

**FAIR HAVEN BOROUGH COUNCIL
TUESDAY, OCTOBER 10, 2023**

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, which was a little longer to recognize all across the world who lost their life and those currently suffering.

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 OCTOBER 10, 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, LaBarbera, Neff and Rodriguez. Absent: Councilmember Koch. Others present: Administrator Casagrande, Attorney Sobel, Chief McGovern, Engineer Gardella and Robert Allison (Auditor).

PRESENTATION

Robert Allison, Borough Auditor, was in attendance to report on the 2022 Municipal Audit; he had provided a two-page handout. Mr. Allison advised the audit was completed about six-weeks ago and submitted to the State. There is an adverse opinion and a modified opinion per NJ Accounting Principles. He reviewed the audit which did not have any comments as well as his handout. He was happy with the Borough's report and financial functions. He stated Collen Lapp is a very good and competent CFO so the Borough is in good shape. Councilwoman Cole asked questions that she had regarding Borough owned land; the Borough can sell the property unless it is Green Acres or on the ROSI. With no further comments or questions, Mr. Allison left at 7:10 p.m.

WORKSHOP SESSION

Mayor Halpern said there was a tree removal appeal for 6 Third Street from Kelly Builders. Mike Kelly was in attendance and explained the need to remove the trees for a new home to be built. He hired Zig Panek as his tree expert for this project. There will be three White Pines removed and the Birch tree will stay on the property. He has already shifted the home's location to accommodate the current trees and they still will not survive. A landscaping plan is not yet set as far as tree planting only shrubs, etc. There was a concern for the replacement of trees. Mr. Kelly agreed that there needs to be trees planted when the project is complete. Councilman LaBarbera asked that Mr. Kelly consider the stormwater pipes that run along Hance Road and Third Street when planting the replacement trees. Motion to approve the appeal moved by Councilman LaBarbera, second by Councilwoman Hoey with Ayes by all present.

A request was received from Rumson-Fair Haven Youth Wrestling to display 8-10 registration signs from October 11th to November 8th. It was asked if this was going to conflict with the Dermer Dreams signs that were approved. The Mayor said that the signs are smaller and these are going up for a shorter period of time. Councilwoman Hoey noted a lot of signage going up and asked if there is a way to better handle how many signs are displayed and when. The Borough Clerk keeps a spreadsheet of the approved signs and the dates of display; this should not interfere. Motion to approve the request moved by Councilman LaBarbera, second by Councilwoman Neff with Ayes by all present.

Councilwoman Koch joined the meeting, via Zoom, at 7:11 p.m.

With regard to the 2024 Leaf and Brush Schedule, Councilman LaBarbera called the Brush and Leaf Committee forward. Neil Blecher, Susan O'Brien, Pat Locke, Mary Nichols, Betsy Kroll and Jackie Newman came forward. The proposed plan was in the Council's packet. The committee was established based on town feedback regarding brush and leaf pick-ups in the Borough. The thoughts are how do we increase services, safety, stormwater management, street sweeping, staff and resident efficiencies. The committee took those components and went back to basics by holding meetings with DPW and Engineering, Code Enforcement, Communications and looked at what other towns do. Enforcement was looked at and it was thought that when a resident is given a summons the first time, that it is a court appearance required because when a resident is advised or given a summons, they say, "how much is the fine, I don't care" which does not constitute compliance. There are repeat offenders across town and this may change how they look at the schedule. Communication is key and the committee is proposing to get rid of Zones A, B and C completely. We need to provide information for brush, grass clippings, county and local street sweeping, Stormwater Management in many ways to educate our residents. It was proposed that a resident or business adopt a storm inlet program (done in other towns). The schedule was discussed, in detail, among the committee. Leaves require more attention in the fall and brush requires more attention in the spring. Storms also play into pick-ups. More frequent pick-ups reduce materials on the streets. We will never receive 100% compliance.

It is proposed to get rid of A, B and C zones because the Borough is divided into 4 zones for garbage and recycling. Start in April with bookends for a spring clean out to the curb and a fall clean out and put to the curb. After the fall clean out, the Borough can segway into rolling leaf pick-up. Every zone will be picked up four times per month, which doubles the fall pick up service. In between, it is proposed to move to a "green can" for brush which is standard for residents to load up for two-times per month pick-up. Homeowners would have to purchase the can(s). We could establish a relationship with Fair Haven Hardware for can purchase (certain color, certain size, etc).

Mayor Halpern asked about the mandatory court appearance for the first violation and what happens if someone does not show to the mandatory court appearance? They will be issued a bench warrant. He asked if a mandatory court appearance could be put in place if it is a second violation. The Mayor thanked everyone involved with this fantastic proposal as it will make everything easier for the Borough. He had a concern for all cans being different colors and part of bulk pick-up. He wants everyone to have the same can for consistency. Councilman LaBarbera said the committee talked through this and recommend an ordinance that outlines the can. Not all residents utilize this Borough service as some take care of their own leaf and brush collection/disposal and others have a landscaper that handles their property. The Brush and Leaf Committee ask that those who want the Borough to pick up their brush go to Fair Haven Hardware for a can that is whatever specifications we deem (color and size). DPW will be picking it up and will monitor what is in the can. The Mayor asked how the trash and recycling cans arrive at a house now. Administrator Casagrande advised of the process. Councilwoman Cole asked if Clean Communities funds could be used to offset the cost? There is a certain percentage of Clean Communities funds that could be used, but that would need to be looked into further. Councilwoman Cole said the Environmental Commission and Green Team would want to be involved with this initiative. The proposed collection calendar was reviewed (a handout was in the Council's packet). Councilwoman Cole asked for clarification about the fall clean up and the rolling pick up. Councilwoman Neff asked how this adds to the cost, or not, for brush and leaf pick up; Councilman LaBarbera advised they were not sure because there is no data. The brush would go to the brush site. The bookend period would not allow for brush to go to the site or leaves to the farm so we would need to go to Mazza.

Engineer Gardella said for the spring and fall clean-up will have a date on the calendar to have the debris out to the curb and once it is picked up, DPW will not be back (just like we do now). Our current schedule shows 9-12 days of brush collection per month. If the new brush can is put into effect, the cans would be put out Monday night and picked up the next day. We can adjust employee time, if needed, should the cans be a little heavier, for some reason. Green Can months will allow them to be picked up four days per month and then we can focus employee resources elsewhere. The Borough can't gauge mother nature but can manage it. Pick up of Christmas trees will stay as is which is the month of January. This is exciting and will allow more efficiency, especially with the new DPW building. Councilman LaBarbera advised the staff is on board as Engineer Gardella held roundtables. Councilwoman Neff agreed with the designated type of can and color. There was discussion on fines and making them higher to deter offenders and repeat offenders, i.e. a warning, then raise the fines from there; no court appearance for the first offense. Attorney Sobel asked if there would be warning notices before fines and summonses.

Acts of nature (named storm) will trigger an ad-hoc pick-up by DPW. Administration can make the fines up to \$500 to give the Judge discretion. Attorney Sobel felt it would be better to make it a definite amount so there is no need for negotiation. Councilman LaBarbera asked for authorization to move forward and approach Fair Haven Hardware. Mayor Halpern agreed and wanted uniformity. Councilwoman Cole stated there is a big communication piece to this.

Mayor Halpern noted that two major priorities have been accomplished today; the groundbreaking at the Police Department and a new brush and leaf schedule.

With regard to Business District Grants, the Grant Committee has a recommendation for the governing body. There is a NJ Economic Development Authority (NJEDA) Grant that closes November 13th and is a first come/first serve basis (a rolling grant). Councilwoman Cole would like to apply for this grant. The grant would be for \$50,000 as a vision planning exercise for the Business District and then conceptual planning for public access to the waterfront to help decide what the potential seven access points should look like. A few meetings back she spoke with Heyer Gruel to review the grant guidelines and if this would be a good one for the Borough to apply for; they advised it is a good fit. Heyer Gruel would prepare it for \$2,000 + the \$1,000 application fee. Councilman Rodriguez asked if there was a budget for the \$3,000 cost; that was unknown. Councilwoman Hoey advised there are people on the committee who know how to grant write. Councilwoman Neff asked how this would this lead to an action and what the deliverables would be? It is a shared vision for the Fair Haven Business District, as well as for Borough assets considered underutilized. Councilwoman Cole said Borough Hall and Bicentennial Hall are in the business district and would make us more grant worthy. Councilwoman Neff asked what the \$50,000 pays for. It would not fund brick and mortar but gives the governing body ideas for decision making. Administrator Casagrande asked if there was a \$1,000 application fee involved; yes. She said it was the first-time hearing about this and was not sure what is involved. She will need to find \$3,000. A poll of the governing body was taken. Councilwoman Hoey was not in favor of spending money if it could be done by the Committee, Councilman Rodriguez said a \$50,000 grant for planning purposes is good, but should be done internally, Councilwoman Neff felt it should be done in-house and Councilman LaBarbera agreed that the application could be done in-house. There was general interest from the Council in applying for the grant.

Administrator Casagrande asked if the grant award could be up to \$50,000 for two initiatives: waterfront and business and split \$25,000 each? Councilwoman Cole said it would be up to the committee. She felt a professional should do the grant and would help expedite the process. There was no written proposal from Heyer and Gruel.

Mayor Halpern asked that this be tabled with the discussion done offline for local involvement and then decide if a Planner should be involved. Councilwoman Koch wanted to wait to see if we can do the application inhouse vs. paying \$3,000.

With regard to waterfront fishing and crabbing rules, an ordinance has not yet been prepared. Attorney Sobel said he had a few questions regarding the rules. The Mayor said this was discussed on September 26th where some residents were experiencing some issues with activity at the dock and it was thought the Borough could be forward thinking to set regulations with regard to time of day for the activities, rules for cleaning up the area of trash and bait. Mayor Halpern advised a timing directive was provided for the ordinance. Attorney Sobel said at the last meeting it was stated hours should be one hour after sunrise and one hour after sunset. There is a need for signage at specific locations to include in the ordinance; it should be for any Borough owned property with water access. The Mayor said that he provided actual times i.e. no fishing or crabbing between 9 pm and 8 am; he put it up for discussion. Councilman LaBarbera suggested the hours of 6 am to 10 pm for fishing and crabbing. Mayor Halpern received different feedback from the public and advised it would be a living/breathing document that can be amended if needed. It should also be noted that there be no activity during Borough events (concerts, weddings). Councilwoman Cole said she would like the activity to be between sunrise to sunset. Councilman LaBarbera would like it to be an hour after sunset to 8 a.m.

Chief McGovern said the noise ordinance is 8 am - 10 pm so it should mirror the noise ordinance so it is enforceable by the police department and makes it simple. Councilwoman Cole asked Chief McGovern for ideas of things that happen at the waterfront within the Borough. A discussion took place on hours of operation and activities that may or may not take place. There are already ordinances in place with regard to open flame, drinking in public, etc. Councilwoman Neff said crabbing and fishing is a separate issue from this discussion. There are many issues with crabbing and fishing and trash being left behind as well as bait not being cleaned up and the smell that it leaves. We should try to contain crabbing and fishing as well as enforcing the dock be kept clean. Attorney Sobel was asked to prepare a draft ordinance to establish hours, open flame, clean up and prevent sleeping bags. Councilman Rodriguez was concerned about banning sleeping bags and open flame as the Scouts have events and use Borough property. The ordinance should be delineated to be specific to waterfront properties.

Administrator Casagrande explained that she and Clerk Cinquegrana have been working with Special Counsel, Salvatore Alfieri, Esq. on the purchase of 21 Fair Haven Road. She explained the process to secure the grants(s), what has taken place, to date, and what will need to take place for the Borough to purchase the property. She provided a breakdown of the purchase price, the grants received through the County and the State and the Borough's funding. The Borough's cost would be \$335,625; there is \$77,500 to offset soft costs. There are two resolutions on the agenda 2023-262 for the grant agreement with the County and 2023-263 for the grant agreement with Green Acres. She provided the work that would need to be done once purchase is finalized, as well as, final approvals by the County and State. There will be a land purchase ordinance on the October 23rd or a succeeding agenda. Administrator Casagrande reviewed the financing numbers; the purchase price of the property would be \$1,790,000 of which Green Acres has awarded us a \$500,000 grant (\$447,500 toward purchase price with \$52,500 toward 25% of the soft costs) leaving a balance of \$1,342,500. Monmouth County Open Space has recently come up a new program where they will fund 75% of the purchase price after Green Acres

funding is taken into consideration. The County will be providing \$1,006,875 toward the purchase of the property which leaves us to pay the balance of \$335,625.

Councilwoman Cole said that the Borough will still have costs associated such as oversight, maintenance, insurance costs, etc. even if the land is free. She asked, “what is the plan for the property and what costs are involved?” We need to contemplate what the total costs for the property will be. She asked about the resolutions on the agenda and what they involve; is it authorization which will trigger the acquisition the property? Administrator Casagrande advised that the two resolutions pertain to securing the grants (State and County) before we acquire the property. We are required to update our ROSI, complete a survey of the property, a Phase I Environmental Assessment, do a title search and secure a title. There will be costs involved for the survey and the Phase I Environmental we have a quote of \$2,850 and there will be additional charges if there is or was an oil tank on the property so there could be a total cost of \$5,955. There was discussion on each resolution (262 and 263) listed on the agenda. The two resolutions will flip a switch, and Councilwoman Cole would like more information (assessment of the bulkhead, insurance coverage required by the JIF, demolition of the house and installation of gates). She was advised that the Borough needs to secure grant funding with the resolutions as it cannot move forward without them. The Borough’s engineers can go to the site and assess the bulkhead and provide ballpark numbers. The house currently on the property would be demolished immediately, once purchased.

Mayor Halpern said that it is a \$1,790,000 property next to the dock with a \$1,400,000 “discount” that will provide additional access to the river for generations of residents. Councilwoman Cole said that the Borough has open space with required resources already and we should not add to it. The Borough should improve Schwenker Pond, Fourth Creek and McCarter Pond as they are in need of attention.

Councilwoman Koch agreed with Councilwoman Cole’s concerns. It is an amazing gift from the County and State, but we need to further explore the costs of demolishing the home, caring for the property, replacing the bulkheading and what would be involved. She requested that the Borough get information for maintenance. The Borough has other owned properties that need to be taken care of and we do not need to add to the current expenses we have; we need to care for what we own. There is a lot going on with the new facilities and we are asking a lot from our residents in terms of financial support.

Councilwoman Neff noted that the grants the Borough has an opportunity to receive is amazing. We can purchase the property for \$1,700,000 with the Borough contributing \$335,625; it is a unique opportunity. Strategic thinking is important, but we need to look to the future for what type of community we want Fair Haven to be. It would be the most beautiful waterfront property in the Borough and no other waterfront property would compare to this. She agreed the Borough does need to take care of the properties we have and there is a lot of work for the facilities and things that need to be done. This property is a unique location and we need to look longer term.

Councilman LaBarbera said, “tonight is an intention to move forward with it”. The stabilization of the site needs to be minimal. The property will be great for Fair Haven in the long run. Councilman Rodriguez advised that he is in support of the purchase of 21 Fair Haven Road which is part of and called out by the Master Plan. The property is similar to Fair Haven Fields when it was purchased and then things progressed over the years with the concession stand, sports fields, tennis courts, etc. This property, like Fair Haven Fields, is a blank canvass. He agreed with Councilwoman Cole regarding planning for the grant and property. We have the ability to acquire the property, which is one of the single best opportunities he has seen in the last seven years of sitting on Council. There are costs to figure out, but we need to think long term. These are the types of things that will benefit the Borough and have an impact on the community for many years to come.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 8:41 p.m. starting out with any comments or questions regarding 21 Fair Haven Road. Beth Goodes and Peter Gotch, Fair Haven Road, thanked the Mayor and Council for their service and all that has been done for the town. Ms. Goodes purchased 23 Fair Haven Road about 9 years ago and has been looking at the condition of 21 Fair Haven Road every day and asked if the property would be made a passive park. She was advised it is a Green Acres grant and there would be a deed of open space easement with rules for developing it. The Borough can share the rules of what can and cannot be done on the property with Ms. Goodes and Mr. Gotch. This is not a Blue Acres grant and never was. The Blue Acres grant was for the DeNormandie Avenue Park. Councilman LaBarbera said public engagement is a must when developing the property. There is public concern if it was made recreational with regard to parking, lighting, waterfront access, bathrooms. Ms. Goode said she currently has open space and if purchased by the Borough, she would be “locked in” with people walking along her property; an encroachment would reduce the value of her property. Mayor Halpern could not promise what would or would not go on the property. He relayed when he sat in the audience, years ago, for a topic of lights in the park for night basketball games and there was hours of discussion and it never went through. He advised permanent lights are not foreseen for the property. The current house was flooded in Sandy and we do not want any structure on stilts; this is not necessarily the direction the Borough is going to go in, either. The property will not be as passive as what is on DeNormandie Avenue; we want waterfront access and recreational

use/activities. Council cares about the entire neighborhood and would make the impact as minimal as possible. The governing body will receive feedback if we move forward for ideas and how the residents would be affected. Councilwoman Neff envisions a natural buffer there which would not allow people to walk up the hill. Ms. Goodes and Mr. Gotch are willing to purchase the unusable piece of property. Councilwoman Cole advised that it comes down to the proper planning and design process to develop plans that are sensitive to the neighborhood and meet the community's needs. Ms. Goodes stated having a public park is a concern because it would open activity that could migrate from the dock to the park; she bought a residential home in a residential area.

Bonnie Torcivia, Battin Road, agreed with the point that Councilwoman Cole made about hiring an expert to analyze the situation and provide professional advice to develop the property. The Borough's record of stewardship on already owned properties needs to be worked on. She understood that access to the waterfront is very important, but the Borough needs to know how to move forward the best way possible.

Mark Olson, Cambridge Avenue, agreed with Ms. Torcivia.

Michael Sena, Lake Avenue, commented on the leaf and brush proposal and was glad to hear it because the current system is an issue. There were many piles in his zone that were not picked up. He admitted that he missed a pickup by one day and it sat for a month as well as other neighbors brush piles. He was advised that it has been proposed to have two pick-ups a month, between "the bookends". Mr. Sena advised the Borough needs a brush pick-up in November. He felt the schedule that is in place now has the pickups being too early. He asked that the governing body be careful with punitive punishment; there should be a warning and then a fine. Councilman LaBarbera advised that the new schedule would be doubling the current five pick-ups to 11 pick-ups. Mr. Sena said the Borough needs to consider the weather. Mayor Halpern said the schedule discussed would be implemented for 2024. We will implement the schedule, receive feedback and pivot for 2025, if needed. Mr. Sena suggested that a communication go out a few days prior to when the pick-up is occurring. He was advised that the Borough will be notifying the residents by Zones (1-4). Mr. Sena asked if the green cans are after the book ends; no, in between "the bookends" for brush only. People may purchase multiple cans.

Betsy Krill, Fair Haven Road, was excited about the purchase of 21 Fair Haven Road but concerned about fishing and crabbing rules; she asked if the governing body considered the number of fishing poles and crabbing cages that can be used. She has been at the dock where there are 15 poles and only three people at the dock. Council has not discussed limiting fishing poles and crabbing cages and agreed that she brought up a great point. Mayor Halpern thought that some of the proposed rules may take care of some issues. Councilwoman Cole asked Attorney Sobel, "how many poles constitute an enterprise vs. a pastime"?

Marti Egger, Hance Road, has a friend who runs a fishing pier and they are limited to two poles and two crabbing cages. She was asked to send the information that she has to the Mayor.

Ms. Krill advised she was at the dock for July 3rd and there were fishermen who were staked out along the perimeter and the benches were taken by equipment. Mayor Halpern noted that some people are crabbing and fishing for commercial purposes. The Borough wants the dock to be recreational.

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

APPROVAL OF MINUTES

Councilmember Rodriguez made a motion to approve the Executive Session minutes of September 26, 2023

Councilwoman Cole asked that there be an amendment to the minutes (page 2) under Acquisition of Property- 21 Fair Haven Road; she asked to swap the wording for her comment. The sentence that concerned her was read and she felt the Clerk should swap some of the words, as written. Attorney Sobel noted that the amendment requested and what was written achieve the same thing. Councilwoman Cole asked that it be written as a statement, not a question.

Councilman Rodriguez make a motion to make the amendment and approve the minutes, second by Councilmember LaBarbera

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

Negative: None

Abstain: None

Absent: None

Councilmember LaBarbera made a motion to approve the Special Meeting minutes of October 3, 2023, second by Councilmember Rodriguez

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

Negative: None

Abstain: None

Absent: None

OLD BUSINESS

HEARING AND ADOPTION OF ORDINANCES

1. Ordinance No. 2023-14, Create Lead Paint Inspection Ordinance

AN ORDINANCE SUPPLEMENTING THE BOROUGH'S REVISED GENERAL ORDINANCES TO INCLUDE NEW CHAPTER 13: "LEAD-BASED PAINT INSPECTIONS" IN ACCORDANCE WITH STATE LAW

On motion of Councilmember LaBarbera, second by Councilmember Cole with Ayes by all present, Mayor Halpern opened the meeting for comments or questions at 9:08 p.m.

Councilmember LaBarbera asked about a reference to the year 1978 being included in the ordinance. Attorney Sobel spoke with the Borough Clerk and the NJ Statute is noted in the ordinance which makes direct reference to the 1978 date so there is no need for inclusion.

There being no comments or questions from the public, the Hearing was closed to the public at 9:08 p.m. on motion of Councilmember LaBarbera, second by Councilmember Cole with Ayes by all present.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Cole

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

Negative: None

Abstain: None

Absent: None

2. Ordinance No. 2023-15, Long Term Parking Agreement with Fisk Chapel A.M.E. Church

AN ORDINANCE AUTHORIZING THE ACQUISITION OF A PERMANENT PARKING ACCESS EASEMENT UPON THE PROPERTY AT 37-38 FISK STREET, BLOCK 39, LOT 11, FROM FISK CHAPEL A.M.E. CHURCH, INC. FOR PARKING AND ACCESS TO THE BOROUGH'S NEW POLICE DEPARTMENT/COMMUNITY CENTER

On motion of Councilmember LaBarbera, second by Councilmember Cole with Ayes by all present, Mayor Halpern opened the meeting for comments or questions at 9:09 p.m.

Councilmembers LaBarbera and Hoey will be attending mass at Fisk Chapel on Sunday marking the 165th Anniversary and there will be three church members who will sign the agreement.

There being no comments or questions, the Hearing was closed to the public at 9:10 p.m. on motion of Councilmember LaBarbera, second by Councilmember Hoey with Ayes by all present.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Cole

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

Negative: None

Abstain: None

Absent: None

NEW BUSINESS

Council Committee Reports

Finance - Councilman Rodriguez reviewed Bond Ordinance No. 2023-17 and what it will go towards (projects such as DPW, Borough Hall, Police Department, Community Center and Phase II for Fair Haven Road). With regard to Third Street Phase II, there is a resolution on the agenda to increase the contract amount, due to additional work performed.

Police, Fire & OEM - Councilman Rodriguez advised there was a fantastic presentation by Sean McNeil, School Superintendent, on October 4th introducing the SLEO III employees and school safety. It was a great approach with fantastic information. He attended on behalf of the Council.

The Borough received NJDOT funding in the amount of \$700,000 for Fair Haven Road (River Road to Ridge Road). Councilman LaBarbera asked Administrator Casagrande to explain to the public why the Borough needs to do a Bond Ordinance if a grant was received. We are creating the set-up of a

capital account where we can charge where the grant funding will be offset to. She explained what the CFO will do to set up the account.

Personnel - Councilwoman Hoey advised that Police Department promotions will be discussed in Executive Session.

Parks and Recreation - Councilwoman Hoey advised there is nothing new to report. The next meeting will be held on November 14th. Basketball registration is now open.

Planning Board - Councilwoman Koch advised that the October 17th meeting was cancelled due to lack of agenda. The Beautification Committee meeting will be held on October 11th at 2 pm in Council Chambers.

Zoning Board of Adjustment - Councilman LaBarbera advised the 2022 Annual Report is forthcoming. The Riparian Zone ordinance was discussed during the October 5th meeting and the Board suggested he reach out to Jordan Rizzo, Engineer, to discuss, which he has done and Engineer Rizzo is on board. Assistant Engineer Poruchynsky will also look at the ordinance. The Board also asked for consideration to incorporate a drainage ordinance not just for new construction, but renovations, as well. The next Zoning Board meeting is scheduled for November 2nd.

Borough Facilities - Councilman LaBarbera advised the groundbreaking ceremony at the Police Department and Community Center occurred this afternoon. The portable bathrooms are in place. The Borough is waiting for a \$1 million appropriation from the federal government. Recent events in the House of Representatives has stalled the approval. Communications via email have gone out to the public and the schools (both Sickles and Knollwood) putting the word out to students, directly, to not cut through the construction area near the police department. He and Councilwoman Hoey will attend Fisk Chapel's mass on October 15th. With regard to the memorial, he needs two photos from Fisk Chapel on what they want included; there will be a rock with the photos and a placard vs. a statue due to the costs/quotes received. He, Councilwoman Hoey and Chief McGovern went knocking door to door on Fisk Street between Cedar and Maple Avenues to advise residents of the project and what to expect. Communications will be ongoing through the Communications and Public Outreach Committee. Photos were taken of the door knocking and today's groundbreaking ceremony.

Engineering and DPW - Councilman LaBarbera advised the DPW Renovation project is out to bid. The first Borough auction was held and closed; it brought in \$43,536 and after expenses we should receive \$41,000. The security cameras will be purchased via State contract. November 1st will be the bid opening for the renovation. The DPW employees will operate out of the Fair Haven Fields Concession Stand. There is a sign near the recycling center regarding the environmental remediation in process (State requirement); there is no cause for concern. Bicentennial Hall is in queue, the Historic Preservation Commission is set to review the two design options at their next meeting.

We received a quote through the co-op regarding Fair Haven streetlights; this needs an internal discussion for next steps. The Hance and Cooney Project is looking good for the tree. He provided the process for the tree assessment and measures to save it (delaying paving by 141 days), resident engagements, four tree experts looking at the tree, analysis done for tree trimming, multiple visits by the utilities and Borough staff, cost estimates to relocate the JCP&L pole and an analysis done for possible change to infrastructure. Councilman LaBarbera wanted the public to be aware that it took 141 days of review with what should be a positive outcome for the tree. Stormwater Management for issues on River Road is being reviewed and worked on with Monmouth County. There is a resolution to approve the Developers Agreement for Colonial Court on the agenda which will allow them to apply for permits. Forman and Smith Streets inlet work will start in the next several weeks. With regard to McCarter Pond, the next steps are in process. For the Sunoco property, M&M Realty is fully compliant. Engineer Gardella issued his engineering letter that they are compliant and can now file for permits.

Borough Communications and Community Outreach - Councilwoman Cole reported the Committee has been hard at work on distributing construction information; Betty Ann Berube has been doing a great job in monitoring and coordinating information. She asked that everyone pass the word to join Borough Communications. The Committee has formulated a way to tell the Facilities Project story through #InItTogetherFH which we hope to launch this week. There was a September 27th Environmental Commission Roundtable which was very well attended. Various discussions regarding Bird Sanctuary, deer, need for mapping, stormwater management, natural resources; etc. This roundtable does not have any action(s) come from it but helps the other commissions understand what is happening. The Green Team hosted an interactive informational table supporting National Bike to School Day; it was well received and the kids had fun. In the Mayor and Council's correspondence packet, there was a memo from the Shade Tree Commission with regard to Salem Oak trees. Fair Haven received 3 Salem Oaks that have been cared for and ready to be planted; one at Robards Park (near the benches) and two in McCarter Park (near the main entrance, just past the columns). Shade Tree has requested permission to move forward with their plan. Kids from the school collected buckets of acorns from McCarter Park and are going to germinate them and root them to learn about the respect for nature and caring for the tree. Shade Tree will collaborate with the school to plant the trees. Councilman LaBarbera supported this and asked why there would not be trees planted near the Community Center or Fair Haven Fields.

The Grant Committee submitted a grant for the landmarks in town as discussed on September 26th. Also discussed was an EDA grant which everyone seems to be on board with. This is a critical piece for decision making for what we want to do. Administrator Casagrande advised that if an application fee of \$1,000 is required, it will have to be included on the October 23rd bill list. November 25th is Shop Small Saturday followed by the Holiday Stroll and Santa in the park on December 8th. The Historic Association of Fair Haven provided a letter of intent for a very small matching grant for \$2,000 to digitize the archives. The Borough Clerk asked Councilwoman Cole if the Historic Association of Fair Haven received the \$500 grant check from the Community Foundation of New Jersey; she thought they did.

INTRODUCTION OF ORDINANCES

- 1. Ordinance No. 2023-16, Amend Chapter 30: Replace Riparian Buffer Ordinance to be Riparian Zone

AN ORDINANCE AMENDING CHAPTER 30: “LAND USE AND DEVELOPMENT REGULATIONS” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO REPLACE SECTION 30-13: “RIPARIAN BUFFERS” WITH NEW SECTION 30-13: “RIPARIAN ZONES” IN ACCORDANCE WITH CURRENT STATEWIDE STORMWATER MANAGEMENT REGULATIONS.

WHEREAS, recently, the State of New Jersey and its Department of Environmental Protection have significantly updated and revised statewide stormwater management regulations; and

WHEREAS, the Borough of Fair Haven (the “Borough”) has been made aware by its land use professionals that current Section 30-13: “Riparian Buffers” of the Borough Code is outdated with respect to the statewide stormwater management regulations currently in effect; and

WHEREAS, the Borough now amends the Borough Code to update Section 30-13 in accordance with the aforesaid statewide stormwater management regulations;

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

SECTION 1. Section 30-13 entitled “Riparian Buffers” within Chapter 30 entitled “Land Use and Development Regulations” of the Revised General Ordinances of the Borough of Fair Haven is hereby replaced in its entirety as follows:

CHAPTER 30: “LAND USE AND DEVELOPMENT REGULATIONS”

* * *

§ 30-13 RIPARIAN ZONES

All development in Riparian Zones as described in N.J.A.C. 7:13 is prohibited by this Chapter unless the applicant has received an individual or general permit or has complied with the requirements of a permit by rule or permit by certification from NJDEP Division of Land Resource Protection prior to application for a floodplain development permit and the project is compliant with all other Floodplain Development provisions of this ordinance. The width of the riparian zone can range between 50 and 300 feet and is determined by the attributes of the waterbody and designated in the New Jersey Surface Water Quality Standards N.J.A.C. 7:9B. The portion of the riparian zone located outside of a regulated water is measured landward from the top of bank. Applicants can request a verification of the riparian zone limits or a permit applicability determination to determine State permit requirements under N.J.A.C. 7:13 from the NJDEP Division of Land Resource Protection.

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

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

SECTION 4. After introduction, the Borough Clerk is directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Fair Haven for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Mayor & Council, within 35 days after referral, a report including identification of any provisions in this ordinance which are inconsistent with the master plan and recommendations

concerning any inconsistencies and any other matter the Board deems appropriate.

SECTION 5. This Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted ordinance by the Clerk with the Monmouth County Planning Board pursuant to N.J.S.A. 40:55D-16.

Offered for introduction by Councilmember LaBarbera, second by Councilmember Rodriguez

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

Negative: None

Abstain: None

Absent: None

- 2. Ordinance No 2023-17, Bond Ordinance for Capital Improvements: Facilities and Road Improvements

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS, APPROPRIATING \$6,750,650 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,773,117.50 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF FAIR HAVEN, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF FAIR HAVEN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Fair Haven, in the County of Monmouth, New Jersey (the “Borough”). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$6,750,650, said sum being inclusive of all appropriations heretofore made therefor, including the sum of \$302,532.50 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., and grant funds in the amount of \$675,000 expected to be received by the New Jersey Department of Transportation (“NJDOT”). The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$5,773,117.50, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of:

(i) **Public Works (DPW), Borough Hall, Police Department and Community Center** – Capital facilities improvements to: (i) the Borough’s DPW Allen Street Site and Borough Hall, including, but not limited to, demolition of existing structures; site preparation work and environmental remediation; construction of new structures; acquisition and installation, as applicable, of gasoline tanks, pumps, storage tanks and a salt dome, and stormwater management improvements; and (ii) the demolition of the Borough’s existing Police Department Building; construction of a new Police Department Building and Community Center; site preparation work and environmental remediation, as applicable; and stormwater management improvements, with a total appropriation and estimated cost of \$6,050,650, estimated amount of bonds and notes therefor of \$5,748,117.50, and an average period of usefulness of thirty (30) years; and

(ii) **Fair Haven Road Project Phase II** – Improvements to Fair Haven Road, Phase II, with a total appropriation and estimated cost of \$700,000, including \$675,000 grant funds expected to be received by NJDOT, estimated amount of bonds and notes therefor of \$25,000, and an average period of usefulness of twenty (20) years;

(a) together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or

purposes described in Section 3(a) hereof is \$5,773,117.50, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$6,750,650, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$6,750,650 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$302,532.50 down payment for said purposes, and NJDOT grant funds in the amount of \$675,000.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 29.96 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$5,773,117.50 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$2,500,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within

the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Offered for introduction by Councilmember LaBarbera, second by Councilmember Rodriguez

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

Negative: None

Abstain: None

Absent: None

CONSENT AGENDA
RESOLUTIONS

- 1. Resolution No 2023-249, Approve Amendment to Colonial Court Developer’s Agreement

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 by 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. 20220-66 until June 30, 2020, fourth extension given by Resolution 2020-151 until December 31, 2020; and a fifth extension given by Resolution 2023-227 until February 8, 2024; and

WHEREAS, the Developer’s Agreement is hereby amended so as to include the requirement of the Developer to fully remediate the flooding issues in and around the site, as well as maintain the adequate funding of the Colonial Court Homeowners Association Reserves (“Association”). In addition, proper notice must be given by the Developer and the Association 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; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fair Haven hereby approve the execution of the addendum of the Developer’s Agreement; and

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

Offered for adoption by Councilmember Hoey, second by Councilmember Rodriguez

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

Negative: None

Abstain: None

Absent: None

- 2. Resolution No. 2023-254, Executive Session: Personnel 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. Code Enforcement Officer
- 2. Police Promotions
- 3. DPW Staff

Contract Negotiation

- 1. ILSA with Little Silver

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

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

Offered for adoption by Councilmember Hoey, second by Councilmember Rodriguez

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

Negative: None

Abstain: None

Absent: None

3. Resolution No. 2023-255, Appoint Charlotte Healy as a Student Representative to Finance Committee

BE IT RESOLVED by the Mayor and Council, Borough of Fair Haven, that Charlotte Healy, a student at Rumson-Fair Haven Regional High School, be appointed to the Borough's Finance Committee for the remainder of Calendar Year 2023.

Offered for adoption by Councilmember Hoey, second by Councilmember Rodriguez

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

Negative: None

Abstain: None

Absent: None

4. Resolution No. 2023-256, Accept 2022 Municipal Audit

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations", and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Fair Haven hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Offered for adoption by Councilmember Hoey, second by Councilmember Rodriguez

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

Negative: None

Abstain: None

Absent: None

5. Resolution No. 2023-257, Approve Change Order No. 1 - Improvements to Third Street, Phase II

WHEREAS, Resolution No. 2022-230 awarded a contract for the Improvements to Third Street, Phase II Project to Discover Construction, Dayton, NJ 08810 in the amount of \$217,224.11; and

WHEREAS, the Director of Engineering and Public Works requested a change order for additional items increasing the contract amount by \$12,975.11.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven that Change Order #1 for the Improvements to Third Street, Phase II Project contract authorizes an increase to the contract between the Borough of Fair Haven and Discover Construction, LLC for a total contract amount of \$230,199.22.

Offered for adoption by Councilmember Hoey, second by Councilmember Rodriguez

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

Negative: None

Abstain: None

Absent: None

6. Resolution No. 2023-258, Request NJDOT Grant Award Extension - Improvements to Fair Haven Road, Phase I

WHEREAS, the Borough of Fair Haven received an NJDOT FY2022 Municipal Aid Grant in the amount of \$251,900 for Improvements to Fair Haven Road, Phase I Project; and

WHEREAS, there is a need to submit a six-month award extension request to the New Jersey Department of Transportation for LA-2022-MA, due to extraordinary circumstances with utility relocation work that needs to be done prior to construction of this project.

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Fair Haven formally approves the request for a six-month award extension for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign the six-month award extension request on behalf of the Borough of Fair Haven and that their signature constitutes acceptance of the terms and conditions of the grant agreement.

Offered for adoption by Councilmember Hoey, second by Councilmember Rodriguez

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

Negative: None

Abstain: None

Absent: None

7. Resolution No. 2022-259, Approve Refund of Unused Escrow, Jeffrey Tilly, 99 Maple Avenue

WHEREAS, Jeffrey Tilly, 99 Maple Avenue, Block 43, Lot 28 submitted an application to the Planning Board for a Minor Subdivision; and

WHEREAS, escrow money was posted by the applicant; and

WHEREAS, Mr. Tilly has completed the work as per Planning Board approval and has requested that unused escrow funds be refunded; and

WHEREAS, the Assistant Chief Financial Officer has calculated and provided, in writing, an escrow refund amount as follows:

Unused Escrow funds in the amount of \$163.47; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Finance Office will refund the unused Planning Board escrow fees to Jeffrey Tilly, 99 Maple Avenue, Fair Haven, New Jersey 07704.

Offered for adoption by Councilmember Hoey, second by Councilmember Rodriguez

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

Negative: None

Abstain: None

Absent: None

- 8. Resolution No. 2023-260, Approve Close Out of Escrow Account for Affordable Housing Special Master Account

WHEREAS, in 2019, an Affordable Housing - Special Master Escrow Account Fund (T-03-56- 854-234) was set up; and

WHEREAS, this account is no longer required and should be closed out; and

WHEREAS, the current balance of \$5,101.21 should be released to the Borough’s Current Account.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Affordable Housing - Special Master Escrow Account Fund be closed out and the Chief Financial Officer ensure that any balance in the account be released back to the Borough’s Current Account.

Offered for adoption by Councilmember Hoey, second by Councilmember Rodriguez

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

Negative: None

Abstain: None

Absent: None

- 9. Resolution No. 2023-261, Approve Chapter 159: Body Armor Replacement Fund

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 \$7,170.00 grant from the Department of Justice for a Body Armor Replacement Fund 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 \$7,170.00 which items in now available as revenue from:

Department of Justice
Body Armor Replacement Fund

BE IT FURTHER RESOLVED that a like sum of \$7,170.00 be and the same is hereby appropriated under the caption of General Appropriations – Operations Excluded from CAPS:

Department of Justice
Body Armor Replacement Fund

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 Hoey, second by Councilmember Rodriguez

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

Negative: None

Abstain: None

Absent: None

- 10. Resolution No. 2023-262, Approve Agreement with Monmouth County - 21 Fair Haven Road

WHEREAS, the Borough of Fair Haven adopted Ordinance 2018-11 for the acquisition of Block 47, Lot 1 (21 Fair Haven Road), for the purposes of increasing open space within the Borough, for a purchase price of \$1,790,000.00; and

WHEREAS, the Borough has sought out additional funding sources in addition to its dedicated Open Space Trust Fund to offset the acquisition cost, including New Jersey Green Acres under its Planning and Incentive Grant (“PIG”) Program; and

WHEREAS, upon the Borough’s satisfaction of PIG Program conditions, Green Acres has agreed to fund the acquisition at 25% of its calculated certified market value of \$1,790,000.00; and

WHEREAS, the County of Monmouth County recently initiated a program (“MUNICIPAL LAND PRESERVATION INCENTIVE PROGRAM” or “PROGRAM”) to expand park, historic preservation, and open space opportunities for Monmouth County residents by providing funding to assist municipalities with park and open space acquisition; and

WHEREAS, under the PROGRAM, the County of Monmouth will fund up to 75% of the acquisition cost not covered by Green Acres, which amounts to \$1,006,875.00; and

WHEREAS, the County of Monmouth PROGRAM requires the entering into a Cooperative Project Agreement memorializing the terms and conditions of the County’s participation in a municipal acquisition project; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A65-1, et seq., (the “Act”) permits units of local government to share services for particular purposes and to effectuate agreements for any service of circumstance that will aid and encourage a reduction of local expenses; and

WHEREAS, the Borough of Fair Haven and the County of Monmouth (“the County”) are public bodies corporate and politic of the State of New Jersey and are authorized under New Jersey law to enter into a Cooperative Project Agreement pursuant to the Act; and

WHEREAS, the County of Monmouth, through its dedicated Open Space Trust Fund has the ability and desires to incentivize the funding of municipal land acquisition for the purposes of open space preservation; and

WHEREAS, the County of Monmouth and the Borough of Fair Haven have negotiated a Cooperative Project Agreement, in a form substantially similar to that which is annexed hereto as EXHIBIT A, and the terms of which are incorporated into this resolution as if set forth at length herein; and

WHEREAS, the Monmouth County Board of County Commissioners, the Monmouth County Board of Recreation Commissioners, Mayor Joshua Halpern, and the Borough Committee of the Borough of Fair Haven have an interest in preserving open space in the Borough of Fair Haven and throughout Monmouth County, with the goal of improving the quality of life for all residents, and are in full support of this agreement to facilitate the acquisition of Block 47, Lot 1 (21 Fair Haven Road) in the Borough of Fair Haven.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Mayor and Borough Council as follows:

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Cooperative Project Agreement shall be open to public inspection in the Clerk’s office and shall take into effect upon adoption of a resolution and execution of the agreement by both the Monmouth County Board of County Commissioners and the Borough Committee of the Borough of Fair Haven.
3. The Mayor and Clerk are hereby authorized to execute a Cooperative Project Agreement in a form substantially similar to that which is annexed hereto as EXHIBIT A.
4. Theresa Casagrande, Borough Administrator, is authorized to provide additional information and furnish such documents as may be required to facilitate the acquisition and act as the principal contact person and correspondent for the Borough of Fair Haven.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. The County of Monmouth
- b. Borough Business Administrator
- c. Borough Chief Financial Officer

Offered for adoption by Councilmember Neff, second by Councilmember Rodriguez

Affirmative: Councilmembers Hoey, LaBarbera, Neff and Rodriguez

Negative: Councilmembers Cole and Koch

Abstain: None

Absent: None

11. Resolution No. 2023-263, Authorize Execution of NJDEP Green Acres Agreement

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Fair Haven desires to further the public interest by obtaining a Green Acres grant of \$500,000.00 from the State to fund the following project(s):

Acquisition of 21 Fair Haven Road, Block 47, Lot 1, Fair Haven, NJ

NOW, THEREFORE, the governing body/board resolves that Theresa Casagrande or the successor to the office of Borough Administrator is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required,
- (c) act as the authorized correspondent of the above-named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above-named project;

NOW, THEREFORE, BE IT RESOLVED BY THE Borough Council THAT:

- 1. The Theresa Casagrande of the above-named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Spagnuolo Acquisition, and;
- 2. The applicant has its matching share of the project, if a match is required, in the amount of \$ 0.00. No matching share required.
- 3. In the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
- 4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
- 5. This resolution shall take effect immediately.

Offered for adoption by Councilmember Neff, second by Councilmember Rodriguez

Affirmative: Councilmembers Hoey, LaBarbera, Neff and Rodriguez

Negative: Councilmembers Cole and Koch

Abstain: None

Absent: None

12. Resolution No. 2023-264, Approve Block Party - Briarwood Road - October 29th

WHEREAS, a request was received to hold a Block Party on Briarwood Road on October 29, 2023 from 2 pm to 6 pm; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on October 4, 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 Briarwood Road on Sunday, October 29, 2023 from 2 pm to 6 pm.

BE IT FURTHER RESOLVED that Permit No. BP 2023-14 will be issued for said event.

Offered for adoption by Councilmember Hoey, second by Councilmember Rodriguez

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

Negative: None

Abstain: None

Absent: None

13. Resolution No. 2023-265, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the October 10, 2023 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2023 CURRENT FUND ACCOUNT	\$ 395,860.88
GENERAL CAPITAL	\$ 81,011.34
PAYROLL AGENCY	\$ 18,225.26
DOG TRUST	\$ 551.20
OTHER TRUST	\$ 36,489.06
	\$ 532,137.74

Offered for adoption by Councilmember Hoey, second by Councilmember Rodriguez

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

Negative: None

Abstain: None

Absent: None

Reports of Departments

September 2023

-Municipal Clerk

-Dog License

-Tax Collector

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

GOOD OF THE BOROUGH

Mayor Halpern opened the meeting to the public for comments or questions at 9:35 p.m. Marti Egger, Hance Road, thanked the governing body and Borough for their time and the research for the tree on Hance Road.

Councilwoman Neff advised the Fair Haven Fields Natural Area Advisory Committee has suggested a “Volunteer Appreciation Day” to thank all of the Committees and Commission volunteer members; we have a lot of volunteers.

There being no further comments or questions, the meeting was closed to the public at 9:36 p.m.

The Council went into executive session at 9:42 p.m. and this meeting was reconvened at 10:29 p.m.

ADJOURNMENT

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

Time of Adjournment: 10:29 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk