

**FAIR HAVEN BOROUGH COUNCIL
SEPTEMBER 11, 2023**

The meeting was called to order by Mayor Halpern at 7:03 p.m. The Flag Salute was followed by a Moment of Silent Reflection which was extended to signify the importance of today. 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 11, 2023 IS AVAILABLE BY CALL IN PHONE NUMBER OR THROUGH WEB CONFERENCE (ZOOM). MEMBERS OF THE PUBLIC WILL BE ON MUTE UNTIL IT IS TIME FOR QUESTIONS AND COMMENTS, WHICH WILL BE ANNOUNCED. AT THAT TIME, THE PUBLIC HAS THE OPPORTUNITY TO QUESTION/COMMENT BY PHONE OR THROUGH ZOOM BY THE "RAISE HAND" BUTTON AND WILL BE CALLED ON AT THE APPROPRIATE TIME.

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

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

ROLL CALL

On Roll Call the following were present: Councilmembers Cole, Hoey, Koch and LaBarbera. Absent: Councilmembers Neff and Rodriguez. Others present: Administrator Casagrande, Engineer Gardella, Police Chief McGovern and Attorney Sobel.

PROCLAMATION

Mayor Halpern read a proclamation for the Annual Random Acts of Beauty Awards. This award is through the Garden Club who rode through the Borough and chose different locations. Lee Davidson, Garden Club President and Terry Simboli, Garden Club member, were in attendance. As the proclamation was read, it was distributed to the recipients. For those not in attendance, their copy will be mailed.

WORKSHOP SESSION

Mayor Halpern asked if there was a representative for the Valero gas station in attendance. The Borough Clerk advised that Mr. Singh was invited to attend via Zoom. Councilman LaBarbera commended the new owner for all of the work he has done to clean up the property and making a great transformation. The Mayor noted that one tree was not recommended for removal (a Zelkova). Councilwoman Cole read commentary from Bill Brooks regarding this special Zelkova tree which is native to Taiwan and rare to see here, but is thriving. The business district does not have a lot of tree canopy and it is hard to get decent replacements once a tree is taken out. She would like to see replacement trees planted as a buffer between the gas station and Acme lot. The property owner can get good replacement tree suggestions from the Shade Tree Commission and Borough professionals. It was suggested that the Zelkova be pruned.

Motion to approve the appeal and replace the trees removed with a tree on the native tree list and/or the Arborist, Shade Tree Commission recommendation. Keep the Zelkova (prune) and engage with the Land Use Board regarding the buffer moved by Councilman LaBarbera, second by Councilmember Koch with Ayes by all present.

With regard to the proposed 2024 Council Meeting Dates, Mayor Halpern requested the following changes be made to the proposed meeting calendar: meet on February 5th not the 12th, April 23rd not the 22nd and June 11th not the 10th. There were no other comments or amendments offered.

Councilmember Rodriguez joined the meeting via Zoom at 7:23 p.m.

As far as DPW Small Ticket Capital (Trailers), Administrator Casagrande advised Councilman LaBarbera had already reviewed this at the last meeting. We are looking to reallocate funds previously available for the purchase of a pick-up truck towards the trailers. Administrator Casagrande said she will sign a PO for it. At this time, it is difficult to procure vehicles and prices have significantly increased.

There will be equipment permanently kept in the trailer. We will purchase 3 new trailers and one of our current trailers will be freed up and used as a 4th trailer. All agreed to move forward as explained. We should receive the new trailers in October.

With regard to a Proposed Lead Paint Inspection Ordinance, the State passed legislation that requires people renting or selling homes built prior to 1978, must have a lead paint inspection. The Borough has been working with the Monmouth County Regional Health Commission to move this forward. The ordinance is the first step. Property owners can hire someone on their own or can pay the Monmouth County Regional Health Commission to do it for a fee. Introduction of this ordinance will be placed on the September 26th agenda and we will get the word out once it is adopted. Councilwoman Cole asked if the Borough has not had any inspections done as of this date? No, some homeowners have done it on their own as ownership has turned over. This proposed ordinance will have us monitor the process through our block and lot files. There will be an application and the applicant pays the fee associated. We do not have a CO inspection process except for newly built homes so this ordinance would not apply. Attorney Sobel explained the ordinance and purpose. There was further discussion on whether to include all buildings built before 1978 vs. rentals as noted in the ordinance.

The Amendment to the Tree Preservation Ordinance was tabled at the request of the Mayor and will be listed on a future meeting agenda.

There is a need to set a date to conduct police promotion interviews. The date of October 3rd was discussed with a start time of 4:30 p.m. (interviews should take about 3 hours to complete). A resolution for this Special Meeting date will be listed on the September 26th agenda.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:36 p.m. There being no comments or questions, the meeting was closed to the public at 7:36 p.m.

APPROVAL OF MINUTES

Councilmember LaBarbera made a motion to approve the Regular Meeting minutes of August 14, 2023, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: Councilmember Neff

Councilmember LaBarbera made a motion to approve the Executive Session minutes of August 14, 2023, second by Councilmember Koch

Affirmative: Councilmembers Cole, Hoey, Koch and LaBarbera

Negative: None

Abstain: Councilmember Rodriguez

Absent: Councilmember Neff

OLD BUSINESS

Councilmember LaBarbera gave a Power Point presentation regarding Borough Facilities. We are moving the DPW Facility out for further review vs. advertising in the newspapers tomorrow. There are two Civil Engineers on the DPW Project contributing to the bid specification. He reviewed each of the seven Power Point slides that he had. Three separate public auctions will be held through the process to sell unused equipment and vehicles. There is a resolution on tonight’s agenda for the first auction (cardboard compacter, bikes, trailers); any monies received will help offset costs. He is working with Chief McGovern regarding the camera to monitor the recycling center.

The Police Department Facility bid receipt was reviewed. J.R. Contracting and Environmental who was the lowest bidder withdrew their bid within 24-36 hours of submission due to a calculation error. Structural Concepts (second lowest) was disqualified for certain forms not included in the bid. The fire pump was an alternate in the bid and Meadowlands Fire Protection looked at the site and concluded the available municipal water supply is capable of supporting the fire suppression system so a fire pump is not required eliminating the Bid Alternate. Notice is going out regarding a Federal Grant for projects that have been awarded (we are going to receive an award for the Community Center). A review of cost related data points was given. Various Council comments and questions were fielded by Councilmember LaBarbera. He reviewed Slide No. 6 with contingency space planning, Fisk Chapel and Site Monitoring. The Borough was approached by a company called Earth Cam offering their services of a camera to film the project’s progress (time warp) and the cost involved were shared. Mayor and Council did not feel this service was necessary.

The resolution listed on this agenda awarding the Police Department and Community Center was pulled. There was a request to hold a Special Meeting on September 18th. Councilmember Cole wanted Bond Counsel to be in attendance to discuss financing, etc. for this project. She did not want all of the

professionals but wanted to be able to advise the public on the channels and steps taken to get to this point. Administrator Casagrande advised the resolution requires a CFO fund certification; she explained funding for both projects and making sure that there are funds allocated and encumbered for the Police Department and Community Center and be sure there is sufficient money for the DPW Facility Project as well. She is meeting with CFO Lapp and Borough's Bond Counsel tomorrow. Councilmember Cole asked that Bond Counsel and the Borough's Financial Advisor attend the special meeting for questions and give transparency to the public on what the funding is. Councilmember Hoey agreed that there is a need for Finance 101 discussions, but not at the special meeting or tied to this project. Councilmember LaBarbera has explained the bond ordinances through presentations over various meetings. Mayor Halpern read an email from the Borough Architect about not delaying the bid award by two weeks because we are heading into the winter months. Administrator Casagrande said what Councilmember Cole is looking for is going to take longer than the special meeting, etc. because there are a lot of moving pieces. The Certification of Funds from the CFO states that there is enough money to award the project and from what account the monies will be drawn from. Councilmember LaBarbera said that it has always been the intent to discuss financing and projects in depth at a future meeting.

NEW BUSINESS

Council Committee Reports

Finance - Councilwoman Neff was absent. Councilman LaBarbera advised there will be a finance presentation in a few weeks. There is a document that showed ordinances and the impact year by year for taxes. Next Committee meeting is September 19th.

Personnel - Councilwoman Hoey advised we received many resumes for the Part-time Library Director position. Donna Powers is retiring and her last day is September 30th. Initial phone screens were done with nine applicants and in-person interviews with five of them will occur this week. There will be police interviews for promotions in a few weeks (October 3rd).

Parks and Recreation - Councilwoman Hoey advised that AEDs have been installed in various park locations. First Aid will be approached on lessons for use. The tennis courts have a number of cracks; DJ Breckenridge met with Rumson-Fair Haven Regional High School to assess and the cracks which will be repaired in the fall. We have a Shared Agreement with the high school for the funding and maintenance of the courts. September 12th is the next Recreation Meeting.

Planning Board - Councilwoman Koch advised there was no Planning Board meeting in August and September 19th is the next scheduled meeting. The Beautification Commission is back in action and will be reintroducing the memorial bench program.

Police, Fire & OEM - In Councilman Rodriguez absence, Councilman LaBarbera said there will be fire department discussions on operational needs due to changes by the State. The police department was already discussed. The Cambridge Avenue ordinance changes and Third Street stop signs are up and running.

Engineering and DPW - Councilman LaBarbera advised that there is a committee meeting on September 28th. The Borough heard from the co-op for Fair Haven's street lighting and we should receive information for review. With regard to Stormwater Management, the Borough sent a follow up to the County on the assessment they are going to conduct. Engineer Gardella can speak to the pipe that runs under River Road. There has been no word on the DOT grant for Forman Street. With regard to the Microprojects work, bids have been received and the projects are moving forward. On the agenda for consideration is Resolution No. 2023-220 pertaining to the Performance Guarantee for the Colonial Court project; this is a step toward total resolution compliance.

Borough Facilities - Councilman LaBarbera presented under Old Business.

Zoning Board of Adjustment - Councilman LaBarbera advised the Board met on September 7th and their next meeting is scheduled for October 5th. The 2022 Annual report is forthcoming. There have been a lot of requests for extensions. For a variance, approval is only good for one year and in some instances, a year is not enough time. The Zoning Board is looking to come up with a process for extensions and will be doing an ordinance review to give recommendations to the Planning Board.

Borough Communications and Community Outreach - Councilwoman Cole advised that there have been a series of meetings focused on a communication strategy for all of the construction happening in town; some projects have started and others are under way. A few themes with pictures and basic information has been created to have a dialogue with the public with options for a deep dive. Councilwoman Hoey advised the committee is coming up with hashtag and pillars for the projects. We want to demonstrate progress through all social media of the Borough. Councilwoman Cole showed the cards Betty Ann Berube created to get people to scan the QR Code and sign up for Borough notifications. The Mayor and Council wore the Borough Buzz pins with the QR Code, at the fair, to spread the word.

The Environmental Commission will hold their monthly meeting next week. There is also an Environmental Roundtable on September 27th. The Green Team is working on a pollinator garden which

they received a grant for. There was a hot spot in the river with fecal contamination in the area of Shrewsbury River Yacht Club. She explained how it occurred and how it affects the river; there will be an annual report provided to the Mayor and Council.

The Shade Tree Commission has been really busy. There were 56 trees ordered by approximately 26 Borough residents through the newly instituted Tree Buying program. There have been 77 tree removal permits issued this year so far (some of the trees removed were diseased or dying). There are some issues with diseased Oak Trees in the area of Pine Cove Road with a need for some sort of treatment strategy (this is being looked at by the Commission). She thanked Shari Spero and Krystie Larsen for their work on a grant application submission for a tree inventory. A memo was sent to Mayor and Council via an email today regarding a tree on Hance Road and the need to save it with pruning. There is hope that the tree has an opportunity to thrive (200 years old). A JCP&L pole relocation was not set where imagined it would be. Councilwoman Cole asked to be part of any communication with JCP&L.

The Grant Committee is meeting on September 18th and reviewing grants available. This committee is a clearing house for the grants available. With regard to the Fair Haven Business Association, there is long-term planning for our small business district. The Annual Garden Party was held this past weekend and was very successful. Councilwoman Cole recognized the leadership and volunteerism who raised a lot of money. The funds will go toward historic preservation of Bicentennial Hall.

INTRODUCTION OF ORDINANCES

1. Ordinance No. 2023-13, Amend Salary Ordinance No. 2022-02

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF MONMOUTH SETTING THE SALARY RANGES OF OFFICERS, EMPLOYEES AND ADMINISTRATIVE AND EXEMPT MEMBER OF THE BOROUGH OF FAIR HAVEN

BE IT ORDAINED by the Council of the Borough of Fair Haven, in the County of Monmouth, in the State of New Jersey that the purpose of this Ordinance is to amend Ordinance 2022-02 to alter and reflect current salary ranges paid within the Borough, as last revised and passed April 25, 2022.

NOTE: Additions are in ***bold italics with underlines***, deletions are shown as ***~~strikeovers in bold italics~~***.

SECTION 1. ADMINISTRATIVE OFFICE AND EMPLOYEES

<u>TITLE</u>	<u>MINIMUM - MAXIMUM</u>
Borough Administrator	\$60,000.00 - 165,000.00
Assistant Borough Administrator	\$ 500.00 - 25,000.00
Borough Clerk	\$40,000.00 - 90,000.00
Deputy Borough Clerk	\$ 2,000.00 - 5,000.00
Chief Financial Officer	\$20,000.00 - 40,000.00*
Assistant Chief Financial Officer	\$25,000.00 - 70,000.00
Qualified Purchasing Agent	\$ 5,000.00 - 15,000.00
Payroll Coordinator	\$ 3,500.00 - 7,500.00
Tax Collector	\$35,000.00 - 60,000.00*
Tax Search Officer	\$ 1,000.00 - 3,500.00*
Municipal Court Administrator	\$ 5,000.00 - 25,000.00*
Tax Assessor	\$15,000.00 - 35,000.00
Administrative Assistant	\$18,000.00 - 50,000.00
Registrar	\$ 2,000.00 - 4,000.00
Librarian	\$30,000.00 - 55,000.00
Assistant Librarian	\$20,000.00 - 40,000.00
Municipal Judge	\$10,000.00 - 20,000.00
Municipal Prosecutor	\$ 7,500.00 - 20,000.00
Parks and Recreation Director	\$30,000.00 - 70,000.00
Assistant to the Administrator for Special Projects	\$10,000.00 - 20,000.00
Chief of Police	\$85,000.00 -165,000.00
Police Officer	\$30,000.00 -135,000.00
Code Enforcement Officer	\$10,000.00 - 25,000.00
Zoning Officer	\$10,000.00 - 35,000.00
Construction Official	\$20,000.00 - 45,000.00*
Fire Sub-Code Officer	\$ 4,000.00 - 15,000.00*

Fire Prevention Officer	\$ 4,000.00 - 8,000.00*
Plumbing Inspector	\$ 3,000.00 - 15,000.00*
Electrical Inspector	\$ 5,000.00 - 15,000.00*
School Crossing Guard (permanent)	\$10,000.00 - 20,000.00
Director of Engineering/Director of Public Works	\$80,000.00 - 150,000.00
Assistant Director of Engineering & Public Works	\$50,000.00 - 80,000.00
Flood Plain Manager	\$ 5,000.00 - 10,000.00
Public Works Foreman	\$50,000.00 - 80,000.00
Buildings, Grounds and Parks Foreman	\$ 2,000.00 - 5,000.00
Buildings Maintenance Foreman	\$ 5,000.00 - 10,000.00
Streets and Sanitation Foreman	\$ 2,000.00 - 5,000.00
Mechanic	\$45,000.00 - 80,000.00
Public Works Laborer	\$27,500.00 - 75,000.00
Municipal Alliance Coordinator	\$ 5,000.00 - 20,000.00
Recycling Coordinator	\$ 500.00 - 2,500.00
Clean Communities Coordinator	\$ 1,000.00 - 5,000.00
Performance Based Merit Bonus	\$ 0.00 - 10,000.00

SECTION 2. HOURLY EMPLOYEES

<u>TITLE</u>	<u>MINIMUM - MAXIMUM</u>
Receptionist/Secretary	\$15.00 - 30.00 per hour
Assistant Parks and Recreation Director	\$14.00 - 18.00 per hour
Police Records Clerk	\$12.00 - 30.00 per hour
Police Matron	\$15.00 - 25.00 per hour
Special Officer Class I	\$12.00 - 20.00 per hour
Special Officer Class II	\$13.00 - 20.00 per hour
<u>Special Officer Class II working in the school</u>	<u>\$38.00 - 50.00 per hour</u>
<u>Special Officer Class III</u>	<u>\$38.00 - 50.00 per hour</u>
School Crossing Guard (substitute)	\$12.00 - 25.00 per hour
PT Public Works Laborer	\$12.00 - 25.00 per hour
DPW – PT Recycling Laborer	\$12.00 – 30.00 per hour
Planning Board Secretary	\$12.00 - 30.00 per hour
Zoning Board Secretary	\$12.00 - 30.00 per hour
Code Enforcement Officer	\$12.00 - 25.00 per hour
Deputy Court Administrator/Violations Clerk	\$13.00 - 18.00 per hour*
Library Assistant	\$12.00 - 25.00 per hour
Clean Communities Worker	\$12.00 - 15.00 per hour
Summer Camp Counselors	\$10.00 - 30.00 per hour
Tennis Camp Instructors	\$14.00 - 18.00 per hour

BE IT FURTHER ORDAINED that specific salaries and bonuses within the ranges will be set by a negotiated contract or in an annual salary resolution adopted by the governing body.

*Services provided through an Interlocal Service Agreement (positions are currently vacant)

Offered for introduction by Councilmember LaBarbera, second by Councilmember Koch

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

The hearing and adoption of the ordinance will be listed on the September 26th agenda.

CONSENT AGENDA
RESOLUTIONS

- Resolution No. 2023-215, Executive Session: Personnel, Acquisition of Property and Contract Negotiations

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

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

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

Personnel

- 1. Library Staff

Acquisition of Property

- 1. 21 Fair Haven Road

Contract Negotiations

- 1. Knights of Columbus
- 2. Fisk Chapel A.M.E. Church

WHEREAS, minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW, THEREFORE, BE IT RESOLVED that the public be excluded from this meeting.

Offered for adoption by Councilmember Koch, second by Councilmember Hoey

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

Negative: None

Abstain: None

Absent: Councilmember Neff

- 2. Resolution No. 2023-216, Request DLGS Approval-Change Appropriation Title for IT ILSA with Fair Haven Board of Education

WHEREAS, NJSA 40A: 4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text, or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any county or municipality.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of NJSA 40A:4-85, the Borough of Fair Haven hereby requests the Director of the Division of Local Government Services to make the following correction in the 2023 budget:

Change in Interlocal Services Agreement for Information Technology Services from Rumson-Fair Haven Regional Board of Education to Fair Haven Board of Education.

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute referred to above, and is necessary for the orderly operation of the Borough of Fair Haven for the reasons set forth:

The Rumson-Fair Haven Regional Board of Education advised they no longer wished to provide services for Information Technology to the Borough of Fair Haven as of July 1, 2023. The Fair Haven Board of Education offered to provide Information Technology Services as per the attached agreement.

Offered for adoption by Councilmember Koch, second by Councilmember Hoey

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

Negative: None

Abstain: None

Absent: Councilmember Neff

- 3. Resolution No. 2023-217, Approve 3rd Quarter Tax Overpayment Refunds

WHEREAS, the Tax Collector, has provided a request for a tax overpayment refunds for 3rd Quarter 2023 due to duplicate payments and advises that the following property owners qualify for a refund as follows:

Owner	Address	Block	Lot	Refund
Sorora Land Development, LLC	144 Kemp Avenue	70	26	\$3,286.78

Payment to:

Lereta, LLC

Attn: Central Refunds

901 Corporate Center Drive

Pamona, California 91768

Daniel and Stacey Strandberg 586 Ridge Road 67 38 \$6,925.15

Payment to:
Corelogic Centralized Refunds
PO Box 9202
Coppell, Texas 75019-9760

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 refunds in the amounts listed above.

Offered for adoption by Councilmember Koch, second by Councilmember Hoey

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

- 4. Resolution No. 2023-218, Approve Fire Department Social Membership Application - John Scholz

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that John Scholz, 29 Katherine Street, Fair Haven, NJ having been duly accepted as a social member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department.

Offered for adoption by Councilmember Koch, second by Councilmember Hoey

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

- 5. Resolution No. 2023-219, Authorize Performance Bond Release/Accept Maintenance Bond - 37 Third Street

WHEREAS, Ilvento Builders and Developers, LLC., is the owner of the real property known as Block 38, Lot 2; and

WHEREAS, Resolution No. 2022-117 adopted April 25, 2023 accepted the performance guarantees that were posted as a cash deposit of \$36,750.00 pursuant to NJSA 40:55D-1, et seq.; and

WHEREAS, the Borough Engineer authorized the release of the performance guarantees in exchange for a two-year maintenance bond; and

WHEREAS, the developer has requested, that the Borough release \$31,237.50 from the original performance guarantee posted and hold 15% or \$5,512.50 as the two-year maintenance bond.

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 release \$31,237.50 to the Developer and hold \$5,512.50 as a two-year maintenance bond.

Offered for adoption by Councilmember Koch, second by Councilmember Hoey

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

- 6. Resolution No. 2023-220, Accept Performance Guarantees-M&M Realty Partners at Fair Haven, LLC: 626 River Road

WHEREAS, M&M Realty Partners at Fair Haven, LLC. obtained Preliminary and Final Major Site Plan approval from the Fair Haven Planning Board pursuant to a Resolution adopted by the Planning Board on March 15, 2022; and

WHEREAS, the Planning Board Engineer prepared a bond estimate for this minor subdivision by way of letter dated June 20, 2023 which is annexed hereto; and

WHEREAS, M&M Realty Partners at Fair Haven, LLC has posted performance guarantees in conformance with the bond estimate including additional fees as follows:

Check No. 24 in the amount of \$ 6,243.00 (10% cash deposit)

Check No. 25 in the amount of \$ 2,601.25 (5% of the engineering inspection fees)

Check No. 26 in the amount of \$ 5,000.00 (Safety and Stabilization Guarantee)

Performance Surety Bond No. S260400 in the amount of \$56,187.00 to satisfy the 90% remaining cost estimate.

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 Preliminary and Final Major Site Plan to effectuate the terms and conditions of said approvals.

Offered for adoption by Councilmember Koch, second by Councilmember Hoey

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

Negative: None

Abstain: None

Absent: Councilmember Neff

7. Resolution 2023-221, Accept Blanket Street Opening Bond-Two Rivers Water Reclamation Authority in lieu of Cash Repair Deposit

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

WHEREAS, Two Rivers Water Reclamation Authority has posted Bond No. B1289538 from Selective Insurance Company of America in the amount of \$100,000 to cover cash repair amounts for their projects or need to open the street or right of way within the Borough of Fair Haven.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Bond No. B1289538 posted by Two Rivers Water Reclamation Authority in the amount of \$100,000 is hereby accepted.

Offered for adoption by Councilmember Koch, second by Councilmember Hoey

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

Negative: None

Abstain: None

Absent: Councilmember Neff

8. Resolution No. 2023-222, Approve the Borough to work with BFI Furniture for the DPW Facility Furnishings

WHEREAS, the governing body has approved a renovation to the Department of Public Works Facility; and

WHEREAS, part of the plans for the renovation of the Public Works Department include furnishings once the building has been built; and

WHEREAS, the Facilities Committee and Borough Professionals have met with and had discussions with BFI Furniture to create a plan and preliminary budget for the furnishings that will be required to complete this renovation project; and

WHEREAS, BFI will work through State Contract for the necessary furnishing purchases and has submitted a Preliminary Furniture Budget in the amount not to exceed \$140,155 and noted the appropriate vendor and State Contract Number, attached as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Borough and Facilities Committee are authorized to continue working with BFI Furniture and the preliminary furniture budget is hereby approved.

Offered for adoption by Councilmember Koch, second by Councilmember Hoey

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

9. Resolution No 2023-223, 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 11, 2023 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2022 CURRENT FUND ACCOUNT	\$ 22,796.15
2023 CURRENT FUND ACCOUNT	\$4,264,796.85
GENERAL CAPITAL	\$ 93,709.65
PAYROLL AGENCY	\$ 17,786.86
OTHER TRUST	\$ 9,133.97
DOG TRUST	<u>\$ 592.90</u>
	\$4,408,816.38
LESS VOIDED CHECKS	<u>- 17,066.46</u>
	\$ 4,391,749.92

VOIDED CHECKS:

CURRENT CHECK NO. 64476	\$ 90.10
PAYROLL AGENCY CHECK NO. 6213	\$16,496.36
PAYROLL AGENCY CHECK NO. 6215	\$ 480.00

Offered for adoption by Councilmember Koch, second by Councilmember Hoey

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

10. Resolution No. 2023-224, Chapter 159: ILSA for SLEO III

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Fair Haven has entered into a shared service agreement to receive \$58,333.00 from the Fair Haven Board of Education and wishes to amend its 2023 budget to include this amount as revenue.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Fair Haven, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2023 budget in the sum of \$58,333.00 which is now available as revenue under Special Item of Revenue Anticipated with Prior Written Consent of the Director of Local Government Services - Public and Private Revenues Offset with Appropriations:

Shared Service Agreement
 Fair Haven Board of Education-SLEO III

BE IT FURTHER RESOLVED that a sum of \$58,333.00 is hereby appropriated under the caption of General Appropriations - Operations Excluded from "CAPS":

Shared Service Agreement
 Fair Haven Board of Education-SLEO III

BE IT FURTHER RESOLVED that the Borough Clerk forward a copy of this resolution to the Director of Local Government Services.

Offered for adoption by Councilmember Koch, second by Councilmember Hoey

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

Negative: None

Abstain: None

Absent: Councilmember Neff

11. Resolution No. 2023-225, Chapter 159: NJDEP Stormwater Assistance Grant

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such items of revenue in the Budget of the County or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and

WHEREAS, the Borough of Fair Haven has received a \$25,000.00 grant from State of New Jersey, Bureau of NJPDES for a Stormwater Assistance Grant and wishes to amend its 2023 budget to include this amount as revenue; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2023 in the amount of \$25,000.00 which items is now available as revenue from:

The State of New Jersey - Bureau of NJPDES
Stormwater Assistance Grant

BE IT FURTHER RESOLVED that a like sum of \$25,000.00 be and the same is hereby appropriated under the caption of General Appropriations - Operations Excluded from CAPS:

The State of New Jersey
Stormwater Assistance Grant

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

Offered for adoption by Councilmember Koch, second by Councilmember Hoey

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

Negative: None

Abstain: None

Absent: Councilmember Neff

12. Resolution No. 2023-226, Authorize Borough Administrator to Execute Contract for On-Line Auction

WHEREAS, there are certain vehicles and equipment owned by the Borough of Fair Haven which are no longer of use to the Borough and the Borough Council has recommended that they be sold; and

WHEREAS, Local Public Contracts Law N.J.S.A. 40A:11-36 requires authorization of municipal surplus via the adoption of a Resolution; and

WHEREAS, the Borough Administrator is authorized to set the minimum bid for items to be sold.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Borough Administrator be authorized to dispose of the following items of municipally owned property not needed for public use through the process of a public auction to be held September 25, 2023 until October 9, 2023 via on-line auction handled by <http://www.govauctionlistservices.com/>

BE IT RESOLVED that the items to be sold are listed in Exhibit A attached hereto.

BE IT FURTHER RESOLVED that the Borough Administrator is hereby authorized to execute a contract with <http://www.govauctionlistservices.com/> which is attached as Exhibit B.

BE IT FURTHER RESOLVED that any items not purchased at auction may be disposed of

by the Borough.

Offered for adoption by Councilmember Koch, second by Councilmember Hoey

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

Negative: None

Abstain: None

Absent: Councilmember Neff

13. Resolution No. 2023-227, Approve Extension for K.M. Hughes Enterprises - Colonial Court

WHEREAS, K.M. Hughes (“Developer”) and the Borough of Fair Haven (“Borough”) entered into a Developer’s Agreement relating to the subdivision of property known as Block 33, Lots 16 and 35; and

WHEREAS, the Developer’s Agreement contained a deadline for the Developer to complete the site improvements by March 1, 2019, which was extended to September 1, 2019 by Resolution No. 2019-78, a second extension given by Resolution No. 2019-195 until March 1, 2020, a third extension given by Resolution No. 2020-66 until June 30, 2020, and a fourth extension given by Resolution 2020-151 until December 31, 2020; and

WHEREAS, the Developer has advised that he requires an additional extension to finalize the site improvements; and

WHEREAS, the Developer has met with Borough Professionals to review open items still pending at the site and, at the Borough’s request, he has increased the amount of his performance bond, replenished the engineering escrow related to this project, shown proof of the State of New Jersey Registration for the Colonial Court Homeowners Association, and has been actively working with his engineering firm, Insite Engineering, and the Borough Engineer to address the stormwater flooding issues at the site, as well as at the neighboring properties; and

WHEREAS, the Developer is aware that the original Developers Agreement will need to be amended and executed within thirty (30) days of the date of this Resolution being approved, so as to include the requirement for the full remediation of flooding issues in and around the site, as well as the adequate funding of the Colonial Court Homeowners Association reserves. In addition, proper notice and a full accounting will be given to all current and future members of the Association, who shall establish a new Board of Directors for the Association.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, that K.M. Hughes is granted an additional fifth (5th) extension of thirty (30) days through October 11, 2023, which will be automatically extended for an additional one hundred twenty (120) days, through February 8, 2024 upon the execution of an amended Developer’s Agreement, for a total of one hundred fifty (150) days in which to complete the site improvements as required in the Developer’s Agreement.

BE IT FURTHER RESOLVED THAT the Borough’s Construction Official will monitor building permit activity in accordance with the terms and timetable memorialized in this Resolution.

Offered for adoption by Councilmember Koch, second by Councilmember Hoey

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

Negative: None

Abstain: None

Absent: Councilmember Neff

14. Resolution No. 2023-228, Approve Block Party Application - Tyson Drive - September 23rd

WHEREAS, a request was received to hold a Block Party on Tyson Drive on Saturday, September 23, 2023 from 3 pm to 8 pm; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on September 7, 2023; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that approval is hereby granted for a block party to be held on Tyson Drive on Saturday, September 23, 2023 from 3 pm to 8 pm.

BE IT FURTHER RESOLVED that Permit No. BP 2023-05 will be issued for said event.

Offered for adoption by Councilmember Koch, second by Councilmember Hoey

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

Negative: None

Abstain: None

Absent: Councilmember Neff

15. Resolution No. 2023-229, Approve Block Party Application - Lake Avenue - October 1st

WHEREAS, a request was received to hold a Block Party on Lake Avenue, between Princeton Road and Harvard Road) on Sunday, October 1, 2023 from 4 pm to 7:30 pm; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on September 7, 2023; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that approval is hereby granted for a block party to be held on Lake Avenue on Sunday, October 1, 2023 from 4 pm to 7:30 pm.

BE IT FURTHER RESOLVED that Permit No. BP 2023-06 will be issued for said event.

Offered for adoption by Councilmember Koch, second by Councilmember Hoey

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

Negative: None

Abstain: None

Absent: Councilmember Neff

16. Resolution No. 2023-230, Approve Block Party Application - Gentry Drive - October 14th

WHEREAS, a request was received to hold a Block Party on Gentry Drive on Saturday, October 14, 2023 from 4 pm to 9:00 pm; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on September 7, 2023; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that approval is hereby granted for a block party to be held on Gentry Drive on Saturday, October 14, 2023 from 4:00 pm to 9:00 pm.

BE IT FURTHER RESOLVED that Permit No. BP 2023-07 will be issued for said event.

Offered for adoption by Councilmember Koch, second by Councilmember Hoey

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

Negative: None

Abstain: None

Absent: Councilmember Neff

17. Resolution No. 2023-231, Approve Right of Entry License Agreement with Fisk Chapel

WHEREAS, the Borough of Fair Haven (the "Borough") is the owner of real property known as 35 Fisk Street, Fair Haven, NJ 07704, and identified on the tax map of the Borough of Fair Haven as Block 39, Lot 20.01 (the "Borough's Property"); and

WHEREAS, the Borough plans to construct a new Police Department and Community Center upon the Borough's Property (the "Project"); and

WHEREAS, in connection with the Project, the Borough requires site access, as well as a staging and storage area, for the planned construction activities occurring upon the Borough's Property, but lacks sufficient space upon the Borough's Property for said purposes; and

WHEREAS, Fisk Chapel A.M.E. Church, Inc. ("Licensor"), is the owner of real property known as 37-38 Fisk Street, Fair Haven, NJ 07704, and identified on the tax map of the Borough of Fair Haven as Block 39, Lot 11 (the "Licensor's Property"); and

WHEREAS, the Licensor's Property is located adjacent to the Borough's Property and the Licensor's Property contains sufficient and convenient space for site access, as well as a staging and

storage area for the Borough's Project; and

WHEREAS, as a part of the Project, the Borough will make certain improvements to the Licensor's Property for a shared parking lot arrangement, which permanent improvements are a good and valuable consideration for Licensor to enter into a Right-of-Entry License Agreement with the Borough.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fair Haven hereby approve the execution of a Right-of-Entry License Agreement, attached to this Resolution as Exhibit "A", with Fisk Chapel A.M.E. Church, Inc. for site access, as well as a staging and storage area for the Borough's Project; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate paperwork to effectuate same.

Offered for adoption by Councilmember Koch, second by Councilmember Hoey

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

Negative: None

Abstain: None

Absent: Councilmember Neff

18. Resolution No. 2023-232, Accept Withdrawal Letter from J.R. Contracting & Environmental Consulting

WHEREAS, the Mayor and Council authorized the advertisement for receipt of bids for a new Police Facility and Community Center; and

WHEREAS, sealed bids were publicly opened on August 31, 2023, as per the Notice to Bidders;
and

WHEREAS, J.R. Contracting & Environmental Consulting, Wayne, New Jersey was the apparent low bidder for both the base bid; and

WHEREAS, on September 1, 2023, J.R. Contracting & Environmental Consulting submitted a letter to the Borough Architect advising that they were withdrawing their bid due to a calculation error.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the letter of withdrawal from J.R. Contracting & Environmental Consulting is hereby accepted.

Offered for adoption by Councilmember Koch, second by Councilmember Hoey

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

Negative: None

Abstain: None

Absent: Councilmember Neff

19. Resolution No. 2023-233, Approve Special Meeting on September 18th at 9:30 a.m. to award Bid and Authorize Contract Execution for New Police Department and Community Center Facilities

WHEREAS, the Mayor and Council have determined that a special meeting is required to be held in order to award the bid for the Police Department and Community Center Construction Project; and

WHEREAS, the Mayor and Council have selected Monday, September 18, 2023 at 9:30 a.m. via Zoom Platform, as the Special Meeting date; and

WHEREAS, the Borough Clerk will notice for and advertise the special meeting in accordance with the requirements of the Open Public Meetings Act.

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 Mayor and Council shall hold a special meeting on Monday, September 18, 2023, at 9:30 a.m. via Zoom Platform to award the bid for the Police Department and Community Center Construction Project.

Offered for adoption by Councilmember Koch, second by Councilmember Hoey

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

Negative: None

Abstain: None

Absent: Councilmember Neff

20. Resolution No. 2023-234, Award Bid and Authorize Contract Execution for New Police Department and Community Center – This was pulled from the agenda and will be listed on the September 18th Special Meeting agenda.

Reports of Departments

July 2023

-Municipal Court

August 2023

-Municipal Clerk

-Dog License

-Budget Status

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

GOOD OF THE BOROUGH

Mayor Halpern opened the meeting to the public for comments or questions at 8:41 p.m. Bob Feldman, Fair Haven Road, asked if a tree removal application is required to remove a tree that is diseased. Councilmember LaBarbera gave the feedback on the microprojects and that the Certified Tree Expert advised that the tree can be taken out. The Shade Tree Commission met last week and we received an update today. Engineer Gardella provided his report on some of the trees and sidewalks for the microproject work.

Michal DiMiceli, River Road, thanked the Borough for cleaning the stormwater pipes; it made a difference. Last night's rain flowed and did not pool on her property as quickly as it has in the past; some water accumulation later in the night. The pipe cleaning helped and she thanked Council for their action.

Marti Egger, Hance Road, asked for clarification on the tree at Hance that Councilwoman Cole reported on. She asked why the utility pole had to be moved at all if it was only moved 18 inches and if it resulted in helping or hurting the tree. Councilwoman Cole stated the pole was supposed to be moved 4' which would have impacted the tree, however, it seems the pole was only moved 25-26". Residents are not sure what the utility company is doing. Administrator Casagrande advised Verizon moved the pole and the next step is JCP&L will assess moving the power lines from existing to new pole.

Councilman Rodriguez arrived, in person, at 8:49 p.m.

Susan Mauro, Cooney Terrace, was concerned about the Hance Road tree because of how spectacular it is and relayed the importance for saving it. She said it has been three years dealing with what appears to be a mismanaged project; the residents have been cooperative to date. Mrs. Mauro was speaking in defense of this magnificent tree which should not be removed due to its magnitude. The Borough needs to look at the 1 Hance Road project and where the poles are going to be placed; she asked who is looking at the projects from a "holistic approach" and why is this happening at all. Mrs. Mauro felt this project has been mismanaged and asked what went wrong.

Christine and Julia Hearn, Dartmouth Avenue, spoke regarding a rat infestation on their street and surrounding streets and wanted to find out how to mitigate an escalating situation. They were advised that the Health Officer went to Dartmouth Avenue and surrounding area today. He will be putting together a report and a plan will be put in place once the area and any food sources have been identified. Councilwoman Hoey was thanked for her assistance.

Ruth Blaser, River Road, asked for clarification on the resolution regarding the K.M. Hughes extension and why there is an extension? We are asking them to implement an amendment to the drainage plans. Mrs. Blaser said he has been given more than 3 extensions already. Mayor Halpern advised that the Council has handled this situation well. Mrs. Blaser said the Borough is losing sight and keeps adding administration and employees for a small municipality. She advised the Borough was run by 10 employees, years ago, and noted the Borough has outsourced a lot of things.

Michal DiMiceli, River Road, stated with regard to Colonial Court, it sounds like what was put in was not what was approved by the Borough. She was advised no one has said that. There is work that has to be finish by the contractor.

There being no further comments or questions, the meeting was closed to the public at 8:58 p.m.

Council went into executive session at 9:05 p.m. and this meeting was reconvened at 10:06 p.m.

ADJOURNMENT

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

Time of Adjournment: 10:07 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk