## FAIR HAVEN BOROUGH COUNCIL REGULAR MEETING AGENDA OCTOBER 23, 2023, 7:00 P.M. HYBRID MEETING (IN-PERSON AND ZOOM)

Zoom Link: <u>HTTPS://US02WEB.ZOOM.US/J/86343790924</u> iPhone or Land Line Telephone Call In: 1-301-715-8592

Webinar ID: 863 4379 0924

1. Call to Order: pm

- 2. Salute to the Flag:
- 3. Moment of Silent Reflection:
- 4. Sunshine Law Notice:

5. Roll Call: Councilmembers Cole Hoey Koch
LaBarbera Neff Rodriguez

#### 6. Resolutions

2023-266 Appointment of Police Captain - Sherri Lambert

Oath of Office Administered

2023-267 Appointment of Police Lieutenant - Stephen Schneider

Oath of Office Administered

2023-268 Appointment of Police Sergeant - William Lagrotteria

Oath of Office Administered

### 7. Workshop Session

- -FH Business Association request to display lawn signs/banners for Shop Small Saturday & Holiday Stroll
- -Request to display "A Veteran Lives Here" signs at Veteran's homes (November 4-18)
- -Draft Ordinance for Fishing and Crabbing at Waterfront Areas
- 8. Public Comment on Agenda Items

#### 9. Approval of Minutes

- -October 3, 2023 Executive Session
- -October 10, 2023 Executive Session

#### 10. Old Business

#### **Hearing and Adoption of Ordinance**

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

#### 11. New Business

#### **Council Committee Reports**

Finance - Councilman Rodriguez

Police, Fire & OEM - Councilman Rodriguez

Personnel - Councilwoman Hoey

Parks and Recreation - Councilwoman Hoey

Planning Board - Councilwoman Koch

Engineering and DPW - Councilman LaBarbera

Borough Facilities - Councilman LaBarbera

Zoning Board of Adjustment - Councilman LaBarbera

Borough Communications and Community Outreach - Councilwoman Cole

#### **Introduction of Ordinances**

2023-18 Authorize the Acquisition of Real Property for Public Purposes: 21 Fair Haven Road

#### **Consent Agenda**

## Resolutions

2023-269	Executive Session: Litigation and Contract Negotiations
2023-270	Approve Chapter 159: NJ Forest Service, UCF Stewardship Grant (\$15,000)
2023-271	Approve Shared Service Agreement with Little Silver for Library Director
2023-272	Payment of Vouchers
2023-273	Authorize 2023 Capital Purchases for DPW Relocation

# **Department Reports**

## September 2023

- -Municipal Court
- -Police Department
- -Budget Status
- 12. Good of the Borough Please stand and identify yourself by clearly stating your name and address for the record (*Please observe a time limit of three minutes*)

#### 13. Adjournment

#### PROCEDURE FOR CITIZEN PARTICIPATION AT COUNCIL MEETINGS

The Fair Haven Borough Council and the Mayor welcome comments, suggestions and inquiries from residents of Fair Haven. To that end, provision is made for a public discussion period at each meeting. It is listed as:

"Public Discussion" – near the end of the meeting where any topic may be addressed.

You must wait to be recognized by the Mayor. <u>IDENTIFY YOURSELF BY CLEARLY STATING YOUR</u>
<u>NAME AND ADDRESS FOR THE RECORD</u>. Limit your comments to three (3) minutes. Once a particular topic has been addressed by a member of the public, he/she will not be recognized to talk again on the same topic until all others have been heard a first time.

If you wish to reserve time to speak in advance, you may address your request to Allyson Cinquegrana at 732-747-0241 extension \*221, by noon on the Friday preceding the meeting.

You will <u>NOT</u> be recognized, <u>NOR SHOULD YOU COMMENT OR CARRY ON A DEBATE OR</u>
<u>DIALOGUE WHILE BUSINESS OF THE BOROUGH IS BEING ADDRESSED BY MAYOR AND</u>
<u>COUNCIL.</u>

**NEXT MEETING IS MONDAY, NOVEMBER 13, 2023** 

Motion by:	Second by:	
AFFIRMATIVE:		
NEGATIVE:		
ABSTAIN:		
ABSENT:		

**RESOLUTION NO. 2023-266** 

#### TITLE: APPOINTMENT OF POLICE CAPTAIN - SHERRI LAMBERT

**WHEREAS**, the Fair Haven Police Department staffing model allows for a Police Captain to serve the Borough; and

**WHEREAS,** the Fair Haven Police Department currently has a vacancy in the staffing model in the position of Police Captain; and

**WHEREAS,** Borough Ordinance 2-26.5b indicates that the Borough Council may nominate a person to the position of Police Captain; and

WHEREAS, the Borough conducted the promotion process in accordance with Borough Ordinance 2-26.5b and the Borough desires to promote Sherri Lambert as Police Captain under the terms and conditions per the PBA Contract effective to November 1, 2023.

**NOW, THEREFORE, BE IT RESOLVED** that Sherri Lambert will be promoted to the position of Police Captain according to Borough Ordinance 2-26.5b.

**BE IT FURTHER RESOLVED** that Sherri Lambert will accept the Oath of Office for the position of Police Captain immediately.

Motion by:	Second by:
AFFIRMATIVE:	
NEGATIVE:	
ABSTAIN:	
ABSENT:	

**RESOLUTION NO. 2023-267** 

#### TITLE: APPOINT STEPHEN SCHNEIDER AS POLICE LIEUTENANT

**WHEREAS**, the Fair Haven Police Department staffing model allows for a Police Lieutenant to serve the Borough; and

**WHEREAS**, the Fair Haven Police Department currently has a vacancy in the staffing model in the position of Police Lieutenant; and

WHEREAS, Borough Ordinance 2-26.12 indicates that the governing body may promote the most qualified candidate to the position of Police Lieutenant; and

WHEREAS, the Borough conducted the promotion process in accordance with Borough Ordinance 2-26.5c and the Borough desires to promote Stephen Schneider as Police Lieutenant under the terms and conditions per the PBA Contract currently in effect.

**NOW, THEREFORE, BE IT RESOLVED** that Stephen Schneider will be promoted to the position of Police Lieutenant according to Borough Ordinance 2-26.5c.

**BE IT FURTHER RESOLVED** that Stephen Schneider will accept the Oath of Office for the position of Police Lieutenant immediately.

**BE IT FURTHER RESOLVED** that this promotion takes effect November 1, 2023.

#### RESOLUTION

Motion by:	Second by:	
AFFIRMATIVE:		
NEGATIVE:		
ABSTAIN:		
ABSENT:		

**RESOLUTION NO. 2023-268** 

#### TITLE: APPOINTMENT OF POLICE SERGEANT - WILLIAM LAGROTTERIA

**WHEREAS**, the Fair Haven Police Department staffing model calls for three Police Sergeants to serve the Borough; and

**WHEREAS,** the Fair Haven Police Department currently has a vacancy in the staffing model in the position of Police Sergeant; and

**WHEREAS,** Borough Ordinance 2-26.5d indicates that the Borough Council may nominate a person to the position of Police Sergeant; and

**WHEREAS**, the Borough desires to promote William Lagrotteria as Police Sergeant under the terms and conditions per the PBA Contract effective November 1, 2023.

**NOW, THEREFORE, BE IT RESOLVED** that William Lagrotteria will be promoted to the position of Police Sergeant according to Borough Ordinance 2-26.5d.

**BE IT FURTHER RESOLVED** that William Lagrotteria will accept the Oath of Office for the position of Police Sergeant immediately.

## BOROUGH OF FAIR HAVEN COUNTY OF MONMOUTH BOND ORDINANCE NO. 2023-17

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) <u>Public Works (DPW)</u>, <u>Borough Hall</u>, <u>Police Department and Community Center</u> 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) <u>Fair Haven Road Project Phase II</u> 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;

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.

ADOPTED ON FIRST READING DATED: October 10, 2023

# BOROUGH OF FAIR HAVEN ORDINANCE NO. 2023-18

# AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF MONMOUTH AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR PUBLIC PURPOSES

**WHEREAS**, the Borough of Fair Haven desires to obtain title to certain real property located at 21 Fair Haven Road, designated as Lot 1, Block 47 on the Borough of Fair Haven Tax Map (the "Property"); and

**WHEREAS**, the Property is presently owned by the Estate of Joseph Spagnuolo (hereinafter the "Seller"); and,

**WHEREAS**, pursuant to the Local Land and Building Law, N.J.S.A. 40A:1201, et seq., the Borough has power and authority to acquire real property; and,

**WHEREAS**, the pursuant to N.J.S.A. 40A:12-5, the Borough has the power to acquire any real property for a public purpose through a negotiated agreement process; and,

WHEREAS, the Seller has expressed the desire to conveying the subject Property to the Borough; and,

WHEREAS, the Borough, through its council, have determined that it is advantageous for the Borough to acquire the subject Property and that the subject Property is needed for public purposes; and,

**WHEREAS**, the Borough and Seller negotiated a purchase price in the amount of \$1,790,000.00 (one million seven hundred ninety thousand dollars and zero cents); and,

WHEREAS, the Borough previously received approximately \$1,454,375.00 (one million four hundred fifty-four thousand three hundred seventy-five dollars and zero cents) in grant funds to be utilized towards the Borough's acquisition of the subject Property for public purposes; and,

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

- 1. The Borough is hereby authorized to acquire, through the voluntary acquisition by negotiated agreement, the Property located at 21 Fair Haven Road, designated as Lot 1, Block 47 on the Borough of Fair Haven Tax Map for the purchase price of \$1,790,000.00 (one million seven hundred ninety thousand dollars and zero cents); and,
- 2. The Borough Attorney and Business Administrator are hereby authorized to take any and all actions necessary to effectuate the purpose of this Ordinance and to acquire the subject Property through negotiation; and,
- 3. The Mayor and/or the Borough Clerk are hereby authorized to sign and witness, respectively, any contract for sale or other documents necessary to acquire the subject Property.

**BE IT FURTHER ORDAINED,** all Ordinances or parts of Ordinances inconsistent herewith are repealed to the extent of such inconsistency. The Borough Clerk is authorized to renumber and/or re-codify any sections affected by such repeal to the extent consistent with this Ordinance.

**BE IT FURTHER ORDAINED,** if any word, phrase, clause, section or provision of this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional such word, phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

<b>BE IT FURTHER ORDAINED,</b> this Ordinance shall take effect upon publication thereof after final passage according to law and approval by the State of New Jersey.

Motion by:	Second by:
AFFIRMATIVE:	
NEGATIVE:	
ABSTAIN:	
ABSENT:	

**RESOLUTION NO. 2023-269** 

### TITLE: EXECUTIVE SESSION

**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:

#### Litigation

1. McCarter Pond Hydro Rake Project

### **Contract Negotiation**

- 1. ILSA with Middletown
- 2. Health Insurance Fund
- 3. Purchase of 21 Fair Haven Road

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.

Motion by:	Second by:
AFFIRMATIVE:	
NEGATIVE:	
ABSTAIN:	
ABSENT:	

**RESOLUTION NO. 2023-270** 

TITLE: RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF THE BOROUGH OF FAIR HAVEN PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948): STATE OF NEW JERSEY- NEW JERSEY FOREST SERVICE - NJUCF STEWARDSHIP 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 \$15,000.00 grant from State of New Jersey, New Jersey Forest Service for a NJUCF Stewardship 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 \$15,000.00 which items is now available as revenue from:

The State of New Jersey - New Jersey Forest Service NJUCF Stewardship Grant

**BE IT FURTHER RESOLVED** that a like sum of \$15,000.00 be and the same is hereby appropriated under the caption of General Appropriations - Operations Excluded from CAPS:

The State of New Jersey - New Jersey Forest Service NJUCF Stewardship Grant

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

Motion by:	Second by:
AFFIRMATIVE: NEGATIVE: ABSTAIN:	
ABSENT:	

RESOLUTION NO. 2023-271

TITLE: AUTHORIZE A SHARED SERVICE AGREEMENT BETWEEN THE BOROUGH OF FAIR HAVEN AND THE BOROUGH OF LITTLE SILVER

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

**WHEREAS**, the Borough of Fair Haven, in the County of Monmouth, State of New Jersey has determined that it would be beneficial to enter into a Shared Services Agreement with the Borough of Little Silver; and

**WHEREAS,** the Administration for both municipalities, have agreed, in principle, that a Shared Services Agreement will include the following service:

• Library Director

WHEREAS, the municipalities have agreed to enter into a Shared Services Agreement until December 31, 2024 and may extend the agreement for additional terms of three (3) years, up to a total of nine (9) additional years.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that the Mayor and Municipal Clerk are hereby authorized and directed to sign the attached Shared Services Agreement between the Borough of Fair Haven and the Borough of Little Silver for the service listed above, in the form as approved by the Borough Attorney and Administrator; and

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

# COUNCIL OF THE BOROUGH OF FAIR HAVEN

# MONMOUTH COUNTY, NEW JERSEY **RESOLUTION**

Motion by:	Second by:
AFFIRMATIVE:	
NEGATIVE:	
ABSTAIN:	
ABSENT:	

**RESOLUTION NO. 2023-272** 

#### TITLE: 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 23, 2023 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

\$	550.00
Ψ	2,050.7
\$	2,638.94
\$	899.68
\$	250.82
\$	28,542.36
\$	1,399,778.32
\$	1,299.45
	\$ \$ \$ \$ \$

# COUNCIL OF THE BOROUGH OF FAIR HAVEN

# MONMOUTH COUNTY, NEW JERSEY **RESOLUTION**

Motion by:	Second by:	
AFFIRMATIVE:		
<b>NEGATIVE:</b>		
ABSTAIN:		
ABSENT:		

**RESOLUTION NO. 2023-273** 

#### TITLE: AUTHORIZE CAPITAL PURCHASE FOR 2023 DPW RELOCATION

**WHEREAS**, Resolution No. 2021-247, adopted December 20, 2021 authorized the purchase of a Pavement Seam Sealing Machine in an amount not to exceed \$8,000 and Resolution No. 2022-235, adopted November 28, 2022 authorized the purchase of a pick-up truck in an amount \$33,500 and a Front-End Loader Snow Push/Plow in an amount not to exceed \$6,500; and

WHEREAS, those capital expenditure purchases were not made so a total amount of \$48,000 is available and will be used to purchase landscape trailers, accessories and any additional items that may arise during the relocation of the DPW department.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven, that the amount of \$48,000 be authorized for the above referenced purchases through various vendors.