

**FAIR HAVEN BOROUGH COUNCIL
NOVEMBER 14, 2022**

The meeting was called to order by Mayor Halpern at 7:04 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 14, 2022 IS AVAILABLE BY CALL IN PHONE NUMBER OR THROUGH WEB CONFERENCE (ZOOM). MEMBERS OF THE PUBLIC WILL BE ON MUTE UNTIL IT IS TIME FOR QUESTIONS AND COMMENTS, WHICH WILL BE ANNOUNCED. AT THAT TIME, THE PUBLIC HAS THE OPPORTUNITY TO QUESTION/COMMENT BY PHONE OR THROUGH ZOOM BY THE "RAISE HAND" BUTTON AND WILL BE CALLED ON AT THE APPROPRIATE TIME.

NOTICE OF THIS MEETING WAS INCLUDED IN A SCHEDULE OF MEETINGS WHICH WAS ADOPTED BY RESOLUTION NO. 2022-13 AND SENT TO THE ASBURY PARK PRESS, THE TWO RIVER TIMES, THE HUB AND THE STAR LEDGER ON JANUARY 6, 2022 POSTED ON THE BOROUGH WEBSITE, THE BULLETIN BOARD IN THE MUNICIPAL BUILDING AND HAS REMAINED CONTINUOUSLY POSTED AS REQUIRED UNDER THE STATUTE.

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

ROLL CALL

On Roll Call the following were present: Councilmembers Cole, Koch (via Zoom), McCue and Neff. Absent: Councilmembers Chrisner-Keefe and Rodriguez. Others present: Administrator Casagrande and Attorney Cannon.

Mayor Halpern announced that Councilman Rodriguez's absence was due to a pre-scheduled medical procedure and was happy to report that it was successful. We wish him a speedy recovery.

PRESENTATION

With regard to a Third Street Trail presentation, Mayor Halpern asked that Mark Olson and Bonnie Torcivia come forward. Information was provided to the governing body in their meeting packet. Mr. Olson reviewed the photos in the packet and reviewed the recent Eagle Scout projects (Zoe Arhanic and Kevin Medrow) that cleared the trees and planted new trees. There is asphalt/cement in an area where trees could not be planted so Ms. Torcivia suggested a pollinator garden. The location would be in a portion of the old Lovetts Field, near William Street where there is a hill. Ms. Torcivia said the plants selected are resilient and native to New Jersey and will help our pollinators (bees, butterflies, beetles and important insects that are in crisis right now). It is important to install pollinator gardens to protect them. Volunteers weeded where the asphalt was, and the dirt is not too bad so plants can be planted. Ms. Torcivia asked a Landscape Designer for the Huber Woods Environmental Center to come look at the site. He advised that cardboard is a great alternative to pesticides. Cardboard was put down to block the sun and kill what is underneath it. It is also important to improve the soil quality and she would like the DPW to place leaves on top of the cardboard to enrich the soil. There is 5,000 square feet down now to take out the invasives (Garlic Mustard, Mug Worts, English Ivy, Oriental Bittersweet, Poison Hemlock, etc). They need approval for DPW to dump a few loads of leaves instead of bringing it to the leaf farm. The plan is to get some dirt to the area in the spring; they are negotiating with the Environmental Commission to have this done in March 2023 and install the pollinator in April. In April/May, they will need water for the trees and the area.

Councilwoman Chrisner-Keefe arrived at 7:15 pm.

There is a need for a hose or source of water for the area from Third Street or the western point of Hendrickson Place. Ms. Torcivia said there is water from the baseball field refill station that can be tapped into. Mr. Olson said they will need to encircle the area with fencing; volunteers will help to install an 8' wire fence for the pollinator area to keep the deer out. Ms. Torcivia is looking for plants that are deer resistant. There was brief discussion on what type of DPW truck can get to the 5,000 square foot area to dump the leaves. Administrator Casagrande said she will speak with the Director of DPW on what would be required. Councilwoman Cole asked if the leaf vac goes in reverse; no and the rear packer just dumps material. Councilman McCue mentioned that the ride on mowers collect leaves when used to clean the fields; there is an attachment for the mower to do so. Mayor Halpern suggested using any leaves that fall in that area; Ms. Torcivia said there are not many leaves that fall there. Councilwoman

Chrisner-Keefe suggested asking residents to fill paper bags with leaves to help with the project. Mr. Olson said it was a great suggestion, however, there is a window for leaves needed now to expedite the project. Councilwoman Cole felt this was a great project that she would like to see move forward. Everyone should get involved because this area can be better than what it was. The Borough Clerk asked where the pollinator would be located; the concern was that there are people who are allergic to bees and if someone is stung could create a severe emergency or a claim. She asked if there would be signage alerting the public to the pollinator area. Ms. Torcivia said it would be located on the hill leading to the brush grind site so there would not be much access. Mayor Halpern liked the idea of signage, in the future.

Motion to approve the request for DPW to deliver leaves to the area moved by Councilwoman Cole, second by Councilman McCue with Ayes by all.

WORKSHOP SESSION

Mayor Halpern asked the Borough Clerk to report on the 2023 Council/Student Government Council Meeting. Clerk Cinquegrana reminded the governing body that Council used to hold what was known as the “Marchese Meeting”, usually in November during the day where Council was paired with a student so they could get a feel for government in action. Prior to COVID, the thought was to hold the meeting in the spring as November/December was tough with holidays, etc. We have not held this meeting since 2019 due to COVID and the Borough and School are trying to bring it back. A few of the Spring 2023 dates were provided to the School Superintendent and Business Administrator and the March 27th meeting date worked best for them. So, the March 27th meeting time and location will change if Council is agreeable. The consensus of Council was to move forward with the change.

Administrator Casagrande advised that she, Clerk Cinquegrana, Attorney Cannon, Assistant CFO Nancy Britton and John Swisher, Borough Auditor met via Zoom to discuss the Fair Haven Library structure and audit. There are several different types of libraries that are codified in the State of New Jersey (Municipal, Joint Municipal, County). Fair Haven’s Library falls in a gray area. Our intent is to be sure we can leave what is good as good but follow proper rules for how our library is formed. We have a Board of Directors not because they are an Association Library, but a 501C3. We are looking at our library to be sure we are in compliance with State Statute and then work with the Auditor to have an audit done as one has not been done in some time. Once a lot of this is done, we can meet with the Library Board of Trustees and discuss where the library falls. Attorney Cannon said the Borough’s library provides great services with use of both the local library and Monmouth County library. We are trying to keep the services the same, making sure we have the paperwork in correctly to follow Library State Law. There are many privacy rules with a library as far as what you borrow from the library (similar to HIPAA laws for medical information). Administrator Casagrande said Fair Haven pays a Library Tax to the County to keep our services with them and allows the residents to use their library system. The County Library System gives back to the Borough with internet service, books, DVDs and the Children’s Librarian. The only expenses the Borough has for the library is their payroll. Donna Powers, Library Director, is looking to retire in the second half of 2023, so it is important to have all of this understood and straightened out before she leaves because she has a lot of institutional knowledge. Councilwoman Cole asked if there is an increase in costs anticipated next year; no. Attorney Cannon stated the Library is advisory, so there will not be any change in services; the public will not notice any difference.

With regard to Small Ticket Capital, Administrator Casagrande said this is discussed, annually, around this time of year; we look at small ticket capital requests from the department heads. We fund capital, two ways; through bond authorization and issue debt for large purchases (buildings, fire trucks or things that are excessive). Mayor and Council budgets, annually, \$215,000 in “pay as you go” capital for small purchases that we pay for directly. Capital items must have a five-year life span and a cost of at least \$5,000. Once Council authorizes the budget and the capital purchase, it is done as a lump sum, but there is a further ability to approve the items through this process and by resolution. Each request from the department was in the Council packet; she reviewed requests from Police Department (\$30,000), DPW (\$60,000), Emergency Management and Parks and Recreation (\$70,000 - they have prior authorization from bond ordinances). She reviewed the grant that Parks and Recreation has and the balance. Administrator Casagrande said Borough Hall is looking for Phase II flooring for downstairs (Council Chambers and Hallways). We do need sheetrock repairs and paint; we are waiting on quotes. All of this was discussed with the Finance Committee during their meeting. There is thought to keep the authorization at or below the \$215,000. Council-woman Neff gave her opinion on small ticket capital and that there is \$62,000 in prior authorizations and asked that the \$70,000 Parks and Recreation request be reconsidered; have them use the balance of the authorizations that they have.

Administrator Casagrande said the requests vary through the years; small ticket capital items are things you can touch and use by hand (salt spreader, lawn mowers, stun guns, cameras). Mayor Halpern said if the governing body is approving small ticket capital, there need to be actual numbers not pending estimates.

Administrator Casagrande advised this is not done by bid, the purchases are through State Contract so the price is already fixed. She is waiting on Jared Okerson, Buildings and Grounds Technician, to report back with the numbers that he received for the work. The Mayor said, for future, Council needs numbers. Councilwoman Chrisner-Keefe had a question regarding Ordinance No. 2017-07 with the \$12,338 balance for various parks and fields and if it means the money is available in an account or it can be drawn; there was a prior bond authorization of \$100,000 and that is the balance from the authorization that is available. She then asked if was the same for the \$50,000; yes. With regard to Ordinance No. 2022-10, she asked what it was for; various parks and field improvements (\$50,000); there was an original request for \$100,000 and Council decided to cut it to \$50,000. Councilwoman Cole felt that the Borough is looking at this in a vacuum; we can anticipate higher costs in the 2023 budget. Council needs all of the information before finalizing anything in the form of a resolution. She asked if DPW has a bladder truck; yes. The Recreation Committee is contemplating a bicycle park and she asked if there has been a chance to talk about it as a governing body in workshop. The Recreation Committee has discussed this multiple times and on-site. Councilman McCue said that there was discussion on the area, trees, etc. Councilwoman Chrisner-Keefe said there was discussion on the bike playground being a winding bike path around the trees somewhere in McCarter Park where it is dusty. When looking at the design and engineering it as a free form, it was realized that it would be more complicated, so it was then suggested we go with a pad of space in the shape of a rectangle with painted lines and added features. The Recreation Committee is open to feedback. Councilwoman Cole said, if done properly, it can last a long time. Administrator Casagrande advised it is a question as to whether it is done inhouse or outsourced; CME was asked to provide a quote. Engineer Gardella has not designed this yet as he just met on this a few weeks ago. Councilwoman Neff believes that we should keep our parks natural and not overdesign them. This is not a needs project for Fair Haven, right now; we need to address facilities (Police, DPW and Bicentennial Hall), first. Councilwoman Cole questioned the sign board for the Police Department and if we should only have one or if there is a need for two at the same time or could we push the expense to next year? The Police have one sign board now and is looking to get a second because of a need. Councilwoman Cole said with regard to the Borough Hall \$45,000 request, she would rather remove the posts in the room so everyone could be seen and installing a header vs. flooring/carpet. Administrator Casagrande said downstairs flooring would be Phase II to what was approved last year as Phase I. A Structural Engineer would need to take a look at the room and the load for a steel beam; Councilwoman Koch, at a prior meeting, advised that there is an approximate \$100,000 cost to put in steel girders. Councilwoman Cole asked that an estimate be requested from an Architect or Structural Engineer. Councilwoman Neff said that she thought the Borough was looking at Bicentennial Hall to hold meetings. A decision needs to be made as to whether we are staying here or considering Bicentennial Hall. Mayor Halpern said a final decision was not made; it was decided not to put as much money into Bicentennial Hall because of the discussion regarding the removal of the dais as well as acoustic issues.

Council consensus was for a resolution to be listed on the November 28th agenda approving the Police Department, DPW and Emergency Management requests.

At 7:57 p.m., Councilwoman Koch, who was attending the meeting via Zoom, from New Zealand lost internet connection to the meeting.

Councilman McCue advised, that next year, the Fire Department is going to need a new Fire Police truck as it has been quite some time getting a truck (20 years). They will be looking for a pick-up truck with a plow for their driveway so they can answer emergencies. It is going to be a future ask because they know money is tight.

Councilwoman Chrisner-Keefe had a vehicle fleet question and if there was a need for a vehicle purchase. There was discussion a while ago regarding a vehicle for Recreation, however Council decided that there would not be a vehicle purchase. She received an e-mail about a vehicle need. Administrator Casagrande said she spoke with DJ Breckenridge about the request and how it works (there is not an overall vehicle budget, it has to come through the department making the request); there are only certain vehicles (SUVs) that qualify under capital. Current Fund budget is different from the Capital budget.

On an annual basis, the Borough and governing body look at the Borough's Fee Schedule (all fees are set by ordinance). This year, at the suggestion and request of multiple department heads and multiple meetings, the department heads took a hard look at the fee schedules and matched what something costs for a service vs. what it took to provide that service. What is before the governing body is a collective recommendation to be put into effect for 2023. Administrator Casagrande complimented all department heads and the Borough Clerk. The Borough is seeing increases in its cost; the fees paid are there to help offset revenue. We reviewed other municipality's fees and what it takes to process permits and other licensing.

Councilwoman Cole said the tree and landscaper registration fee needs to be included in the schedule and raised to \$25 annually. She noted that the tree removal permit fee was being stricken from the schedule; this was done in anticipation of the new tree ordinance being acted on. Attorney Cannon advised that he has been going through the tree ordinance memo sent by Administrator Casagrande to review and answer it in order to finalize the ordinance. It was suggested that we leave the tree removal costs restored in the schedule as it is. Councilwoman Cole noted the tipping fee for commercial and asked if it is for contractors? No, this fee is for additional trash cans; we pick up the trash for some commercial entities. The cost of tipping has increased quite a bit and we are trying to break even. We did not separate commercial out before; they paid the same fee as residential. Administrator Casagrande said as business locations go before the Planning Board, they are trying to have the business handle their own trash with a dumpster. Councilwoman Neff said residents should not be subsidizing the businesses. Our businesses in town generate a lot of trash and some businesses have multiple trash cans. Councilwoman Cole clarified that a plot in community garden would be increasing to \$60; yes, it will cover the soil till and water costs (a cost to the Borough that goes up every year).

Councilwoman Chrisner-Keefe noted that the \$5 per participant per sport fee was part of discussions held by Recreation (for example Recreation Soccer could have 100 participants that generates a \$500 fee; this fee would spread out the cost along all of the participants). Recreation Soccer will provide us with a payment based on participation. If this fee is being added, the Borough needs to let the organizations know so they can plan accordingly and anticipate the cost for registrations. The Borough Clerk advised that after the various department head discussions regarding fees, DJ Breckenridge advised the vendors and coaches that this was a fee being considered. Administrator Casagrande said that the notification was done in anticipation of 2023 sports registrations which will begin in the new year for spring sports, etc. and we have not heard or received any negative feedback. Councilwoman Chrisner-Keefe noted an Engineering Fee increase for Planning Board and Zoning Board; yes, this is set by the Municipal Land Use Law. There are also other times we would charge an engineering service fee for onsite reviews and inspections; both Engineer Gardella and Assistant Engineer Poruchynsky made the recommendation (it is based on a percentage of their salary). She asked why the Zoning Permit Application fee for commercial property is double compared to residential; the applications are more involved/complicated. Councilwoman Cole said that the public finds the application process complicated and suggested making it a more user-friendly process.

Attorney Cannon had a fee question with regard to the reference to impoundment fee. He clarified that the Borough was with the Monmouth County SPCA; yes. He asked if there is a concern with dangerous dogs. The SPCA boarding fees have been raised. He said there was an issue in another municipality he worked for that had a potentially dangerous dog and one day the dog broke loose and bit two people. The SPCA provided an ordinance template which outlined their procedures for the handling of a potentially dangerous dog. The rule of thumb is if a dog does not break the skin or leave scarring, the dog owner is allowed to get their dog back. The only way a dog owner will not get their dog back is if it maims someone. It does not matter what the breed is; dogs are personal property and are treated as such. It is better to have something in place should this type of incident occur. The Clerk and attorney will work on this together.

With regard to River Road Street Opening, Administrator Casagrande received an email from NJ Natural Gas on October 25th advising that they have a system in place where they can scan gas meters, from above the ground, for corrosion that could lead to potential leakage. Unfortunately, when the new water main was installed, in Fair Haven, the NJ American Water line came into contact with the NJ Natural Gas system and shorted it out at the corner of Hance and River. NJ Natural Gas applied to the County for a road opening permit for River Road. The Monmouth County Engineering and Roads Department, upon receiving the application, were adamant that they were going to meet with the Borough of Fair Haven because the residents had endured enough. There is an on site meeting set up with Engineer Gardella to look at what it would take to open the road. The County will work with the Borough on approach and NJ Natural Gas will have to restore the entire intersection (paving, putting the crosswalks and bike lanes back). There is other work that is planned by NJ Natural Gas that will involve paving and restoration and we hope they will work with us to make the projects as productive as it can. They will have to post a bond to ensure the work will be done. Monmouth County was thanked for being cognizant on how difficult this was for the Borough. Administrator Casagrande will communicate to the Mayor and Council and the public when she has more specifics on the work to be done and the timing.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 8:28 p.m. Carolyn Ferguson, Colonial Court, commented on the proposed fees to the businesses for extra trash cans. She asked if the businesses pay the same tax rate that the residents pay; yes, they pay the same as it is based on assessments. She stated that there are services that commercial properties do not get i.e. bulk pick up or leaf pick up. It is unfriendly to small businesses to charge them extra. It is the same

type of trash whether it is residential or commercial. Councilwoman Cole appreciated and agreed with Mrs. Ferguson's comment on the proposed fee change for commercial use. Administrator Casagrande said tipping is based on weight. Councilwoman Cole wants to support the business district and it is important to keep fees low. There is a \$250 difference between the residential fee and the commercial fees. Councilwoman Neff said if Council does not agree with the fee difference than it should be \$600 for both; the Borough should not be subsidizing businesses. Attorney Cannon advised commercial entities generate more weight than residential properties; a dumpster would cost \$300 per month. Mrs. Ferguson stated commercial entities are not receiving all of the same services that residents do. Councilwoman Cole agreed the costs should be the same. There was brief discussion between the governing body. Administrator Casagrande said tipping fees are governed by the landfill and they have increased significantly. Councilwoman Neff said \$250 for the year is not a lot of money. Councilwoman Cole said she will bring this up at the next Business Association meeting to see who has what. Administrator Casagrande advised her office has the information so she can provide it.

Dr. Paul Ferguson, Colonial Court, stated the use of Bicentennial Hall for Council Meetings was considered, and the consensus was that the space was quite suitable, but the acoustics were not great. It would be cheaper to address the acoustics vs. a steel beam in Borough Hall. Mayor Halpern agreed with improving acoustics, but he has a concern with staff going back and forth to Bicentennial Hall every time there is a meeting. Mrs. Ferguson said she enjoyed the meeting at Bicentennial Hall; there are windows that can be opened, and the space was flexible.

Stephanie Adams, Oxford Avenue, spoke regarding compost bins and the Green Team talking to a provider, Unwaste, that collects organic waste (food scraps and items that could be composted); she would be happy to pass the information along to the Business Association who may be interested in this so they can receive a quote as well. They collect once or twice a week and compost it. The Green Team has been looking into this for some time and it may help with tipping fees for the Borough. She offered to have Carolyn Ferguson reach out to the Green Team. With regard to the gas line issue, she asked who did what to cause the issue? She asked that the Borough have this taken care of sooner than later whether it is the gas or water company's fault. This can cause a disruption for both the residents and the businesses. As for the proposed bike park, she was not sure of the consensus, but the Green Team members were concerned about the pouring of asphalt at McCarter Park and damaging tree root systems. Ms. Adams thought other options were going to be explored as far as location. She suggested setting up cones in the school parking lots after school and on weekends for a bike park.

There being no further comments or questions, the meeting was closed to the public at 8:46 p.m.

APPROVAL OF MINUTES

Councilwoman Chrisner-Keefe made a motion to approve the Regular Meeting minutes of October 24, 2022, second by Councilman McCue

Affirmative: Councilmembers Chrisner-Keefe, Cole, McCue and Neff

Negative: None

Abstain: None

Absent: Councilmembers Koch and Rodriguez

OLD BUSINESS

Administrator Casagrande advised that the governing body is in possession of two separate memos regarding the Borough's fence ordinance; one was from Nick Poruchynsky, Zoning Officer and the other from Mike Irene, Esq., Zoning Board Attorney. Mr. Irene's memo provides information for the Borough if it wants to administratively approve waivers to our current fence ordinance. She read a section from Mr. Irene's memo and also read from Nick Poruchynsky's memo. There was a lot of time spent on this by Zoning Officer Poruchynsky; it is up to the governing body on how they want to address it. Councilwoman Cole said there was a robust response by both and there is a lot that should be cleaned up in the ordinance. Our current ordinance is fine as far as cleaning up fence issues. The current ordinance provides justifiable exemptions (she read from it). Residential use near public access is a quality-of-life concern. Councilwoman Cole said there is a use that is not permitted where there is a shopping center. Sending residents to the Zoning Board is expensive, arduous and creating a hardship. Councilwoman Neff said the Borough needs to be careful on how tight to make the language in the ordinance. She would like to hear from the Zoning Board on this matter. Some properties in Fair Haven have a front yard and side yard. Mayor Halpern asked if both memos had been sent to the Zoning Board; no. Administrator Casagrande noted that Mr. Irene spoke to what he felt the intent for the waiver was. Attorney Cannon said he understood what Councilwoman Cole was stating, but she was speaking to hardships and getting the fence height increased; this memo needs to be sent to the Zoning Board to see how it would be considered and how the language would be crafted. Councilwoman Neff said the Borough needs to think about

how high fences would affect a neighborhood, especially in a commercial area. We need to find a way or process to make it less cumbersome on the resident that works for everyone. Councilwoman Cole asked if there is a fast track mechanism of some sort? Attorney Cannon said that as part of the zoning application process, the applicant is supplying a property survey and the zoning fee; the only difference is whether the resident wants to appear before the Zoning Board or not. Administrator Casagrande said the Zoning Board is thoughtful when residents represent themselves and do guide them along. Attorney Cannon said it is difficult to define what a nuisance is (i.e. a baseball field, commercial district) without endangering the conformity. Councilwoman Neff served on the Zoning Board and saw the process firsthand and also went through the process. She would support a change to help fast track a fence matter. Both memos discussed will be sent to the Zoning Board for their review and opinion as to a better way to handle this type of matter.

As far as a facilities update, Administrator Casagrande advised she received an email from Brian Meade (the Borough's Owners Representative), and he is waiting on his estimator. She will provide update to the governing body and public as soon as she receives one.

NEW BUSINESS

Council Committee Reports

Finance - Councilwoman Neff advised that small ticket capital was already discussed. The Finance Committee will be working on the 2023 Budget in the coming months; there is a lot to talk about on managing expenses. The Auditor recommended that the Borough lay low in expenses and interest payments. This is a time to buckle down and cut back. There are needs for new or renovated buildings which is going to lead to very tough decisions.

Personnel - Councilwoman Chrisner-Keefe noted the Borough is hiring Tax and Finance Office Assistant via resolution tonight; we all look forward to working with her.

In Councilwoman Koch's absence, she reported that on December 9th there will be Santa in the Park and the Business Association Holiday Stroll. December 18th will be the Menorah lighting in the park. On November 26th there will be a trolley between 11 am - 4 pm during Small Business Saturday.

Police, Fire & OEM - Councilman McCue did not have a report.

Engineering and DPW - Councilman McCue advised there is a bid award for Third Street, Phase II on the agenda; the numbers came in lower than we thought. Engineer Gardella has been busy with micro projects and planning.

Borough Facilities - Councilman Rodriguez was absent.

Borough Communications and Community Outreach - Councilwoman Cole reported in Councilwoman Koch's absence that the Planning Board has a meeting on November 15th and December 13th.

With regard to community outreach and communication, there is a new hybrid platform. Clerk Cinquegrana explained the new computer and television set up and the share screen protocol for the audience in the Council Chambers as well as those attending via Zoom. Councilwoman Cole said that the Committee welcomes feedback. There is an Outreach and Communication Committee meeting scheduled for Wednesday and we will discuss the compiling of a volunteer manual which will include the finance procedures. A Year in Review and look ahead for 2023 will also be discussed.

The Environmental Commission sent a memo fully supporting the Third Street Trail project; everyone will work together. A DeNormandie Avenue memo was provided as well and will be listed on a future agenda. The Environmental Commission's Green Team will be receiving their Sustainable Jersey Silver Certification in Atlantic City tomorrow. The Anti-idling ribbon cutting at Knollwood School was a success.

Shade Tree has undertaken a tree inventory project and they would like to know what our stance is. Tree pruning will occur on River Road beginning tomorrow through the week. The County's Shade Tree Commission is monitoring and assisting with the project. Administrator Casagrande said an e-mail blast went out to the residents today. Councilman McCue said this is county funding coming back to us.

Bicentennial Hall will hold a Holiday Open House in conjunction with Small Business Saturday.

Councilman McCue brought up his concerns with the use of Nixle which is managed by the

Office of Emergency Management; it is important not to broadcast out all of the various non-emergency announcements as it detracts from the real intention of the Nixle Emergency System. He said the Borough has had the system since October 9, 2018 and, at that time, Administrator Casagrande advised that Nixle is used for emergencies, and we do not want to over utilize it. A policy has changed; Mayor Halpern looked at the past year’s Nixle announcements and read some aloud. The Committee will discuss this concern on November 16th to figure out a criteria for Nixle Use.

INTRODUCTION OF ORDINANCES

1. Ordinance No. 2022-17, Amend Police Special Duty Assignment Rate

WHEREAS, the Borough Council of the Borough of Fair Haven has authorized the establishment of guidelines for special duty assignments of police officers whereby said assignments are arranged by contract between the municipality and the private person or entity; and

WHEREAS, the compensation of special duty police officer services is to be channeled through a special trust fund to be established by the municipality under N.J.S.A. 40A:4-39 and the proceeds of said fund are to be dispersed through the Municipal Chief Financial Officer to the individual police officers performing such services, and

WHEREAS it is in the best interests of the Borough of Fair Haven and the police officers to establish uniform costs for the services of the police officers,

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Fair Haven that it does hereby establish the following rates and fees regarding special duty assignments for police officers in the Borough of Fair Haven:

- | | | |
|----|--|---|
| A. | Traffic and Security | \$100/hour
4 hour minimum |
| B. | Fair Haven Taxing Entities
Religious
Fair Haven Volunteer Organizations
Borough Events Officially Sanctioned
by the Governing Body | \$50.00/hour or
Predetermined Rate
No Borough Fee |
| C. | Borough Road Projects | \$55.00/hour
No Borough Fee |

BE IT FURTHER ORDAINED that the above-mentioned Traffic and Security rates and fees are allocated at \$80.00 per hour to the police officer, with a four-hour (4) minimum, and a \$20.00 per hour surcharge for administrative and related costs to be retained by the Borough.

BE IT FURTHER ORDAINED that the rate or fee regarding special duty assignments for police officers for religious and Borough events shall be \$50.00 per hour, with a two (2) hour minimum and Borough Road Projects shall be \$55.00 per hour which both fees will be allocated totally to the police officer with no administrative and related costs allocation.

BE IT FURTHER ORDAINED that provisions of this ordinance shall take effect immediately.

BE IT FURTHER RESOLVED that the rates and authority given by this ordinance may be amended or revoked from time to time by the Governing Body.

BE IT FURTHER RESOLVED that any Borough officials required to take any action to implement this ordinance are hereby authorized to do so.

BE IT FURTHER RESOLVED that the Clerk forward a certified true copy of this ordinance to the Chief of Police and to the Chief Financial Officer.

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

Affirmative: Councilmembers Chrisner-Keefe, Cole, McCue and Neff

Negative: None

Abstain: None

Absent: Councilmembers Koch and Rodriguez

CONSENT AGENDA

RESOLUTIONS

1. Resolution No. 2022-225, 2022 Budget Transfers

WHEREAS, pursuant to N.J.S.A. 40A:4-58, appropriation transfers are allowable during the last two months of a fiscal year; and

WHEREAS, it is deemed necessary that said transfers be done through various accounts.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven, County of Monmouth and State of New Jersey that the following transfers are made in the 2022 budget appropriations:

<u>FROM</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
2-01-32-465-201	Reclamation Fees-Municipal Waste Disposal/Tipping Fees	\$ 1,500.00
2-01-20-155-211	Legal Services - Contractual	\$ 350.00
Total		\$ 1,850.00

<u>TO</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
2-01-43-494-202	Recycling Tax Contractual Services	\$ 1,500.00
2-01-43-495-211	Public Defender Services	\$ 350.00
Total		\$ 1,850.00

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

Affirmative: Councilmembers Chrisner-Keefe, Cole, McCue and Neff

Negative: None

Abstain: None

Absent: Councilmembers Koch and Rodriguez

2. Resolution No. 2022-226, Set Council 2023 Reorganization Meeting Date: Tuesday, January 3, 2023

BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Annual Council Reorganization Meeting will be held on Tuesday, January 3, 2023 at 7:00 p.m., in person and via Zoom Platform.

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

Affirmative: Councilmembers Chrisner-Keefe, Cole, McCue and Neff

Negative: None

Abstain: None

Absent: Councilmembers Koch and Rodriguez

3. Resolution No. 2022-227, Approve Appointment of Tax and Finance Office Assistant - Cydnei Singleton

WHEREAS, there is a need for an assistant in the Tax and Finance Office; and

WHEREAS, the Borough Administrator advertised the position on the Borough's website, the New Jersey League of Municipalities website and other Borough social media platforms; and

WHEREAS, resumes were received, and interviews were conducted for said position and the Borough Administrator, Assistant Chief Financial Officer and Personnel Committee have confirmed that Cydnei Singleton is qualified to fill said position.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, that Cydnei Singleton is hereby appointed as a full time Assistant for the Tax and Finance Offices at an annual salary of \$45,000.00 and in accordance with the terms in the Offer Letter attached hereto.

BE IT FURTHER RESOLVED that the start date of Ms. Singleton will be determined by the Borough Administrator.

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

Affirmative: Councilmembers Chrisner-Keefe, Cole, McCue and Neff

Negative: None

Abstain: None

Absent: Councilmembers Koch and Rodriguez

- 4. Resolution No. 2022-228, Authorize Fair Haven Police Department’s Participation in the LESO 1033 Program

WHEREAS, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Fair Haven Police Department is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31, 2023; and

NOW THEREFORE BE IT FURTHER RESOLVED that Fair Haven Police Department is hereby authorized to acquire items of non-controlled property designated “DEMIL A,” which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the Fair Haven Police Department without restriction; and

NOW THEREFORE BE IT FURTHER RESOLVED that Fair Haven Police Department is hereby authorized to acquire the following “DEMIL B through Q” property, if it shall become available in the period of time for which this resolution authorizes:

specifically listed controlled property items authorized for acquisition, including quantity, e.g., (1) utility truck, (12) 5.56 millimeter rifles, or (1) MRAP, etc.]; and

BE IT FURTHER RESOLVED that Joseph McGovern, Police Chief, shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED that the Fair Haven Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately and shall be valid to authorize requests to acquire “DEMIL A” property and “DEMIL B through Q” property that may be made available through the 1033 Program during the period of time for which this resolution authorizes; with Program participation and all property request authorization terminating on December 31, 2023.

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

Affirmative: Councilmembers Chrisner-Keefe, Cole, McCue and Neff

Negative: None

Abstain: None

Absent: Councilmembers Koch and Rodriguez

- 5. Resolution No. 2022-229, Appoint Special Law Enforcement Officer, Class II - Domenick Fanelli, Jr.

WHEREAS, a request was made by Police Chief Joseph McGovern to appoint a Special Law Enforcement Officer Class II, effective November 15, 2022; and

WHEREAS, Joseph McGovern, Fair Haven Police Chief, has recommended that Domenick Fanelli, Jr. be appointed as a Special Law Enforcement Officer, Class II.

WHEREAS, the rate of pay for this position is \$19.50 per hour.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Domenick Fanelli, Jr. be appointed to the position of Special Class II Officer.

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

Affirmative: Councilmembers Chrisner-Keefe, Cole, McCue and Neff

Negative: None

Abstain: None

Absent: Councilmembers Koch and Rodriguez

- 6. Resolution No. 2022-230, Award Bid, Improvements to Third Street, Phase II Project - Discover Construction

WHEREAS, the Borough of Fair Haven was awarded a 2021 NJDOT municipal aid grant in the amount of \$240,000 for Improvements to Third Street, Phase II; and

WHEREAS, sealed bids were opened on November 9, 2022 at Borough Hall for Improvements to Third Street, Phase II; and

WHEREAS, the following bids were received:

	<u>CONTRACTOR</u>	<u>LOCATION</u>	<u>AMOUNT BID</u>
1.	Discover Construction	Dayton, NJ	\$217,224.11
2.	Fernandes Construction	Monroe, NJ	\$258,228.37
3.	Fiore Paving Company, Inc.	Oceanport, NJ	\$268,634.24
4.	Earle Asphalt Company	Farmingdale, NJ	\$281,513.13
5.	A.B. Kurre Contracting, Inc.	Freehold, NJ	\$308,861.92
6.	Diamond Construction	Brick, NJ	\$453,314.00

WHEREAS, Richard Gardella, PE, PP, CME, Borough Engineer and Gregory J. Cannon, Esq., Borough Attorney, reviewed the bids and recommend that a contract award be made to Discover Construction, 2207 Route 130, Dayton, New Jersey 08810 in the amount of \$217,224.11; and

WHEREAS, the Chief Financial Officer of the Borough of Fair Haven has certified that funds for the low bid are available in Capital Fund Appropriations, as attached; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that it hereby recommends award of a contract for Improvements to Third Street, Phase II to Discover Construction, 2207 Route 130, Dayton, New Jersey 08810.

BE IT FURTHER RESOLVED, the Mayor and Clerk are hereby authorized to execute NJDOT Form SA-22 and an agreement with Discover Construction.

Councilwoman Cole asked Administrator Casagrande where the paving is going to end at Hance. Administrator Casagrande advised that Engineer Gardella will pave as far into Hance, as he can, as not cause any effect to drainage.

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

Affirmative: Councilmembers Chrisner-Keefe, Cole, McCue and Neff

Negative: None

Abstain: None

Absent: Councilmembers Koch and Rodriguez

- 7. Resolution No. 2022-231, Authorize Tax Payment Refund to Corelogic for payment error

WHEREAS, the Borough of Fair Haven’s Tax Department received an e-mail file from CoreLogic with payment for nine properties for 4th quarter taxes; and

WHEREAS, one of the properties noted in the e-mail file had a block and lot number that matched a Fair Haven block and lot, however, payment was for a property in Harvey Cedars, NJ; and

WHEREAS, the Tax Collector contacted CoreLogic and verified that this payment was made in error, and they requested a refund in the amount of \$1,743.26.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Chief Financial Officer and Tax Collector are hereby authorized to send a refund in the amount of \$1,743.26 to CoreLogic Refund Department, 3001 Hackberry Road, Irving, Texas 75063.

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

Affirmative: Councilmembers Chrisner-Keefe, Cole, McCue and Neff

Negative: None

Abstain: None

Absent: Councilmembers Koch and Rodriguez

8. Resolution No. 2022-232, 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 14, 2022 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2021 CURRENT ACCOUNT	\$	4,490.70
2022 CURRENT ACCOUNT	\$	3,761,674.82
GENERAL CAPITAL	\$	5,867.14
GRANT FUND	\$	67.87
PAYROLL AGENCY	\$	14,466.90
OTHER TRUST	\$	7,129.17
DOG TRUST	\$	4.20
LESS VOIDED CHECKS	-	\$ 294.16
TOTAL		\$3,793,406.64

CURRENT CHECK NO. 63277, \$294.16

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

Affirmative: Councilmembers Chrisner-Keefe, Cole, McCue and Neff

Negative: None

Abstain: None

Absent: Councilmembers Koch and Rodriguez

Reports of Departments

October 2022

- Municipal Clerk
- Dog License
- Police Department
- Municipal Court
- Tax Collector
- Budget Status

Motion to accept the reports, as submitted, moved by Councilwoman Neff, second by Councilman McCue with Ayes by all present.

GOOD OF THE BOROUGH

Mayor Halpern opened the meeting to the public for comments or questions at 9:18 p.m. Carolyn Ferguson, Colonial Court, received a violation of the fence ordinance. She will forward information regarding corner lots and what she would like to see be considered i.e. corner lots near a service station or commercial property should be relieved of the fence height requirement and be permitted to install higher fences for security and privacy (a property owner right). Mrs. Ferguson asked that Council look at the areas without the fences vs. Councilwoman Neff's earlier statement. The consideration she is asking for affects three properties. The ordinances have unintended effects/circumstances. Escrow for Borough professionals is required. Mrs. Ferguson advised she will submit these to Council separately. Mayor Halpern is leaning to the Zoning Board to review and make recommendation for the process, so he asked that the Zoning Board be included in her thoughts for consideration. Mrs. Ferguson asked that more action be taken with the restaurant

ordinance; there were various other suggestions that need consideration.

Ruth Blaser, River Road, noted the streetlights at the west end of River Road have been activated and are interesting. She was assured her plantings and rocks were going to be restored and that has not happened, so she has been putting some things back, herself; she does not have enough material to put it back the way it was. The area restoration is in limbo and the Borough should take care of it. She noted the streetscape is nice, but there is continuous speeding on River Road. The Borough's brush and limb regulation is being ignored; the police should be more involved in noting violations. Mrs. Blaser suggested the Police Department be made a two-story building and that the library be included at the top as the location is more central for the public. The police department should be open 24/7. She requested the Council move Borough meetings to the Community Center not Bicentennial Hall due to a challenge with the steps and limited parking. With all that has been said, the Borough has a parking problem.

Peter Neczesny, Park Lane, said Sea Bright is having a public ordinance hearing regarding minimum stays for Air B&Bs and VRBO. It is not currently a problem in Fair Haven, but we should look into this before it becomes a problem. There has been a turn-over in real estate over the past few years and we may want to consider doing the same type of review. The Mayor said it had not been considered but agreed and would need to speak with the governing body about it. Councilwoman Cole mentioned a property in Red Bank that is a VRBO and has some issues, but it is not common. Mr. Neczesny suggested this been done before there is a problem vs. being reactionary. He mentioned the Knights of Columbus is providing an area for small businesses that do not have a store front to use for Shop Small Saturday; they are a stop on the trolley.

Councilwoman Cole noted that Slope Brook Farm takes our leaves and the cost on the bill list. She felt the Borough could see costs going down if we use our leaves on the Natural Area Trail.

There being no further comments or questions, the meeting was closed to the public at 9:31 p.m.

ADJOURNMENT

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

Time of Adjournment: 9:31 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk