

**FAIR HAVEN BOROUGH COUNCIL**  
**AUGUST 15, 2022**

The meeting was called to order by Mayor Halpern at 7:02 p.m. The Flag Salute was followed by a Moment of Silent Reflection. The following Sunshine Law Statement was read:

IN ACCORDANCE WITH THE PROVISIONS OF THE OPEN PUBLIC MEETINGS ACT, PUBLIC MEETINGS MAY BE HELD IN PERSON OR BY MEANS OF COMMUNICATION EQUIPMENT TO INCLUDE STREAMING SERVICES AND OTHER ONLINE MEETING PLATFORMS (NJSA 10:4-8(b)).

THIS MEETING IS BEING HELD IN-PERSON AND THROUGH THE ZOOM MEETING PLATFORM, BEING BROADCAST FROM BOROUGH HALL, 748 RIVER ROAD, FAIR HAVEN, NJ. PUBLIC PARTICIPATION FOR THIS REGULAR COUNCIL MEETING OF AUGUST 15, 2022 IS AVAILABLE BY CALL IN PHONE NUMBER OR THROUGH WEB CONFERENCE (ZOOM). MEMBERS OF THE PUBLIC WILL BE ON MUTE UNTIL IT IS TIME FOR QUESTIONS 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. 2022-13 AND SENT TO THE ASBURY PARK PRESS, THE TWO RIVER TIMES, THE HUB AND THE STAR LEDGER ON JANUARY 6, 2022 POSTED ON THE BOROUGH WEBSITE, THE BULLETIN BOARD IN THE MUNICIPAL BUILDING AND HAS REMAINED CONTINUOUSLY POSTED AS REQUIRED UNDER THE STATUTE.

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

**ROLL CALL**

On Roll Call the following were present: Councilmembers Chrisner-Keefe, Cole, Koch, McCue, Neff and Rodriguez. Others present: Administrator Casagrande, Attorney Cannon and Michael Irene, Esq. (Zoning Board of Adjustment Attorney).

**WORKSHOP SESSION**

With regard to the proposed Restaurant Ordinance amendments, Michael Irene, Esq., Zoning Board Attorney, was in attendance to answer any questions or concerns of the governing body. He participated with Restaurant Committee who was charged with reviewing the existing ordinances that define restaurants in Fair Haven and determining if it would be appropriate to make revisions. He gave an overview of the process which began 2 ½ years ago. The Restaurant Committee worked on the review (through COVID) beginning with the existing ordinances, solicited input from the residents, reviewed the Master Plan, other municipality's ordinances, case law, etc. Fair Haven is unique in its characteristics (small business district heavily surrounded by residential neighborhoods).

Chief McGovern arrived at 7:06 p.m.

The Committee and residents had concerns with the impact the business district has on the residential neighborhoods as far as intense of use, traffic, hours of operation and quality of life. Mr. Irene walked Council through what currently exists to understand how the Committee reached their determination for amendments to the restaurant ordinance. Some of the review of the ordinances resulted when the Borough faced litigation with the Dunkin Donuts application. As a result of the litigation, the ordinances were scrutinized, in detail, for the hearing before the Zoning Board, by the Zoning Officer and two courts (the Trial Court and Appellate Division) where the Borough was upheld in its determination. Dunkin Donuts submitted an application for development at a location in the Fair Haven Shopping Center. Nicolas Poruchynsky, Zoning Officer, did an outstanding job in making the Zoning Permit review determination that it would be considered, under the current ordinances, as a Category II restaurant. It was permitted, but they had to go before the Planning Board for site plan review and approval. Interested parties took exception to Mr. Poruchynsky's determination and filed an appeal with the Zoning Board; the Board had the hearing where they considered the appeal and determined the ordinance. The Board determined that Mr. Poruchynsky was correct, it was a Category II restaurant, and it should go to the Planning Board for site plan review and approval. The Zoning Board's decision was challenged at the Trial Court level, and they affirmed the Zoning Board, and it was challenged, again, at the Appellate level and they ruled in the Zoning Board's favor. As a result of the process and review of the ordinance it was felt that amendments would be in order. Mr. Irene reviewed the 4 categories in the ordinances and their definitions, crafted at different times, but you can see the progression. Category I is table service only (no delivery, no drive-thru), Category II is like Category I except you can have carry out and

delivery but no drive thru or drive up, Category III is similar to Category II, but you can have a drive-thru and then there is a Drive In Restaurant (purchase food, soft drinks, ice cream or confections for take-out or consumption on premises, outside the principal confines of the building or in automobiles parked upon the premises). The current ordinance is creating problems because of similarities and language. Currently, Categories I and II are currently allowable.

He explained the litigation with Dunkin Donuts, the litigants claim and what was presented to court with ordinance progression. It was agreed to clean up the language in the ordinance so the proposed ordinance gives a better definition of a restaurant. In the amendment, fast food, drive-thru and drive-in restaurants are prohibited. He read from the draft ordinance that Council will consider at a future meeting. There is very little case law in New Jersey on land use issues for fast food restaurants.

There is 1964 case law from Fair Lawn (similar make up as Fair Haven). Their ordinance prohibited fast food restaurants and the court advised them that they could not have this type of ordinance. While recognizing the concerns with rowdiness, traffic, litter, etc., the court advised that it would be a public safety matter. The case went to the NJ Supreme Court who said that they could regulate the use of land as long as it is within the authority of the Municipal Land Use Law. At that time other municipalities banned fast food. In 2006 Saddle Brook had an Appellate case for their adopted ordinance; Saddle Brook already had three fast food restaurants in their business district and decided no more would be permitted. The Trial Court overturned the ordinance, and the Appellate Court reversed the decision stating it was a legitimate zoning purpose. There was a Jersey City case in 2019 where the Mayor announced he was going to prohibit formula restaurants (i.e. chains) to protect “mom and pop” businesses. Jersey City eventually withdrew their ordinance based on the objections and violations that the businesses cited. The ordinance amendment before Council is based on the Saddle Brook case; geared on intensity of use, facilitation of turn-over, traffic, litter and hours perceived to be the product of fast-food restaurants.

Councilwoman Chrisner-Keefe thanked Mike Irene and the committee for their work. She asked about some of the ordinance language i.e. “may or may not” have tables. She asked if there was a way to mirror image the language between the 1<sup>st</sup> and 2<sup>nd</sup> definitions as well as make the definitions simpler and cleaner. Mr. Irene said he believes in consistency and explained the reasoning for the language. Councilwoman Chrisner-Keefe was concerned for the Zoning Officer who is interpreting the ordinance and avoiding another Dunkin Donuts situation. Mr. Irene said the current ordinance language was short and vague, so he tried to clarify definitions for easier interpretation/understanding. It was asked if there was any discussion among the Committee about the definitions being able to be easily understood by the business owner without hiring professionals? Yes, there was a lot of discussion and he explained the discussions, process and scenarios contemplated.

Councilman Neff thanked Mr. Irene for the thorough ordinance explanation and walking Council through the process. The fast-food paragraph was well written, and she asked that it not be changed. The last sentence is important and should remain. Mr. Irene explained the similarities and merger of Categories I and II from the old ordinance and addressed it that way.

Councilman Rodriguez thanked the Committee, attorneys involved and Councilwoman Koch for all of the time invested in this matter. He was interested in process and what is still pending or not resolved. Mr. Irene and Councilwoman Koch advised nothing was pending. It merits improvement based on the current ordinance review and what other municipalities have and includes elements from the Master Plan. Councilman Rodriguez asked if the Borough could assume the proposed ordinance amendment would be defensible in court; it is an improvement and makes it easier to understand. Mr. Irene said there is no language that has been upheld in court that we could mirror in our own ordinance; we are not precluding chains, we are precluding fast food restaurants because of the adverse impacts on the residential neighborhoods.

The Mayor asked what the process would be if Dunkin Donuts wanted to move their location in town; they would have to go through the zoning application process where Nick Poruchynsky would review and determine if it would be allowable based at the new location, or he could deny them if he were unsure, and the applicant would go before the Land Use Board for a determination. The Mayor gave examples of businesses and asked where they would fall.

Councilwoman Koch thanked Mike Irene for his hard work and explaining what had taken place over 2 ½ years in 25 minutes.

Councilman McCue said the amended ordinance provided is concise and it being defensible is good to help the Borough moving forward. He asked for clarification with the Affordable Housing ordinance (overlay district). Attorney Cannon said the noted section in the ordinance is for Allen and Hendrickson and should not be confused. There was discussion on the overlay zones and

sections in Chapter 30. We actually changed the B2 zone. Councilman McCue questioned attachment 7 (Affordable Housing District); it is for any overlay zone in the Affordable Housing agreement. Mr. Irene clarified that he and the Restaurant Committee only reviewed the ordinance for restaurants (food and beverages), not banks or gas stations. Attorney Cannon advised that he checked the ordinance for consistency; everything matches and is consistent with the original as far as exhibits. Attorney Cannon needs to clarify non-residential business, namely, Motor Vehicle body shops and ordinance formatting which he will address prior to introduction. Mr. Irene said if there is a business that is pre-existing, non-conforming, it can stay. If there is a change (expansion or abandonment), they would have to go to Zoning for review and consideration.

Councilwoman Cole thanked everyone who worked on the ordinance as the Land Use Law is our primary tool for implementing the goals of the Master Plan. We need to maintain the small-town character of the downtown area. She requested that the ordinance include additional language referring to the goals of the Master Plan to give context and state what we are trying to accomplish. What we have now needs to be cleaned up as far as language so future business owners understand what we want and whether they fit. She also asked that we use the word neighborhood which is important for the ordinance. The ordinance also needs to have context for the applicant and Zoning Officer as well. Councilwoman Cole asked that Council consider granular language and gave examples (cooked food and prepared in bulk). A definition does not stand on its own. She asked Attorney Cannon about micro-business language similar to Red Bank's ordinance and that he could provide it for review to see if it would be useful for Fair Haven. Mr. Irene agreed that the recital section of the Master Plan does include much of the basis and that some of the language could be extracted and included to help further support the Restaurant Ordinance.

Mike Irene thanked Attorney Cannon and Council for their input and suggested providing the ordinance to the Borough Planner for review and further comment before finalizing.

Chris Alworth, IT, was in attendance and provided two quotes received from vendors to enhance audio/visual for Council Chambers. He met with the Communications and Outreach Committee a few weeks ago to discuss this. It would be best and he recommended focusing on one wall for the TVs to reduce the wiring and exposure. The set-up of a 55" TV for each location (dais and audience) as far as viewability and computer monitors to control the presentations should cost between \$5,000-\$5,500 (this does not include the work done by an electrician to run the required wiring). A majority of the work and set-up would be done in-house. The Borough would need electric run for connection at a separate cost.

Councilwoman Cole thanked Chris Alworth, Betty Ann Berube and Allyson Cinquegrana for their input and mock-up TV displays on the wall. This was discussed at the July 25<sup>th</sup> meeting by Council. The Borough would like to continue hybrid meetings and providing availability to the public as we have done since COVID. These upgrades would allow the public to view the meetings and any presentations given as well as allow the Council to see who is speaking when recognized by the dais. The Clerk advised that anyone who attends the meeting via telephone will not see the presentation or be seen if they speak. Mr. Alworth explained the set-up and log ins and how the presentation program/viewability would work, etc. Rumson-Fair Haven High School has a similar set up with one computer system and two monitors (allowing the Zoom program to be managed with the Owl camera and the other monitor would allow for presentations). He and/or Steve Larsen handle IT for the high school's meetings. There would be internet access to allow whoever is running the meeting (Borough Clerk, Land Use Secretary or other committee secretary) to access their e-mail to provide the materials for presentation. Thumb drives could be used, but not recommended.

Councilwoman Koch asked if Mr. Alworth favored one quote over the other; he reviewed both as far as supplies and it may be a case of ordering from both entities based on who offers what at a lower cost. He will oversee the project. The two monitors would be mounted to a swing arm attached to the space in front of the Clerk's area so there is no loss of table/desk space. Councilmembers were in favor of the AV project. The Mayor asked if a 55" monitor would be large enough for those at the dais to see the information presented or should there be a larger monitor (65"). Councilwoman Neff was concerned with the size of the mock display monitor on the wall; she was advised that the display at the dais showed a 43" monitor, but her concern from the July 25<sup>th</sup> meeting was relayed to Chris Alworth. Councilman Rodriguez asked for individual microphones to work with the OWL to eliminate background noise (shifting papers, computer keyboard). Council felt this is a great step forward.

Administrator Casagrande said if the computer and monitors are going to be used for all Board and Commission meetings, we will need a tech person to run it. Councilwoman Cole said she would like to have this upgrade implemented by October. Administrator Casagrande will work with Chris Alworth on necessary purchase orders.

With regard to JCP&L's Tree Trimming project, Administrator Casagrande advised of the process/schedule (on Ridge Road from their substation all the way to Buena Vista Avenue). The Board of Public Utilities (BPU) requires 15' clearance for every 34,500-volt line. There is no planned removal of trees unless they encounter a hazard tree while trimming. The most notable impact will be a row of Sweet Gum trees along the north side of Ridge (near the small parking lot for the Natural Area) east of the Fair Haven Road intersection; the trees will be cut back to the main stem. The Natural Area Committee has been made aware of the plan/work to be done. Councilwoman Cole felt that JCP&L does a terrible job and creates tree loss; they need to do a better job. Councilman McCue agreed and said that they did a lousy job in Little Silver. He requested oversight of the project from the Borough and asked if Bill Brooks or our Streets Foreman could monitor. Administrator Casagrande said that Bill Brooks had already spoken with Aspen Tree Service who is handling the work and she could ask him to oversee the work being done. Councilwoman Cole said the BPU should be advised the clearance is unacceptable. Mike Nitka (Borough resident) volunteered to help Councilwoman Cole draft a letter to the BPU. Bill Brooks provided input and information to Administrator Casagrande based on his discussion with JCP&L and Aspen Tree. She will follow up with Bill Brooks on the supervision piece and asked the number of hours Council would like him to spend on this. The work is from the substation all the way to Buena Vista Avenue with a large part of the work/impact being near the Natural Area parking lot. There was discussions on start date, work to be done, coordinating with Bill Brooks for monitoring, etc.

With regard to our Community Development Block Grant for Bicentennial Hall, Administrator Casagrande sent an e-mail to Debbie Dovedytis on August 4<sup>th</sup> (a copy was provided to the governing body which gave a synopsis of their conversation) and she spoke with Councilwoman Cole today who would like there to be a meeting set up with Monmouth County to be sure we are aware of every option pertaining to the grant and to see if we can move forward. Administrator Casagrande is looking to set up the meeting in the next week or so.

#### **PUBLIC COMMENT ON AGENDA ITEMS**

The meeting was opened to the public for comments or questions at 8:34 p.m. Kristen Hoey, Dartmouth Avenue, was in agreement with the Restaurant Ordinance, AV options, the tree trimming discussion and Bicentennial Hall. She felt there needs to be more facilities conversations and we need more information on facilities plans. Everyone would like to see progress for both the employees and public to have safe buildings. She asked what the process over the past 6 years has been. Mrs. Hoey suggested taking a step back to do formal needs assessments which would be helpful for cost (professionals, engineering, office spaces, conference rooms, etc.) and how to move forward. Councilman Rodriguez advised that the current DPW facility is about to fall on the Borough employee's heads and action needs to be taken; he is not in favor of prolonging this matter. Black mold causes significant health problems; if our police department employees get sick and the Borough did not take action, it is not a good situation for anyone to be put in. It has been eight years of discussions with nothing being done by previous Councils. He believes that this Council will do something. It is unknown how much time we have, and our employee's safety is at risk. We have pretty good plans for two of the facilities. As far as recreational facilities, Bicentennial Hall, and Borough Hall, we could take a step back and take our time with them.

Bill Perkins, Hance Road, asked about facilities and value engineering status and how we amend the Architect contract? On July 25<sup>th</sup>, he mentioned that the Borough should not go out to bid without knowingly having a cost in mind. The contractors have to provide bonds and bid bonds; the process Council is looking to take goes against the Local Public Contracts Law. Councilman Rodriguez said Council did not rule out DPW and the Borough is trying to understand what the costs are and is the reason for going to bid. Mr. Perkins was not sure what the Borough received from the Architect based on what was paid for. Councilman Rodriguez said since the last Council meeting, the Borough spoke with the Owners Agent on how to review things, value engineering and possibly having a prefabricated DPW building vs. the design that was presented to the public and Planning Board. Mayor Halpern said there have been two separate conversations; one with the Owners Agent regarding possible options outside of the two custom buildings designed including renovation or a Butlers building for DPW and/or renovating the Police Department. The second discussion was with Eli Goldstein on untangling the two buildings from the bid; the Borough is waiting to hear back from both the Owners Representative and Architect Goldstein. Councilwoman Cole said there are still things that need to be completed in the design including AV and circulation. Mr. Perkins said the Borough needs to receive cost estimates along the way and not be irresponsible. Councilman Rodriguez replied, "Council and the Borough are taking its time and not being irresponsible". He advised of the process being looked into since the last Council meeting. Councilwoman Chrisner-Keefe felt Mr. Perkins was being disingenuous in some of his statements and she reviewed the history (changes in governing bodies over the years, various properties looked into, changes in scope of work) and there have been other conversations, with the Architect, regarding the feedback given; we are awaiting his reply to the last discussion he had with the Mayor and Councilman Rodriguez. Councilwoman Cole said there were discussions and a resolution, on the last agenda, to move

forward with the bidding project. There is an effort to get options for the buildings because prices are too high.

Mike Nitka, Battin Road, appreciated the restaurant discussions and advised most of the Committee was in attendance tonight. There were many opinions and discussions on this topic for two years and it was narrowed down to something more scientific and review of the Master Plan survey responses. He explained the Committee process and not becoming too overreaching. He encouraged all to look at the map around Burger King in Saddle Brook. There were hundreds of hours of work put into the review and creating the ordinance amendment(s). Council should think of the first steps to pull more businesses in without outside influences. Mr. Nitka agreed we need something in place to guide future businesses to come to the Borough.

Andrew Reger, Battin Road, thanked Council and the Restaurant Committee for taking on this subject that is very important and for all. He supported the amendments of the existing ordinance which is ambiguous. We need to encourage small businesses to come into town while keeping the character of Fair Haven.

Carolyn Ferguson, Colonial Court, member of the Restaurant Committee and Fair Haven Business Association secretary, said there are concerns about the vagueness of the fast-food definition. The ordinance needs to be written to encourage certain types of restaurants to come to Fair Haven. Council should think as a Zoning Officer and whether there is clear legal guidance for what we want and what we do not want in the Borough.

Andrew LaBarbera, Cedar Avenue, asked if he should talk about facilities at the end of the meeting; he was advised, yes, he could speak about facilities during Good of the Borough.

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

**APPROVAL OF MINUTES**

Councilman Rodriguez made a motion to approve the Regular Meeting minutes of July 25, 2022, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Cole, Koch, McCue, Neff and Rodriguez  
Negative: None  
Abstain: None  
Absent: None

Councilman Rodriguez made a motion to approve the Executive Session minutes of July 25, 2022, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Cole, Koch, McCue, Neff and Rodriguez  
Negative: None  
Abstain: None  
Absent: None

**OLD BUSINESS**

There was no old business brought before the governing body.

**NEW BUSINESS**

**Council Committee Reports**

**Finance** - Councilwoman Neff reported the Finance Committee met last week, briefly, to discuss PBA negotiations and what the Borough can afford. Administrator Casagrande said the Committee will be looking at small ticket capital requests soon.

**Personnel** - Councilwoman Chrisner-Keefe advised that the Borough is searching for an Administrative Assistant for the Department of Engineering and DPW; anyone is welcome to apply for this part-time position.

**Planning & Zoning** - Councilwoman Koch advised the August 16<sup>th</sup> Planning Board meeting was cancelled due to lack of agenda. The Zoning Board will meet on September 8<sup>th</sup>.

**Parks and Recreation** - Councilwoman Koch reported the next Concert on the Dock will be Wednesday, August 24<sup>th</sup>. Rec-N-Crew Summer Camp ended on July 29<sup>th</sup>.

**Police, Fire & OEM** - Councilman McCue advised the Fair Haven Police Department is hosting a Women’s Self-Defense class on August 18<sup>th</sup>, 5-7 pm. He thanked Knollwood School for use of their facility. The Fireman’s Fair is coming; all volunteers are welcome and can sign up through Sign-Up

Genius or speak with Rich Brister.

**Engineering and DPW** - Councilman McCue advised Willow Street is almost complete. The brush grind has been completed; the brush amount is less than half of when we had Rumson’s brush. The Third Street, Phase II plans were discussed with Engineer Gardella (they are 90% complete); it will be hard to present because of our AV situation, but he is working on something for a presentation at a September meeting. Part of the plan is to mill and pave Third Street and straighten out the area near Sportsman’s field going east and making it wider. There are no plans for sidewalks on the north end, due to right-of-way, but there will be curbs. This project will also benefit the school. There will be some traffic calming near Sportsman Field at the corner of Hance Road and Third Street, for bikers, walkers, etc. More discussions for the project are taking place; plans will be provided to Council for discussion.

**Borough Facilities** - Councilman Rodriguez said everything was covered under Public Comment on agenda items this evening. There have been eight years of discussions and we want to get it right. He hopes to have progress to report at the next meeting.

**Borough Communications and Community Outreach** - Councilwoman Cole advised there is an August recess for the committee. She encouraged everyone to sign up for Borough communications. She asked that the public help name the Constant Contact newsletter. The Environmental Commission will be hosting a representative from the American Littoral Society to discuss DeNormandie Park and plans that have been discussed over a period of time; the public is encouraged to attend. The Green Team is hosting a film on August 18<sup>th</sup> on Bicentennial Hall’s lawn called “Kiss the Ground”; it is a short film. They are accepting donations toward preserving Bicentennial Hall. She and Mike Nitka (Borough resident) will write a letter to BPU and will share it with Shade Tree. The Fair Haven Business Association’s sidewalks sales will be held on August 26<sup>th</sup> and 27<sup>th</sup>.

Mayor Halpern said the River Road Project will be completed tonight. Chief McGovern said during this project, all of the downtown businesses were affected because the work was done at night. The project may be another day; they will be striping this Thursday/Friday. Administrator Casagrande said the goal was to have this project completed before the Fireman’s Fair and it happened because of the Mayor and the Borough’s engineering team.

**INTRODUCTION OF ORDINANCES**

1. Ordinance No. 2022-12, Amend Chapter 2, Administration to Update and Clarify Borough Claims Payment and Check Signing Procedures

**AN ORDINANCE AMENDING CHAPTER 2: “ADMINISTRATION” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO UPDATE AND CLARIFY THE BOROUGH’S CLAIMS PAYMENT AND CHECK SIGNING PROCEDURES**

**WHEREAS**, the Borough of Fair Haven (the “Borough”) has enacted certain claims payment procedures by Ordinance under Chapter 2: “Administration” of the Borough Code; and

**WHEREAS**, N.J.S.A. 40A:5-16 requires that the Borough shall not pay claims from public funds unless appropriate certifications are presented and approved by the claimant and appropriate Borough officials; and

**WHEREAS**, N.J.A.C. 5:30-9A.6 provides the Borough with the discretion to not require claimant certifications, where such certifications are otherwise duly authenticated, by enacting a standard policy for vendors or claimants who do not provide such certification as part of its normal course of business; and

**WHEREAS**, generally, vendors of the Borough do not provide such certifications as part of their normal course of business, which has created unnecessary confusion and delay in processing claims for payment; and

**WHEREAS**, under the aforementioned laws and regulations, claimant certifications cannot be waived by the Borough for reimbursement of employee expenses, or for services provided exclusively and entirely by an individual; and

**WHEREAS**, the Borough’s Chief Financial Officer has established standard policies and internal accounting controls in accordance with the aforementioned laws and regulations, which are sufficient to authenticate claims and avoid errors and/or fraud in the processing of claims for payment by the Borough; and

**WHEREAS**, the Borough now hereby updates its claim payment procedures to codify the

Borough's established standard policies and internal accounting controls;

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

**SECTION 1.** Subsection 2-50.1 entitled "Certification" and Subsection 2-50.2 entitled "Claims Presentation and Examination" and Subsection 2-50.6 entitled "Claims Presentation and Examination" of Section 2-50 entitled "Claims Against the Borough" of Chapter 2 entitled "Administration" of the Revised General Ordinances of the Borough of Fair Haven is supplemented and amended as follows (~~stricken~~ text deleted; underlined text added):

## CHAPTER 2: "ADMINISTRATION"

\* \* \*

### § 2-50 CLAIMS AGAINST THE BOROUGH.

#### § 2-50.1 Certification.

- a. Any person claiming payment from the Borough shall first submit a detailed statement of the items or demand necessitating such claims to the responsible executive agency, specifying particularly how the bill or demand is made up, and a certification of the party claiming payment that it is correct (referred to hereinafter in this Section as the "Claimant Certification").
- b. No bill, claim or demand shall be considered for payment unless the voucher has attached to it (or includes) a written or electronic certification from the designated Borough employee, having personal knowledge of the facts that the goods have been received by, or the services rendered to the Borough, and that those services or goods are consistent with an existing contract or purchase order.
- c. The Chief Financial Officer shall have the duty to audit, warrant and make recommendations on all claims and bills.
- d. Pursuant to N.J.A.C. 5:30-9A.6, where the Claims Presentation and Examination Procedures set forth in Subsection 2-50.2 hereof are followed and satisfied, the Borough may waive the requirement of a Claimant Certification, except that a Claimant Certification shall never be waived for reimbursement of employee expenses, or for services provided exclusively and entirely by an individual or sole proprietorship.

#### § 2-50.2 Claims Presentation and Examination.

- a. The Chief Financial Officer has established standard procedures and internal accounting controls as follows, which shall be followed for the payment of claims by the Borough:
  1. No goods or services will be procured without a valid Purchase Order containing the written or electronic signature of the Borough's Assistant CFO.
  2. Except for contract items approved by resolution of the Borough Council, all procurement transactions must originate by way of a requisition in the Borough's finance system. Requisitions will not be processed without a digital signature of the Department Head (or, in certain limited situations, a designee approved by the Administrator or CFO)
  3. In processing Purchase Orders from requisitions, Finance/Purchasing staff will review for:
    - (a) Department Head approval
    - (b) Legal Compliance (Local Public Contracts Law)
    - (c) Compliance with any relevant Borough policy
    - (d) Reasonable business purpose
  4. Questions regarding requisitions are reviewed with user departments. As necessary, certain issues are escalated to review by the Purchasing Agent.
  5. Requisitions that exceed the Pay-to-Play threshold or the current State bid threshold are forwarded to the Purchasing Agent for processing.
  6. Requisitions that exceed 15% of the current State bid threshold require at least 2 quotes, but 3 quotes are preferred. Quotes obtained by user departments are attached to the requisition (digital/scanned copy). Purchasing staff review all quotes.

7. Properly completed requisitions are converted to Purchase Orders by the Finance/Administration Office.
  8. Department Heads are actively engaged in preparing and monitoring their annual budgets. Regular reviews are performed to assure that activity posted to the department's budget, such as Purchase Orders, is valid, proper and authorized by the Department Head.
  9. Claims for payment are submitted to Finance Office by each department. Invoices are reviewed to verify that work was performed as authorized and that prices are consistent with original proposals.
  10. Invoices attached to the Purchase Order are submitted to Finance Office for payment. A responsible person with direct knowledge that the work was performed or goods received signs the Purchase Order to authorize payment.
  11. In processing Purchase Orders (and invoices) for payment, Finance Office staff review for:
    - a. Certification by responsible person attesting that services were performed, or goods delivered.
    - b. Verify that payment is applied to proper contract, if applicable.
    - c. Verify that the invoice does NOT pre-date the Purchase Order (Legal Compliance). (from item 1 above) No goods or services will be procured without a valid Purchase Order containing the signature of the Borough's Assistant CFO.
    - d. Review for proper accounting treatment (proper budget account and proper budget year).
    - e. Compliance with any relevant Borough's policy.
    - f. Reasonable business purpose.
  12. Questions regarding Purchase Orders/Invoices are reviewed with user departments. As necessary, certain issues are escalated to review by the Administrator or CFO.
  13. In preparing the annual Borough Budget, the CFO reviews trends and query detail as considered necessary. All unusual items are researched.
- b. \_\_\_\_\_ The bill or claim duly certified shall be presented to the Municipal Clerk for inclusion in the proceedings of the next immediate formal meeting of the Borough Council and it shall be the duty of the Chief Financial Officer to examine all bills or claims submitted for payment in order to ascertain if proper administrative procedures have been followed.
- c. \_\_\_\_\_ All claims or bills to be considered by the Borough Council shall be listed systematically and without preference and the list shall be made available to every member of the Borough Council at least three full days prior to formal action by the Borough Council

\* \* \*

**§ 2-50.6 Required Signatures Procedure.**

After the Municipal Clerk has certified that the claims have been approved, ~~he~~ the Municipal Clerk shall turn the same over to the Chief Financial Officer, who shall forthwith prepare the necessary checks for the payment thereof, which said checks shall be signed by the Mayor and ~~Administrator~~ Chief Financial Officer, and thereafter signed by the ~~Chief Financial Officer~~ Administrator or Municipal Clerk. After preparing checks for the payment of claims, ~~he~~ the Chief Financial Officer shall record them in proper books of account and thereafter mail the checks to the claimants.

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

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

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

Attorney Cannon explained that his has nothing to do with liability claims, it is payment of



invoices (cleaning supplies, vendors, etc). There are also COVID measures that were put in place and will now be reflected in this ordinance as internal controls. Administrator Casagrande advised that the check signing procedures is being amended to reflect how the checks are to be signed. This corrects how the process actually happens where the Mayor and Chief Financial Officer sign the checks (not the Mayor and Administrator) leaving the live signature to the Administrator or Borough Clerk. The Borough Auditor requested that this ordinance be done to clarify procedures and to avoid having to adopt a resolution year after year.

Offered for introduction by Councilwoman Chrisner-Keefe, second by Councilman McCue

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

Negative: None

Abstain: None

Absent: None

2. Ordinance No. 2022-13, Amend Chapter 7, Section 14, Parking Prohibited at All Times on Certain Streets

**AN ORDINANCE AMENDING CHAPTER 7: “VEHICLES AND TRAFFIC” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO PROHIBIT PARKING ON THE EAST SIDE OF CHESTNUT STREET BETWEEN FIRST STREET AND RIVER ROAD AND TO PROHIBIT PARKING ON THE SOUTH SIDE OF RIVER ROAD BETWEEN LAKE AVENUE STREET AND HANCE ROAD**

**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; 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;

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

**SECTION 1.** Section 7-14 entitled “Parking Prohibited At All Times On Certain Streets” of Chapter 7 entitled “Vehicles and Traffic” of the Revised General Ordinances of the Borough is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
<u>Chestnut Street</u>	<u>East</u>	<u>River Road to First Street</u>
<u>River Road</u>	<u>South</u>	<u>Lake Avenue to Hance Road</u>

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

**SECTION 3.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, 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 4.** This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

Offered for introduction by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: None

1. Resolution No. 2022-176, Memorialize the Denial of Non-Domestic Animal Waiver Request from 444 River Road

**WHEREAS**, Section 5-18 of the Borough Code provides that the keeping of non-domesticated animals, including chickens, is generally prohibited within the Borough of Fair Haven (the “Borough”); and

**WHEREAS**, under Section 18-5.4 of the Borough Code, upon good cause shown, the Mayor and Council may grant a waiver to those owners desirous of keeping non-domesticated animals under certain conditions; and

**WHEREAS**, Gontran de Quillacq was previously granted a waiver by the Mayor and Council in September 2020 for the keeping of no more than five (5) hens upon his property located at 444 River Road; and

**WHEREAS**, said waiver was renewed in September 2021, with no changes, to permit Gontran de Quillacq to continue the keeping of no more than five (5) hens upon his property located at 444 River Road; and

**WHEREAS**, due to the recent discovery of more than five (5) hens being kept upon 444 River Road, Gontran de Quillacq has made application and served proper notices seeking to expand his waiver to keep up to ten (10) hens upon his property located at 444 River Road; and

**WHEREAS**, after hearing held on July 25, 2022, and following consideration of the presentations of the applicant and certain objectors, the Mayor and Council did not find good cause to grant an expansion of the existing waiver issued to Gontran de Quillacq for the keeping of no more than five (5) hens upon his property located at 444 River Road; and

**WHEREAS**, given the testimony and materials presented at the hearing held on July 25, 2022, the Mayor and Council further advised the applicant, Gontran de Quillacq, that any further violation(s) of his original waiver for no more than five (5) hens, contained to his own property, would be considered by the Mayor and Council in deciding whether to renew said original waiver when it expires in September 2022;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Fair Haven hereby deny the request of Gontran de Quillacq to expand his waiver for the keeping of additional hens upon his property located at 444 River Road.

Offered for adoption by Councilwoman Koch, second by Councilman McCue

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

Negative: None

Abstain: Councilman Rodriguez

Absent: None

2. Resolution No. 2022-177, Accept Performance Guarantees from Capital Home Builders for 32 Fisk Street

**WHEREAS**, Capital Home Builders, Inc. obtained minor subdivision approval from the Fair Haven Planning Board pursuant to a Resolution adopted by the Planning Board on July 20, 2021; and

**WHEREAS**, the Planning Board Engineer prepared a bond estimate for this minor subdivision by way of letter dated December 29, 2021 which is annexed hereto; and

**WHEREAS**, on July 25, 2022, Capital Home Builders posted performance guarantees in conformance with the bond estimate as well as additional fees as follows:

Check No. 1547 in the amount of \$150.00 (Tax Map Revision Fee, first lot)

Check No. 1548 in the amount of \$150.00 (Tax Map Revision Fee, second lot)

Check No. 1677 in the amount of \$1,406.70 (Engineer Inspection Fee)

Check No. 1678 in the amount of \$33,760.80 (120% Performance Guarantee

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven, that the aforementioned performance guarantees are accepted by the Borough in order to secure performance by the property owner of a minor subdivision to effectuate the terms and conditions of the subdivision approval.

Offered for adoption by Councilwoman Koch, second by Councilman McCue

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

Negative: None

Abstain: None

Absent: None

3. Resolution No. 2022-178, Executive Session: 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:

**Contract Negotiations**

1. PBA Negotiations
2. Director of Engineering and Public Works

**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 Councilwoman Koch, second by Councilman McCue

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

Negative: None

Abstain: None

Absent: None

4. Resolution No. 2022-179, Approve Zoning Board Unused Escrow Refund for 31 Heights Terrace

**WHEREAS**, Patrick McElduff, 31 Heights Terrace, Block 68, Lot 6 submitted an application to the Zoning Board of Adjustment for Variance Relief; and

**WHEREAS**, escrow money was posted by the applicant; and

**WHEREAS**, Mr. McElduff has withdrawn his Zoning Board application and has requested that unused escrow funds be refunded; and

**WHEREAS**, the Zoning Board Secretary has calculated and provided, in writing, an escrow refund amount as follows:

Unused Escrow funds in the amount of \$1,360.50; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that the Chief Financial Officer will refund the unused Zoning Board escrow fees to Patrick McElduff, 31 Heights Terrace, Fair Haven, New Jersey 07704.

Offered for adoption by Councilwoman Koch, second by Councilman McCue

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

Negative: None

Abstain: None

Absent: None

5. Resolution No. 2022-180, Approve Execution of Monmouth County SPCA Memorandum of Understanding for the Trap, Neuter and Release Program

**WHEREAS**, the Borough Council of the Borough of Fair Haven approved Resolution No. 2022-34 which authorized an agreement with the Monmouth County SPCA for Animal Control Services; and

**WHEREAS**, there is a need to have services through their Trap, Neuter and Release Program; and

**WHEREAS**, the Monmouth County SPCA has provided a Memorandum of Understanding which limits this service which includes neutering, ear tip, rabies vaccination and micro-chip for no more than 100 cats per year at a cost to the Borough of \$37.50 per cat which will be billed monthly with a detailed list of activities.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, hereby authorizes the Memorandum of Agreement for this service (attached as Exhibit A) with the Monmouth County SPCA; and

**BE IT FURTHER RESOLVED** that Mayor Halpern is hereby authorized to execute the Memorandum of Agreement and the appropriate purchase order(s) will be prepared and submitted to the Finance Department.

Offered for adoption by Councilwoman Koch, second by Councilman McCue

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

Negative: None

Abstain: None

Absent: None

- 6. Resolution No. 2022-181, Approve Change Order No. 2 with Black Rock Enterprises for the Improvements to Battin Road Project

**WHEREAS**, Resolution No. 2020-57 awarded a contract for the Improvements to Battin Road Project to Black Rock Enterprises, Old Bridge, NJ 08857 in the amount of \$291,650.00; and

**WHEREAS**, Resolution No. 2021-45 was adopted by the governing body on January 25, 2021 and approved Change Order No. 1 for said project.

**WHEREAS**, the attached final change order details additional amendments to the contract resulting in a revised contract amount of \$311,550.99.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Haven that Change Order #2 - Final to the Improvements to Battin Road Project will result in a final contract amount of \$311,550.99 between the Borough of Fair Haven and Black Rock Enterprises.

**BE IT FURTHER RESOLVED** that that the two-year Maintenance Bond (CA-3414393M) received from Great American Insurance Company in the amount of \$43,747.50 is hereby accepted

Offered for adoption by Councilwoman Koch, second by Councilman McCue

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

Negative: None

Abstain: None

Absent: None

- 7. Resolution No. 2022-182, Appoint Jennifer Sobel Part-Time Administrative Assistant for the Department of Engineering and DPW. This was pulled from the agenda and the position will be readvertised.

- 8. Resolution No. 2022-183, Approve Purchase of 2022 Chevy Tahoe for the Police Department

**WHEREAS**, the Borough of Fair Haven, County of Monmouth, State of New Jersey has determined that there is a need for the replacement of a police vehicle in the Borough of Fair Haven; and

**WHEREAS**, the vehicle that will be replaced in patrol is a 2012 Dodge Charger with 121,000 miles; and

**WHEREAS**, this purchase is being made through State Contract No. ESCNJ 20/21-09 and was approved by Mayor and Council through the 2022 Municipal Budget (Police Department Line Item 2-01-25-240-205).

**NOW THEREFORE, BE IT RESOLVED** that by the Borough of Fair Haven that Borough Administrator Casagrande is hereby authorized to enter into a contract with Mall Chevrolet, Cherry Hill, NJ for a three-year lease of a 2022 Chevy Tahoe PPV for the Police Department in the amount of \$16,693.91 per year for three years with the option to purchase for \$1 at the end of the lease

agreement.

**BE IT FURTHER RESOLVED**, the Chief Financial Officer has certified that free and unencumbered funds in the amount of \$16,693.91 are available for this purpose in account/line-item number(s) 2-01-25-240-205. Availability of funds for the remaining balance of the contract amount is contingent upon the necessary funds being appropriated by the governing body in the 2023 and subsequent Municipal Budgets, inclusive of amount appropriated in the temporary budget as required by N.J. A.C. 5:34-5.3 (a). A copy of said certification is attached hereto and made part hereof.

Offered for adoption by Councilwoman Koch, second by Councilman McCue

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

Negative: None

Abstain: None

Absent: None

- 9. Resolution No. 2022-184, Authorize Refund for 3<sup>rd</sup> Quarter Tax Overpayment -100 Parker Avenue - Estate of Herbert Reed

**WHEREAS**, the Tax Collector, has provided a request for a tax overpayment refund for 3<sup>rd</sup> Quarter 2022 due to duplicate payment and advises that the following property owner qualifies for a refund as follows:

<b>Owner</b>	<b>Address</b>	<b>Block</b>	<b>Lot</b>	<b>Refund</b>
Estate of Herbert Reed, Jr.	100 Parker Avenue	37	9	\$435.17

Payment to: Wyndham Reed  
77 Wesley Avenue  
Atlantic Highlands, NJ 07716

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

Offered for adoption by Councilwoman Koch, second by Councilman McCue

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

Negative: None

Abstain: None

Absent: None

- 10. Resolution No. 2022-185, Authorize Release of two-year Maintenance Guarantee for 20 Gillespie Avenue, LLC.

**WHEREAS**, 20 Gillespie Avenue, LLC., is the owner of the real property known as Block 51, Lots 27 and 30; and

**WHEREAS**, Resolution No. 2020-132 adopted July 27, 2022 authorized the release of performance guarantees in exchange for the acceptance of a two-year maintenance bond; and

**WHEREAS**, the developer submitted Letter of Credit No. 68104100 in the amount of \$99,562.50 as the two-year maintenance bond; and

**WHEREAS**, the Borough Engineer has performed the appropriate inspections and advised that the Maintenance Bond should be released to 20 Gillespie Avenue, LLC.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Haven, County of Monmouth and State of New Jersey that the Borough of Fair Haven release the two-year maintenance bond posted as a Letter of Credit in the amount of \$99,562.50 and that the Borough Clerk return the original Maintenance Bond to the developer to close out the project.

Offered for adoption by Councilwoman Koch, second by Councilman McCue

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

Negative: None

Abstain: None

Absent: None

11. Resolution No. 2022-186, Approve Block Party - Church Street (between River Road and Hayes Place): 9/25/2022

**WHEREAS**, a request was received to hold a Block Party on Church Street (between River Road and Hayes Place) on Sunday, September 25, 2022 from 3:00 pm to 8:00 pm (Rain date: Sunday, October 2, 2022); and

**WHEREAS**, Police Chief Joseph McGovern reviewed the application and submitted his approval on August 9, 2022.

**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 Church Street (between River Road and Hayes Place) on Sunday, September 25, 2022 from 3:00 pm to 8:00 pm. (Rain date: Sunday, October 2, 2022).

**BE IT FURTHER RESOLVED** that Permit No. BP 2022-04 will be issued for said event.

Offered for adoption by Councilwoman Koch, second by Councilman McCue

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

Negative: None

Abstain: None

Absent: None

12. Resolution No. 2022-187, Authorize Refund for 3<sup>rd</sup> Quarter Tax Overpayment, 142 Lincoln Avenue - William Garavente

**WHEREAS**, the Tax Collector, has provided a request for a tax overpayment refund for 3<sup>rd</sup> Quarter 2022 due to duplicate payment and advises that the following property owner qualifies for a refund as follows:

<u>Owner</u>	<u>Address</u>	<u>Block</u>	<u>Lot</u>	<u>Refund</u>
William Garavente	142 Lincoln Avenue	14	3	\$4,467.85

Payment to: Simplicity Title, LLC  
70 Grove Street  
Somerville, NJ 08876

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

Offered for adoption by Councilwoman Koch, second by Councilman McCue

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

Negative: None

Abstain: None

Absent: None

13. Resolution No. 2022-188, Authorize Borough Administrator to approve AT&T equipment and antenna modifications on the cell tower

**WHEREAS**, the Borough's Cell Tower Consultant, FSD Enterprises, LLC., received and reviewed a request from AT&T to modify their equipment (replace existing equipment and antennas with comparable equipment and antennas) on Fair Haven's cell tower; and

**WHEREAS**, the Borough Administrator has been advised that the submitted request complies with their rights in the executed lease agreement, and she can approve AT&T's modification.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council that the Borough Administrator is hereby authorized to approve the modification request and act on behalf of the Borough of Fair Haven, based on the advice given by the Borough's Cell Tower Consultant, FSD Enterprises, LLC.

Offered for adoption by Councilwoman Koch, second by Councilman McCue

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

Negative: None  
 Abstain: None  
 Absent: None

14. Resolution No. 2022-189, 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 15, 2022 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2022 CURRENT ACCOUNT		\$2,626,976.41
GENERAL CAPITAL		\$ 56,854.23
PAYROLL AGENCY		\$ 14,346.12
OTHER TRUST		\$ 18,438.74
		<b>\$2,716,615.56</b>
LESS VOIDED CHECKS	-	\$ 459.24
<b>TOTAL</b>		<b>\$2,716,156.32</b>

CURRENT CHECK NO. 62909, \$459.24

Offered for adoption by Councilwoman Koch, second by Councilman McCue

Affirmative: Councilmembers Chrisner-Keefe, Cole, Koch, McCue, Neff and Rodriguez  
 Negative: None  
 Abstain: None  
 Absent: None

**Reports of Departments**  
**July 2022**

- Municipal Clerk
- Dog License
- Planning Board/Zoning Board
- Tax Collector
- Municipal Court
- Police Department
- Budget Status

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

**GOOD OF THE BOROUGH**

Mayor Halpern opened the meeting to the public for comments or questions at 9:22 p.m. Richard Cramer, 8 Rutgers Drive, advised he and his wife are getting older and want to move closer to their daughter. They are currently unable to sell their house due to an old drainage easement (it has been there for 60 years) which has never been an issue. He thanked Attorney Cannon for working with his attorney on an Irrevocable License Agreement and he encouraged Council to approve the agreement. Mayor Halpern asked Attorney Cannon what the agreement status is; Engineer Gardella does not want to move the subdivision line, so we are working with Mr. Cramer's attorney for a license agreement. Attorney Cannon will work with Engineer Gardella on the language for when the license would terminate i.e. if there were demolition of the home or other construction; he hopes to have it finalized for one of the September meetings. Mrs. Cramer said when the house was built (60 years ago), it was built on the encroachment and an addition was also added with the same encroachment (by a prior homeowner). There is no information/documentation of any approvals by anyone for the construction of the house or the addition. Attorney Cannon advised that the subdivision maps were not always available on-line; they are now which makes it easier to search. Surveys used to be checked, not subdivision lines when construction was being considered.

Marti Egger, Hance Road, gave deep gratitude to Council and the Borough for their quick action for the Trap, Neuter and Release program through the SPCA. She was thankful for the SPCA's assistance and having the mama cat caught and spayed. Corrine of the SPCA has been unbelievable. There are two kittens to catch still. She clarified what Councilman McCue reported regarding to improvements and if they were going to be at the corner of Hance and River Roads. She was advised, no, he reported on Third Street work and addressing the corner of Hance Road and Third Street.

Andrew LaBarbera, Cedar Avenue, thanked the Mayor and Council for the work done on facilities over the years and for listening to the community. He asked what type of immediate

remediation has taken place and where the facility needs assessments for the town to meet the immediate requirement(s) are. He stated the Borough has all sort of experience internally and they can bridge the gaps. Mayor Halpern said the remediation for the police department is filter systems from six years ago and we have testing done. The DPW factors in to ask for cost estimates for renovation and to fix the roof and any structural type issues. Administrator Casagrande advised the Borough has bid specs written for the DPW roof, but the work will lead to a building renovation which is a big-ticket item. Mr. LaBarbera said all of this takes time (planning, specifications, bids, etc), however, he keeps hearing of an immediate need for new buildings or renovations. If the DPW building were to fall down in two weeks, it doesn't matter how fast the Council moves, the building is going to fall down. If the black mold is going to cause a significant issue, it is going to remain, and it does not matter how long the building takes to be built. The community has a right to know and asked if there are any mold issues affecting police employees because they are going to continue to do the job that they do. Councilman Rodriguez said we don't want anyone, sick five years from now, to become really ill and suffer; there are a lot of unknowns with remediating the mold. This Council will continue to remediate the best we can and as we have. The building has a disease and is unsafe, so we need to take action and we hope it does not affect the employees.

Ruth Blaser, River Road, thanked the Borough as well as Engineer Gardella for having her driveway widened; it appears there were 5 or 6 other properties who had the same thing done. She was curious about the streetscape being closed out and asked who is going to restore her property to what it was before. Administrator Casagrande said it will be part of the final close out. Mrs. Blaser also thanked the Borough for taking the dangerous tree out. Mayor Halpern thanked her for pointing the tree out.

Susan O'Brien, River Road, requested the podium be moved closer to the Owl to hear the public comments. She asked what the procedure for remediation of bamboo is. She has an issue with her neighbor's bamboo which is now growing into her yard. Councilwoman Chrisner-Keefe said the newly adopted ordinance addresses newly planted bamboo and will be treated differently from already established bamboo. Mrs. O'Brien advised that the bamboo is established and now invading her property. She was advised to reach out to Code Enforcement to make them aware of her concern so they can investigate and address it appropriately. The ordinance may not address how neighboring bamboo is handled and may be considered a common law matter. Mrs. O'Brien said the neighbor had a majority of the bamboo taken out, but there is some small stalks remaining along the property line. Mrs. O'Brien has the Rye Zones in her yard that she has been trying to eradicate, herself, for years. She does not want to pay someone to eradicate it because she did not plant it. Attorney Cannon is going to review the Borough ordinances and the common law statute and will then advise Mrs. O'Brien what her steps would be.

Wilson Rodriguez, Allen Street, thanked the councilmembers who have championed for both the police department and DPW renovations, especially DPW. Many discussions, for years, have taken place and the plans have changed over the past 4-5 years based on neighbor feedback. Mr. Rodriguez was concerned with flow of traffic on Allen Street. He said it is more than patchwork at the dilapidating DPW and there are more considerations than the micro-view of the building. The macro-view of the community surrounding DPW should be considered. He saluted the DPW employees for their endeavors with their working conditions and what they endure during the storms. We owe the DPW staff something to look forward to and need to provide something to boost their morale as they continue to do very important work in town.

There being no further comments or questions, the meeting was closed to the public at 9:44 p.m.

Council went into executive session at 9:51 p.m. and this meeting was reconvened at 10:03 p.m.

#### **ADJOURNMENT**

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

Time of Adjournment: 10:04 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR  
Borough Clerk