

**FAIR HAVEN BOROUGH COUNCIL
NOVEMBER 27, 2023**

The meeting was called to order by Mayor Halpern at 7:02 p.m. The Flag Salute was followed by a Moment of Silent Reflection. 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 27, 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 (Zoom), Koch, LaBarbera, Neff and Rodriguez (Zoom). Others present: Administrator Casagrande and Attorney Sobel.

Mayor Halpern announced that Rumson-Fair Haven Regional High School was playing Westwood High School in a Championship game. RFH was winning 14-7 with 10 minutes to go in the first quarter.

PROCLAMATION

Mayor Halpern called the 11U Blue Diamond Baseball coaches and players up to the front of the room and read a proclamation congratulating and recognizing them on their fall season championship win. He did the same presentation for the 8U Blue Diamond Baseball Team. The players from each team were in attendance and were provided a copy of what was read. The parents of the team were in attendance, as well.

Chief McGovern arrived at 7:12 p.m.

WORKSHOP SESSION

With regard to Bicentennial Hall, Councilwoman Cole advised that a Memorandum of Action was received from the Historic Preservation Commission for a maintenance and improvement plan for the building. There are also punch list items for Bicentennial Hall. Councilwoman Cole had reached out to Mr. Alexander Pavliv to see if he would be interested in updating his maintenance plan (created 10 years ago); he is interested and has a staff of who can assist. The Mayor and Council were asked for their thoughts. Councilman LaBarbera said a draft plan has been created to address ADA and non-ADA items; the most important piece is to ensure we keep within the scope of what is important and not. We would follow up with key stakeholders (including Matt Cronin) to discuss maintenance and updating the plan. It was asked to award this work in Quarter 1 of 2024 with a 6-month lead time. Councilwoman Koch asked for clarification that the request is to address the improvements approved based on ADA compliance; yes, with a lead time and what items are priority for repair. Addressing drainage is a key item for the basement.

Administrator Casagrande reviewed the draft plan. The priority for Bicentennial Hall is to get the ADA bid out and awarded first. Councilwoman Cole said it is ideal to complete both bodies of work by this time, next year, so that maintenance can begin in 2025. It was asked if this should be done, sequentially? Yes, the grant work was approved and the scope of work is just about complete. We need to receive bids first and then decide on professionals for the balance of the work. The Community Development office needs to approve the bid specification as they gave approval for the grant. Councilwoman Cole asked that the Borough not delay the other items such as painting, etc. That is not being implied but we need to move forward with CDBG. She heard Administrator Casagrande say this

should be delayed and that is a concern; we need to do work currently “festering” (water intrusion into the building). Administrator Casagrande said the Borough needs to go to bid and then address the flooding in the basement; there is a bond ordinance (\$350,000) for Bicentennial Hall already in place.

Councilman LaBarbera proposed a meeting for ADA compliance and a critical path forward and a second meeting for a critical path pertaining to punch list items that should be addressed. Engineer Gardella created a punch list almost three years ago which may need to be revisited and made current. Councilwoman Koch agreed to move forward with the ADA piece. Councilwoman Cole asked if she should solicit a proposal from Mr. Pavliv for a report and maintenance plan to carry us for 10 years. Administrator Casagrande advised there could be the need to receive an additional proposals depending on the dollar amount. Once Mr. Pavliv is hired, we can move forward to be sure all is complete. There will be different rates for him and his staff. Administrator Casagrande said the Borough needs to identify the scope of work (after looking at the punch list items) before seeking a proposal for the work. Councilman LaBarbera said there should be a meeting between himself, Councilwomen Cole and Hoey, Administrator Casagrande and Engineer Gardella to look at and review the project and work. All were in favor.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:26 p.m. Brian Rice, Maple Avenue, came forward and introduced himself. He reviewed the dock ordinance on this agenda for introduction. He asked if the NJDEP consents to the restrictions that the Borough is imposing. He read a statement and asked questions. He felt the governing body is superseding NJDEP rules and this is disconcerting; he spoke with many governing body members in private about this. Mr. Rice stated it is blatant that the Borough is trying to restrict “those people” from using the public dock. With regard to the limit of one cooler, he, like most, will not put a lunch in with the bait. The ordinance is discriminatory toward those who fish and crab; those that are fishing are not doing it for commercial purposes and we could lose a big part of our community. Stating the hours from sunrise to sunset would be adequate; no need for specific hours. The dock is monitored 24/7 with a camera he has for his property which also shows the dock are. Mr. Rice uses the dock for summer camps (nine weeks long) and there are 12 participants; they clean the dock before and after use, every time. Trash is a town issue which is being addressed. The Rice Family has resided in Fair Haven for four generations and he is a fisherman (a licensed captain) who is willing to review and discuss this matter. The State regulates fishing, crabbing and usage for water recreation activities. This ordinance is restrictive and prejudice.

Bill Perkins, Hance Road, agreed with Mr. Rice regarding the hours; they should be sunrise to sunset. With regard to the DPW bid approval, under Old Business, he asked if the figures came in at or below the Engineer’s estimate. Councilman LaBarbera advised the bid came in \$1.5 million less. Mr. Perkins asked about the cost analysis for the environmental work. Administrator Casagrande advised Resolution No. 2023-287 has been amended. Councilman LaBarbera advised that Colliers Engineering was already awarded the \$28,500 LSRP earlier in the year; there are no additional funds being approved. It was not in Architect’s cost estimate, but in the budget for the project for hard costs and soft costs. He asked about the leaf and brush program update and if it is a new policy and procedure; yes, it will be addressed later in the meeting.

Mayor Halpern addressed the sunrise to sunset component of the fishing and crabbing ordinance and that Chief McGovern asked for actual hours for enforcement purposes; the Chief addressed why. The Mayor advised that the ordinance is a starting point and will be adjusted if it is found to be too restrictive or not restrictive enough; we will review in 6 months (once the summer starts) and decide if adjustments are needed. Expansion and reducing can be done as a starting point was needed; we tried to average out everyone’s input from Council and include it in the ordinance.

Brian Rice asked if he can go to the dock earlier if not crabbing and fishing; yes, the ordinance is based on a matter of perception.

There being no further comments or questions, the meeting was closed to the public at 7:39 p.m.

APPROVAL OF MINUTES

Councilmember LaBarbera made a motion to approve the Executive Session minutes of November 13, 2023, second by Councilmember Koch

Affirmative: Councilmembers Cole, Koch, LaBarbera and Neff

Negative: None

Abstain: Councilmembers Hoey and Rodriguez

Absent: None

OLD BUSINESS

Mayor Halpern asked if there were questions with regard to the two resolutions listed for the DPW Building Renovation Project. Councilman LaBarbera asked if the resolutions will be voted on separately; yes. Resolution No. 2023-282 is the award of the DPW Building renovation. Hall Building

Corporation submitted the lowest bid at \$3,020,000 (\$1.5 million less than the cost estimate). Resolution No. 2023-283 is for the alternate bid (curbing, sidewalk and road improvements) which the Borough felt could be tied into the main renovation bid; not all contractors specialize in road improvement. Mayor Halpern recommended rejecting the alternate bid and reviewing it in the new year for all of the options and whether we should move forward with offsite/right of way improvements or not. Administrator Casagrande commented on both resolutions. The first being the award of contract, Pharos Enterprises' submission was rejected for a fatal defect/technical issue and she asked if they should be listed in the resolution or should it be amended to take them out. They should remain in the resolution. With regard to the alternate bid, she felt the resolution, as written, sends the wrong message to the Council and the public as it appears that it could be awarded to any of the bidders. The base bid and alternate always go together so really the Council is only rejecting one bid. Attorney Sobel said he is comfortable with the resolution to reject as it is written.

RESOLUTIONS

1. Resolution No. 2023-282, Base Bid Award for DPW Renovation Project

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

WHEREAS, sealed bids were opened on November 1, 2023 and the following bids were received:

<u>CONTRACTOR</u>	<u>LOCATION</u>	<u>TOTAL AMOUNT BID</u>
1. Hall Building Corporation	Farmingdale, NJ	\$3,020,655.00
2. Pharos Enterprises, LLC.	Holmdel, NJ	\$3,227,000.00
3. Fitzpatrick & Associates, Inc.	Tinton Falls, NJ	\$3,218,270.00
4. Crosson Construction Co.	Rumson, NJ	\$3,278,350.00
5. West End KB, LLC	Oceanport, NJ	\$3,437,932.36
6. Shorelands Construction, Inc.	Monmouth Beach, NJ	\$3,500,000.00
7. M&M Construction Company	Cranford, NJ	\$3,530,000.00
8. Tekcon Construction, Inc.	Somerset, NJ	\$3,780,539.00

WHEREAS, Andrew Sobel, Esq., Borough Attorney and Richard Gardella, Borough Engineer, reviewed the bid submissions and recommend that a contract award for the base bid be made to Hall Building Corporation, 33 Main Street, P.O. Box 904, Farmingdale, New Jersey 07727 in the amount of \$3,020,655.00; and

WHEREAS, the Chief Financial Officer of the Borough of Fair Haven has certified that funds for said bid award are available in multiple Capital Fund Appropriations, as attached.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that it hereby recommends award of a contract for the DPW Renovation Project to Hall Building Corp., 33 Main Street, P.O. Box 904, Farmingdale, New Jersey 07727.

BE IT FURTHER RESOLVED, the Mayor and Clerk are hereby authorized to execute any paperwork necessary to move this project forward.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: None

2. Resolution No. 2023-283, Reject Alternate Bid for Maple Avenue Work

WHEREAS, on November 1, 2023, the Borough of Fair Haven received and publicly opened bids from contractors for the Department of Public Works Alteration Project which had an Alternate Bid option for the Maple Avenue Offsite, Right of Way Improvements; and

WHEREAS, alternate bids were received from the following firms:

Bidder	Location	Alternate
West End KB LLC	Oceanport, NJ	\$307,640.54
Shorelands Construction	Monmouth Beach, NJ	\$308,000.00
Pharos Enterprises	Holmdel, NJ	\$350,241.00
Fitzpatrick & Associates	Tinton Falls, NJ	\$396,440.00
Crosson Construction	Rumson, NJ	\$420,434.00

Hall Building Corporation	Farmingdale, NJ	\$457,800.00
M&M Construction	Cranford, NJ	\$531,025.00
Tekcon Construction Inc.	Somerset, NJ	\$645,184.00

WHEREAS, the alternate bid submissions have been reviewed by the Borough Engineer and Owners Representative; and

WHEREAS, it has been recommended that all bids be rejected on the basis that the bids exceed the Engineer's Estimate for this work.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the above referenced alternate bids (Maple Avenue Offsite, Right of Way Improvements) received for the Department of Public Works Alteration Project are hereby rejected.

Offered for adoption by Councilmember Cole, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: None

Councilmember LaBarbera provided an update on the 2024 Leaf and Brush Program. He provided background that a committee was formed, in February, and meetings were held to discuss improvements to the brush and leaf process (the schedule, enforcement and communication). Communication needs to be paramount with this such as a direct mailing, social media postings, etc. Code Enforcement was discussed, at length. Folks value their time more, so a fine is not as dissuasive; a court appearance will be incorporated as part of non-compliance. There will be a spring and fall clean up to place brush and leaves at the curb (same as what is done now). The spring clean-up will be in April and fall clean-up will be in November. Between May and September, the Borough is moving to a can for brush; the can would be purchased by the homeowner and the Borough would be increasing the pick-up service to two-times as opposed to once. After October, there will be a rolling leaf pick up which will double the current pick up. The schedule has been further refined since the November 13th Council meeting and Betty Ann Berube working to incorporate it into next year's calendar. A brush and leaf ordinance amendment will be considered after the new year. He explained the can for collection (what it will look like as far as size, color, wheels, etc.); the can with wheels does not come in green, it comes in gray. We need to be cognizant of supply chain for a durable can and uniformity. The can will be available through Fair Haven Hardware who will take the order and payment and deliver the can. A resident can purchase one elsewhere, but it must conform to the specifications set by the Borough. Councilwoman Koch asked how close in color the gray can comes to our trash can. The one with wheels does not come in evergreen. He had a photos of the proposed can which was distributed to the governing body. The evergreen-colored can would make it easier for consistency vs. gray. The Mayor's concern is the can and making it less easy to duplicate; he will meet with Councilman LaBarbera to come up with other options.

Councilwoman Cole reiterated this is a fabulous program that offers so much more and helps with the environment; however, enforcement is not enough, we need communication which is complex. Betty Ann Berube wears many hats and is great at what she does, so the Borough will need to carve out extra time for Betty Ann to come up with the appropriate communication(s) or the work could be outsource and she would oversee the person. Administrator Casagrande spoke with the Personnel Committee; as long as Betty Ann does what has been discussed regarding her time of two hours away from the front window to focus on nothing but communications, there should not be a problem. A schedule for those two hours is supposed to be provided and Krystie will cover the front window. Mayor Halpern suggested supplementing Betty Ann's time with volunteers. Councilwoman Koch has concerns with the clarity of rules (what goes in the can, what is defined as brush, what is defined as leaves and when they are placed at the curb including the need for another can to be protected from public view). The ordinance can specify this information (type of can and how to shield from public view).

NEW BUSINESS

Council Committee Reports

Finance - Councilman Rodriguez advised there is a committee meeting scheduled for tomorrow.

Police, Fire & OEM - Councilman Rodriguez said the facilities progress for the new police department is exciting. Last week there was a Fire Committee meeting with the Chiefs to discuss maintenance (oil and tire replacement) and capital items (new radios) that are needed; they are putting together a plan. Councilman LaBarbera thanked Councilman Rodriguez for attending the meeting with him.

Personnel - Councilwoman Hoey thanked the Borough Clerk for providing the Zoom option to her. There are DPW vacancies to be filled and there will be appointments for Library Assistant positions. There are a few matters which will be discussed in executive session.

Parks and Recreation - Councilwoman Hoey advised there was no November meeting. The next

meeting will be December 5th. The Annual Holiday House Decorating contest is taking place; information was sent out today with a deadline to register by December 8th. Santa in the Park and the tree lighting will take place on December 8th. The Menorah lighting will be held on December 10th at 4:30 pm. in Memorial Park. Santa Calls are going to happen as well.

Planning Board - Councilwoman Koch advised there was a Planning Board meeting held on November 15th and the next meeting will be held on December 12th. An extension of 60 days was approved by the Board for the Hendrickson Place subdivision.

Zoning Board of Adjustment - Councilman LaBarbera advised the next meeting is scheduled for December 7th.

Borough Facilities - Councilman LaBarbera stated the awarding resolution this evening for the renovation of DPW is exciting. On the December 18th agenda, the fuel tank awarding resolution will be listed. There will be an adjustment to the 2nd round auction date for some time in the new year. There is still research regarding the license plate reader for DPW's recycling center. On the Police Department and Community Center, the Community Center was demolished today; they will finish tomorrow. The slab pouring is upcoming. The projects are on schedule. The grant appropriation was supposed to go to the House Floor but was pulled. The LSRP award is on tonight's agenda (under resolutions). Regarding the Police Department, the original window from the school is currently being discussed and having it professionally removed before the building is demolished so that it can be placed in the new building. The current outside entrance lights will be replicated.

Engineering and DPW - Councilman LaBarbera said an entire vehicle maintenance overhaul is underway. McCarter Pond Hydro-rake work has been ongoing and we are seven days into the 10 days approved. They have removed nine (9) dumpsters of materials so far and the cat tails were removed. With regard to the Hance and Cooney Project, the tree is not being removed; the road will be paved. We are moving forward with the Fair Haven Road Streetscape project and the River Road Streetlight bid will go out soon.

Borough Communications and Community Outreach - Councilwoman Cole reported the committee continues to meet and will facilitate the education for the new brush and leaf schedule including requirements. There has been internal communications and tracking by Betty Ann Berube with the ongoing construction which has been relayed to the public and has been great. There is a lot going on and she is handling all of it well.

The Environmental Commission is working on their annual report. They are collecting input for an update to the ERI (data points for natural resources). The Shade Tree Commission secured a grant for the tree inventory. The Grants Committee advised we did not receive the Transportation Planning Grant for the guided walking tour and our grant application to NOAA was not awarded. The Committee is looking for a grant through Monmouth County Open Space for inclusive playgrounds. The Business Association welcomed a new clothing business which will be located below Clementines.

The Fair Haven Business Association Holiday Stroll is coming up. River Road Books has note cards of the historic district that were created by the Historic Association to be sold during the holidays; sale proceeds will help with costs toward the restoration of Bicentennial Hall.

INTRODUCTION OF ORDINANCE

Mayor Halpern asked if there were any comments or questions before the introduction of Ordinance No. 2023-19 (Fishing and Crabbing Regulations from Public Streets, Rights of Way and Waterfront Properties).

Councilwoman Cole asked Attorney Sobel where the Borough's regulatory authority begins and where it ends. She understood there are issues that need to be addressed at the dock and the urgency. There are reasonable requests for no lawn chairs, no alcohol, no smoking and asked if this will open the Borough to a lawsuit. Attorney Sobel said Council has gone over reiterations of the ordinance have taken out that the Borough will issue permits or licenses for the act of fishing and/or crabbing as that is a function of Fish and Wildlife. He reviewed the regulatory functions and this is an enforceable ordinance and he did not foresee a lawsuit. The cooler is for anyone at the dock not just a fisherman or crabber. It serves the purpose of regulating what goes on at the dock and preventing nuisances that have occurred. It all relates to certain goals of the ordinance. Councilwoman Cole asked that we maintain balance and allow dock access to all of the public.

Councilwoman Koch asked for ordinance clarification as the latest iteration, (9-6.2 through 6.6), states that it is while fishing and crabbing. Mayor Halpern said Section 9-6.4 would not work for lawn chairs as we have plenty of seating at the dock. Councilwoman Neff felt this is a good starting point, however someone could use a mattress after they crab and fish to look at the stars; there should never be mattresses there. Attorney Sobel said the ordinance addresses issues with fishing and crabbing nuisances. There could be a separate ordinance to address no open flame, regardless of activity. Councilman LaBarbera said this ordinance was drafted based on prior meeting conversations, the public's input and direction given for the dock. Councilwoman Cole was concerned with regulating a specific activity. The

Mayor gave the reasoning for the ordinance and the need to find the right balance. This is a starting point and can be amended.

Attorney Sobel said the Borough can set hours, prohibit alcohol, open flames, and prohibit smoking. Coolers, mattresses, fishing poles, etc. are accessory uses. Councilwoman Cole asked Chief McGovern, up until now, what has it been like for Police Department enforcement and is there something that is restricting enforcement. The Chief said the proposed ordinance will help and is reasonable; we need rules for the public to follow. Councilwoman Cole asked what is currently done with open flames, sleeping at the dock, overnight, etc.? He advised there is not much his department can do now. There have been issues with fishing and crabbing activities exceeding hours, there have been noise complaints, etc.; the police need something to back up what and how to enforce. It was asked what wording should be on the sign? Hours for use, no mattresses, no open flames, no smoking or alcohol. There was discussion about special events such as concerts and weddings and it was asked if it includes other dock events. Administrator Casagrande said there if there is an event on the dock, there could be signage advising the dock is closed due to a special event. Attorney Sobel said it would be similar to when there is the closing of Fair Haven Fields for Fair Haven Day.

- 1. Ordinance No. 2023-19, Add Section 9-6: Fishing and Crabbing Regulations from Public Streets, Rights of Way and Waterfront Properties

WHEREAS, the Borough of Fair Haven (the “Borough”) is empowered and authorized by State law to enact ordinances regulating the use of public areas in order to protect the public health, safety, and welfare of the residents and visitors to the Borough; and

WHEREAS, the Borough does not presently have any regulations pertaining to fishing and/or crabbing in public spaces and is concerned about such activities affecting the public health, safety, and welfare of the residents and visitors to the Borough; and

WHEREAS, the Borough finds it to be in the best interests of the general welfare of the Borough to regulate fishing and/or crabbing from public streets, rights-of-way, and Borough-owned waterfront properties to maintain public safety, as well as the peace and tranquility of the Borough’s neighborhoods; and

WHEREAS, there should not be any open flames or cooking that occurs unless the appropriate authority approvals have been obtained; and

WHEREAS, Section 9-1.22 of the Borough Code states that Alcoholic Beverages are Prohibited while in a public park, open space, sanctuary, or recreation area, all persons shall conduct themselves in a proper and orderly manner, and in particular, no person shall bring alcoholic beverages, drink same at any time nor shall any person be under the influence of intoxicating liquor.

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

SECTION 1. Chapter 9: “Parks and Recreation Areas” of the Revised General Ordinances of the Borough of Fair Haven is hereby supplemented to include *new* Section 9-6: “Fishing and Crabbing” as follows:

§ 9-6 FISHING AND CRABBING.

§ 9-6.1 Hours.

No fishing or crabbing shall be permitted by any person from or over any public street, right-of-way, or Borough waterfront property between the hours of 9:00 p.m. and 8:00 a.m., prevailing time.

No person shall fish or crab throughout the course of a public gathering or special event, including but not limited to concerts, weddings, etc.

No person shall fish or crab at any time in the areas designated as "Closed" by the Police Department.

§ 9-6.2 Alcoholic Beverages Prohibited

While crabbing or fishing on any public street, right-of-way, or Borough waterfront property, all persons shall conduct themselves in a proper and orderly manner, and in particular, no person shall bring alcoholic beverages, drink same at any time nor shall any person be under the influence of intoxicating liquor.

§ 9-6.3 Open Flames

No person shall, while crabbing or fishing on any public street, right-of-way, or Borough waterfront property, use or permit the use of open flames or build or attempt to build a bonfire.

§ 9-6.4 Tents, Lawn Chairs, and Mattresses Prohibited

- a. No person shall, while crabbing or fishing on any public street, right-of-way, or Borough waterfront property, pitch a tent or utilize a mattress at any time.
- b. No person shall, while crabbing or fishing on any public street, right-of-way, or Borough waterfront property, utilize a lawn chair, foldable chair, or camping chair.

§ 9-6.5 Use of Coolers

- a. While crabbing or fishing on any public street, right-of-way, or Borough waterfront property, coolers or iceboxes shall be no larger than ten (10) quarts.
- b. While crabbing or fishing on any public street, right-of-way, or Borough waterfront property, persons shall be limited to one (1) cooler per person.

§ 9-6.6 Smoking Prohibited

No person shall smoke or consume any products, which include but are not limited to, cigarettes, pipes, cigars, vapes, cannabis items, etc., while crabbing or fishing on any public street, right-of-way, or Borough waterfront property.

§ 9-6.7 Violations and Penalties.

Any person violating any provision of this Section shall be subject to a mandatory court appearance and a fine in an amount not to exceed \$250.00 for the first offense; and shall be subject to a fine in an amount not less than \$500.00 and not more than \$750.00 for all subsequent offenses.

§ 9-6.8 Enforcement

- a) The Police Department shall enforce the provisions of this section.
- b) The Police Department shall have the authority to eject from any public street, right-of-way, or Borough waterfront property any person or persons acting in violation of this section.
- c) The Police Department shall have the authority to seize and confiscate any property, thing, or device on any public street, right-of-way, or Borough waterfront property, or used, in violation of this section.

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

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

SECTION 4. This Ordinance shall hereby take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

Offered for introduction by Councilmember Neff, second by Councilmember Koch

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

CONSENT AGENDA
RESOLUTIONS

- 3. Resolution No. 2023-279, Authorize Purchase of Police Vehicle

WHEREAS, the Borough of Fair Haven, County of Monmouth, State of New Jersey has determined that there is a need for the replacement of a police vehicle in the Borough of Fair Haven; and

WHEREAS, this purchase is being made through State Contract No. ESCNJ 20/21-09 and was approved by Mayor and Council through the 2023 Municipal Budget (Police Department Line Item 3-01-25-240-205).

NOW THEREFORE, BE IT RESOLVED that by the Borough of Fair Haven that Borough Administrator Casagrande is hereby authorized to enter into a contract with Mall Chevrolet, Cherry Hill, NJ for a three-year vehicle lease for the Police Department in the amount of \$18,152.24 per

year for three years with the option to purchase for \$1 at the end of the lease agreement.

BE IT FURTHER RESOLVED, the Chief Financial Officer has certified that unencumbered funds in the amount of \$18,152.24 are available for this purpose in account/line-item number(s) 3-01-25-240-205. Availability of funds for the remaining balance of the contract amount is contingent upon the necessary funds being appropriated by the governing body in the 2024 and subsequent Municipal Budgets, inclusive of amount appropriated in the temporary budget as required by N.J. A.C. 5:34-5.3 (a). A copy of said certification is attached hereto and made part hereof.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

- 4. Resolution No. 2023-284, Set 2024 Reorganization Meeting Date as January 2, 2024

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 2, 2024 at 7:00 p.m., in person and via Zoom Platform.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

- 5. Resolution No. 2023-285, Approve Grant Agreement with NJDEP: NJUCF Stewardship Grant (Canopy Resiliency)

The governing body of **FAIR HAVEN BOROUGH** desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately **\$ 15,000.00** to fund the following project:

2023 NJUCF Stewardship Grant-Canopy Resiliency.

Therefore, the governing body resolves that **Theresa Casagrande** or the successor to the office of **Administrator** is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than **\$ 0.00** and not more than **\$15,000.00** and (c) to execute any amendments thereto any amendments thereto which do not increase the Grantee's obligations.

*The **Fair Haven Borough Council** authorizes and hereby agrees to match **20** % of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. Up to 100% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).*

The Grantee agrees to comply with all applicable Federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

- 6. Resolution No. 2023-286, Approve 4th Quarter Tax Overpayment Refunds

WHEREAS, the Tax Collector, has provided a request for a tax overpayment refunds for 4th Quarter 2023 due to duplicate payments and advises that the following property owners qualify for a refund as follows:

<u>Owner</u>	<u>Address</u>	<u>Block</u>	<u>Lot</u>	<u>Refund</u>
Aparna Kumar & David Boehm	32A Fisk Street	30	15.03	\$15,453.93

Payment to:

Lereta, LLC
 Attn: Central Refunds
 901 Corporate Center Drive
 Pamona, California 91768

Ellen and Stephen McCarthy	71 Lake Avenue	20	9	\$ 1,953.08
Patrick and Siobhan Gallagher	34 Riverlawn Drive	27	10	\$ 5,983.73
Cameron and Charlotte Thorpe	83 Willow Street	53	9	\$ 1,129.35

Payments to:

Corelogic Refund Department
 PO Box 9202
 Coppell, Texas 75019-9760

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Tax Collector and Chief Financial Officer are hereby authorized to pay said refunds in the amounts listed above.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

- 7. Resolution No. 2023-287, Approve Environmental Service Support Proposal and LSRP-New Police & Community Center Facility to Colliers Engineering

WHEREAS, there is a need for environmental service support and LSRP work to be conducted for the Police Department, Community Center Facilities Project and Department of Public Works sites, until the completion of the construction and/or renovation projects; and

WHEREAS, Colliers Engineering & Design submitted two separate proposals to the Borough of Fair Haven for LSRP work at the Police Department, Community Center and Department of Public Works sites, which were both awarded, as listed.

Resolution 2023-120 – 04/17/2023	\$28,500.00
Resolution 2023-182 – 07/10/2023	\$17,400.00

WHEREAS, the above referenced proposals were awarded as a professional service through the non-fair and open process.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, that Colliers Engineering & Design will be designated as the LSRP for the Police Department, Community Center, and Department of Public Works sites for the duration of the construction and/or renovation projects.

BE IT FURTHER RESOLVED that Colliers Engineering & Design will submit an additional proposal(s) for any future scope of work that may be required at any of the sites.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

- 8. Resolution No. 2023-288, Approve 2023 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 2023 budget appropriations:

<u>From Acct # :</u>	<u>Acct. Description</u>	<u>Amount</u>
3-01-20-145-101	TAX COLLECTION - SALARIES	\$300.00
3-01-20-145-101	TAX COLLECTION - SALARIES	\$25.00
3-01-20-130-202	FINANCE - CONTRACTUAL SERVICES	\$1,120.00
3-01-20-130-202	FINANCE - CONTRACTUAL SERVICES	\$205.00
3-01-25-252-222	OEM - EQUIPMENT REPAIR	\$600.00
3-01-25-252-299	OEM - MISCELLANEOUS	\$250.34
3-01-25-252-235	OEM - NEW EQUIPMENT	\$631.85
3-01-26-290-102	STREETS & ROADS OT	\$15,000.00
3-01-31-447-276	FUEL OIL - UTILITIES	\$1,400.00
3-01-20-165-211	ENGINEERING - CONTRACTUAL SERVICES	\$10,000.00
3-01-20-165-244	ENGINEERING - PRINTING	\$1,000.00
3-01-26-290-202	STREETS & ROADS - CONTRACTUAL SERVICES	\$1,500.00
3-01-26-310-220	BLDGS & GRDS - EQUIPMENT MAINTENANCE	\$5,000.00
		\$37,032.19

<u>To Acct # :</u>	<u>Acct. Description</u>	<u>Amount</u>
3-01-20-100-101	ADMINISTRATION - SALARIES	\$300.00
3-01-21-186-101	ZONING OFFICER - SALARIES	\$25.00
3-01-25-240-215	POLICE - DOCTOR'S FEE	\$1,120.00
3-01-25-240-216	POLICE - DUES	\$205.00
3-01-25-240-270	POLICE - TRAINING/CONFERENCES	\$86.92
3-01-25-240-275	POLICE - UNIFORMS	\$1,081.87
3-01-25-240-277	POLICE - COMPUTER MAINTENANCE & SUPPLIES	\$313.40
3-01-25-240-102	POLICE - OVERTIME	\$15,000.00
3-01-25-265-200	FIRE DEPT - FIRE HYDRANTS	\$1,400.00
3-01-26-315-235	VEHICLE MAINT - NEW EQUIPMENT/REPAIR	\$10,000.00
3-01-26-315-235	VEHICLE MAINT - NEW EQUIPMENT/REPAIR	\$1,000.00
3-01-26-315-235	VEHICLE MAINT - NEW EQUIPMENT/REPAIR	\$1,500.00
3-01-26-315-235	VEHICLE MAINT - NEW EQUIPMENT/REPAIR	\$5,000.00
		\$37,032.19

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: None

9. Resolution No. 2023-289, Executive Session: Personnel

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
2. 2024 Staffing
3. Police Department

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, Hoey, Koch, LaBarbera, Neff and Rodriguez

Negative: None

Abstain: None

Absent: None

10. Resolution No. 2023-290, 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 27, 2023 Bill List are hereby approved and the Finance

Department is hereby authorized to release payment to the various vendors.

2022 CURRENT FUND ACCOUNT	\$	16,693.91
2023 CURRENT FUND ACCOUNT	\$	3,866,983.10
GENERAL CAPITAL	\$	209,342.74
GRANT FUND	\$	4,960.00
PAYROLL AGENCY	\$	121.39
OTHER TRUST	\$	5,232.75
DOG TRUST	\$	700.00
	\$	<u>4,104,033.39</u>

Administrator Casagrande advised that the payment (PO No. 23-00611) to Surenian, Edwards and Nolan in the amount of \$485.19 is for the review leading up to the Affordable Housing memo they submitted which was discussed at the November 13th Executive Session meeting. This amount would be a pro-rata share of the cost. She had not discussed this with Michael Edwards, Esq. ahead of time and she preferred there be a proposal for this before paying the invoice. The governing body decided to pull that payment from the bill list and the Administrator was asked to speak with Mr. Edwards and report back to Council at the December 18th meeting.

Offered for adoption by Councilmember LaBarbera, second by Councilmember Koch

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

Negative: None

Abstain: None

Absent: None

Reports of Departments

-Budget Status

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

GOOD OF THE BOROUGH

Mayor Halpern opened the meeting to the public for comments or questions at 8:43 p.m. Councilwoman Neff advised the Fair Haven Fields Natural Area Advisory Committee (FHNAAC) met last week. She asked Administrator Casagrande if the curbs will be replaced during the Fair Haven Road work; yes. It was asked that the Borough communicate with the FHNAAC about the project so they are aware and on board. There are currently vacancies on this Committee. Mayor Halpern advised that the Borough has advertised, through its social media, a request for volunteers. Councilwoman Neff advised there was a request for two hours of administrative assistance for their needs and have questions answered for better planning; this request has come up several times. Administrator Casagrande said they are looking for secretarial help like the Environmental Commission and Shade Tree Commission have. She, CFO Lapp, Assistant CFO Britton and Clerk Cinquegrana, etc. have always assisted them. Administrator Casagrande will be the point person and will address matters as needed.

Neil Blecher, Battin Road, commented about the General Election; it was an amazing experience to run for a Council seat and it made him feel very connected to Fair Haven. He congratulated Michal DiMiceli and Brian Olson on their win; they will both be assets to the governing body and will do a great job. He thanked Councilman Rodriguez and Councilwoman Neff for their years of dedication to the Borough. He looks forward to future involvement with the Borough.

Mayor Halpern said he too wanted to congratulate Michal and Brian. He thanked Melissa Lowry and Neil Blecher for running. He does not think the public realizes all of the hard work and huge commitment that is made to serve in the capacity of Councilmember. It was noted that Melissa Lowry and Neil Blecher both reached out to volunteer for a committee for next year.

Councilwoman Koch thanked the business community for providing the trolley for Shop Small Saturday event. Everyone is looking forward to the December 8th tree lighting event and December 10th Menorah lighting. The Mayor said at Shop Small Saturday he purchased items from the kids and described the items; all did a great job.

Michal DiMiceli, River Road, was thankful for the opportunity to run for Council and thanked Neil Blecher who as a wonderful running mate. Regarding the brush and leaf collection schedule, she asked if the bin is not purchased, does that mean a resident cannot have brush picked up; yes. She asked how often brush would be picked up? Biweekly. She asked what the cost for the bin would be; there is no cost that can be released at this time. Councilman LaBarbera spoke with Fair Haven Hardware and what would be charged is 25% less than Lowes or Home Depot. She asked if the Borough will consider some sort of can donation program i.e. a resident would pay extra to help someone who could not afford one.

Chris Hempstead, Willow Street, thanked the Borough and Council for hearing him out on his concerns about diversity at the last meeting. He felt his concerns are not insignificant and wants to protect the town against anything that could hurt the town and the Borough's diversity. The Borough needs multicultural displays for students and residents to learn about different practices.

Susan O'Brien, River Road, had a tax assessment question. She asked overall, for the whole town, what percentage did the assessment increase; this is a question for the Tax Assessor. Administrator Casagrande will pass the question on to the Assessor and advise Mrs. O'Brien of his answer.

Brian Rice, Maple Avenue, requested with the proposed dock ordinance that the Council remove the words, fishing and crabbing. He asked that the governing body not target the "dock user group" and make a tighter ordinance for all to use open space areas. The ordinance, as written, can lead to a legal issue that other municipalities have experienced. He requested a blanket dock ordinance. Mayor Halpern advised the ordinance has been introduced and can be amended in the future if it does not address the needs/concerns; it is a living/breathing document.

Ruth Blaser, River Road, asked about the green can for brush and why she would not be able buy her own can. She could buy the can on her own for increased pick up between May and September. Councilman LaBarbera explained the can and its purpose. The Mayor mentioned that Michal DiMiceli brought up an idea of subsidizing a can as a shared effort. Mrs. Blaser said the residents have a right to have their brush picked up and will take exception to the thought of a can. Councilwoman Cole mentioned some sort of "Buy a can, Donate a can" Program. Mrs. Blaser felt the Borough should collect brush as it always has.

There being no further comments or questions, the meeting was closed to the public at 9:02 p.m.

The Council went into executive session at 9:10 p.m. and this meeting was reconvened at 9:24 p.m.

ADJOURNMENT

Motion to adjourn moved by Councilmember Cole, second by Councilmember Koch with Ayes by all present.

Time of Adjournment: 9:24 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk