

FAIR HAVEN BOROUGH COUNCIL
JULY 12, 2021

The meeting was called to order by Council President Rodriguez at 7:06 p.m. The Flag Salute was led by Councilman McCue, followed by a Moment of Silent Meditation. Everyone was asked to keep the Kamin and Ingle Families in their thoughts. The Sunshine Law Statement was read.

ROLL CALL

On Roll Call the following were present: Councilmembers Chrisner-Keefe, Koch, McCabe, McCue, Neff and Rodriguez. Absent: Mayor Lucarelli. Others present: Administrator Casagrande, Attorney Cannon, Chief McGovern and Engineer Gardella.

PROCLAMATION

Council President Rodriguez read a proclamation congratulating Sean McNeil, Superintendent of Schools, on his being named 2021 Monmouth County Superintendent of the Year. Mr. McNeil thanked the governing body. He said that it is a surreal award to get. It has been an unbelievable 16 months and a good four years since coming to Fair Haven. Everyone is happy and we are doing it “the Fair Haven way”. The support of Mayor and Council, Administrator Casagrande and the parents is appreciated.

Council President Rodriguez asked Councilwoman Koch to read a proclamation for Parks and Recreation Month which is the month of July. DJ Breckenridge thanked Mayor, Council and Administrator Casagrande for their support. He thanked Councilwomen Koch and Chrisner-Keefe (his liaisons for parks and recreation) for allowing him to institute the positive programs during COVID to try and make the pandemic situation, better. He congratulated Sean McNeil for being named Superintendent of the Year; it is well deserved.

Council President Rodriguez thanked both Sean McNeil and DJ Breckenridge for not missing a beat during the entire pandemic.

PUBLIC HEARING

MONMOUTH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT

Administrator Casagrande advised that the Borough last applied for and received a CDBG grant in 2009 and we are looking to make application for FY2022 funding for Bicentennial Hall to make the building ADA compliant. She advised that the Borough has been working on this for several weeks, at the request of Mayor and Council and the Facilities Committee. There are certain criteria for the Community Development Block Grant; we qualify for ADA improvements. It is important to make Bicentennial Hall more accessible to the public. We have been working with our Architect’s office to come up with an application which will include the construction of a parking lot adjacent to Bicentennial Hall with two handicapped parking spaces and an ADA compliant ramp into a new entrance for the building, two handicap accessible bathrooms, and a handicap accessible dais. The renovated site and building will serve as a meeting space for the general population, including handicapped residents and senior citizens. Cost estimates were provided to the Mayor and Council, as well as the public through the Borough’s website and Constant Contact newsletter. The grant application is due no later than July 23rd and we can receive up to \$200,000.

Councilman Rodriguez said the concept plans were briefed with the Historic Preservation Commission for the outside work, not the inside; he and Councilwoman Koch discussed the ramp and parking lot concept with the members. There were some comments about the configuration with some understanding and some concern. This application is about ADA accessibility.

The hearing was opened to the public for comments or questions at 7:22 p.m. Councilwoman Chrisner-Keefe said she saw some concept plans circulated for Bicentennial Hall showing the driveway would be to the right with parking spaces and asked if that is where the new ramp would be. Administrator Casagrande explained that there is a cap for the amount that can be requested which is \$200,000; Monmouth County municipalities vote for projects and costs via a ranking system. There are two different categories for the applications: municipal and non-profit. Councilwoman Chrisner-Keefe asked if the scope of project will encapsulate all of the work to be done, or just a piece. She was advised ADA accessibility only. Administrator Casagrande said there is other work that needs to be done but not eligible for this grant funding. It was asked what those costs would be. There is a separate estimate for all of the work to be done in the amount of \$650,000. Councilwoman Chrisner-Keefe asked if Bicentennial Hall can still be utilized between improvements; yes, it can be, but upgrades are needed (paint, flashing, etc). Councilwoman Chrisner-Keefe asked Councilman Rodriguez what the Facilities Committee perspective is? Councilman Rodriguez said that there is a preliminary set of plans (three plans have been drafted to review with the Historic Preservation Commission). The Facilities Committee tried for a July 13th meeting, but no one was available so the meeting will take place next Tuesday, July 20th. There will also be discussion at the July 27th Historic Preservation Commission meeting, at Bicentennial Hall. We would like to start with ADA access and then look at the interior. Plans will be brought to the

Historic Preservation Commission to review and make comment. Councilwoman Chrisner-Keefe asked if the Borough should purchase the property to the right of Bicentennial Hall; it is under new ownership as of about a year ago and there is work being done to the property. We will approach the property owner if it is of interest to the Borough. Engineer Gardella advised that the new owners submitted for zoning improvements with the Zoning Board.

Councilwoman Neff asked what the timeline is to be notified if we received the grant. Sometime in the fall we should know our ranking and then it takes about six months to be advised of the amount awarded. Councilman Rodriguez said it may be decided to only address the parking lot and ADA requirements.

Councilwoman Koch confirmed the \$650,000 project cost included the ADA upgrades; yes. Administrator Casagrande reminded the governing body that there is \$350,000 in a bond ordinance for Bicentennial Hall improvements. The costs are estimates for the project as things change with materials, etc. Councilwoman Koch asked if the Borough must use the awarded funds by a certain date/time; yes, we would have a year from bid award to use the funds.

Councilwoman McCabe asked, "is the grant for ADA accessibility and the dais?" Yes. Administrator Casagrande said there is not a lot of parking at the site, as it is now. This application will allow for additional parking. Councilwoman McCabe asked if the Borough could use public parking to help as well. Attorney Cannon can negotiate an agreement for public parking with the shopping center, nearby.

Mary Humphreys, Hance Road, asked if the trees in front of Bicentennial Hall would be removed for the project; she was concerned because the trees at that location were planted in memory of lost loved ones. She was assured the trees will be preserved.

Tracy Cole, Grange Avenue, asked if permission to pursue the grant would be acted on tonight. She said it appears the Borough is only applying for a ramp on the outside of the building and asked if restrooms would also be part of the application; yes. Mrs. Cole asked if the vestibule will be ADA compliant as well? Yes. Mrs. Cole asked if the dais is part of the grant; yes and it will be ADA compliant. It was asked if it will be at the entrance to the building? Councilman Rodriguez advised there are three plans for the Historic Preservation Commission to look at. We know that we need a handicap ramp and the restrooms to be ADA compliant and we need to work with the Historic Preservation Commission. The Historic Preservation Commission does not have anything on their next agenda, as of now, so this matter can be discussed, but it could change between now and their next meeting date. Mrs. Cole asked if the dais location should not be assumed as a final decision; correct. Administrator Casagrande said that our plan must go before the State Historical Commission, as well.

There being no further comments or questions, the hearing was closed to the public at 7:38 pm.

WORKSHOP SESSION

Administrator Casagrande said that Monmouth County is applying for 2021 Community Affairs LEAP Implementation Grant which will allow us to become a participating member, if we choose. Monmouth County has contacted all municipalities to join. Our Engineering Department can use AutoCAD resources and other mapping that we may require access to when working on improvement projects, grants, etc. The Local Efficiency Achievement Program grant will be to upgrade the County GIS system to a new program (Nearmap). The shared service would be for two years and allows our Engineers access their data; the program is free of charge. There is a resolution listed on this evening's agenda to authorize the agreement. Councilwoman Koch asked if the program is available to residents; no, just municipalities, however, the County may allow access to residents, in some capacity. Councilwoman Neff asked how this program is different from what we have; the program will be updated 2-3 times a year. Councilwoman Chrisner-Keefe asked if after two years of the program being free, will there be a charge? We are not sure, the action taken tonight is just authorizing a two-year shared service that is free of charge; this is a more economical approach to participate with other towns through the County. Councilwoman Chrisner-Keefe asked Engineer Gardella what the program is used for? Engineer Gardella said the program is used for mapping (to create a map or a report and it helps with grant applications). Fair Haven also uses it for site visits to look at the aerial of an area (the fields, a neighborhood). She asked if the program can be used for enforcement purposes? Engineer Gardella said it can be used for enforcement; we can pull up the aerial imagery and look at the historic nature of a property. Councilwoman McCabe asked if our first responders can utilize the program, as well; yes, it can be used for search and rescue and hazard mitigation. Engineer Gardella said his office works with the police department, fire and first aid, if they need information.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:45 p.m. Tracy Cole, Grange Avenue, acknowledged Sean McNeil. It was a difficult year, and she never had to worry

about how things were run at the school; there was great communication and decision making. She is pleased with Resolution No. 2021-179 for a change in River Road’s speed limit as a traffic calming plan. She thanked Administrator Casagrande, Engineer Gardella and the Chief for their efforts. The Monmouth County Commissioners and County Engineering Department have advised that the River Road speed limit will be on their August agenda. The Borough Clerk advised that both Red Bank and Rumson will be provided with a copy of the resolution.

Councilwoman Chrisner-Keefe also commended School Superintendent McNeil; he rose above during an extremely difficult time. He was also one of the only Superintendents to have his staff vaccinated and also strongly encouraged other district staff to be vaccinated. Councilman McCue stated that he and Chief McGovern attended a weekly Monmouth County Regional Health Commission COVID-19 teleconference call and a representative from Monmouth University was also in attendance. The representative from Monmouth University asked about the public schools and David Henry, Health Officer, stated Sean McNeil was the only Superintendent to reach out for public school vaccinations.

There being no further comments or questions, the meeting was closed to the public at 7:49 p.m.

APPROVAL OF MINUTES

Councilwoman Koch made a motion to approve the Regular Meeting minutes of June 28, 2021, second by Councilwoman Chrisner-Keefe

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

Councilwoman Koch made a motion to approve the Executive Session minutes of June 28, 2021, second by Councilwoman Keefe

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

OLD BUSINESS
HEARING AND ADOPTION OF ORDINANCES

1. Ordinance No. 2020-08, Amend Affordable Housing Development Fee Ordinance

AN ORDINANCE ADDING SECTION 15.4 TO CHAPTER 30 (LAND USE AND DEVELOPMENT REGULATIONS) IN THE FAIR HAVEN BOROUGH CODE, WHICH WILL BE ENTITLED “DEVELOPMENT FEE ORDINANCE,” WHICH WILL COMPLY WITH CURRENT STATE AFFORDABLE HOUSING REGULATIONS

On motion of Councilwoman Koch, second by Councilwoman Chrisner-Keefe with Ayes by all present, Council President Rodriguez opened the meeting for comments or questions at 7:50 p.m.

Administrator Casagrande said there was a simple change by adding a few words to the Development Fee ordinance to clarify for our Zoning Office and Building Department when the fees kick in. Michael Edwards, Special Counsel and Susan Gruel, Planner, agreed to the adjustment. The Fair Haven Planning Board approved of the ordinance and sent a memo for the file.

Administrator Casagrande explained how the fees are calculated and that it is tied to a Certificate of Occupancy. This ordinance will clarify when someone does improvements or renovation whether they pay the fee or not.

There being no further comments or questions, the Hearing was closed to the public at 7:54 p.m. on motion of Councilwoman Koch, second by Councilwoman Chrisner-Keefe with Ayes by all present.

Offered for adoption by Councilwoman Koch, second by Councilwoman Chrisner-Keefe

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

NEW BUSINESS

Council Committee Reports

Finance - Councilwoman Neff advised that the Borough received the certified budget from the Department of Community Affairs. The Finance Committee will meet with department heads to develop a three-year plan to project future budgets. There will be a bond issuance in the second half of this year.

Personnel - Councilwoman Chrisner-Keefe did not have a report.

Parks and Recreation and Communications - Councilwoman Koch asked DJ Breckenridge about upcoming programs to be rolled out. DJ advised that camp is underway and half-way done. He also advised that summer concerts are coming back and asked everyone to stay tuned.

Planning & Zoning - Councilwoman Koch advised that July 20th is the next Planning Board meeting. The Zoning Board met on July 8th. The Zoning Board has received more applications than the previous year. This year, we have received 244 zoning applications for a variety of projects (generators, fences, additions;/renovations, demos, pools, a/c units and sheds). The July 15th Zoning Board meeting has been cancelled due to lack of an agenda.

Police, Fire & OEM - Councilman McCue did not have any updates.

Engineering and DPW – Councilman McCue advised that Engineer Gardella followed up on the base maps for Hance and Cooney; as of July 1st they were completed. He followed up with Vallee Survey as we have not received the maps yet. With regard to DPW, brush grinding will be some time in August. We are obtaining quotes, however, based on size and quantity, we may not need to go to bid.

Councilwoman McCabe said once we receive the base maps, a subcommittee will visit and discuss plans with the neighbors. She asked if a date should be put on a calendar; she also asked if there were any project updates to share. Administrator Casagrande said once the base maps are received, they will be sent to the Committee first and then a date will be set up. Marti Egger, Hance Road, will be the contact for the neighbors. Councilwoman Neff asked if she could attend the walk through to better understand. Administrator Casagrande said that we need to avoid a quorum or else we will need to advertise. Councilwoman Neff said the Borough needs the residents view and how they envision it. Councilwoman McCabe said there was a lot of discussion at the last meeting which was captured beautifully in the minutes. The Engineering Committee will gather information and bring it back to the full governing body for discussion. Councilwoman Chrisner-Keefe asked who is handling the base maps; Vallee Surveying has done the work. She felt it unacceptable that it has been 11 days since the base maps were finalized and we do not have the information (especially with the time constraints and possible modifications). Administrator Casagrande advised that she reached out to NJ Department of Transportation to find out what our options would be with substitutions and whether the NJDOT will allow for it.

Borough Facilities - Councilman Rodriguez advised that Bicentennial Hall was discussed earlier. With regard to the police department and DPW, the Facilities Committee has been working with the Borough Architect for a more detailed plan for review and then present to Mayor and Council; there are a number of steps to be done. There is a facility meeting next week to button up some open questions. Councilman McCue said with regard to the Recreation Committee and special projects, there is a meeting with a specialist for energy efficient options. The meeting is being held tomorrow at 11 am at Bicentennial Hall between DJ Breckenridge and the specialist.

INTRODUCTION OF ORDINANCES

1. Ordinance No. 2021-10, Establish Procedures and Standards – Deployment of Small Wireless Facilities in ROW

**AN ORDINANCE ESTABLISHING PROCEDURES AND STANDARDS
REGARDING DEPLOYMENT OF SMALL WIRELESS FACILITIES IN PUBLIC
RIGHTS-OF-WAY IN THE BOROUGH OF FAIR HAVEN**

WHEREAS, the wireless telecommunications industry has expressed interest in submitting applications to utilize space in public rights-of-way within the Borough of Fair Haven (“**MUNICIPALITY**”) for the installation of small cell wireless telecommunications facilities (hereinafter "Small Wireless Facilities") in connection with the industry's efforts to expand and/or upgrade existing 4G services and as part of the construction of a nation-wide 5G network; and

WHEREAS, the **MUNICIPALITY** encourages wireless infrastructure investment and wishes to provide a fair and predictable process for the deployment of Small Wireless Facilities while preserving the Borough of Fair Haven's ability to manage public rights-of-way in the overall interests of the public health, safety and welfare; and

WHEREAS, the **MUNICIPALITY** recognizes that as usage of wireless technologies continues to rapidly increase, Small Wireless Facilities will be critical to delivering wireless

access to advanced technologies, broadband services and 911 services to residences, businesses, schools and individuals within the Borough of Fair Haven; and

WHEREAS, the Borough of Fair Haven recognizes that Small Wireless Facilities often are most effectively deployed in public rights-of-way; and

WHEREAS, multiple installations of Small Wireless Facilities within the public right-of-way can impact property values, create traffic and pedestrian safety hazards, impact shade trees where proximity conflicts may require trimming of branches or require removal of roots and create visual and aesthetic blights all of which can negatively impact the quality and character of life within the Borough of Fair Haven; and

WHEREAS, the MUNICIPALITY wishes to preserve the aesthetics of the community by encouraging the location of 5G equipment on existing or previously approved infrastructure; and

WHEREAS, A September 2018 Ruling and Order of the Federal Communications Commission ("FCC") provides that all local jurisdictions must comply with various restrictions on the exercise of local aesthetic, zoning, public works and fees when dealing with Small Wireless Facility installation siting applications by the effective date of the Order which was January 14, 2019. The FCC Order further provided that all local agencies should be capable of fully implementing its provisions within 180 days of its adoption which was on September 26, 2018. The Order also includes modifications to "shot clocks" which require local governments to approve or deny applications within certain expedited periods of time; and

WHEREAS, the Borough of Fair Haven needs to amend its ordinances to address the legal and practical issues that arise in connection with multiple Small Wireless Facility installations deployed in the public rights-of-way; and

WHEREAS, in light of the foregoing, this governing body is of the opinion that the adoption of this Ordinance and its immediate implementation are in the best interest of the MUNICIPALITY and the health, safety and welfare of its residents and visitors.

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

Section One. Definitions.

A. All definitions of words, terms and phrases that are set forth in the Communications Act of 1934, P.L. 73-416, as amended by various statutory enactments including, but not limited to, the Telecommunications Act of 1996 P.L. 104-104, are incorporated herein and are made apart hereof.

B. All definitions of the words, terms and phrases that are set forth in the portion of the Middle-Class Tax Relief and Job Creation Act of 2012, P.L. 112-96, as codified in 47 USC §455, are incorporated herein and are made a part hereof.

C. All definitions of words, terms and phrases that are set forth in the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1, *et. seq.*, are incorporated herein and are made apart hereof.

D. All of the definitions of words, terms and phrases that are set forth in the Code of Federal Regulations at 47 C.F.R. §1.6002, as amended, are incorporated herein and are made a part hereof.

E. In addition to the foregoing, the following words, terms and phrases shall have the meanings indicated unless an alternate meaning clearly is discernable from the context in which the word, term or phrase is used:

Personal Wireless Services

"Personal Wireless Services," as defined in 47 U.S.C. §332(c)(7)(C), as supplemented and/or as amended.

Public Right-of-Way

The surface, the airspace above the surface and the area below the surface of any street, road, highway, lane, alley, boulevard or drive, including the sidewalk, shoulder and area for utilities owned by the Borough of Fair Haven within an easement to the public or other easement owned by the Borough of Fair Haven.

Small Wireless Facility

"Small Wireless Facility," as defined in the Code of Federal Regulations at 47 C.F.R§1.6002(1), as supplemented and/or as amended.

Smart Pole

A decorative utility pole that conceals, disguises or camouflages one or more Small Wireless Facility installation(s) and may include other features such as street lighting, 911 call service access, public access Wi-Fi and surveillance cameras. A Smart Pole must allow for multiple occupants and allow space for municipal use for other services and/or equipment. Smart Poles shall neither have external latches, external hinges, nor external cabling. The pole should be made of an inherently rust-resistant material (ie. aluminum alloys or stainless steel).

Utility Pole

A wooden or metal pole that is used by public utilities to support electrical wires, telephone wires, coaxial cables, fiber optic cables and like and similar appurtenances.

F. In the event that a term, word or phrase is not defined in any of the aforementioned statutes and is not otherwise defined herein then that term, word or phrase shall have its common, ordinary meaning.

Section Two. Small Wireless Facility Siting Permit Required; Consent to Use Rights-of-Way Required.

A. No person shall place a Small Wireless Facility in any right-of-way without first filing a Small Wireless Facility siting permit application, in the form specified herein and in accordance with the procedures specified herein, with the Fair Haven Borough Clerk and obtaining a siting permit therefore, except as otherwise may be provided in this ordinance. Upon approval of a siting permit application, the siting permit authorizing placement of a Small Wireless Facility in a public right-of-way shall not be issued by the Fair Haven Borough Clerk to any Applicant unless:

1. All siting permit application fees and escrow fees, as established herein, have been paid; and

2. All other governmental permits or other governmental approvals that are required for the deployment(s) proposed by the Applicant's siting permit application under the New Jersey Uniform Construction Code Act, N.J.S.A. 52:27D-119, et. seq., and the administrative regulations adopted thereunder, Chapter 382, Article V, Street Openings, of the Code of the Borough of Fair Haven, and by any other applicable federal, state or municipal law have been issued by the appropriate issuing authority therefore to the Applicant and the Applicant has supplied copies of such other permits or approvals to the Fair Haven Borough Clerk for inclusion with the Applicant's application documents; and

3. The Applicant has entered into a "Right-of-Way Use Agreement," the approved form of which is set forth in Appendix "B" to this ordinance, with the MUNICIPALITY. The approved form of "Right-of-Way Use Agreement" may from time-to-time be revised, supplemented or otherwise amended or replaced. All such revisions, supplements, amendments or replacements shall be approved by Resolution of the Borough of Fair Haven Council. The Fair Haven Borough Clerk shall maintain on file the currently approved Right-of-Way Use Agreement version and shall provide a copy to all siting permit applicants. Minor deviations to the terms and conditions that are set forth in the approved form of Right-of-Way Use Agreement may be approved by the Fair Haven Borough Council at the time that it grants consent to use a right-of-way to a siting permit Applicant.

B. No siting permit authorizing placement of a Small Wireless Facility in a public right-of-way shall be issued to any Applicant unless the Fair Haven Borough Council, in the manner prescribed by applicable laws of the State of New Jersey, has granted to the siting permit Applicant its consent to use public rights-of-way within the Borough of Fair Haven. No siting of a Small Wireless Facility shall be permitted within two-hundred (200) feet of another Small Wireless Facility unless it can be established by clear and convincing evidence that co-location on an existing or previously approved Small Wireless Facility is not feasible. Any claims of carriers of technical incompatibility or inability to collocate need to be proven by the carrier, not disproven by the municipality. Responsibility for judging proof of said claims lies solely with the municipality and/or its chosen representative(s).

Section Three. Installation of New Structures; Installation on Existing Structures.

A. No application for a Small Wireless Facility siting permit shall be approved if the application proposes the deployment of a Small Wireless Facility upon an existing structure in a right-of-way unless the structure is one of the types of Smart Poles that are set forth in Appendix "A" to this ordinance and such Smart Pole specifically is designed to accommodate

the reasonable and customary equipment necessary for a Small Wireless Facility installation which will accommodate at least three carriers per Small Wireless Facility deployment.

B. No Small Wireless Facility shall be installed upon any new structure within any right-of-way unless the new structure is one of the pre-approved types of Smart Poles that are identified in Appendix "A" to this ordinance. A replacement pole is a new structure. The restrictions on new structures set forth herein shall not apply to new structures to be constructed in the following zoning district: INSERT ZONE IF APPLICABLE. Appendix "A" to this ordinance from time-to-time may be revised, supplemented or otherwise amended or replaced. All such revisions, supplements, amendments or replacements shall be approved by Resolution of the Fair Haven Borough Council. The Fair Haven Borough Clerk shall provide a copy of Appendix "A" to all siting permit applicants.

C. No application for a Small Wireless Facility siting permit shall be approved if the application proposes the deployment of a Small Wireless Facility in an area other than those specific locations set forth within the City's Wireless Siting Plan, which can be found on file with the Office of the City Clerk. All Small Wireless Facilities must be placed within a 25 ft. radius of those specific locations set forth on the City's Wireless Siting Plan. No more than one (1) Smart Pole shall be permitted per intersection or block if the Siting Plan calls for the deployment of a Small Wireless Facility at any location other than an intersection, unless otherwise specified within the Wireless Siting Plan. No Smart Poles shall be located within 200 ft. of another.

Section Four. Siting Permit Application Process.

A. Application Filing. An application for a siting permit to place one or more Small Wireless Facility within a right-of-way shall be made on forms which shall be available from the Office of the Fair Haven Borough Clerk. The application, along with the required application fee and the required escrow fee, shall be filed with the Fair Haven Borough Clerk. Immediately upon receipt of an application, the Fair Haven Borough Clerk shall provide copies of the application and all supporting documents that were submitted by the Applicant with the application, to the Fair Haven Borough Engineer, the Construction Official and the Fair Haven Borough Solicitor.

B. Application Form. The Small Wireless Facility siting permit application shall be made by a provider of personal wireless services, or its duly authorized representative as noted in a notarized statement from the provider of personal wireless services on whose behalf the representative is acting, and shall contain the following:

1. The Applicant's name, address, telephone number and e-mail address;
2. The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application;
3. A general description of the proposed Small Wireless Facility, existing structure and new structure work to be performed. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with particular emphasis on those matters, including, but not limited to, subservice utilities likely to be affected or impacted by the work proposed along with a description of such other governmental permits or approvals as may be required by applicable law with respect to the proposed installation(s) and a description of such other permits or approvals for which the Applicant has applied;
4. Authorization for any consultant acting on behalf of the Applicant to speak with the MUNICIPALITY, or a designee of the MUNICIPALITY, on the area of consultation for the Applicant even if the Applicant cannot be available;
5. Verification from an appropriate professional that the Small Wireless Facility shall comply with all applicable federal, state and local laws, administrative regulations and codes;
6. The Applicant shall certify that they shall market the availability of approved facilities to all major wireless carriers in the marketplace. The Applicant shall further certify that they will encourage, manage and coordinate the location and placement of any interested carrier's equipment on their structure.

C. An Applicant seeking to deploy a network of Small Wireless Facilities, all of which are to be located in rights-of-way, may file a batched application for up to twenty-five (25) Small Wireless Facilities and receive a single siting permit for multiple Small Wireless Facilities.

Section Five. Procedure on Permit Application; No Exclusive Rights.

A. The MUNICIPALITY shall review the application for a Small Wireless Facility siting permit in light of its conformity with the provisions of this Ordinance, and shall approve a siting permit on nondiscriminatory terms and conditions subject to the following requirements:

1. Within ten (10) days of receiving an Application, the Fair Haven Borough Clerk shall determine and notify the Applicant:

(a) Whether the Application is complete;

(b) If the Application is incomplete, what specific information is missing; and

(c) Whether the deployment of the Small Wireless Facilities as proposed requires the Applicant to apply for other permits, such as a street opening permit or construction permit, for which the Applicant has not yet applied. No Small Wireless Facility siting permit application shall be deemed complete until the Applicant has applied for all other permits and approvals required by all other laws and regulations that are applicable to the Applicant's proposed Small Wireless Facility deployment.

B. The MUNICIPALITY shall make its final decision to approve or deny the Application within the following timeframes:

(a) Sixty (60) days from the submission of a complete application to install a Small Wireless Facility upon one or more existing structures.

(b) Ninety (90) days from the submission of a complete application to install a Small Wireless Facility upon one or more new structures.

(c) Ninety (90) days from the submission of a complete batched application to install Small Wireless Facilities upon both existing and new structures.

The timeframes described above by which an application shall be either approved or denied may be extended by mutual consent of the Applicant and Borough of Fair Haven. Such consent shall be set forth on a form for such purposes which shall be available from the Office of the MUNICIPALITY Clerk. Such consent on behalf of the Borough of Fair Haven shall be exercised by the Mayor in his/her reasonable discretion.

C. The Fair Haven Borough Clerk shall notify the Applicant in writing of the final decision, and if the Application is denied Specify the basis for denial; and Cite such specific provisions, as may be recommended by the MUNICIPALITY Solicitor, from federal, state, or local laws, administrative regulations or codes as to why the Application was denied.

D. Notwithstanding an initial denial, the Applicant may cure any deficiencies identified by the Borough of Fair Haven within thirty (30) days of the denial without paying an additional application fee, provided the Fair Haven Borough Clerk shall approve or deny the revised application within thirty (30) days of receipt of the amended application which shall be limited to the deficiencies specified in the original notice of denial.

E. If the Borough of Fair Haven fails to act upon an application within the timeframes prescribed by this section, the Applicant may provide written notice to the Borough of Fair Haven that the application review and decision period has lapsed. Upon receipt of such notice, the Fair Haven Borough Council, by resolution adopted no later than its second regularly scheduled public meeting next following receipt of the notice, shall either deny the application or direct that the siting permit shall be approved and issued. Nothing in this paragraph is intended in any way to impact any other right or remedy that may be available to the Applicant under applicable federal or state law if the Borough of Fair Haven fails to act upon an application within the timeframes prescribed by this section.

F. A siting permit from the Borough of Fair Haven authorizes an Applicant to undertake only certain activities in accordance with this ordinance. No approval or consent granted, or siting permit issued, pursuant to this ordinance shall confer any exclusive right, privilege, license or franchise to occupy or use any public right-of-way within the Borough of Fair Haven for the delivery of telecommunications services or for any other purpose.

Section Six. Duration.

No siting permit issued under this ordinance shall be valid for a period longer than twelve (24) months unless construction has actually begun and continuously and diligently is pursued to completion. Upon written request from the Applicant, the Mayor, upon consultation with the Construction Official, may extend the siting permit for a period of up to twelve (12) months so long as construction has begun at the time that the Applicant's request for an extension is made.

Section Seven. Routine Maintenance and Replacement.

A Small Wireless Facility siting permit shall not be required for:

- A. Routine maintenance of a Small Wireless Facility.
- B. The replacement of a Small Wireless Facility with another Small Wireless Facility that is substantially similar or smaller in size, weight and height to the Small Wireless Facility that is being replaced.
- C. Provided, however, that on a location where the Borough of Fair Haven and/or another provider has placed equipment or facilities, any routine maintenance or replacement that is done shall not occur until written authorization from the Borough of Fair Haven and/or the other provider, as the case may be, to proceed is provided to the Borough of Fair Haven, which authorization to proceed shall not unreasonably be withheld by the Borough of Fair Haven and/or the other provider.
- D. Provided further that if the replacement of a Small Wireless Facility with another Small Wireless Facility includes replacement of the structure to which the Small Wireless Facility is attached then an application for a siting permit shall be required.

Section Eight. Application Fees.

- A. All applications for approval and issuance of a Small Wireless Facility siting permit pursuant to this ordinance shall be accompanied by a fee as follows:
 - 1. For applications that do not include the installation of any new structures within a right-of-way the application fee shall be \$500.00 for up to five (5) Small Wireless Facilities with an additional \$100.00 for each Small Wireless Facility beyond five (5).
 - 2. For applications that include the installation of a new structure within a right-of-way the application fee shall be \$1000.00 for up to five (5) Small Wireless Facilities with an additional \$100.00 for each Small Wireless Facility beyond five (5).

Section Nine. Escrow Fee for Third-Party Professionals and Consultants.

- A. In addition to the application fee, all applications for approval and issuance of a Small Wireless Facility siting permit shall be accompanied by an escrow fee as follows:
 - 1. For applications whose proposed Small Wireless Facility deployment(s) will not require a street opening permit pursuant to Chapter 382, Article V of the Code of the Borough of Fair Haven: \$5,000.00.
 - 2. For applications whose proposed Small Wireless Facility deployment(s) will require a street opening permit of the Code of the Borough of Fair Haven: \$7,500.00.
- B. The escrow account deposits are required to pay for the costs of professional services, including engineering, planning, legal and other third-party professional consulting expenses connected with the review of submitted materials, including any traffic engineering review or other special analyses related to the Borough's review of the materials submitted by the Applicant and the preparation of any reports or any necessary legal agreement regarding rights-of-way use. An Applicant is required to reimburse the Borough of Fair Haven for all fees, costs and expenses of third-party professionals and consultants incurred and paid by the Borough of Fair Haven for the review process of a Small Wireless Facility siting permit application, such as, but not limited to:
 - 1. Professional fees for reviews by third-party professionals or consultants of applications, plans and accompanying documents;
 - 2. Issuance of reports or analyses by third-party professionals or consultants to the Borough of Fair Haven setting forth recommendations resulting from the review of any documents submitted by the Applicant;
 - 3. Charges for any telephone conference(s) or meeting(s), including travel expenses, requested or initiated by the Applicant, the Applicant's attorney or any of the Applicant's experts or representatives;
 - 4. Review of additional documents submitted by the Applicant and issuance of reports or analyses relating thereto;

5. Review or preparation of right-of-way use agreements, easements, deeds, right-of-way municipal consent ordinances or resolutions and any and all other like or similar documents; and
 6. Preparation for and attendance at all meetings by third-party professionals or consultants serving the Borough of Fair Haven, such as the Borough Attorney, Borough Engineer and Borough Planner or other experts as required.
- C. The escrow account deposits shall be placed in a separate account by the Borough of Fair Haven's Chief Financial Officer at the request of the Fair Haven Borough Clerk and an accounting shall be kept of each Applicant's deposit. Thereafter:
1. All third-party professional or consultant fees, costs, expenses and charges shall be paid from the escrow account and charged to the applicant;
 2. Upon either final denial of a Small Wireless Facility siting permit application or upon issuance of a Small Wireless Facility siting permit, any moneys not expended for third-party professional, or consulting services shall be returned to the Applicant within 90 days upon written request by the Applicant and as authorized by the Fair Haven Borough Council;
 3. If at any time during the application review process 75% of the money originally posted shall have been expended, the Applicant shall be required to replenish the escrow deposit to 100% of the amount originally deposited by the Applicant;
 4. No Small Wireless Facility siting permit application shall be considered complete until such time as the required escrow fee has been posted to guarantee payment of third-party professional or consultant fees, costs, expenses and charges;
 5. All payments charged to the escrow deposit shall be pursuant to vouchers from the third-party professionals or consultants stating the hours spent, the hourly rate and the fees, costs, expenses and charges incurred;
 6. Third-party professionals and consultants submitting charges pursuant to this section shall be permitted to charge for such services at the same rates as they would charge their private clients for like or similar work provided that:
 - (a) Professional fees are billed at rates that do not exceed such professional fees as are customarily charged by other like professionals and consultants performing similar work within Monmouth County; and
 - (b) Out-of-pocket costs, expenses and charges are billed on a dollar-for-dollar basis with no mark-up being permitted;
 7. The Borough of Fair Haven shall render a written final accounting to the Applicant on the uses to which the escrow deposit was put. The written final accounting shall include copies of all vouchers that were submitted by third-party professionals and consultants and paid by the Borough of Fair Haven.

Section Ten. Municipal Access to New Structures.

An Applicant whose siting permit includes the installation of any new Smart Pole structure of any of the types that are included in Appendix "A" to this ordinance shall provide the Borough of Fair Haven with access to any of the technological features that are a component the new Smart Pole structure such as, for example, public access Wi-Fi, 911 call service or security cameras, before the Applicant offers such access to any other person or entity. Should the Borough decide to utilize any such technological features then the Borough of Fair Haven, on an annual basis, shall reimburse the Applicant or the subsequent owner of the structure, the costs, on a dollar-for-dollar basis, of providing the Borough with such access. Such costs shall be limited to the costs of providing electricity to the components used by the Borough of Fair Haven and the costs of any repairs required to be made to the components used by the Borough, unless the repair costs are necessitated by the acts of the Applicant or subsequent owner of the structure, without regard to whether such acts are negligent or intentional.

Section Eleven. All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same hereby are repealed.

Section Twelve. This Ordinance shall take effective immediately upon final passage and

publication as provided by law.

Offered for introduction by Councilwoman Koch, second by Councilman McCue

Councilwoman Chrisner-Keefe said she was trying to understand this ordinance. There is a single section that discusses 5G network equipment for right of way (ROW) and utilities. Attorney Cannon explained how the process for fiber optic and network upgrades works. A lot of towns did a great job with ordinances to set requirements and consent from municipalities. He gave the example of Belmar where a 70-foot pole was installed, with no one's knowledge or consent; he represented Belmar and they were successful in having the pole taken down because there was no permission granted. This is an effective ordinance to put regulations in place. It is up to the State and BPU to set parameters. What is before Council protects the Borough and is a well written ordinance. We expect the State will monitor it like other standards. Currently, it is left to the private market and individual land negotiations. Councilwoman Chrisner-Keefe asked about the application and if the people who own the pole apply on behalf of the 5G company? Yes, AT&T, Verizon and T-Mobile are the three companies in play. Councilwoman Chrisner-Keefe asked what the escrows are for? Escrow is for our professionals (Engineer, Attorney, Cell Tower Consultant) who will be reviewing the applications and what the companies would like to do. This ordinance is for leasing of space below cell tower height; there are different uses (power/solar panels, cell, fiber optic); this is an evolving matter.

Councilwoman McCabe said with regard to negotiating, she has a concern with the Borough always losing power and asked that we negotiate what we need without disruption to service. Attorney Cannon advised that power companies fall under the BPU, not local jurisdiction. Most of the time, the power goes out because trees fall on the lines. The power company will enter into a lease with the entity allowing them use of the pole or the telephone company will enter a lease if it is their pole.

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

Negative: None

Abstain: None

Absent: None

CONSENT AGENDA

Councilwoman Neff asked Administrator Casagrande to explain Resolution Nos. 2021-175 and 2021-183 which pertain to Chapter 159s. When the Borough receives a check for grants, after the budget has been adopted, this allows us to include the monies as revenue for the budget. Resolution No. 2021-175 pertains to the Clean Communities grant where we can purchase trash cans, pay for street sweeping costs, pay overtime for park clean up. The same pertains to Resolution No. 2021-183 for the Recycling grant; it can be used to pay for a piece of equipment, or something related to recycling. Grants run year to year and roll over if not spent. Councilwoman McCabe asked if the money can be used to beautify the planters; no.

Councilwoman Neff said that there have been complaints and comments that the parks are dirty; we need additional trash cans. Administrator Casagrande said that collection is tied to our trash bid so our vendor is responsible for it.

Councilman McCue said with regard to Resolution No. 2021-179, he is happy the speed limit is being lowered to 25 mph on River Road, but thought it was only for the business district. The speed limit on River Road is 30 mph and there is not much difference in lowering it to 25 for the entire length. Councilman Rodriguez said there will be bike lanes and sharrows the entire length of River Road. Chief McGovern worked with the County and Engineer Gardella, and this is the speed limit they suggested because there are residential areas in and around the business district. Administrator Casagrande said the county will be working with Red Bank and Rumson on the transitional piece. Chief McGovern advised that once everything is in place, he will be sure to notice of the speed limit change. Councilwoman Neff felt 25 mph will be a lot safer. Councilwoman Chrisner-Keefe recalled in-depth discussions at prior Council meetings regarding the paving of River Road and lowering the speed limit to help with bike and pedestrian safety. Councilman Rodriguez felt this is a good resolution to help slow down vehicles because River Road is dangerous, and it is hoped that this is "contagious" with the surrounding towns for speed limit and bike lanes.

Councilman McCue questioned the new vendor note on page 6 of the bill list. He was advised that the vendor is new and provided service for infield maintenance; the note carried from the previous page.

RESOLUTIONS

1. Resolution No. 2021-174, 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. PBA Local 184 Contract
- 2. Teamsters Contract
- 3. Borough Engineer Contract
- 4. Interlocal Service Agreements with Rumson

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 Councilwoman Koch, second by Councilwoman Chrisner Keefe

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

Negative: None

Abstain: None

Absent: None

- 2. Resolution No. 2021-175, Chapter 159: Clean Communities Grant

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such items of revenue in the Budget of the County or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and

WHEREAS, the Borough of Fair Haven has received a \$11,808.38 grant from State of New Jersey for a Clean Communities Grant and wishes to amend its 2021 budget to include this amount as revenue; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2021 in the amount of \$11,808.38 which items in now available as revenue from:

The State of New Jersey
Clean Communities Grant

BE IT FURTHER RESOLVED that a like sum of \$11,808.38 be and the same is hereby appropriated under the caption of General Appropriations – Operations Excluded from CAPS:

The State of New Jersey
Clean Communities Grant

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

Offered for adoption by Councilwoman Koch, second by Councilwoman Chrisner Keefe

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

Negative: None

Abstain: None

Absent: None

- 3. Resolution No. 2021-176, Approve Block Party for Poplar Avenue - September 18th (rain date September 19th)

WHEREAS, a request was received to hold a Block Party on Poplar Avenue on Saturday, September 18, 2021 from 3 pm to 11 pm with a rain date of Sunday, September 19, 2021; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on June 24, 2021; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that approval is hereby granted for a block party to be held on Poplar Avenue on Saturday, September 18, 2021 from 3 pm to 11 pm with a rain date of Sunday, September 19, 2021.

BE IT FURTHER RESOLVED that Permit No. BP 2021-04 will be issued for said event and that attendees with comply with the Governor's order regarding social gatherings.

Offered for adoption by Councilwoman Koch, second by Councilwoman Chrisner Keefe

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

Negative: None

Abstain: None

Absent: None

4. Resolution No. 2021-177, Approve Block Party for Sycamore Lane - September 19th (rain date October 17th)

WHEREAS, a request was received to hold a Block Party on Sycamore Lane on Sunday, September 19, 2021 from 3 pm to 6 pm with a rain date of Sunday, October 17, 2021; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on June 30, 2021; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that approval is hereby granted for a block party to be held on Sycamore Lane on Sunday, September 19, 2021 from 3 pm to 6 pm with a rain date of Sunday, October 17, 2021.

BE IT FURTHER RESOLVED that Permit No. BP 2021-05 will be issued for said event and that attendees with comply with the Governor's order regarding social gatherings.

Offered for adoption by Councilwoman Koch, second by Councilwoman Chrisner Keefe

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

Negative: None

Abstain: None

Absent: None

5. Resolution No. 2021-178, Authorize Community Development Block Grant Application - Bicentennial Hall

WHEREAS, the Borough of Fair Haven has been proactive in applying for various grants to assist with funding projects related to accessibility improvements within the Borough; and

WHEREAS, the County of Monmouth, Community Development Department is administering grant funding through the FY2022 Community Development Block Grant Funds (CDBG); and

WHEREAS, the Borough of Fair Haven held a public hearing to discuss the opportunities for accessibility improvements at Bicentennial Hall in the Borough of Fair Haven; and

WHEREAS, the Borough's Architect and Borough Engineer have developed a concept plan for accessibility to the building's exterior and interior allowing all individuals to access Bicentennial Hall for meetings and gatherings that will take place; and

WHEREAS, the Borough has determined this project is eligible for grant funding through the FY2022 CDBG Program and would be beneficial to Fair Haven's residents, business owners, and greater community.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fair Haven support the Bicentennial Hall ADA Accessibility program and hereby authorizes the Borough's professionals to prepare the grant applications necessary to apply for funding.

Offered for adoption by Councilwoman Koch, second by Councilwoman Chrisner Keefe

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

Negative: None

Abstain: None

Absent: None

6. Resolution No. 2021-179, Support Revised Speed Limits on County Road 10 (River Road)

WHEREAS, County Route 10 (River Road) is a densely developed and thriving residential and business corridor traversing the Borough of Fair Haven with significant pedestrian and bicycle traffic; and

WHEREAS, County Route 10 (River Road) has an existing posted speed limit of 35 MPH from the Red Bank municipal boundary to Hance Road and 30 MPH from Hance Road to the Rumson municipal boundary; and

WHEREAS, the 2017 Fair Haven Active Transportation Plan detailed the Borough's commitment to making a Complete Streets Policy an integral part of the community and identified proposed improvement concepts for the County Route 10 (River Road) corridor including a reduction in the posted speed limit; and

WHEREAS, the 2017 Fair Haven Active Transportation Plan has recommended a 25 MPH speed limit for County Route 10 (River Road) to support a more friendly environment for both bicyclists and pedestrians and improved safety for all modes of travel; and

WHEREAS, Monmouth County has determined that County Route 10 (River Road) meets the statutory requirements of N.J.S.A. 39:4-98 for a 25 MPH speed limit.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fair Haven, that the Borough strongly supports Monmouth County approving a 25 MPH speed limit on County Route 10 (River Road) between the Red Bank and Rumson municipal boundaries.

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded by the Clerk to the appropriate officials in Monmouth County, Borough of Red Bank and Borough of Rumson.

Offered for adoption by Councilwoman Koch, second by Councilwoman Chrisner Keefe

Affirmative: Councilmembers Chrisner-Keefe, Koch, Neff and Rodriguez

Negative: Councilman McCue

Abstain: Councilwoman McCabe

Absent: None

7. Resolution No. 2021-180, Authorize Participation and Grant Application for the LEAP Implementation Grant

WHEREAS, the State of New Jersey has appropriated \$10 million for Shared Services and School District Consolidation Study and Implementation Grants to assist local units with the study, development and implementation of new shared and regional services; and

WHEREAS, the Department of Community Affairs, Division of Local Government Services (DLGS) is tasked with administering these grant funds through the Local Efficiency Achievement Program (LEAP); and

WHEREAS, LEAP Implementation Grants exist to support costs associated with shared service implementation to ensure that meaningful, efficiency generating initiatives are not hindered by short term transitional expenses; and

WHEREAS, the (COUNTY OF MONMOUTH and Participating Local Units) propose to enter into a shared services agreement, but face certain expenses associated with implementation that present a burden to the local units; and

WHEREAS, the purpose of this shared services agreement is to provide the technical benefits the County receives through our high resolution aerial imagery service (Nearmap) to all fifty-three (53) municipalities in the County, free of charge for two years, which will benefit the residents of all participating local units; and

WHEREAS, this service will provide high resolution, high quality imagery, as well as a

complete set of countywide images three times a year through a web-based interface that allows the user to view the most recent images online; and

WHEREAS, municipal governments will use this to do the following:

- Measure size and footprints of buildings
- Determine property boundaries, setbacks and buffers
- Evaluate environmental conditions and potential development impacts
- Estimate capital investments
- Post disaster damage assessment
- Hazard mitigation assessments
- Search and rescue; and

WHEREAS, the COUNTY OF MONMOUTH has agreed to be the lead agency in this program and will submit the application to DLGS on behalf of all participating units; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven, that the Borough of Fair Haven does hereby join with COUNTY OF MONMOUTH in applying for a LEAP Implementation Grant in the amount of \$250,000.00 to support implementation of this shared service.

Offered for adoption by Councilwoman Koch, second by Councilwoman Chrisner Keefe

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

8. Resolution No. 2021-181, Approve Animal Control Service Contract with Monmouth County SPCA

WHEREAS, the Borough Council of the Borough of Fair Haven approved Resolution No. 2021-83 which extended a Shared Service Agreement with the Borough of Red Bank for the services of an Animal Control Officer until December 31, 2021; and

WHEREAS, the Borough of Red Bank has advised that it will no longer be providing said service as they has entered into a Shared Service Agreement with the Monmouth County SPCA; and

WHEREAS, there is a need to have Animal Control Services continue; and

WHEREAS, the Monmouth County SPCA has provided a Shared Service Agreement for the remainder of 2021 for a pro-rated amount of \$3,025.00 for the remainder of 2021 (\$550.00 per month); 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 authorizes a shared service agreement (attached as Exhibit A) with the Monmouth County SPCA; and

BE IT FURTHER RESOLVED that Mayor Lucarelli is hereby authorized to execute such documents and that the appropriate purchase order(s) for this shared service agreement be prepared and submitted to the Finance Department.

Offered for adoption by Councilwoman Koch, second by Councilwoman Chrisner Keefe

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

9. Resolution No. 2021-182, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the July 12, 2021 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2020 CURRENT ACCOUNT	\$	624.14
2021 CURRENT ACCOUNT	\$	19,237.39
GENERAL CAPITAL	\$	39,705.00
PAYROLL AGENCY	\$	13,714.38
OTHER TRUST	\$	2,696.99
DOG TRUST	\$	9.00
	\$	75,986.90
LESS VOIDED CHECKS	\$	208.00
TOTAL	\$	75,778.90

Offered for adoption by Councilwoman Koch, second by Councilwoman Chrisner Keefe

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

10. Resolution No. 2021-183, Chapter 159: 2018 Recycling Tonnage Grant

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such items of revenue in the Budget of the County or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and

WHEREAS, the Borough of Fair Haven has received a \$11,183.40 grant from State of New Jersey for a 2018 Recycling Tonnage Grant and wishes to amend its 2021 budget to include this amount as revenue; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2021 in the amount of \$11,183.40 which items in now available as revenue from:

The State of New Jersey
NJDEP Recycling Tonnage Grant

BE IT FURTHER RESOLVED that a like sum of \$11,183.40 be and the same is hereby appropriated under the caption of General Appropriations – Operations Excluded from CAPS:

The State of New Jersey
NJDEP Recycling Tonnage Grant

BE IT FURTHER RESOLVED that a copy of this resolution be forward to the Director of Local Government Services.

Offered for adoption by Councilwoman Koch, second by Councilwoman Chrisner Keefe

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

Reports of Departments

June 2021

- Municipal Clerk
- Dog License
- Tax Collector
- Budget Status

Motion to accept the reports, as submitted, moved by Councilwoman Koch, second by Councilwoman Chrisner-Keefe with Ayes by all present.

GOOD OF THE BOROUGH

Council President Rodriguez opened the meeting to the public for comments or questions at 8:36 p.m. Marti Egger, Hance Road, thanked Council for the discussion on the base maps. She noted the surveyors were out more than one time and asked if it was because something came back as an

Engineer Gardella said that the process has taken as long as it has taken because a full survey was done, and Vallee Surveying uses data collectors with GPS; some files were corrupted, and they had to go out again and take more of the elevations that they had already done. He said that it does happen with mapping and Auto CAD from time to time.

Susan O'Brien said two weeks ago, at the Council meeting, something came up about sending e-mails directly to Engineer Gardella and Administrator Casagrande said she wants those e-mails to come to her; she asked if that includes brush and code enforcement issues? No, the Engineer does not handle code violations. Mrs. O'Brien said that she has not heard back regarding a code enforcement issue that she submitted other than being told it would be handled in-house; Administrator Casagrande asked Mrs. O'Brien to send what was submitted to her and she will direct it to the appropriate person.

Christine Eberhard, Oaklawn Road, said she listened to the change in speed limit for River Road; she likes it and feels it will help her children riding their bikes to their friend's houses. She lives on Oaklawn Road and noted that the Hance Road and Grange Avenue residents are happy with there being no sidewalks on their roads. Oaklawn residents must cross Ridge Road in order to walk on a sidewalk to get to Harrison Avenue. Another option is that a neighbor on the street and on Harrison Avenue allow children to ride their bikes through their property in order to access; this can change at any moment. The Oaklawn residents would like sidewalks so kids can go from Ridge Road to Harrison Avenue. Councilwoman Chrisner-Keefe said there is a Safe Streets to Schools grant available for 2022 and she approached Engineer Gardella about a sidewalk in that area; the cost to do this was \$100,000 at that time. The Borough wants all children to walk and bike to school safely as this is part of our Master Plan and Active Transportation Plan. There is a liability concern for the property owners allowing access to the property and it should not fall on them to provide a safe way for residents to get around. Mrs. Eberhard stated that if River Road's speed limit is lowered, it will create a speedway for Ridge Road which can become a problem for Oaklawn Road and streets off of Ridge Road.

Councilman Rodriguez said there is the same concern for Kemp Avenue; there are no sidewalks, but the speed limit is 20 mph. Sunny Ridge Drive residents have an issue for their children to walk and bike safely to school, as well. Mrs. Eberhard said Borough residents need action now. Councilwoman Neff said we need the bike and pedestrian plan to discuss and make a decision to help make the areas safe and to provide sidewalks; this is a priority.

Councilman McCue thanked Mrs. Eberhard for her comments and asked Engineer Gardella about the plan to widen Dartmouth Avenue sidewalks leading to Knollwood. Engineer Gardella advised that the plan is to widen Hunting Lane.

Councilwoman Chrisner-Keefe advised that kids need access to the arteries. Administrator Casagrande said this discussion ties into the 2021 Bond Ordinance. Engineer Gardella said it would cost \$5 million to mill and pave the streets in the Borough; the concrete work is the most expensive. We mill and pave the streets through the annual \$215,000 bond ordinance. Engineer Gardella can give an estimate for 5-7 roads for a bond ordinance, but it will go to the Borough's debt service. Councilman McCue reminded everyone that the Borough has gold status for Safe Streets to Schools, but there is room for improvement. He felt that our gold status can help with securing Safe Streets to School grant funding; an application is due in October. It was asked that the topic of road improvements be listed under the July 26th Workshop Agenda.

Ruth Blaser, River Road, asked that Mayor and Council do a complete review of ordinances; she said the Borough is "ordinanced to death". She felt that residents who pay their taxes should be able to improve their homes as they want, without permission or permits, minus wanting to expand the footprint. She asked why a construction permit is required for the installation of a water heater and/or appliance. The more ordinances there are, the more administrative costs. The schedule for bulk pick up and DPW responsibilities needs to be reviewed and she requested that there be one zone for each section of town vs. different zones for trash, brush, appliances. With regard to sidewalks, who is shoveling them? There is no alternative for snow. As far as the River Road speed limit, she was amazed that the limit needs to be changed and stated that her kids survived when it was 35 mph. Mrs. Blaser said that she wants a second curb cut for her home and felts "the hoops she needs to jump through is ridiculous". There should be the same rules for the entire town. She suggested bikes ridden on the sidewalks should have bells.

There was brief discussion about the zones and what service is connected to each. There was also discussion regarding the animal control service with Monmouth County and how to get the information out to the public. Administrator Casagrande said that nothing is changing with animal control except who is handling it; residents will most likely reach out to the Borough as they have always done.

Administrator Casagrande advised Council that she received an e-mail with a question from Claudia Brady, Fair Haven Road, regarding sidewalks and why they are necessary to enter pocket parks.

There being no further comments or questions, the meeting was closed to the public at 9:00 p.m.

Council went into executive session at 9:08 p.m. and this meeting was reconvened at 10:45 p.m.

ADJOURNMENT

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

Time of Adjournment: 10:45 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk