. 107855727 posted by NJ Natural Gas in the amount of \$100,000 is hereby accepted.

Offered for adoption by Councilmember Hoey, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: None

8. Resolution No. 2023-208, Approve Block Party Application - Poplar Avenue - September 30th

WHEREAS, a request was received to hold a Block Party on Poplar Avenue on Saturday, September 30, 2023 from 3 pm to 11 pm (rain date October 1, 2023); and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on August 7, 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 Poplar Avenue on Saturday, September 30, 2023 from 3 pm to 11 pm (rain date October 1, 2023).

BE IT FURTHER RESOLVED that Permit No. BP 2023-04 will be issued for said event.

Offered for adoption by Councilmember Hoey, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: None

9. Resolution No. 2023-209, Appoint Planning Board, Alternate No. 1 Member - Diana Anttonen

WHEREAS, there a vacancy currently exists on the Planning Board, Alternate #1 position with a term that will expire on December 31, 2023; and

WHEREAS, Mayor Halpern has found a volunteer willing to fill the unexpired term as on the Planning Board as follows:

Diana Anttonen, Alternate #1, with a term to expire on December 21, 2023

Offered for adoption by Councilmember Hoey, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: None

10. Resolution No.2023-210, Award Bid for Grange Avenue Pocket Park and Boat Ramp.

WHEREAS, the Borough of Fair Haven was awarded a 2014 Monmouth County Open Space Grant in the amount of \$250,000 for Bulkhead Replacement for Grange Avenue Pocket Park and Battin Road Boat Ramp Replacement; and

WHEREAS, sealed bids were opened on August 3, 2023 at Borough Hall for Bulkhead Replacement for Grange Avenue Pocket Park and Battin Road Boat Ramp Replacement; and

WHEREAS, the following bids were received:

	<u>CONTRACTOR</u>	<u>LOCATION</u>	<u>TOTAL AMOUNT BID</u>
1.	Vulcan Construction, Inc.	Cookstown, NJ	\$ 889,225.00
2.	Precise Construction	Freehold, NJ	\$1,033,695.00
3.	Marbro General Contractors	West End, NJ	\$1,291,117.00
4.	Agate Construction Company	Egg Harbor Twp, NJ	\$1,895,157.25

WHEREAS, Joseph Raftery, Consulting Engineer and Andrew Sobel, Esq., Borough Attorney, reviewed the bids and recommend that a contract award be made to Vulcan Construction, Inc. 3 Hance Drive, Cookstown, New Jersey 08511 in the total amount of \$889,225.00; and

WHEREAS, the Chief Financial Officer of the Borough of Fair Haven has certified that funds for the low bid are available in multiple Capital Fund Appropriations, as attached.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that it hereby recommends award of a contract for Bulkhead Replacement for Grange Avenue Pocket Park and Battin Road Boat Ramp Replacement to Vulcan Construction, Inc. 3 Hance Drive, Cookstown, New Jersey 08511.

BE IT FURTHER RESOLVED, the Mayor and Clerk are hereby authorized to execute any paperwork necessary to move this project forward.

Councilwoman Cole advised that she cannot support these project as the plans have been drawn. She felt that the boat ramp should be called a small craft launch and some Environmental Commission members are Engineers and spoke to it; there would need to be dredging and it will need to have ongoing maintenance, as drawn. With regard to Grange Avenue, the way it is drawn is industrial type feel with Rip Rap and you will not be able to see the public especially children who go down there because of fencing, the hill, private properties on either side of the area near the bluff, a railing and then the river (tidal with a strong flow); it is a concern. As it currently stands, it is a shady, quiet, lovely breezy bluff that will now be subjected to more active use, but she is not sure how much more use it will get. Councilmember Cole was troubled by the design and the price tag. She asked that this not be adopted due to the design regardless of the \$250,000 grant the Borough received. Councilmember Koch was in favor of the project as the bulkheading needs to be replaced and will benefit all residents of Fair Haven as well as the boat ramp project.

Offered for adoption by Councilmember Rodriguez, second by Councilmember Koch

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

Negative: Councilmember Cole

Abstain: None

Absent: None

11. Resolution No. 2023-211, Award Bid for 2023 Roads, Sidewalks and Drainage (Microprojects)

WHEREAS, the Mayor and Council authorized the advertisement for receipt of bids for the 2023 Roads, Sidewalks and Drainage Project; and

WHEREAS, sealed bids were opened on August 8, 2023 and the following bids were received:

	<u>CONTRACTOR</u>	<u>LOCATION</u>	<u>TOTAL AMOUNT BID</u>
1.	Discover Construction, Inc.	Dayton, NJ	\$1,129,965.77
2.	Fernandes Construction, Inc.	Monroe, NJ	\$1,186,326.77
3.	Black Rock Enterprises, LLC	Old Bridge, NJ	\$1,349,768.00
4.	Precise Construction	Freehold, NJ	\$1,377,160.00
5.	JADs Construction	South River, NJ	\$1,579,415.11
6.	Seacoast Construction	East Brunswick, NJ	\$1,945,052.61

WHEREAS, Nicolas Poruchynsky, Assistant Director of Engineering and DPW and Andrew Sobel, Esq., Borough Attorney, reviewed the bids and recommend that a contract award be made to Discover Construction, Inc., 2207 Route 130 South, Dayton, New Jersey 08810 in the total amount of \$1,129,965.77; and

WHEREAS, the Chief Financial Officer of the Borough of Fair Haven has certified that funds for the low bid are available in multiple Capital Fund Appropriations, as attached.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that it hereby recommends award of a contract for the 2023 Roads, Sidewalks and Drainage Project to Discover Construction, Inc., 2207 Route 130 South, Dayton, New Jersey 08810.

BE IT FURTHER RESOLVED, the Mayor and Clerk are hereby authorized to execute any paperwork necessary to move this project forward.

Councilwoman Cole asked if the Borough has ever done business with Discover Construction; yes.

Offered for adoption by Councilmember Hoey, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: None

12. Resolution No. 2023-212, Appointment of Special Officers, Class II and Class III

WHEREAS, there is a need for Class III and Class II Special Law Enforcement Officers for the Fair Haven Police Department; and

WHEREAS, a request was made by Police Chief Joseph McGovern to appoint a Special Law Enforcement Officer Class II and Class III and has recommended that William Stevenson be appointed as Special Law Enforcement Officer Class III and Michael Campanella be appointed as Special Law Enforcement Officer Class II (School Resource Officer) effective August 15, 2023; and

WHEREAS, the rate of pay for these positions shall be as follows:

William Stevenson, SLEO, Class III	\$38.00 per hour
Michael Campanella, SLEO, Class II (School Resource Officer)	\$38.00 per hour

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that William Stevenson be appointed to the position of Special Law Enforcement Officer, Class III and Michael Campanella shall be appointed to the position of Special Law Enforcement Officer, Class II (School Resource Officer).

Offered for adoption by Councilmember Hoey, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: None

13. Resolution No. 2023-213, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the August 14, 2023 Bill List are hereby approved and the Finance Department

is hereby authorized to release payment to the various vendors.

2022 CURRENT FUND ACCOUNT	\$ 15,882.90
2023 CURRENT FUND ACCOUNT	\$2,428,789.17
GENERAL CAPITAL	\$ 101,182.86
PAYROLL AGENCY	\$ 17,786.86
OTHER TRUST	\$ 13,313.63
DOG TRUST	<u>\$ 4.80</u>
TOTAL	\$2,576,960.22

Offered for adoption by Councilmember Hoey, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: None

14. Resolution No. 2023-214, Cancel the Borough’s Petty Cash Fund

WHEREAS, it is the desire of the Borough of Fair Haven, County of Monmouth that the petty cash fund for the Borough of Fair Haven be rescinded.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fair Haven, County of Monmouth hereby authorizes such action and that two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Offered for adoption by Councilmember Hoey, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: None

Reports of Departments

July 2023

- Municipal Clerk
- Dog License
- Police Department
- Planning Board and Zoning Board
- Tax Collector
- 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 8:05 p.m. Bob Feldman, Fair Haven Road, said he has trees between the curb and sidewalk in front of his home and he was not sure if it was Borough property. The tree is diseased and poses a danger (wires go through the trees, there is a hole in it, it is dropping limbs). He asked what he should do; Mayor Halpern said the Borough will look into it as we cannot comment on trees we have not seen. As part of the Borough’s microproject, we will be resetting the brick sidewalks in front of his house and in that process, they will look at the health of the tree. Administrator Casagrande said Shari Spero, Certified Tree Expert, looked and assessed trees involved with the microproject program. Mr. Feldman provided photos of the trees and Council passed them around. They were given to the Borough Clerk for the meeting file. He was advised bricks will be reset in the historic district as part of the microprojects program.

Councilwoman Hoey’s children Patrick and Mary Katherine came forward to give a bag of lollipops to the Mayor.

Bonnie Torcivia, Battin Road, boosted the tree buying program to Mr. and Mrs. Feldman. She was curious about the Grange Avenue Project and \$1 million difference between the lowest bidder and the highest bidder. She was concerned about awarding to the lowest bidder because of what occurred with the McCarter Pond Hydroraking project. She was advised the Borough cannot discuss the McCarter Hydroraking Project. Councilmember LaBarbera advised that the Borough

spoke with those who worked with Vulcan and had a similar project to ours. She referred to the Swimming River Project that occurred in Red Bank and felt it could be mirrored for the Battin Road Ramp Project.

Chris Hempstead, Willow Street, asked about the process to get an issue addressed with the traffic light at River and Fair Haven Roads (driving west, southwest) in the early morning hours. Chief McGovern advised the Police Department called the County because of a bad sensor; he will have someone from his office follow up.

Susan O'Brien, River Road, asked about the resolution to the contamination at the outfall near the Shrewsbury River Yacht Club. There was an email that went out about it last month. Administrator Casagrande said it was a public service awareness announcement about hits for fecal matter near the beach. It is felt it came from upstream from either dogs and/or deer. Mrs. O'Brien asked if all of the public was alerted to it as not everyone accesses the Borough's social media? Yes, it was placed on all Borough social media sources. The Mayor reminded all to clean up after their pets. Councilmember Cole said this may have happened during a rainstorm and we are trying to raise awareness on cleaning up after your pets. It was asked if the Borough can identify that kids should not go in the water after a rainstorm? No one should enter the water 24 hours after a storm to be sure that any sludge/contamination washes away. The Borough will post a notification.

Mr. Feldman, asked if someone would be coming to address the trees in front of his home; he was told that he would be advised, at some point.

Mr. Hempstead said 24 hours to not enter the water after a storm is good to practice. The river is a tidal river. It usually takes two tidal cycles to wash it out.

Stephanie Adams, Oxford Avenue, looked at the creek, where it goes under the road and comes out at Shrewsbury River Yacht Club, and there is a stormwater drain that is there before it goes under the road. She said where stormwater meets the creek is gross. She asked that the Borough rethink the impervious surfaces put in near the river. Mrs. Adams advised she was not in favor of the Grange Avenue Project because of the design plan.

Councilmember Koch advised there is no further brush pick up for the month of August. Street sweepers are coming through and everyone should keep roads clear so the street sweeper can do its job.

Councilmember Hoey asked about the status of the grant awarded for Stormwater Management; we are awaiting a revised DEP letter showing the actual amount we were awarded and we need to receive the check for appropriate action to include it in the budget.

Councilmember Cole said the river is tested regularly and the reports come to the Environmental Commission, however, Mayor and Council are not always aware of the tests and should receive a report once or twice a year. Mayor Halpern said that this type of information can be included in Mayor and Council's correspondence packet. Councilmember Cole would like to have Brian Rice do a report. Councilmember Koch said that she serves with Brian on the Navesink River Municipalities Committee and they have not met in the past four months; she can look into it.

There being no further comments or questions, the meeting was closed to the public at 8:32 p.m.

Council went into executive session at 8:36 p.m. and this meeting was reconvened at 9:10 p.m.

ADJOURNMENT

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

Time of Adjournment: 9:11 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk