

FAIR HAVEN BOROUGH COUNCIL
JUNE 28, 2021

The meeting was called to order by Mayor Lucarelli at 7:00 p.m. The Flag Salute was led by the Eagle Scouts and was followed by a Moment of Silent Meditation. The Mayor asked everyone to keep the Miami families in their thoughts. The Sunshine Law Statement was read and included that this meeting was being broadcast via Facebook Live simultaneously with the in-person meeting.

ROLL CALL

On Roll Call the following were present: Councilmembers Chrisner-Keefe, Koch, McCabe, McCue and Rodriguez. Absent: Councilwoman Neff. Others present: Administrator Casagrande, Bob Evans, Borough Attorney's Office, Police Chief McGovern and Engineer Gardella.

PROCLAMATIONS

Mayor Lucarelli read three separate proclamations for the following Eagle Scouts: Roman Devlin, John Franklin Cadamuro and Alexander In Ho Pane who had a Court of Honor held for them on June 13th.

Mayor Lucarelli advised that the proclamation for Superintendent of Schools, Sean McNeil, who was awarded the 2021 Monmouth County Superintendent of the Year, will be presented at the July 12th meeting as Mr. McNeil was on vacation in Disney.

WORKSHOP SESSION

Administrator Casagrande updated the Mayor and Council on treatment of McCarter Pond. She consulted with the Environmental Commission and has asked Peter Avakian to provide a quote for treatment process(es). The cost will be part of the 2021 Capital Bond Ordinance.

With regard to 5G Network, Mayor Lucarelli advised the Council and public that this matter is being brought to everyone's attention to raise awareness that legislation is moving through Trenton very quickly. The legislation would allow companies to circumvent the zoning process and sets parameters for the municipalities to allow facilities to be placed in the ROW. Many municipalities and the League of Municipalities are against the legislation. There could be antennas every 500-1500 feet. Cellular providers (Verizon, AT&T and T-Mobile) do not want to co-locate or use JCP&L's poles. The Mayor explained the process and what they are looking to accomplish. This is a matter of the economic future. The Mayor said that he has secured an ordinance to be introduced at the July 12th meeting asking that all cellular providers co-locate on the tower. There is no question that 5G is going to happen but we would like and should have some control. Fair Haven is the first municipality, in the nation, to be wired for fiber optic because of residential income and our capability. Fair Haven would like some control to prevent having mass antennas. Belmar has an ordinance and other municipalities are looking into adopting an ordinance, as well.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:13 p.m. Ruth Blaser, River Road, asked what type of work is being done on Fair Haven Road and where; Administrator Casagrande advised that there is a resolution authorizing the Borough Engineer to apply for an NJDOT grant for roadwork (curbs, sidewalks, milling/paving). Engineer Gardella said that the application will be for Fair Haven Road between River Road and McCarter Avenue (this would be Phase I). Eventually, Phase II would be from McCarter Avenue to Ridge Road (continue curbs and sidewalk on west side of the road). Mrs. Blaser had questions about the resolutions listed on the agenda. She asked that the Borough keep the police vehicles that we have and not retire any cars as they all sit in the parking lot. She was advised that this is according to the Vehicle Replacement Plan that was provided by the Chief; this replacement plan was worked on and created by the Chief and Councilman Jon Peters in 2018. Councilwoman Chrisner-Keefe said that there is a plan in place, and we need working vehicles; if one goes down, we need something reliable.

Sheri D'Angelo, Hance Road, asked, with regard to 5G, if the Mayor or Borough has spoken with surrounding municipalities and the State. Mayor Lucarelli said that he is a member of the NJ Conference of Mayors and active with the Two River Council of Mayors and presentations have come before these entities. 5G is prevalent in urban areas. The Mayor explained how it came to be. Every town in NJ will be looking at this if the legislation is signed by the Governor. It is not known what effect the program will have. Monmouth Beach allowed facilities in their ROW (within County ROW and the side streets). The cellular providers would prefer to receive one blanket resolution than to get permission from 560 municipal Zoning Boards. The League of Municipalities and other Mayors are not in favor of the legislation. Councilwoman McCabe asked if what is needed can go underground. It can if there are facilities already set underground; Fair Haven does not have that.

Ralph Wyndrum, Cooney Terrace, asked if the 5G equipment would be located in the utility ROW or an easement. There would be a pole across from the utility ROW and they would string a fiber optic cable across.

Councilwoman McCabe advised that she has a company car and her employer asked everyone to keep their vehicles a year longer. Chief McGovern explained that the department buys one car a year,

which replaces a car with larger miles. He explained how the vehicles are used by patrols and rotated within the department or given to another Borough department (i.e. Recreation). One new vehicle a year keeps it steady. It is a municipal lease where the Borough pays for the vehicle over a three-year time frame and then the Borough owns it at the end (we pay \$1).

There being no further comments or questions, the meeting was closed to the public at 7:26 p.m.

APPROVAL OF MINUTES

Councilman Rodriguez made a motion to approve the Regular Meeting minutes of June 14, 2021, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCabe, McCue and Rodriguez

Negative: None

Abstain: None

Absent: Councilwoman Neff

OLD BUSINESS

There was no old business brought before the governing body.

NEW BUSINESS

Council Committee Reports

Finance - Councilwoman Neff was absent.

Personnel - Councilwoman Chrisner-Keefe did not have anything to report.

Planning & Zoning - Councilwoman Koch advised that the next Zoning Board meeting will be held on July 8th and the next Planning Board meeting will be held on June 20th.

Parks and Recreation and Communications - Councilwoman Koch advised that today was the first day for Rec N Crew Summer Camp. There were no issues with the Willow Street construction; it was a smooth drop off and pick up. Camp will not be held on Monday, July 5th. Councilman McCue asked if Zoning Board and Planning Board meetings will be live in July or via Zoom; they will be via Zoom in July and possibly live in August.

Administrator Casagrande advised that the Borough adopted an Ordinance two years ago to renew our contract with COMCAST and part of the ordinance was a one-time grant of \$5,500 which can be used to help the Borough with its communication equipment (new microphones, recording system etc).

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

Engineering, DPW and Borough Facilities - Councilman Rodriguez advised a Facilities Committee meeting was held last week and the focus was on Bicentennial Hall and concept plans. The information was also shared with the Historic Preservation Commission at their meeting last week (he and Councilwoman Koch attended the meeting received feedback and will continue to improve on concepts). The Facilities Committee will be meeting with the Historic Preservation Commission, in a joint facilities meeting, next week or the week after (depending on schedules) at, Bicentennial Hall, for better perception. The idea is to take meetings from Borough Hall and bring them to Bicentennial Hall for better visual access; a generator from the police department will be installed. It will be nice to include Bicentennial Hall as a facility use for Zoning Board, Planning Board, Historic Preservation Commission, Shade Tree Commission, Environmental Commission, and Governing Body meetings. The building would be used for passive, not recreational activities. The facility is currently open for use but is not ADA compliant. With regard to the Police Department and DPW facility projects, the professionals are wrapping up the plans.

It has been observed that there are less leaves and brush out when they shouldn't be; the Borough's collection schedule is being realized. Engineer Gardella said that in conjunction with Code Enforcement, residents are being educated and some warnings were given; this has helped. Councilman Rodriguez advised that in response to the Borough's brush survey, the concern of many was brush pick up and processing.

Administrator Casagrande advised that she is working with Engineer Gardella and the Borough's Architect (Goldstein Partnership), on a Community Development Block Grant application for Bicentennial Hall and ADA improvements.

Councilman McCue asked Engineer Gardella when the next scheduled grind would be; August (after the July collection for all zones). Engineer Gardella said the Borough is requesting estimates and pricing to try and handle this matter without having to go to bid; most likely it will have to bid due to

unit costs and in speaking with other towns. Councilman McCue advised that he walked by the brush site and saw old, large trees piled up and asked if the DPW staff can cut the trees up and offer them to residents and contractors for projects or firewood. Engineer Gardella said the trees were from the Buttonwood tree project so we will need to repurpose them or have them hauled away; DPW cannot handle what we have, internally.

INTRODUCTION OF ORDINANCES

1. Ordinance No. 2021-09, Create Chapter 8 and Amend Chapter 30-5.3(B)(24): Cannabis Regulation Ordinance

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF MONMOUTH TO OPT-OUT OF THE NEW STATE CANNABIS LAW AND TO PROHIBIT ALL CONSUMPTION OF CANNABIS IN PUBLIC PLACES AND ALL UNDERAGE POSSESSION OF CANNABIS ITEMS AND TO DEEM ALL RECREATIONAL CANNABIS BUSINESSES AS PROHIBITED USES UNDER THE LAND USE AND DEVELOPMENT REGULATIONS OF THE BOROUGH

WHEREAS, by Ordinance No. 2018-07, the Borough of Fair Haven (the “Borough”) previously prohibited all recreational marijuana businesses under its land use ordinances; and

WHEREAS, by Resolution No. 2018-94, the Borough previously expressed its opposition to the legalization of recreational marijuana within the State of New Jersey; and

WHEREAS, notwithstanding the Borough’s position, in November 2020, New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to legalize a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (the “Act”), which legalizes the recreational use of cannabis by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational cannabis operations, use and possession; and

WHEREAS, pursuant to Section 31(b) of the Act, “[o]nly an ordinance to prohibit one or more classes of cannabis establishment or cannabis distributors enacted pursuant to the specific authority to do so by this section shall be valid and enforceable”; and

WHEREAS, as set forth in its prior Resolution No. 2018-94 and Ordinance No. 2018-07, the Borough’s Mayor and Council are concerned about the health and safety problems posed by the legalization of cannabis products, the potential for abuse, and especially, any use by minors and/or operators of motor vehicles; and

WHEREAS, pursuant to the authority granted to the Borough under the Act, the Mayor and Council believe that opting out of the Act, and renewing and augmenting the Borough’s prior prohibition on recreational cannabis within the Borough will help address these concerns and be in the best interests of the Borough’s citizens; and

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

SECTION 1. The Revised General Ordinances of the Borough of Fair Haven are hereby supplemented with *new* Chapter 8 entitled “Cannabis” as follows:

CHAPTER 8: CANNABIS

§ 8-1 Cannabis Businesses Prohibited.

- A. Pursuant to section 31(b) of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in Borough of Fair Haven, except for the delivery of cannabis items and related supplies by a delivery service.
- B. Pursuant to Borough Code Section 30-5.3(B)(24), the operation of Cannabis Cultivators, Cannabis Distributors, Cannabis Manufacturers, Cannabis Wholesalers, Cannabis Retailers, and Cannabis Delivery Services are prohibited uses in all zones within the Borough of Fair Haven.

§ 8-2 Public Consumption of Cannabis Prohibited.

- A. It shall be unlawful for any person to consume a cannabis item available for lawful consumption pursuant to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act in any public place as defined in said Act, including any public highway, public street, public sidewalk, public parking lot or lot, playground, park or other property owned by, belonging to or over which the Borough has control, other than school property for which unlawful consumption is a disorderly persons offense, or when not prohibited by the owner or person responsible for the operation of that public place.
- B. Any person violating this Section 8-2 shall be subject to a civil penalty of up to \$200.00, which shall be recovered in a civil action by a summary proceeding in the name of the Borough pursuant to the Penalty Enforcement Law of 1999. The Municipal Court and the Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this section.

§ 8-3 Possession or Consumption by Underaged Persons on Private Property.

- A. It shall be unlawful for any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes a cannabis item on private property.
- B. Any person violating this Section 8-3, in the case of an adult under the legal age to purchase cannabis items, shall be punished as follows:
 - (1) If the cannabis item possessed is an amount which may be lawfully possessed by a person of the legal age to purchase cannabis items pursuant to N.J.S.A. 2C:35-10a: for a first offense, a civil penalty of \$100.00; for a second offense, a civil penalty of \$200.00; and for a third or subsequent offense, a fine of \$350.00. The civil penalties provided for in this section shall be recovered in a civil action by a summary proceeding in the name of the municipality pursuant to the Penalty Enforcement Law of 1999. The Municipal Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this section.
 - (2) If the cannabis item possessed is an amount that exceeds what may be lawfully possessed by a person of the legal age to purchase cannabis items pursuant to N.J.S.A. 2C:35-10a, or if any cannabis item is consumed: for a first offense, a fine of \$250.00; and for a second or subsequent offense, a fine of \$350.00.

SECTION 2. Section 2.4 entitled “Definitions” of Chapter 30 entitled “Land Use and Development Regulations” of the Revised General Ordinances of the Borough of Fair Haven is hereby supplemented with the following *new* definitions as follows:

CANNABIS CULTIVATOR - Any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

CANNABIS DELIVERY SERVICE - Any licensed person or entity providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

CANNABIS DISTRIBUTOR - Any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities.

CANNABIS MANUFACTURER – Any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

CANNABIS RETAILER – Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis

manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers.

CANNABIS WHOLESALER - Any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.

SECTION 3. Subsection 30-5.3(b)(24) of Section 30-5.3 entitled “Permitted and Prohibited Uses” of Chapter 30 entitled “Land Use and Development Regulations” of the Revised General Ordinances of the Borough of Fair Haven is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

24. ~~Businesses selling recreational marijuana, its derivatives, accessories and/or the paraphernalia that facilitates the use of such~~ The operation of Cannabis Cultivators, Cannabis Distributors, Cannabis Manufacturers, Cannabis Wholesalers, Cannabis Retailers, Cannabis Delivery Services.

SECTION 4. Section 3-25.1 entitled “Smoking Prohibited” of Chapter 3 entitled “Police Regulations” of the Revised General Ordinances of the Borough of Fair Haven is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

§ 3-25.1 Smoking Prohibited.

No person shall smoke or consume any products, which include but are not limited to, cigarettes, pipes, cigars, cannabis items, etc. in any municipality owned building, public park, sanctuary or recreation area.

SECTION 5. Section 9-1.35 entitled “No Smoking in Public Parks” of Chapter 9 entitled “Parks and Recreation Areas” of the Revised General Ordinances of the Borough of Fair Haven is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

§ 9-1.35 No Smoking in Public Parks.

No person shall smoke or consume any products, which include but are not limited to, cigarettes, pipes, cigars, cannabis items, etc. in any municipally owned building, public park, sanctuary or recreation area.

SECTION 6. 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 7. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, 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 hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 8. After introduction, the Borough Clerk is directed to submit a copy of the within Ordinance to the Planning Board of the Borough for its review under N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Mayor & Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

SECTION 9. This Ordinance shall take effect upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final adopted Ordinance by the Clerk with the Monmouth County Planning Board pursuant to N.J.S.A. 40:55D-16.

Offered for introduction by Councilman Rodriguez, second by Councilwoman Koch

Mayor Lucarelli advised that a few years ago, Councilmembers Rodriguez and Marchese sat together and created an ordinance to allow medicinal marijuana. This ordinance listed tonight will supersede what is currently on the books. Fair Haven is opting out of the new cannabis regulations since there are no set rules in place. If we do not act, the State will regulate it. We are opting out now and when the State implements the rules, we can revisit whether we want or need to amend our Code.

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCabe, McCue and Rodriguez
Negative: None
Abstain: None
Absent: Councilman Neff

CONSENT AGENDA
RESOLUTIONS

1. Resolution No. 2021-164, Award Bid for Improvements to Willow Street Project

WHEREAS, on May 10, 2021, the Borough of Fair Haven approved Resolution No. 2021-129 to enter into a Shared Service Agreement with the Fair Haven Board of Education for Improvements to Willow Street where the Board of Education agreed to contribute 50% toward the total cost of the project; and

WHEREAS, sealed bids were received and opened on June 24, 2021, at Borough Hall, for Improvements to Willow Street; and

WHEREAS, the following bids were received:

<u>CONTRACTOR</u>	<u>LOCATION</u>	<u>AMOUNT BID</u>
1. Fernandes Construction	Monroe, NJ	\$264,716.39
2. Seacoast, Inc.	E. Brunswick, NJ	\$273,475.78
3. L&L Paving Company	Farmingdale, NJ	\$276,883.08
4. Meco, Inc.	Clarksburg, NJ	\$283,198.50
5. Earle Asphalt Company	Farmingdale, NJ	\$284,213.13
6. Fiore Paving company, Inc.	Oceanport, NJ	\$285,730.00
7. Diamond Construction	Brick, NJ	\$393,901.30

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 Fernandes Construction of Monroe, New Jersey in the amount of \$264,716.39; 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 a contract be awarded to Fernandes Construction for Improvements to Willow Street and the Mayor and Clerk are hereby authorized to execute said contract.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCabe, McCue and Rodriguez
Negative: None
Abstain: None
Absent: Councilwoman Neff

2. Resolution No. 2021-165, Authorize Borough Engineer to submit an NJDOT Grant Application for Improvements to Fair Haven Road, Phase I Project

NOW, THEREFORE BE IT RESOLVED that the Council of the Borough of Fair Haven formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Borough Engineer and Borough Clerk are hereby authorized to submit an electronic grant application identified as [MA-2022-Improvements to Fair Haven Road, Phase I -00253](#) to the New Jersey Department of Transportation on behalf of the Borough of Fair Haven identified as follows:

Improvements to Fair Haven Road Project, Phase I

BE IT FURTHER RESOLVED that the Administrator and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Fair Haven and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCabe, McCue and Rodriguez
Negative: None
Abstain: None
Absent: Councilwoman Neff

3. Resolution No. 2021-166, Approve Shared Service with Monmouth County for MOD IV Tax Assessment System

WHEREAS, the State of New Jersey has mandated the use of the Mod IV Property Assessment Computer System for all New Jersey Municipalities; and

WHEREAS, the Board of County Commissioners of the County of Monmouth, in conjunction with the County Board of Taxation is offering the County's MOD IV Property Assessment Computer System services to municipalities; and

WHEREAS, a Shared Services Agreement has been proposed for this purpose, pursuant to NJSA 40A: 65-1 et seq.; and

WHEREAS, it is in the best interest of the Borough of Fair Haven to enter into such an Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the agreement entitled, "**Agreement Between the County of Monmouth and the Borough of Fair Haven for MOD IV Property Assessment Computer Services**", a copy of which is attached hereto, be approved for January 1, 2022 through December 31, 2031; and

BE IT FURTHER RESOLVED that the Mayor and Clerk be and are hereby authorized and directed to execute the contract agreement.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Councilwoman Chrisner-Keefe was concerned about the time period for this agreement being so long. Administrator Casagrande responded that this is Monmouth County's contract that the Borough is a part of. Councilwoman Chrisner-Keefe compared and read the old terms to the new agreement and there was no "out clause" in the new agreement and asked if notice to cancel would be 30 days, 60 days or months. It was also noted that the minimum charge is \$600; there was discussion regarding the amount per line item and what the system provides.

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCabe, McCue and Rodriguez

Negative: None

Abstain: None

Absent: Councilwoman Neff

4. Resolution No. 2021-167, Authorize Execution of Shared Service Agreement with Middletown Township - QPA

WHEREAS, the Interlocal Services Act, N.J.S.A. 40A:65-1 authorizes joint activities among municipalities and was enacted with the intent to facilitate and promote Interlocal Services Agreements; and

WHEREAS, the Borough of Fair Haven and Township of Middletown have agreed that the Interlocal Services Agreement for Qualified Purchasing Agent Services to include various financial duties, as per agreement; and

WHEREAS, the services provided by the Township of Middletown is retroactive to January 1, 2021 and continue through December 31, 2021; and

WHEREAS, it is agreed by the Borough of Fair Haven and the Township of Middletown that the Agreement may be extended for two (2), one (1) year renewal options up to a total of three (3) years; and

WHEREAS, a copy of the Interlocal Services Agreement is on file in the office of the Municipal Clerk; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, hereby authorize the Mayor and Borough Clerk to execute a Shared Services Agreement with the Township of Middletown for the above-referenced service, which is attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Township of Middletown.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCabe, McCue and Rodriguez
Negative: None
Abstain: None
Absent: Councilwoman Neff

5. Resolution No. 2021-168, Executive Session - Personnel and Contract Negotiations

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

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

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

Personnel

1. Part-Time Non-Aligned Employees
2. Police Promotion Process
3. Police Social Security

Contract Negotiations

1. ILSA with Red Bank - Animal Control

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 Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCabe, McCue and Rodriguez
Negative: None
Abstain: None
Absent: Councilwoman Neff

6. Resolution No. 2021-169, Approve 2021/2022 Liquor License Renewal - Raven and The Peach

WHEREAS, an application for renewal of a plenary retail consumption license has been made to the Mayor and Council of the Borough of Fair Haven; and

WHEREAS, the Borough Clerk certifies that the requisite fee has been paid and a Tax Clearance Certificate is on file in her office.

NOW, THEREFORE, BE IT RESOLVED that a plenary retail consumption liquor license be issued by the Borough of Fair Haven and the appropriate officer of the Borough of Fair Haven is authorized to issue and sign the same in the name of the Borough of Fair Haven for the period commencing July 1, 2021 and ending June 30, 2022 upon application filed by:

1313-32-004-014 Raven and The Peach

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCabe, McCue and Rodriguez
Negative: None
Abstain: None
Absent: Councilwoman Neff

7. Resolution No. 2021-170, Approve 2021/2022 Liquor License Renewal - Nauvoo Grille Club

WHEREAS, an application for renewal of a plenary retail consumption license has been made to the Mayor and Council of the Borough of Fair Haven; and

WHEREAS, the Borough Clerk certifies that the requisite fee has been paid and a Tax Clearance Certificate is on file in her office.

NOW, THEREFORE, BE IT RESOLVED that a plenary retail consumption liquor license be issued by the Borough of Fair Haven and the appropriate officer of the Borough of Fair Haven is authorized to issue and sign the same in the name of the Borough of Fair Haven for the period commencing July 1, 2021 and ending June 30, 2022 upon application filed by:

1313-33-002-010 Nauvoo Grill Club Corp

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCabe, McCue and Rodriguez
Negative: None
Abstain: None
Absent: Councilwoman Neff

8. Resolution No. 2021-171, Appoint Chairpersons for Engineering and DPW

BE IT RESOLVED by Benjamin Lucarelli, Mayor of the Borough of Fair Haven, that the following appointments be made to the Engineering and DPW Committee, with the advice and consent of Council Borough:

COMMITTEE	CHAIRPERSON	VICE CHAIRPERSON
Engineering and DPW	Councilman McCue	Councilwoman McCabe

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCabe, McCue and Rodriguez
Negative: None
Abstain: None
Absent: Councilwoman Neff

9. Resolution No. 2021-172, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the June 28, 2021 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2020 CURRENT ACCOUNT	\$	10,545.47
2021 CURRENT ACCOUNT	\$	264,008.08
GENERAL CAPITAL	\$	300.00
OTHER TRUST	\$	4,672.74
DOG TRUST	\$	1,945.00
	\$	<u>281,471.29</u>
LESS VOIDED CHECKS	\$	6,610.32
TOTAL	\$	274,860.97

Current Check No. 60423, \$ 102.32
Current Check No. 60695, \$ 118.00
Current Check No. 60892, \$ 90.00
Current Check No. 61433, \$6,300.00

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCabe, McCue and Rodriguez
Negative: None
Abstain: None
Absent: Councilwoman Neff

10. Resolution No. 2021-173, Approve Purchase of 2021 Ford Explorer for the Police Department

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 in accordance with the Vehicle Replacement Plan; and

WHEREAS, the vehicle that will be replaced in patrol is a 2015 Ford Interceptor with 135,000 miles; and

WHEREAS, the Chief Financial Officer, Colleen Lapp, has certified the availability of funds for the lease payment.

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 Winner Ford of Cherry

Hill, NJ for a three-year lease of a 2021 Police Interceptor Utility All Wheel Drive vehicle for the Police Department in the amount of \$11,437.41 per year for three years with the option to purchase for \$1 at the end of the lease agreement.

BE IT FURTHER RESOLVED that this purchase is being made through State Contract No. 20-FLEET-31189 and was approved by Mayor and Council through the Vehicle Replacement Plan January 2018.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCabe, McCue and Rodriguez

Negative: None

Abstain: None

Absent: Councilwoman Neff

Reports of Departments

May 2021

-Police Department

-Budget Status

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

GOOD OF THE BOROUGH

Mayor Lucarelli opened the meeting to the public for comments or questions at 7:48 p.m. Mary Humphreys, Hance Road, a second-generation homeowner was against sidewalks on Hance Road going to the river. Hance is a narrow street, and this would be a traffic nightmare. She invited Mayor and Council to go down Hance to look at the area. Mayor Lucarelli asked if she felt it would be an obstacle to have parking on both sides; yes, especially with leaves and brush and landscaper vehicles parked while working in the area. Mayor Lucarelli said this has come up before and we are waiting on our base map survey; need to have access to the waterfront (right now, we are not sure what side of the street the sidewalks would be installed on). The Mayor asked that residents be patient and let us get the base maps so Engineer Gardella can lay out where the sidewalks would go, so we can look at the area to see if we need to limit parking. It will be discussed with the public, but we cannot discuss if a plan is not yet designed. Mrs. Humphreys said there was a presentation a few years ago with descriptive designs and asked if it will not be what was presented. Mayor Lucarelli said the Borough understands that this project will have an impact on the neighborhood, but Council needs to consider everyone in town. He advised that Engineer Gardella made a site visit in preparation for this evening's meeting and there was a young lady in a wheelchair who was wheeling down the middle of the street; we need to protect and listen to everyone.

Alan Goldberg, Grange Avenue, advised that the bulkhead at the end of the road needs repair and he wants to see the plans that have been done. There was a schematic shown two years ago and he asked if the plan has changed. He made contact with Maser Consulting who advised that the plans cannot be released until Fair Haven gives them permission. The public needs to see the plans before the Borough goes any further (there has been no luck reaching the Borough Engineer). Currently, no one has a problem going down the street; the Borough needs to take taxpayers thoughts into account. Mayor Lucarelli advised he is a developer, by trade, and the public cannot just pick up the phone and speak with the Engineer; if Engineer Gardella answered every e-mail and phone call received, he would not get anything done. It is Administrator Casagrande's job to answer everyone's e-mails and call inquiries. The Pocket Park project is separate from the sidewalk (different grants). We drafted plans and when we got the costs back, they were high (we shortened the wish list and received DEP approval so we can move forward). Engineer Gardella advised that DEP approval was received; we need permits for bulk heading. Authorization to bid was given for the projects; we will now prepare the specifications and documents and place the plans on the website. The Mayor said the Borough will be transparent on these projects, but the plans are not complete yet. Engineer Gardella advised everything is completed, from a design standpoint; there is a subcommittee, consultants and other officials also involved with this project. Councilwoman Chrisner-Keefe asked for a point of clarification regarding the parks at the terminus of the two streets (Hance and Grange) and the sidewalks being two separate grant projects. Engineer Gardella said the only accessibility is in the pocket park; there are no other sidewalks proposed. The Borough received an NJDOT grant for Hance and Cooney, and we are trying to tie the projects together to promote waterfront access.

Lydia Brenner, Grange Avenue, said people take time for activity at the end of Grange and many are taking advantage of the wide street. It would not be possible to have bikers, walkers, strollers, etc. if sidewalks are installed; the Mayor and Council should look at the final outcome of the plan. This project will not be an advantage for the Borough. Engineer Gardella advised that Grange is not being given sidewalks; he explained the project and that no sidewalks are contemplated for Grange.

Ann Marie Coon, Grange Avenue, said the premise is flawed; this project will not bring more people to the pocket parks. Mayor Lucarelli said the grant is to pave the road and place curbs and sidewalks there. If the project is not done based on the grant award, we may lose the grant and the entire Borough will have to pay for these improvements. We are having the survey and base map done and will put together a plan for discussion and debate.

Mrs. Brenner said the plan is going to make the area worse; currently there is a wonderful natural flow.

Bill Dorner, Spruce Drive, (35-year resident) said he understood what the residents were speaking of. Fair Haven is a community; the taxpayers are willing to pay for it instead of using a grant. The Borough needs to fix existing infrastructure and take care of our main roads. The Mayor reminded everyone that River Road belongs to the County and their road project has been put off until next year because NJAW is replacing the water main from Rumson to Red Bank.

Barbara Schiavetti, Cooney Terrace, said that there needs to be clarity for when the public can speak as residents all have their antidotes and she asked when the public will have theirs be of value. She said the governing body does not understand the flow of traffic in the area of Hance Road, and it is frustrating. Mayor Lucarelli asked that the Borough get the data first to discuss. He was asked when the Borough wants the resident's data or when a forum will be held for the residents to speak before a plan is made. She said people come from all over town to enjoy the area and that is great, but the existing residents should be able to speak.

Councilwoman McCabe asked if there could be a workshop to discuss this project. Alan Goldberg said the governing body should walk the area with the residents as a workshop.

Administrator Casagrande explained the process on how government and the grant process works. As an example, she said that Fair Haven Road was discussed at the last meeting to submit a grant application; it was a concept plan to be submitted to the State. The Battin Road project application was submitted in 2017, awarded in 2019 and the construction process started in 2020. We did a Bond Authorization for multiple road projects. We do not invest the time and effort until we find out if we were successful and the amount awarded.

Alan Goldberg, said it is great the Borough received grant money, but there was a specific plan 2 ½ years ago. Tracy Cole, Grange Avenue, said, "less is more in this neighborhood".

Bonnie Torcivia, Battin Road, said she walks the area with her dog. She noted that no one has mentioned the beauty and shade in the neighborhood; she would hate to see the trees removed for sidewalks. She advised that many bikers and walkers move to the side when cars approach. She suggested when Mayor and Council make decisions that they ask the residents for their input, especially for parks, so they are welcoming. Mayor Lucarelli said when Engineer Gardella creates plans, he takes the trees into consideration. Councilman McCue noted Mrs. Torcivia nominated the tree at Robards Park and we were given an award. He understood that she submitted another tree that is on Hance Road for the Big Tree Hunt; it is a huge Oak tree.

Tracy Cole, Grange Avenue, asked about pocket parks being part of the Master Plan. It gives a large window for the community to speak to and does not have to wait for something to be on paper; the Active Transportation Plan and Master Plan are good enough and we can start a conversation with these resources. She and the residents of Hance have tried three (3) times to get an on-site meeting and have been dismissed which has caused aggravation. The governing body needs to come to Hance and Grange to feel what the residents feel. The neighborhood is already safe. She asked Engineer Gardella if there is a need to be concerned about additional cars and traffic with the pocket parks. Engineer Gardella said the residents did not want the parks to be a destination so we are working on the stabilization of the riverbank and drainage so the public can take in the vista view. Mrs. Cole said there is no pressure because there are no issues for the corridor and there won't not be any new cars. She then quoted from the Borough's Active Transportation Plan.

Councilwoman Koch asked Engineer Gardella, as part of the design, if there could just be curbing, with sharrows, (a delineated path) for driver awareness. He advised there are other things outlined in the Active Transportation Plan with different design schemes and safety for walkers and bikers; the road should not be vehicle dependent. We can mark or delineate the pavement and shoulder with striping or other plans that can be used. The public was advised that the engineers and professionals walk every property and note everything that is on the property and roadway to show the existing conditions and to redline the area, conceptually. The goal is to remain and maintain consistency; be sure it fits the scope of the roadway and to work with the police department and traffic safety for the projects. As far as the Active Transportation Plan, Master Plan and Complete Streets Program and as a professional engineer, he takes everything into account to create the plans. He gave the example of the Fair Haven Road sidewalks when push back received and now everyone is pleased with how it was done. Tracy Cole asked if the Borough is going to regulate the speed limits and what is on the roadway; she suggested Engineer Gardella take residents with him to discuss, learn and share ideas.

Richard Saks, Hance Road, said he raised a family on the street and there is a reason why they have stayed so long. The street is uniquely rural, gracious and the residents want to keep it the way it is. There is no justification for sidewalks; they don't belong there (Hance Road is a gem of the town). A grant award is not justification.

Mark Quaglia, 22 Grange Avenue, said the plan is going against the distinctness of each road. Everyone walks in groups. Before the Borough works on base maps, we need to see what the thought of the Borough is and what the upside and downsides are. He understood how the process works, but the Borough needs to solicit resident feedback before moving forward with a grant and expending resources. Mayor Lucarelli said the end of Hance and Grange provide public access to the park; by not improving the area, in any fashion, is going to create a problem, with more expense. Mr. Quaglia said there needs to be a meeting of the minds as everyone has been accessing these roads without a problem and they should not need to conform to town. Change is good, but not for the reason to spend grant money.

Marti Egger, Hance Road, has lived in her house for 65 years, and said it is a unique neighborhood with history that draws people to the neighborhood. Everyone likes the feel of the neighborhood. The residents have been trying to have a "walk through" meeting with the Engineer for a few months and there is no meeting scheduled, to date. The residents want to show the Engineer and Council what the residents want. The Mayor said he will allow everyone to speak so they are heard, but he wants a drawing in place before a discussion is held. He is familiar with the area because he has lived here his entire life and he understands there would be an impact on the neighborhood. We need a plan to meet with the public to see what works or does not work. Mayor and Council's obligation is to consider everyone in town, not just residents of the street. Tracy Cole said Hance and Grange are already a walking destination, as is.

Peter Lore, Hance Road, (a long-time resident) said there is a new transition, with new families, and the roads should be kept, as is, with no sidewalks.

Sheri D'Angelo, Hance Road asked if the residents could see the grant for the pocket parks and sidewalks. Engineer Gardella said the pocket parks were partially funded by Monmouth County Open Space funds for Improvements to the Hance and Grange terminus and Boat Launching Ramp and the NJDOT grant is for sidewalks and to continue where Phase I left off. There are two separate contracts, but we need to make sure both contracts meet up with each other. The grant was written from a concept and is electronically based in the State system; he gave sample questions asked for what is there and what is proposed and explained the narrative portion and the presentation to meet the Complete Streets initiative. Mrs. D'Angelo said the timing of it is November and asked if base maps about ready. We are going to follow up with Maser Engineering as they needed to collect more data to enter into Auto CAD. This project must be bid and awarded by November 2021. The process keeps getting pushed back and creating a tighter window to get this done. The Borough can modify the scope, but the type of change requested, may result in a grant withdrawal. Engineer Gardella said he works with base maps and an i-Pad, tape measure, etc. to be sure everything works. He will coordinate with Councilman McCue and the subcommittee to meet with the residents. This is Phase II of the Improvements to Hance Road Project which continues the roadwork.

Mr. Quaglia questioned the sidewalks going in because the Borough does not want to lose the grant vs. the neighbors and those that live there objecting to sidewalks. He said the Borough needs to amend and modify the scope of work to be done. Mayor Lucarelli said another option is to let the grant time frame expire. The Borough has been working on this since 2017; we need the information, it in its completed form, to consider whether to move forward or not.

There being no further comments or questions, the meeting was closed to the public at 9:11 p.m.

Council went into executive session at 9:16 p.m. and this meeting was reconvened at 9:36 p.m.

ADJOURNMENT

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

Time of Adjournment: 9:36 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk