

**FAIR HAVEN BOROUGH COUNCIL
SEPTEMBER 6, 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 SEPTEMBER 6, 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 and Attorney Cannon.

RESOLUTION

1. Resolution No. 2022-190, Executive Session: Contract Negotiations, Acquisition of Property and Possible Litigation

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. McCarter Pond Proposal
2. Facilities Contract
3. Land Donation, Habitat for Humanity
4. PBA Negotiation

Acquisition of Property

1. 21 Fair Haven Road

Possible Litigation

1. Affordable Housing/Zoning

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 Councilman Rodriguez, second by Councilman Koch

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

Mayor Halpern announced to the public that Council would be going into executive session to discuss Possible Litigation and would return to open session at approximately 7:30 p.m.

Council went into executive session at 7:06 p.m. and this meeting was reconvened at 7:45 p.m.

WORKSHOP SESSION

Mayor Halpern asked Kevin Medrow to come forward and present his proposed Eagle Scout Project to the governing body. Mr. Medrow introduced himself and that he was from Boy Scout Troop 126. For his Eagle Scout project, he requested permission to use land/path from Fair Haven Fields to Third Street to plant 30 native trees in the area to provide a canopy, shade for the public and to help with the invasives. He would have people sponsor the trees (pay for a tree and water it). The target date to implement is October 23, 2022. A packet was provided to the governing body with this information. Mayor Halpern thanked Kevin for his attendance and advised he was excited about the project. Councilwoman Cole acknowledged the commitment to open space. She asked if there is a map or plan for where the trees will be planted that can be provided to the Environmental Commission and Shade Tree Commission. Mr. Medrow will plant the trees (Maples, Oaks, Sycamores and Hickory) which are native to the area adjacent to Zoe Arhanic's project in the surrounding areas. Councilman McCue asked if this was Mr. Medrow's project to obtain Eagle Scout status. He advised that there have been concerns with the past project and the removal of overgrowth which created a problem with rodents. Mr. Medrow said this project will assist with rat infestation). It was asked how large an area would be cleared out? Two portions in the surrounding areas around the trail; Kevin met with Mr. Olson and DPW to address the area. It was asked if there is a back-up plan to water the trees. This project will take place in late October so there will already be ground moisture as well as the people who sponsor trees assisting with watering in the beginning of the planting. Mr. Olson advised that watering will not be required until June 2023 if plantings are done in October. Councilman McCue asked for the square footage of the project; 50 yds X 50 yds or 75 yds X 75 yds; it is twice the size of what was done (not a perfect square). Councilman McCue asked Administrator Casagrande what the cost was to address the rodents? She advised that the Borough has not seen any activity or had additional work done (nothing was caught in the traps and no evidence of rodents). This would be a separate service by our exterminator so we would need to get a quote for it. Councilwoman Koch said we need to protect the neighborhoods near Fair Haven Fields. Mr. Olson advised the clearing was already done about 3-4 weeks ago. Councilwoman Chrisner-Keefe said the Fair Haven Fields Natural Area Advisory Committee can be a resource to water trees. Mayor Halpern asked if Mr. Medrow when he is going to announce sponsorships; once approved by Council and final approval from his troop. Councilman Rodriguez applauded Kevin and the scouts for what they do. He is an Eagle Scout and heads a troop so anyone interested in joining scouts should reach out to him or a troop leader. Councilwoman Neff was on board and glad the project is continuing. She suggested that Kevin use fellow scouts (boy scouts and girl scouts) to assist with watering the trees. Councilwoman Koch asked how he would get sponsorships; the sponsor gives money to Mr. Olson who pays the nurseries. Everyone thanked Kevin Medrow and Mr. Olson for the presentation. Motion to approve this Eagle Scout project moved by Councilman Rodriguez, second by Councilwoman Chrisner-Keefe with Ayes by all present.

On August 24th, Administrator Casagrande, Mayor Halpern, Councilmembers Cole and Rodriguez participated in a meeting with the County (Debbie Dovedytis and Laura Kirby) to see what our options are with the CDBG grant. Laura Kirby was comfortable with reducing the scope of the work as long as it was ADA related. The Borough can bring in new professionals if Council would like. If Council did not want to adhere to the strict timeline, we could withdraw the project. We could apply for a future funding round if we pass the money to another municipality. Administrator Casagrande provided Engineer Gardella's spreadsheet with his estimated costs (\$179,615) that would be eligible as ADA; our grant award is \$174,074. Councilwoman Cole said the Borough came away with what is the best scenario for Fair Haven to move forward. The Borough and Historic Preservation Commission will work with the community to design ADA improvements; we have a generous grant to do the work. The Borough should find out if we can use money for a professional (new architect) and she asked that we approach the County about it. Administrator Casagrande recalled the Borough cannot use the money for professionals. Councilman McCue asked how much we have spent on Architect services for Bicentennial Hall; Administrator Casagrande would have to look at the payments made. The Goldstein Partnership assisted us in coming up with the grant application and with SHBO reach out. She was asked to send out RFPs to test the market for Architect services. Councilwoman Koch asked if it was \$239,000 in construction totals and \$25,400 for design work? It was asked if every item listed in the handout is essential? Engineer Gardella pulled out ADA work for Council to consider, it does not include painting and other non-grant related work. Mayor Halpern advised we do not have to do everything; we can just do the ADA ramp or just do the bathroom. Councilwoman Koch was concerned with putting all of the grant money into the building which can lead to other costs. Administrator Casagrande said Bicentennial Hall needs to be painted and the flashing needs to be addressed.

Councilwoman Cole reported that the Historic Commission is behind this 100% and will fundraise; they are enthusiastic and new officers are being put in place. There is a future event to be held to raise funds (to be announced at a later date). Councilwoman Koch said once we upgrade the building, we will be responsible to maintain it. She thought the idea of the multi-purpose room would eliminate the need for the upgrades to Bicentennial Hall. The Mayor stated we need to do something with the grant and the building. Councilwoman Chrisner-Keefe agreed with using the grant to make as many ADA improvements as we can and asked what is most critical and the top priority for the governing body? Councilwoman Cole said she asked the Historic Preservation Commission for a recommendation and was advised the Borough requested a capital improvement and maintenance plan from them in 2011; there is guidance in that plan. Councilman Rodriguez supported using the grant to make the building accessible. The Facilities Committee should work with the Historic Commission to come up with a plan. Let's act on this quickly and invest in a building that has history. Councilwoman Cole would like to keep the discussions in the public forum with an agenda, minutes and making the public aware. Administrator Casagrande asked if the Historic Preservation Commission is working on the RFP; yes, with the help of the Borough staff for a barrier free building. Councilwoman Neff felt it was important to have a ramp and ADA compliant bathrooms; we have a grant now and should use it. We can contribute \$20,000 into the building to keep it intact which is an investment. She did not feel this is a building for children or recreation, but adults could use it and we could possibly rent it out for events (bridal showers, baby showers, meetings) to help with maintenance costs (the Borough would need to think about how to monetize it). Parks and Recreation has a rental form for use of Borough facilities, but not many have taken advantage. The consensus was to accept the grant and have Administrator Casagrande sign the paperwork.

With regard to land use modifications, an e-mail from Doug Kovats, Esq. was received with the Planning Board's memo. The Planning Board is supportive with moving forward but felt the Borough Planner should review and be sure there are no conflicts between the ordinance and sections of the Borough code. It was asked if Mayor and Council wanted this referred to ARH Associates (Borough Planner) to have them review the ordinances and report back. This should also be reviewed by Attorney Cannon, Engineer Gardella, Assistant Engineer Poruchynsky, and Joe Mule (Zoning Code Compliance Officer). Councilman McCue asked if was being suggested that all of the letter from Mr. Kovats and the memorandum language from the Planning Board be included in the amendment? Administrator Casagrande advised the memorandum that went from the Land Use Subcommittee to the Planning Board showed the changes they want to make and have implemented. He asked if we would be losing language on the garage i.e. attached garage going away? Yes. It was asked if garages are being counted as bulk and Habitable Floor Area Ratio. Councilwoman Chrisner-Keefe did not see the language in the July 6th memo but understood that counting 50% of the garage as habitable floor area would be eliminated so you could have an attached garage. There was discussion/review of the memo; there are other things that would be counted toward the square footage. Councilman McCue was concerned about bulk (porches, first floor elevation). Mayor Halpern said these were the most important components of what we wanted to address; there will be additional changes as we go along. Councilwoman Chrisner-Keefe said we need to start somewhere and make sure we dot "i's" and cross "t's". Councilwoman Cole thanked the committee for getting involved. A draft ordinance will have to be created by the Committee, Planner and other professionals and presented to the governing body. Administrator Casagrande asked where Council wants to go from here? The consensus was to move forward with an ordinance. Councilwoman Chrisner-Keefe asked Attorney Cannon if Council should have the Planner look at it now or create and introduce the ordinance and then give it to them for review. Attorney Cannon said the Planner should review now to see if there are any unintended consequences. Council agreed ARH should look at it and comment. There was discussion about simultaneously introducing and having it reviewed. Council would like to approach it the same way as the restaurant ordinance has been handled; Attorney Cannon will start a draft ordinance and have ARH review simultaneously and discuss along the way. There was discussion on what the past Planner was tasked to do; they looked into HFAR and prepared a memo that did not go anywhere. Council was advised that you cannot carry an ordinance from one year to the next; it must be adopted by the end of this year or handled next year. Councilman McCue asked for additional definition explanations with regard to basements, attics. Administrator Casagrande will reach out to ARH and provide the memo for their review so they can work with Attorney Cannon. Doug Kovats' memo will also be provided to Engineer Gardella, Assistant Engineer Poruchynsky and Joe Mule.

With regard to small ticket capital items, Administrator Casagrande gave a copy of the capital history for small ticket (pay as you go). A past resolution was also provided to Council so they can see what and how items are approved. Liaisons will need to speak with the department heads that they oversee to discuss their requests. The resolution is usually done by year end. Administrator Casagrande will send out the appropriate e-mail to department heads and the liaisons so they can meet about specific requests. The process was explained to the governing body. Councilwoman Cole had questions regarding DeNormandie; she will speak with the Administrator, offline. Council was advised the guideline is at least a 5 years life expectancy and a cost of \$5,000

or more is considered capital.

The Proposed Restaurant Ordinance was listed on the agenda but pulled and discussed during executive session.

The Jersey Shore Youth Rugby Association submitted a request to post lawn signs during the months of September/October to recruit members. Motion to approve moved by Councilman Rodriguez, second by Councilwoman Cole with Ayes by all present.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 8:53 p.m. Drew LaBarbera, Cedar Avenue, had concerns regarding the land use modification discussion. He asked for dates when the ordinance would be discussed and when feedback would be received. He gave examples of his concerns (tree removals for projects, the process of going before the Board); the public is looking for relief. He asked that there be meetings that demonstrate progress and milestones. Councilwoman Cole said the goal is to do it by year end. Councilwoman Chrisner-Keefe gave an example of the Kovats memo on behalf of the Planning Board which will result in multiple ordinances being created and introduced; changes will be made, as a whole, because they impact each other. Attorney Cannon will speak with Doug Kovats, Esq. and Todd Lehder, Chairman, once he reviews the memo and drafts the ordinance(s). An ordinance cannot be introduced in one year and adopted in another because governing body's change.

Carolyn Ferguson, Colonial Court, asked if discussion regarding the restaurant ordinance is being postponed; she was advised Council received new information and they are not ready to discuss this publicly. With regard to land use modifications, she asked how the public will be made aware of the changes to make comment? Councilwoman Chrisner-Keefe said the land use concerns were discussed last fall and residents gave input on issues they see and deal with in the Borough. The Zoning Board and Planning Board also met for public discussion on concerns to be addressed. Councilwoman Cole gave her copy of Doug Kovats' memo to Mrs. Ferguson; it addresses all residential concerns, not commercial.

Michal DiMiceli, River Road, asked about Mr. Kovats' memo and if it addresses flooding? No, it discussed first floor elevation and effect on grading. She asked when this was discussed as she has an issue with water in the front and the back of her property due to an elevation change because of construction. She would like to help others avoid what she has been dealing with. Mayor Halpern said it is addressed as just mentioned; he read an excerpt from the memo about raised new homes and how they affect existing properties and homes. Ms. DiMiceli felt the ordinance should be more specific about what the grading is. She was advised that the memo does mention and define the average grade. Mayor and Council were invited to take a look at the back of Colonial Court and how the grading there has created an issue for her property. Once the new ordinance is implemented, it can be changed as we go along. This is a start.

At 9:05 pm, Councilwoman Neff left the meeting.

Stephanie Adams, Oxford Avenue, thanked the governing body for their continuing efforts regarding Bicentennial Hall and was glad ADA work is on track because it is very important. There are a lot of questions about how the building can be used; there are a lot of opportunities for community groups, i.e. Garden Club, Scout meetings, etc. and she advocated for moving forward. The more Bicentennial Hall sits in its current state, the worse it will become to fix. Ms. Adams has been researching other buildings i.e. Bingham Hall in Rumson and how the building is used. She asked where our comfort stations are because Bicentennial Hall can help with that. Administrator Casagrande said we have used Bicentennial Hall, but there is no generator.

Michel DiMiceli seconded what Stephanie Adams said. There are many uses for Bicentennial Hall. The Love Where You Live Day event was held there. The building has a lot of history and we should show it.

There being no further comments or questions, the meeting was closed to the public at 9:12 p.m.

APPROVAL OF MINUTES

Councilman Rodriguez made a motion to approve the Regular Meeting minutes of August 15, 2022, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Neff

Councilman Rodriguez made a motion to approve the Executive Session minutes of August 15, 2022, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Neff

OLD BUSINESS

HEARING AND ADOPTION OF ORDINANCES

1. Ordinance No. 2022-11, Amend Schedule C: Minimum Lot Size of the R-7.5 Zone (7,500)

AN ORDINANCE AMENDING ATTACHMENT 3: "SCHEDULE OF AREA, YARD, AND BUILDING REQUIREMENTS" OF CHAPTER 30: "LAND USE AND DEVELOPMENT REGULATIONS" TO CORRECT AN ERROR IN THE MINIMUM LOT SIZE FOR THE R-7.5 ZONE

On motion of Councilman Rodriguez, second by Councilman McCue with Ayes by all present, Mayor Halpern opened the meeting for comments or questions at 9:13 p.m.

There being no comments or questions, the Hearing was closed to the public at 9:13 p.m. on motion of Councilman Rodriguez, second by Councilman McCue with Ayes by all present.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Chrisner-Keefe

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

Negative: None

Abstain: None

Absent: Councilwoman Neff

2. 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

On motion of Councilman Rodriguez, second by Councilwoman Cole with Ayes by all present, Mayor Halpern opened the meeting for comments or questions at 9:15 p.m.

Councilwoman Chrisner-Keefe asked that there be a user-friendly guide established on the processing of payments for volunteers of Boards and Commissions. That would be helpful besides this ordinance. Administration is working on an in-house policy with the CFO and Assistant CFO/QPA.

There being no further comments or questions, the Hearing was closed to the public at 9:17 p.m. on motion of Councilman Rodriguez, second by Councilman McCue with Ayes by all present.

Offered for adoption by Councilman Rodriguez, second by Councilman McCue

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

Negative: None

Abstain: None

Absent: Councilwoman Neff

3. 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

On motion of Councilman Rodriguez, second by Councilwoman Koch with Ayes by all present, Mayor Halpern opened the meeting for comments or questions at 9:18 p.m.

Chief McGovern gave a synopsis of the streets that will be affected.

There being no further comments or questions, the Hearing was closed to the public at 9:18 p.m. on motion of Councilman Rodriguez, second by Councilwoman Koch with Ayes by all present.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Chrisner-Keefe

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

Negative: None

Abstain: None

Absent: Councilwoman Neff

NEW BUSINESS

Council Committee Reports

Finance - Councilwoman Neff was absent. Councilman Rodriguez advised there has not been a Finance Committee meeting since the last Council Meeting so there is nothing to report.

Borough Facilities - Councilman Rodriguez advised there has not been a Facilities Committee meeting since the last Council Meeting. He noted the recommendation from Councilwoman Cole to open the meetings up to the public, which is a good idea, but we need to understand what this means as far as note taking and all of the professionals that would be involved.

Mayor Halpern advised the Council and public that both the DPW facility and Police Department need intervention due to the deterioration of the buildings. If the governing body cannot move the process forward by March/April 2023, we need to remediate the issues. Our employees need to feel safe and need a good environment to work in. A target date is needed. Council agreed with a target date being set. Councilman Rodriguez said if we try to fix the mold at the Police Department, everything has to be up to code. We have to solve the problem because discussions have gone on long enough.

Personnel - Councilwoman Chrisner-Keefe reported that there have been many applications received for the PT Administrative Assistant position for the Department of Engineering and Public Works; interviews will be set up. A resolution was added to the agenda based on recommendation of Chief McGovern to appoint a PT School Crossing Guard (Katy Frissora).

Planning & Zoning - Councilwoman Koch reported the Zoning Board will meet on September 8th and the Planning Board will be meeting on September 20th.

Parks and Recreation - Councilwoman Koch reported that fall sports start this week. Fall camps are starting next week; look on the recreation website. The next Recreation Committee meeting will be September 13th via Zoom.

Police, Fire & OEM - Councilman McCue did not have anything to report for Police. The Fire Department put on another amazing fair this year. He thanked all of the volunteers. Bill Heath, Company President, extended his appreciation for an amazing year and thanked the community for their support.

Engineering and DPW - Councilman McCue advised that engineering is wrapping up a few projects. Striping on Willow Street is complete. There are also quite a few projects in cue. The DPW Committee will meet on September 8th. Councilwoman Koch asked if the decorative crosswalks in the center of town are supposed to be painted; Chief McGovern said yes, it is a three-week project and will be done.

Councilwoman Cole asked why the lamp posts in the west end of town are not lit; they are not completely wired yet.

Borough Communications and Community Outreach - Councilwoman Cole advised the next Communications and Community Outreach meeting will be held on September 14th via Zoom at 9 am to discuss a number of things. More than a handful of people have provided comments and feedback regarding the hybrid installation and some of the issues/concerns (podium location, Owl, background noise). This feedback will be discussed at the meeting and with Chris Alworth, IT, to see what can be done to improve some of the issues.

The Environmental Commission Meeting is September 14th with a single agenda item pertaining to DeNormandie Park (rain garden, living shoreline); Nick Poruchynsky, Assistant Director of Engineering and Public Works/Floodplain Manager will join the meeting as well as a representative from the American Littoral Society who is also a partner with us. The Green Team is currently pursuing Silver status through Sustainable New Jersey; they are grateful for the assistance they have been receiving. She thanked Chief McGovern, Betty Ann Berube, Krystie Larsen and Nick Poruchynsky for their assistance. A movie night was hosted at Bicentennial Hall, in August, and was successful.

The Shade Tree Commission is meeting on September 7th and the Fair Haven Business

Association is meeting on September 14th. She asked that everyone join her in welcoming the Mosaic Animal Hospital, 823 River Road. Councilwoman Koch asked that DJ Breckenridge be invited to the Environmental Commission Meeting. Councilwoman Cole will confirm that DJ be invited as well as Councilwomen Koch and Chrisner-Keefe.

INTRODUCTION OF ORDINANCES

1. Ordinance No. 2022-14, Amend Chapter 2 by Creating Subsection 67 to Establish “Third-Party Payroll Disbursement”

WHEREAS, the Local Finance Board of the State of New Jersey adopted formal rules regarding “Electronic Disbursement Controls for Payroll Purposes” in order to provide formal authority for local governments to hire third-party payroll services/disbursing services to disburse funds to payroll agencies; and

WHEREAS, in order to have a payroll servicer provide disbursement services, the governing body of the Borough of Fair Haven (“Borough”) must formally approve the principle of a third-party having access to Borough funds, formally assigning responsibility to an official to oversee the process by enacting an ordinance and approving all contracts or extensions.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Fair Haven, County of Monmouth and State of New Jersey that Chapter 2, Administration, be amended by adding subsection 67 entitled “Third-Party Payroll Disbursement” as follows:

Chapter 2, Subsection 67 “Third-Party Payroll Disbursement”

2-67.1 Purpose; Definitions.

a. The purpose and intent of these regulations is to abide by the requirements of N.J.S.A. 52:27D-20.1 and N.J.A.C. 5:30-17.1 et seq., governing electronic disbursement controls for payroll purposes.

b. Definitions. As used in this section, the following terms shall have the meanings indicated:
“Approval Officer”

Person(s) responsible for authorizing and supervising the activities of the payroll service.

“Payroll Service”

Third-party payroll service organization.

“Borough”

Borough of Fair Haven

2-67.2 Authorization.

a. The Borough is authorized to use a payroll service to prepare payment documentation, take possession of Borough funds, and make such disbursements itself on behalf of the Borough.

b. The following payroll service providers shall be required to comply with these regulations:

1. Payroll service providers who use their own customized programming process to execute disbursements for the Borough;

2. Payroll service providers who use a third-party processor to execute disbursements for the Borough.

2-67.3 Borough Requirements.

a. The appointment of a payroll service shall be pursuant to the Local Public Contracts Law, See N.J.S.A. 40A:11-1 et seq. and shall require the contractor to do the following, not by way of limitation: data collection, agency report preparation, calculation of withholding, direct deposit of payroll disbursements, and/or transfer of Borough funds to contractor's account for subsequent disbursement of payment.

b. Any renewal or extension of a contract under these regulations shall be by resolution.

c. The Chief Financial Officer is hereby appointed the approval officer and is responsible for authorizing and supervising the activities of the payroll service and shall further be charged with the reconciliation and analysis of all general ledger accounts affected by the activities of the disbursing organization.

d. If required by the contract between the Borough and the payroll service, the payroll service is permitted to hold Borough funds pending transmittal to a payee.

2-67.4 Payroll Service Requirements.

- a. A payroll service must meet all of the following requirements:

1. Report any irregularities that may indicate potential fraud, noncompliance with appropriate laws, dishonesty or gross incompetence on the part of the approval officer;
 2. Report circumstances that could jeopardize its ability to continue operations or otherwise interrupt the services provided to the Borough.
- b. A payroll service must meet the requirements of N.J.A.C. 5:30-17.5, requiring that the approval officer be assured that the servicer has its own internal controls and appropriately guard against theft and other adverse conditions.
- c. All contracts entered into pursuant to these regulations and the laws authorizing the same shall comply with the requirements of N.J.A.C. 5:30-17.6, which sets out a series of mandatory contractual terms and conditions.

2-67.5 Establishment of Service.

Upon the adoption of these regulations, the Borough Administrator, with the assistance of the Chief Financial Officer and Borough Attorney, as necessary, is hereby authorized and directed to enter into a contract for payroll service in accordance with all local public contracting laws and N.J.A.C. 5:30-17. Appointment of the payroll service shall be by separate resolution of the Borough.

BE IT FURTHER ORDAINED that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

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

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

Negative: None

Abstain: None

Absent: Councilwoman Neff

CONSENT AGENDA **RESOLUTIONS**

2. Resolution No. 2022-191, Authorize the Release of Performance Guarantees for 804 River Road Site Plan

WHEREAS, 804 River Road, LLC., is the owner of the real property known as Block 52, Lot 10; and

WHEREAS, 804 River Road, LLC. received approval from the Fair Haven Planning Board for a Preliminary and Final Major Site Plan; and

WHEREAS, as per the Borough Engineer's August 24, 2022 Resolution Compliance letter, 804 River Road, LLC posted the Inspection Escrow Fee in the amount of \$4,449.80 (paid September 16, 2022, Check No. 1018) and a Safety and Stabilization Fee (in lieu of a Performance Bond) in the amount of \$5,000.00 (paid October 16, 2020, Check No. 7002); and

WHEREAS, 804 River Road, LLC., has requested that their project be closed out and any remaining funds be returned to them.

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 Chief Financial Officer be authorized to refund the Safety and Stabilization balance in the amount of \$5,000.00 plus \$29.47 in interest and the Inspection Fee balance in the amount of \$3,004.30 to the developer.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Neff

3. Resolution No. 2022-192, Refund Cash Bond Payment and Accept Performance Bond for 32 Fisk Street

WHEREAS, Resolution Number 2022-177 accepted performance guarantees from Capital Home Builders, Inc. for their project at 32 Fisk Street; and

WHEREAS, Capital Home Builders, Inc. has requested a refund of the 90% Bond in the amount of \$30,384.72 in exchange for Site Improvement Performance Bond No. 54446 posted by The Service Insurance Company, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, that the aforementioned bond be accepted and a refund in the amount of \$30,384.72 be issued to Capital Home Builders, Inc.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Neff

4. Resolution No. 2022-193, Approve a Block Party to be held on Heights Terrace September 25th

WHEREAS, a request was received to hold a Block Party on Heights Terrace on Sunday, September 25, 2022 from 12 pm to 9 pm with a rain date of Sunday, October 2, 2022; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on August 16, 2022; 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 Heights Terrace on Sunday, September 25, 2022 from 12 pm to 9 pm (rain date: Sunday, October 2nd).

BE IT FURTHER RESOLVED that Permit No. BP 2022-05 will be issued for said event.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Neff

5. Resolution No. 2022-194, Approve a Block Party to be held on Cambridge Avenue September 25th

WHEREAS, a request was received to hold a Block Party on Cambridge Avenue on Sunday, October 2, 2022 from 3 pm to 11 pm with a rain date of Sunday, October 9, 2022; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on August 23, 2022; 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 Cambridge Avenue on Sunday, October 2, 2022 from 3 pm to 11 pm (rain date October 9, 2022).

BE IT FURTHER RESOLVED that Permit No. BP 2022-06 will be issued for said event.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Neff

6. Resolution No. 2022-195, Approve a Block Party to be held on Gentry Drive September 30th

WHEREAS, a request was received to hold a Block Party on Gentry Drive on September 30, 2022 from 5 pm to 9 pm; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on August 15, 2022; 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 Gentry Drive on Friday, September 30, 2022 from 5 pm to 9 pm.

BE IT FURTHER RESOLVED that Permit No. BP 2022-07 will be issued for said event.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Neff

7. Resolution No. 2022-196, Approve a Block Party to be Held on Fairwaters Lane October 1st

WHEREAS, a request was received to hold a Block Party on Fairwaters Lane on October 1, 2022 from 6 pm to 11 pm with a rain date of Sunday, October 2, 2022; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on August 24, 2022; 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 Fairwaters Lane on Saturday, October 1, 2022 from 6 pm to 11 pm (rain date: Sunday, October 2nd).

BE IT FURTHER RESOLVED that Permit No. BP 2022-08 will be issued for said event.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Neff

8. Resolution No. 2022-197, Approve an Amendment to Block Party Permit 2022-04, Church Street

WHEREAS, on August 15, 2022 Borough Council approved Resolution No. 2022-186 for Block Party on Church Street (between River Road and Hayes Place) to be held on September 25, 2022; and

WHEREAS, it has been requested that the Block Party be held October 2, 2022 from 3:00 pm to 8:00 pm with a rain date of October 9, 2022 due to a scheduling conflict.

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, October 2, 2022 from 3:00 pm to 8:00 pm (Rain date: Sunday, October 9, 2022).

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Neff

9. Resolution No. 2022-198, Appoint Fire Marshal, Paul Murphy

WHEREAS, the Borough of Fair Haven has a need for a Fire Marshal; and

WHEREAS, Paul A. Murphy has the qualifications necessary as a Fire Marshal and has been providing this service to the Borough of Fair Haven.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Mr. Murphy be appointed to the position of Fire Marshal retroactive to January 1, 2022 with his annual salary being paid by the Borough of Rumson.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the New Jersey Department of Community Affairs and the Borough of Rumson for their records.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Neff

10. Resolution No. 2022-199, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the September 6, 2022 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2021 CURRENT ACCOUNT	\$	8,476.86
2022 CURRENT ACCOUNT	\$	1,973,893.14
GENERAL CAPITAL	\$	190,571.56
OTHER TRUST	\$	<u>5,667.00</u>
TOTAL	\$	2,178,608.56

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Neff

11. Resolution No. 2022-200, Approve Block Party to be held on Hendrickson Place – October 1st

WHEREAS, a request was received to hold a Block Party on Hendrickson Place on October 1, 2022 from 5 pm to 11 pm with a rain date of Saturday, October 15, 2022; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on August 30, 2022; 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 Hendrickson Place on Sunday, October 1, 2022 from 5 pm to 11 pm (rain date: Saturday, October 15th).

BE IT FURTHER RESOLVED that Permit No. BP 2022-09 will be issued for said event.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Neff

12. Resolution No. 2022-201, Appoint Part-time School Crossing Guard, Katy Badt-Frissora

WHEREAS, there is a need for part-time School Crossing Guards; and

WHEREAS, Chief Joseph McGovern has recommended that **Katy Badt-Frissora** be appointed as a Part Time School Crossing Guard, effective September 7, 2022 at an hourly salary of \$20.00

BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Katy Badt-Frissora is hereby appointed as part-time School Crossing Guard as noted above

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Neff

GOOD OF THE BOROUGH

Mayor Halpern opened the meeting to the public for comments or questions at 9:33 p.m. Mark Olson, Cambridge Avenue, thanked Mayor and Council for what they do. He mentioned that the Oak trees on Ridge Road (Little Silver) were trimmed and about four weeks later, 17 of those trees were removed and a few days after that, three more trees were removed. It takes time to grow a tree. In 4 weeks (between late July and August 29/30), the Borough of Little Silver, Monmouth County, Red Bank Regional High School and JCP&L made the decision to cut down the trees that were 35 years old. Mr. Olson did not understand and was not sure why it happened. He asked that it be avoided in the future for Fair Haven. Mayor Halpern said at Council's August 15th meeting, we announced that tree work was to be done and there would be someone representing the Borough to oversee it; what occurred in Little Silver is not lost on Fair Haven and many are not pleased. Councilman McCue said if other residents did not point the tree trimmings out, it would not be held in such high regard. Going forward everyone will take this as a lesson learned and do our best to protect our trees.

Susan Levantino, Cambridge Avenue, agreed with Mr. Olson's comments and said this is an opportunity for Fair Haven to interface with Little Silver about projects between the municipalities because what is done affects our neighbors and vice versa. The traffic and noise has increased since the tree buffer was removed. She felt Fair Haven is being ignored so we need a better relationship with Little Silver and to improve communications.

Paul Ferguson, Colonial Court, advised that the Zoom attendees need to be able to better hear the public making comments and requested that anyone speaking should go to the podium at the front of the room so they can be heard.

Stephanie Adams, Oxford Avenue, advised she could not hear all of Ms. Levantino's comment, however, she was also calling for communication between Fair Haven and Little Silver especially with our tree canopy. She had spoken with Councilwoman Cole about this and there are people in Little Silver who feel the same way.

Susan O'Brien, River Road, was surprised that the crosswalks were not completed especially with school starting today. She requested a status. Administrator Casagrande said NJ American Water has a subcontractor putting them in not the Borough. The subcontractor was held up at another job. Chief McGovern said he has been trying for weeks to get the crosswalks completed (the goal was to have them completed before the Fireman's Fair) and the contractor has been held up. Ms. O'Brien noticed there are a number of new crosswalks going west on River Road that are going to be installed and she sent Mayor and Council an e-mail (copying Administrator Casagrande) advising the crosswalks at the east end of River Road end at Oak Place and do not start again until Browns Lane. There is a need for a crosswalk at Elm and at Doughty because there is a long stretch between those two streets that are without any crosswalks. This stretch of road is tough and there are a lot of young families that need to be able to cross the street. The Mayor will speak with Chief McGovern and Engineer Gardella to see if there are realistic places to add crosswalks to protect our youth and pedestrians; it is something to be consider. Administrator Casagrande advised the County reviewed the crosswalks along River Road and there are reasons for the areas that have already been chosen/approved (i.e. line of site, traffic patterns, lighting). Ms. O'Brien asked Attorney Cannon if he looked into her bamboo concern, and it being removed by her neighbor. He advised the Ordinance addresses removing bamboo within 5' of the property line. She would have to deal with her neighbor for anything encroaching on her property as far as right of action. It is a neighbor dispute, and the Borough does not get involved; the bamboo must be 5' from the property line.

Chris Hempstead, Willow Street, heard the tree comments and concerns and asked if there are any changes or amendments for this fall regarding brush grinding? He was advised that we completed the brush grind last month so we are done for this year.

Marti Egger, Hance Road, thanked Mark Olson for bringing up the topic of trees. She asked if there is a process for tree trimming/removal. She was glad Fair Haven had its tree trimming overseen and asked that there be a formal process in place. She asked if the Borough is notified when utilities do the trimming; yes. Administrator Casagrande said the Borough has a dialogue with JCP&L and we have to sign off on the trimming. We involved Mayor and Council, Fair Haven Fields Natural Area Advisory members, Bill Brooks (Forrester) in the process; it went smoothly this year because we made it clear what we wanted. Trimming is done every 2-3 years.

Councilwoman Cole explained that one Oak tree is a home to over 400 kinds of moths, butterflies, and baby birds. It is a food source for pollinators to do their job. Oak trees are the best tree for this; she provided statistics of the Oak tree and what it provides. When trees are cut down, many benefits go away. Mrs. Egger thanked Councilwoman Cole for the information and felt this should be taken seriously.

On behalf of the entire governing body, Mayor Halpern wished all of the children and youth in the Borough good luck with the start of school and for the entire year.

There being no further comments or questions, the meeting was closed to the public at 9:54 p.m.

Council went into executive session at 10:00 p.m. and this meeting was reconvened at 11:34 p.m.

ADJOURNMENT

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

Time of Adjournment: 11:34 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk