

**FAIR HAVEN BOROUGH COUNCIL
NOVEMBER 13, 2023**

The meeting was called to order by Mayor Halpern at 7:01 p.m. The Flag Salute was followed by a Moment of Silent Reflection. The following Sunshine Law Statement was read:

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

THIS MEETING IS BEING HELD IN-PERSON AND THROUGH THE ZOOM MEETING PLATFORM, BEING BROADCAST FROM BOROUGH HALL, 748 RIVER ROAD, FAIR HAVEN, NJ. PUBLIC PARTICIPATION FOR THIS REGULAR COUNCIL MEETING OF NOVEMBER 13, 2023 IS AVAILABLE BY CALL IN PHONE NUMBER OR THROUGH WEB CONFERENCE (ZOOM). MEMBERS OF THE PUBLIC WILL BE ON MUTE UNTIL IT IS TIME FOR QUESTIONS AND COMMENTS, WHICH WILL BE ANNOUNCED. AT THAT TIME, THE PUBLIC HAS THE OPPORTUNITY TO QUESTION/COMMENT BY PHONE OR THROUGH ZOOM BY THE "RAISE HAND" BUTTON AND WILL BE CALLED ON AT THE APPROPRIATE TIME.

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

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

ROLL CALL

On Roll Call the following were present: Councilmembers Cole, Hoey, Koch, LaBarbera, Neff and Rodriguez (Zoom). Others present: Administrator Casagrande (Zoom), Attorney Sobel and Chief McGovern.

OLD BUSINESS
HEARING AND ADOPTION 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.

On motion of Councilmember LaBarbera, second by Councilmember Koch with Ayes by all present, Mayor Halpern opened the meeting for comments or questions at 7:03 p.m.

Councilwoman Cole said this brings our ordinance language into compliance with State Law and the Zoning Board and Planning Board will be assisted by this. Councilman LaBarbera advised local ordinance must not conflict with State guidance; this aligns with the same lexicology.

There being no further comments or questions, the Hearing was closed to the public at 7:04 p.m. on motion of Councilmember LaBarbera, second by Councilmember Koch 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. 2023-18, Authorize Acquisition of Real Property for Public Purposes: 21 Fair Haven Road

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

On motion of Councilmember LaBarbera, second by Councilmember Koch with Ayes by all present, Mayor Halpern opened the meeting for comments or questions at 7:05 p.m.

Councilwoman Cole said that being she was not part of the deliberative body she is short on information. There are no assessments received back from Najarian; they are underway. Administrator Casagrande said the assessments do not affect this ordinance. All due diligence and rules will be followed before the contract is signed by the Borough. Councilwoman Cole noted if the ordinance is adopted tonight, it will not come back to the Council for further consideration. Administrator Casagrande said this authorizes the Mayor to sign the contract as long as everything is in order with the checklist. Councilwoman Cole said if something came back in a Phase I Environmental with regard to an underground storage tank or something similar, it would cost more to remediate. Administrator Casagrande advised if something came back in Phase I, she would advise the governing body and the County would order a Phase II. We would not receive the grant money if there is an issue.

Attorney Sobel advised the Borough would need a clean title, inspection contingency and environmental contingency. The financing is not relevant at this point; it is the contingencies that need to be satisfied in order to move forward with the purchase. Once approved, there is an attorney review period, we would be under contract, per se, and then finance contingencies triggered. Attorney Alfieri drafted the ordinance and would address matters accordingly. Administrator Casagrande said this process is the same as a bond ordinance which gives the governing body and the public a chance to go through a process of purchasing or expending money for property. The checklists and contracts will be done through our legal professional and our due diligence with County and State professionals. The Mayor would sign the contract as long as everything is in order. Attorney Sobel said the property owner is allowing us to enter the property now to have the inspections performed to be sure we receive a clean report. Councilwoman Hoey confirmed if anything comes back in the report or the checklist, it will be reported back to the governing body.

Councilman LaBarbera gave the metaphor that this is similar to buying a house, where there is a home inspection after attorney review. We should not put money into the property unless there is a contract in place. The Borough doesn't want to invest a penny until everyone is in agreement with the reports. We will not be acquiring anything if there is an issue.

Caryn McCann, Fair Haven Road, said the due diligence being referenced is County and grant driven. She asked what information the Council has about health, safety and welfare to proceed. There is nothing about due diligence in the ordinance, as proposed. It was asked what Fair Haven's requirements for acquisition of the property would be. Ms. McCann was concerned that the street can't support traffic and added individuals and asked what data has been looked at for this and what makes it appropriate for the Borough to pursue. She asked, if the last two years, any professional information were obtained for this property (Master Plan set aside). There needs to be a measure against something.

Councilwoman Hoey asked Ms. McCann what her concern is; she said the street cannot take on an additional park and there are no resources to maintain another park. She asked about parking. Councilwoman Hoey said everyone is assuming there will be increased car and foot traffic. Ms. McCann confirmed that the park is required to have public access. The Mayor advised that this ordinance is to acquire the property, not design the park. She advised what is designed determines the type of foot and vehicular traffic. Mayor Halpern addressed these concerns at the last meeting when there was dialogue about the park. Data cannot be provided until we acquire the park and discuss what will and will not be designed. Ms. McCann said her concern is health, safety and welfare as well as issues at the top of the street. She asked that this ordinance be shelved until more information is received and a plan for the use is determined.

Peter Gotch, Fair Haven Road, concurred with Caryn McCann's comments that the overall concern of the community is the traffic at the end of the block and safety. The governing body is moving forward to purchase something that will drive traffic and draw more people with extending property to the dock. Mr. Gotch and the residents hope the land is passive. Currently, traffic is a problem. His wife's property at 23 Fair Haven Road adjoins the property directly so he will hold the Mayor and Council responsible for his children's safety. He requested the governing body not vote tonight until they decide if it will be an active or passive park.

Sedim Al-Araji, Fair Haven Road, said that this acquisition of property was compared to purchasing a home. When buying a house, you would talk to everyone in the family first to see if it is what is wanted before putting in an offer and going into attorney review. It seems to be advanced already if it is going to attorney review. He suggested waiting for environmental reports to come back.

Melissa Schlisman, Fair Haven Road, asked if something comes up in the inspection and does not “cut the deal”, what happens? Would Council reconvene? Is there another vote? Attorney Sobel said the governing body has the final say. There would be a Council discussion regarding what had been found in the inspection. The Mayor stated a deal breaker could be a leaking underground storage tank. There would not be another vote but he would reach out to each Councilmember, with the issue(s), to see if there was consensus to potentially support a decision. The Borough Administrator is given the power to move this matter forward as far as the checklist with the State and the County **not** the contract of sale. This acquisition would still have to go to the County Board of Recreation Commissioners and the County Commissioners. The County wants to see that the Borough is willing to move forward with the acquisition and work with them. Mrs. Schlisman asked if the Mayor has the authority to say go forward or not. Councilman LaBarbera advised this ordinance lets us move forward on a process that has gone on for two years so four yes votes moves this acquisition forward. The required inspections must take place and come back with no issues so the Mayor can sign the contract. The other path is that the inspection shows the house has asbestos and requires abatement. He gave examples of radioactive material and a decision on whether we abate or not would be made.

Attorney Sobel advised if the ordinance is passed, Attorney Alfieri and Administrator Casagrande can move forward with the transaction. If there were any issues, the Administrator would share any information with the Mayor and Facilities Committee and if it impacts the negotiations and price, it would be discussed in Executive Session. The Attorney and Administrator cannot make the decision without the Mayor and Council’s approval. Councilwoman Cole made a motion that the Administrator advise the Council on any findings for review as they are received. Attorney Sobel said if the motion that Councilwoman Cole has made passes, it would substantially alter the ordinance and we would have to start from the beginning. Councilmembers Neff and LaBarbera said it has always been the process for the Administrator to report back. If something was not OK with the inspections, there would be a discussion with the entire governing body at an executive session. Attorney Sobel advised if there were a contingency and there would be a waiver, the Mayor would have to sign off on the documents required. The Administrator and Attorney are ensuring that the checklist is being followed and completed. Councilwoman Koch seconded the motion and asked to address it.

She was concerned with the language which is subjective and asked who determines what is substantial and who decides what the Mayor and Council should hear about or not hear about. She requested more information and that the language be cleaned up. Councilwoman Cole felt the governing body was being asked to make a decision without data. There is a goal in the Master Plan and up to the Mayor and Council if it is a worthy pursuit. Part of identifying the concerns has been skipped.

Councilman Rodriguez asked the Mayor to call for a vote on the motion. Motion to amend the ordinance language which would trigger a re-introduction with new language was made by Councilwoman Cole, second by Councilwoman Koch.

Ayes: Councilmembers Cole, Hoey, Koch

Nays: Councilmembers LaBarbera, Neff, Rodriguez and Mayor Halpern

Abstain: None

Absent: None

Heather Kaiman, Fairwaters Lane, asked about the financials for the acquisition and what needs to be funded. Administrator Casagrande reviewed the process and no money is due until closing. Being passionate about the neighborhood, she asked why this is moving forward when the public disagrees and what the rush is. She wasn’t aware of this acquisition until the last meeting. The governing body should confirm the community wants this and feels comfortable. Mayor Halpern said this property has been considered since 2016, not always in the public. Councilman Rodriguez said in 2016 Borough there was a response to a Master Plan survey by the Borough’s residents for waterfront access. Councilman Peters brought up acquiring this property in 2018 however the price was not right (\$3 million). He recognized former Councilwoman, Susan Sorensen, who was present in the audience, stating that she could attest to this fact. Mayor Halpern rebutted the comment that only a few people want this property. The governing body represents all Borough residents and he has discussed this with many of through the Borough and people are excited. Ms. Kaiman has called the police because there were times that she could not exit Riverlawn Drive due to vehicles parked on Fair Haven Road. Chief McGovern is gathering the data for traffic on Fair Haven Road.

Steve Kaiman, Fairwaters Lane, said he does not feel better hearing that the property has been discussed for six years and there are no solid answers. The Mayor said the Borough would not allot money for something we do not have the ability to acquire. There are a lot of other projects and matters that are also being focused on. Fair Haven is small with a lot going on at once. The Borough walked away from the property years ago for financial reasons and the property owner had no

interest in selling and then demands were being made. The grant money has changed from 25% to 75% toward purchase price so we now have the means.

Caryn McCann, said this is ad-hoc planning and makes no sense. The governing body can plan based on the Master Plan and identified objectives; that is what Urban Planning is for. She asked why we aren't investing in the plan of development ahead of time. This has been a long-range plan and can identify where there is waterfront access in the Borough. Councilman LaBarbera said the 2016 Master Plan calls out multiple components and is the Borough's guide for decision making. This property aligns with overall Master Plan. He asked what the concern is and if she felt it lacks in planning?

Mr. Kaiman asked the governing what their opinion of the traffic on Fair Haven Road is; the consensus said it needs to be drastically improved. Mr. Kaiman said there is no possibility it will be improved before the property is acquired and planned for. He asked how much more traffic can the street take and where will it be put. The Borough hopes the traffic lessens based on the restrictions and prohibitions the governing body is looking to put in place such as set times (possibly 8 am-9 pm) for dock activity for crabbing and fishing, no more port-o-potty at the dock, prohibit open flames, alcohol, tents, mattresses, size restrictions for coolers and no smoking. Parking is being studied as well as traffic. We hope to install a 3-way stop sign near Clay Street and no parking in the area past Fairwaters Lane to the dock (on both sides). From Fairwaters Lane to Clay Street would be a two-hour parking zone between 8 am - 9 pm as well as on Fairwaters Lane. We are trying to alleviate these issues. We will be monitoring trash on the dock and have active police enforcement from spring to fall, moving forward. There will be a camera monitoring the dock 24/7. Mr. Kaiman felt the Borough was moving forward blindly for something they believe some people wanted 6-7 years ago. This acquisition will negatively impact those that live there now.

Councilwoman Cole said it is very important to note everyone in the room means well. She believes the 2016 Master Plan opened the need for the Borough to investigate which did not happen, however, it can happen at any time. The question of public access to the water is a good one, but there are no guiderails for the process. The governing body should have recognized there was a way to do this and money should have been spent on planning.

Mrs. Kamin asked Chief McGovern if this would be the first traffic study. The Chief advised recently the department has received complaints about speeding. No one has looked at the traffic or done a study for children. Mayor Halpern said he does not anticipate moving fast; the first step is the Borough talking about acquiring the property. The study will be done into what the park is going to be and the traffic; we are putting things in place now. Attorney Sobel advised that he was Vice Chairman of the Planning Board, when the Dunkin Donuts was looking for approval and it would be the same process with a plan for the park. It would go before the Planning Board for review and a hearing for what the community wants; traffic will be a component that would have to be considered.

Susan Sorensen, Clay Street, said when the DeNormandie Property was being considered for purchase, there were meetings/discussions and her request for a four-way stop to be put in place at Clay and DeNormandie was considered. The Mayor and Council will do what is good for all of Fair Haven. Studies will be done and nothing will be "willy/nilly". As a former Councilperson, she appreciates what the governing body does. DeNormandie is the busiest small street. The governing body understands how sensitive it is for the residents of the street and would be willing to listen and be open to input, ideas, recommendations. The grant money is driving the timeline.

Mrs. Sorensen suggested something be done about the traffic and speeding with a three-way stop at Clay Street and Fair Haven Road.

Mr. Al-Araji felt the Mayor and Council should consider, when voting, that this started seven years ago and things have changed dramatically with elections, COVID, etc. He asked that the governing body delay the vote.

There being no further comments or questions, the Hearing was closed to the public at 8:24 p.m. on motion of Councilmember LaBarbera, second by Councilmember Koch with Ayes by all present.

Offered for adoption by Councilmember Neff, second by Councilmember Koch

Affirmative: Councilmembers Hoey, LaBarbera, Neff and Rodriguez

Negative: Councilmembers Cole and Koch

Abstain: None

Absent: None

PRESENTATIONS

Matthew Cronin, Architect, gave a presentation on ADA accessibility for Bicentennial Hall. Schematics were displayed by the Borough Clerk via the Zoom's shared screen option. Matt Cronin explained the Plan A for ADA ramps and access to Bicentennial Hall. The ADA grant money was approved through the Monmouth County Community Development Block Grant Program and the Historic Preservation Commission has interacted with Matt on a plan. He prepared two options and the Historic Preservation Commission settled on a hybrid of Plans A and B. Removing the wood knee wall would give the required width between railings and the installation of a metal railing similar to the front porch. Some photos were shown of water pooling at the bottom of the current ramp; we can re-pitch the slab away from the building. The Historic Preservation Commission was fine with the changes as far as building aesthetics. Plan B shows the ramp would have the same changes as Plan A but would make the existing bathroom a coat closet and then create an ADA compliant bathroom. This would provide only one bathroom, which has always been the history of the building so we would be grandfathered in. The current coat closet could stay and we could adapt the existing bathroom to be ADA compliant or the coat closet could be made into a second bathroom for ADA compliant. Councilwoman Cole advised that the Historic Preservation Commission and Borough do not want to lose the coat closet.

There could be parking on Cedar Avenue with an ADA parking space installed close to the crosswalk. Plan C showed ramp improvements similar to Plan A with an ADA restroom to the rear and removing both the coat closet and current bathroom. Councilman LaBarbera asked why a bathroom would be removed? There should be two bathrooms that would be unisex, single use. Mr. Cronin said two bathrooms provide a 50-person building capacity. Councilwoman Cole did not feel there should be two bathrooms but based on discussion does see the need. The Borough is grandfathered to have one bathroom with ADA compliance. We could keep the front bathroom and add an ADA bathroom toward the back without blocking the window. Councilman LaBarbera did not want to limit the amount of people who can use the building. The Borough applied for a grant and we need to adhere to it. Administrator Casagrande said the closet has not been used for as long as she can remember. DJ Breckenridge and Engineer Gardella said coats can rest on the back of the chair. Based on the number of people who use the building, we should not remove a perfectly good bathroom as it costs nothing to keep it. Mayor Halpern felt there should be two bathrooms and storage should be addressed in Phase II of the project. The ADA ramp and bathroom are what the grant was awarded for. The Mayor suggested getting feedback through DJ Breckenridge from those who use the building. Councilman LaBarbera said the Borough has an opportunity to make Bicentennial Hall ADA compliant we should not use the \$325,000 beyond the grant approval. We can spruce the building with paint, lighting, etc. Councilwoman Koch asked if outdoor lighting is considered ADA; yes, we can light the ramp and look at lighting enhancements in for the bathroom for those with vision problems. There was discussion on lighting and incorporating same for public safety. Administrator Casagrande asked the governing body to give Mr. Cronin guidance on a final plan so we can move forward. The Borough is required to give updates on the project to the County Community Development Office so both, Matt Cronin and Engineer Gardella, need to finalize the plan so we can go out to bid.

Councilwoman Hoey left at 8:45 p.m.

Councilwoman Cole suggested writing the plan and reporting back to the Historic Preservation Commission. Administrator Casagrande advised we need CDBG approval before going out to bid. We had a scope of work covered and not covered by the grant and CDBG approved, accordingly. The grant is specific to ADA accessibility and improvements.

WORKSHOP SESSION

The Borough's 2023 Best Practices Inventory results were provided to the governing body in their packet. Based on our score, State Aid will not be withheld in 2024. Motion to accept the Best Practice Inventory moved by Councilmember Koch, second by Councilmember LaBarbera with Ayes by all present.

A tree removal appeal was received from 251 Cambridge Avenue to remove a Pin Oak from the property. Mr. Burns cares for his parents who are elderly. He submitted a letter from his attorney. The Pin Oak has been trimmed and a Sweet Gum was removed from the back. Mr. Burns said they are waiting to see if the trimming helps with the acorn issue. His father had a bad fall and some guests have fallen because the acorns are out of control (landscaper comes 3 times a week). They want to give the tree a chance and will hold off. He spoke with Bill Brooks, Forrester, who advised the trimming may help with the acorn issue or it may not. Councilwoman Cole asked Bill Brooks, Forrester about trees having cycles and acorns. Mr. Brooks said we are in the second year of an upcycle and a lot is related to the weather; what is happening with this tree is the result of last year's drought. He looked to see if an oak tree can be inoculated; you cannot as it is not feasible. Fair Haven had history akin to this at Church of the Nativity with Sweet Gum tree debris; some congregants injured themselves (slip and falls). A lot of trees we removed from the church property

with an extensive replanting plan. What Mr. Burns is proposing as far as a replanting is above and beyond.

The family loves the tree, but parents' safety is paramount. Mayor Halpern would like the trees removed if there are safety issues, but wants new trees planted as soon as possible. Mr. Burns said he will come back next year if the trimming did not resolve the problem. Councilman LaBarbera asked if Mr. Burns would be willing to plant two new trees (2") vs. one tree; yes. It was suggested this appeal be paused until we see what happens next fall. Councilman LaBarbera asked Attorney Sobel if the Council should vote now since their attorney has submitted a letter so action is not taken against the Borough. Attorney Sobel suggested the governing body vote on this matter now so that the tree can be removed if it becomes an issue. Mr. Burns should report back next fall on whether the trimming helped or did not help. Councilman LaBarbera made a motion to approve the appeal with the understanding that removal will be held to see if the trimming helped. If the tree needs to be removed, a report will be given to the governing body next fall and there will be two, two-inch trees planted as replacement trees, second by Councilwoman Koch with Ayes by all present.

A tree removal appeal was received from 21 Poplar Avenue and the homeowners were in attendance. They purchased the home a month ago and live behind Knollwood School. There is a safety concern (as they are expecting a baby). The tree is a 75' tall Maple that is 10' from their home, (very close proximity), 21' from their neighbor's home, and 32' from the sidewalk with a lot of student foot traffic. There are roots growing toward the home's foundation and the branches are on the roof. When they were purchasing the home, their Inspector brought the tree to their attention. The Council requested two new trees be planted and the Borough's Shade Tree Commission can guide where to plant and what to plant that is native to the area. Motion to approve moved by Councilman LaBarbera, second by Councilwoman Koch with Ayes by all present.

Fair Haven's businesses have requested approval to post lawn signs between November 26th and December 1st advertising "Ladies Night Out". Motion to approve moved by Councilmember LaBarbera, second by Councilmember Koch with Ayes by all present.

The Fair Haven Beautification Committee requested approval to display a holiday banner (4'X10') at the entrance to Fair Haven. Motion to approve moved by Councilmember Koch, second by Councilmember LaBarbera with Ayes by all present.

Councilman Rodriguez left the meeting at 9:10 p.m.

With regard to the proposed 2024 Brush and Leaf Schedule, Councilman LaBarbera passed along two photos of what the brush can would look like. Our ordinance amendment will have components that align with the proposed updates on brush and leaf. Feedback was received from DPW and Code Enforcement. Fair Haven Hardware will support whatever is implemented and will deliver the cans to the residents who place orders. The can order, maintenance and delivery by Fair Haven Hardware will be handled directly with them. The schedule was reviewed. January will be Christmas Tree pick up, a spring clean-up (April), brush pick-up two times per month, a fall clean up and roll into four pick-ups for every zone (1-4) which doubles the pick-up. He would like to introduce the ordinance at the November 27th meeting and adopt it in December. Councilman LaBarbera said he read through every Borough ordinance to ensure it is a one stop shop ordinance by adding or removing from the sections noted. Councilwoman Koch asked the brush cans have wheels; no, but he will look into a 32-gallon Rubbermaid can with wheels and will speak with Fair Haven Hardware. Enforcement is important, standards for the can, collection and pick-up and substantial fines need to be a part of the ordinance. There will be four months of education for the residents through the Borough's communication platforms. Councilmembers clarified some questions that they had about the process. Councilwoman Koch asked if leaves can go in the green can for fall clean up; yes. Leafy clippings are considered yard waste and should be considered brush. There were questions about storage of the containers as they should not be seen from the street when not in use (cans must be camouflaged from public view). Councilman LaBarbera said not every resident will opt-in to the can as some have a landscape service. Once in place for 2024, we will track the data to see if we should continue in 2025. Councilwoman Koch asked if there are grants available to offset costs for the residents. Administrator Casagrande said we cannot use Clean Communities funds for cans unless they are on public property. We are solid on the schedule for clean-up and need to get it on the calendar. Fair Haven Hardware is concerned about supply chain and having enough time to prepare. The ordinance may have to be introduced in 2024.

Councilwoman Cole has been thinking about this and it will help keep debris from storm drains. Enforcement is a concern and needed. It is not going to be easy for the public to learn the system; there will be a "blind spot" for most residents. We need to spend time and money on communication, education and the implementation piece with an informational mailer to include photos, etc. All family members must understand the rules and regulations, not just one family

member.

Dock use (fishing and crabbing) was touched on earlier in the meeting. Councilman LaBarbera was on board but had a question about the sunsetting at 4:30 pm around December 21st. The Mayor received feedback from the Chief and others and these activities usually cease in the winter. It would be beneficial to match up the parking times with the dock times, as well. The police cannot enforce anything unless it is a regulation and set hours are easier to enforce. Councilwoman Cole said the signs at our parks state they are closed from dusk to dawn. It would be cleaner to have exact times for police enforcement. There will be a sign posted pertaining to dock rules including fishing and crabbing. Data will be taken through the season(s) for future review.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 9:36 p.m. Maria Sciarinno, Poplar Avenue, said she is the neighbor to the new residents who received their tree appeal approval. She asked that the Borough enforce penalties for those who break the law; if a developer or resident cuts down trees without a permit, they should not be allowed to take down any trees for 6-12 months. She said that a developer across the street who has built in Fair Haven before knocked down trees and admitted to removing them prior to approval. The couple at 21 Poplar Avenue knew the rules and are brand new to the Borough. The Borough should fine violators and not allow them to do business here for a year. Mayor Halpern said the Borough has put a lot of work into a new tree ordinance to be introduced; we will have a new ordinance for 2024. Attorney Sobel advised that the Borough cannot preclude companies from doing business. Ms. Sciarinno wants stricter penalties and action for those who violate the ordinance. There was a discussion regarding what the new ordinance for trees will address, including Ms. Sciarinno's concern. Councilman LaBarbera said the new brush and leaf ordinance will have a court appearance requirement which can be included in the tree ordinance amendment; there are levers for consequences.

Steve Heller, Fisk Street, said Bicentennial Hall was formerly called Fisk Chapel, and being new to town, he has learned a lot about its history which parallels Fair Haven. This building is a gem and needs to be treated as such. The paint is peeling away and a window looks like it is going to fall out. He said that it is always referenced as Bicentennial Hall, but the importance is that it is Fisk Chapel. Many care about the building and funds have been raised for improvements, etc., but it needs a maintenance plan. The Borough owns the building and someone needs to be held accountable for it and create a plan. There is a lot of work to be done but has a lot of potential. It should not just be a building where meetings are held and should be looked at in a different way. He asked that it be called Fisk-Bicentennial Hall because of the history attached to the building and that it be given attention because it is an eyesore to the neighborhood. Mayor Halpern disagreed with it being called an eyesore because even with its blemishes, it is a beautiful building; it needs some love. The Mayor asked if Mr. Heller would be interested in serving on the Historic Preservation Commission. Mr. Heller said that he is willing to help in any way he can. Councilwoman Cole advised Mr. Heller that he arrived at a time where the story is still unfolding and there is tremendous consensus for next right steps that are still being planned. We are also looking into the story and looking for ways to share the information, i.e. a historic walking tour for Fair Haven is in the works (we are waiting for a reply on a grant submission); we have a lot of good partners. Mr. Heller asked if a budget has been established for the work/improvements. We are looking into a maintenance and investment plan and who is responsible for what, whether it be an outside vendor or our DPW. Councilman LaBarbera advised that the original scope of work for Bicentennial Hall included ADA upgrades and other improvements (this has a number and scope associated with it). The Borough just signed a long-term agreement with Fisk Chapel on Fisk Street with the new Police Department being built. The Mayor advised that last year there was a plan for Bicentennial Hall that Council turned down because costs were not known for the other facilities (PD and DPW). Now that we have a better sense, we can discuss details of other projects and how we will move forward. We will restore Bicentennial Hall the best we can.

Susan Sorensen, Clay Street, stated Councilman LaBarbera is "her hero" regarding green cans for brush; she has been waiting eight years for this type of plan. It will help our streets which always seem to look dirty. She thanked him and Council for their approach.

Bonnie Torcivia, Battin Road, followed up to the green can initiative. She asked that there be education with regard to leaves and that they can be composted in garden beds, etc. The theme will be communicated through our communication platforms. Councilman LaBarbera said alternatives can be provided. She requested the Council move forward with the tree ordinance because tree removal impacts everyone; she was advised it is planned for introduction in the beginning of 2024. The Borough is working out the specifics of where and how the process is done (who would receive the requests and what Board or Commission would hear appeals and how they are reported).

There being no further comments or questions, the meeting was closed to the public at 10:00 p.m.

APPROVAL OF MINUTES

Councilmember LaBarbera made a motion to approve the Regular Meeting minutes of September 26, 2023, second by Councilmember Koch

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

Councilmember LaBarbera made a motion to approve the Regular Meeting minutes of October 10, 2023, second by Councilmember Koch

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

Councilmember LaBarbera made a motion to approve the Executive Session minutes of October 23, 2023, second by Councilmember Koch

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

NEW BUSINESS

Council Committee Reports

Finance - In Councilman Rodriguez’s absence, Councilman LaBarbera reported the next finance meeting will be November 28th.

Police, Fire & OEM – Councilman LaBarbera said the next meeting will be held on November 20th.

Personnel - In Councilwoman Hoey’s absence, Councilwoman Koch advised there is a vacancy in the DPW department. Resumes are being received.

Parks and Recreation - Councilwoman Koch advised the November 14th meeting was cancelled due to lack of quorum. The next meeting is scheduled for December 5th.

Planning Board - Councilwoman Koch said the next meeting will be held on November 15th; it is a light agenda.

She advised the Beautification Committee is hard at work looking to update the Borough’s holiday decorations.

The “Veteran Lives Here” signs were appreciated. High School students helped distribute them. She advised if someone has a sign, they can return it to Borough Hall or they will be collected for next year.

Zoning Board of Adjustment - Councilman LaBarbera advised the 2022 Annual Report is on the agenda under reports for acceptance; we are following the process from 2021. The Riparian Zone ordinance was adopted tonight. There were drainage and drywell discussions at this month’s meeting and we will ask for the Environmental Commission’s feedback with the goal of introducing an ordinance in 2024.

Borough Facilities - Councilman LaBarbera stated with regard to the Police Department/Community Center Project, residents should sign up for the Borough Buzz to receive updates. The foundation will be poured on November 27th and the Community Center will be demolished. The Communications Committee is working hard. The second auction authorization is on this agenda for approval.

The bids for DPW were \$1.5 million less than the cost estimate; we are looking to award the bid at our November 27th meeting. We are not sure about the alternate bid as it is being analyzed. Potential software and equipment for a camera at DPW to read license plates (illegal dumping) has been identified.

Engineering and DPW - Councilman LaBarbera advised there is a resolution with regard to McCarter Pond on tonight’s agenda. There is an authorization to go to bid for River Road Streetlights; Engineer Gardella has helped us save money (\$18,000 in design costs to put the bid packets together). The Hance and Cooney project mark-outs are coming and there need to be other

discussions regarding paving. Fair Haven Road upgrades are being designed; we received \$1 million in grant money from the DOT for curbs, sidewalks, paving, crosswalks, stormwater management, etc. The microprojects will be starting soon.

The McCarter Pond Hydro-raking should be done by year end. Hance and Cooney needs to be coordinated once the mark-outs are received, Verizon will move two poles and we will engage the contractor.

Borough Communications and Community Outreach - Councilwoman Cole advised the Committee met last month and there is a meeting this Thursday. We are doing the best we can with transparency. There was discussion regarding when a matter is discussed in executive session and completed, then it should be placed on the agenda for public discussion before it becomes a consent item. The remedy is to put it on the Workshop so the public is aware. Additional discussions touched on the new brush and leaf program; we will need help in educating the public.

The Environmental Commission is preparing its annual report. The Green Team and Natural Area Committee are planning volunteer days for the Third Street Trail; anyone can come and should bring gloves. The Green Team will be hosting a sport swap on December 9th and they are looking for a drop off location. They are looking at the Library and outside of Knollwood School; information will be released when it is finalized. The Shade Tree Commission received a grant for the tree inventory. We have received 115 tree removal applications this year with some requesting removal of more than one tree. Blight is still with us and can be for some time. The Grants Committee is meeting next week. They are looking into 2024 MCOS grant funding; it has been increased up to \$500,000. Shop Small Saturday is coming up; all were encouraged to support local businesses. Sport Couture, 803 River Road, just became a member of the Business Association.

Two Memorandums of Action were received from the Historic Preservation Commission on the ADA component for Bicentennial Hall and the other is for a maintenance plan. A document created by Mark Pavliv (14 years ago) needs to be updated. The recommendation is to hire him to help update the document; his retainer is \$2500. Councilwoman Cole suggested we follow HPC guidance to update the document. The Borough may have to prepare an RFP if Mr. Pavliv cannot do it. Administrator Casagrande said that there could be an RFQ to find out what someone would charge for it; this depends on the scope of work. The Borough would need to do its due diligence on best approach for this and discuss a budget. We will need to update the punchlist to include other items such as water intrusion. Administrator Casagrande said that it would be best to do all of these items together. She would need to look at the bond ordinance to see what we can cover through soft costs. Councilwoman Cole will follow up with Mr. Pavliv and others. Bicentennial Hall deserves some TLC.

Councilman LaBarbera spoke with Little Silver's Council representative regarding Red Bank Regional's parking lot improvement plan. He thanked DJ Breckenridge and Allyson Cinquegrana for heading up Borough Hall the tours (a total of 6 hours) and educating all of the 3rd grade students. He enjoyed attending and participating in it. The Thank You notes from the 3rd grade classes were shared.

CONSENT AGENDA
RESOLUTIONS

1. Resolution No. 2023-270, Approve Chapter 159: NJ Forest Service, UCF Stewardship Grant (\$15,000)

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:

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.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, Koch, LaBarbera and Neff

Negative: None

Abstain: None

Absent: Councilmembers Hoey and Rodriguez

2. Resolution No. 2023-274, Executive Session: Personnel and Potential Litigation

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

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

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

Personnel

- 1. Library Staffing

Possible Litigation

- 1. Affordable Housing (4th Round)

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 LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, Koch, LaBarbera and Neff

Negative: None

Abstain: None

Absent: Councilmembers Hoey and Rodriguez

3. Resolution No. 2023-275, Award Proposal for McCarter Park Hydro Rake Project - Aquaclear, LLC

WHEREAS, at the direction of the Mayor and Council, Leon S. Avakian, Inc., Consulting Engineers, requested proposals to complete hydro-raking of McCarter Pond; and

WHEREAS, three (3) firms were approached and only one (1) firm provided a proposal, dated October 16, 2023 for said work; and

WHEREAS, Leon S. Avakian, Inc. reviewed the proposal from AquaClear, LLC, P.O. Box 143, Layton, New Jersey 07851, which provided two options and provided a letter of recommendation advising that AquaClear, LLC. is qualified to conduct said work; and

WHEREAS, the Mayor and Council have determined that they would like to award a contract for Option No. 1 where the contractor will provide their loader to offload the pond material at a price of \$3,040, per diem.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, that the proposal received from AquaClear, LLC, P.O. Box 143, Layton, New Jersey 07851, be accepted and a contract awarded for the McCarter Pond Hydro-rake Project, as per the proposal, attached as Exhibit A.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute a contract for said services and the cost will be paid through the Capital Improvement Fund Ordinance No. 2022-08, Capital Account No. C-04-55-717-001.

<u>FROM</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
3-01-30-425-299	Salary & Wage Adj Misc	\$5,750.00
3-01-20-130-101	Finance – Salaries	\$1,500.00
3-01-25-240-101	Police Regular Salaries	\$4,250.00
Total		\$5,750.00

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, Koch, LaBarbera and Neff

Negative: None

Abstain: None

Absent: Councilmembers Hoey and Rodriguez

6. Resolution No. 2022-278, Approve Proposal for Police Department and Community Center Inspections

WHEREAS, Resolution No. 2023-234 awarded a bid for the new Police Department and Community Center Facility Project; and

WHEREAS, GS Ferguson Group, LLC (Owners Representative) advised that there is a need for special soils inspection and materials testing services for said project; and

WHEREAS, two proposals were received for said work from Metro Special Inspections and Atlantic Engineering Laboratories, LLC (AEL); and

WHEREAS, GS Ferguson Group, LLC reviewed the proposals and recommends that AEL be awarded the proposal, attached as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, that the proposal received from, Atlantic Engineering Laboratories, LLC., 21 Randolph Avenue, Avenel, NJ 07001, be accepted and awarded for special soils inspection and materials testing services for the Police Department and Community Center Facility Project retroactive to November 8, 2023 and the Mayor is authorized to execute paperwork, if required.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, Koch, LaBarbera and Neff

Negative: None

Abstain: None

Absent: Councilmembers Hoey and Rodriguez

7. Resolution No. 2023-279, Approve 2023 Police Vehicle Purchase. This was pulled from the agenda and will be relisted on the November 27th agenda.
8. Resolution No. 2023-280, Authorize Receipt of Bids for River Road Streetlights

BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that authorization is given to the Borough Engineer and Assistant CFO/QPA to advertise for receipt of bids for River Road Light Poles.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

Affirmative: Councilmembers Cole, Koch, LaBarbera and Neff

Negative: None

Abstain: None

Absent: Councilmembers Hoey and Rodriguez

9. Resolution No. 2023-281, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the November 13, 2023 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2022 CURRENT FUND ACCOUNT	\$	4,204.90
2023 CURRENT FUND ACCOUNT	\$	210,174.84
GENERAL CAPITAL	\$	62,766.65
GRANT FUND	\$	2,176.23
PAYROLL AGENCY	\$	17,787.44

