

**FAIR HAVEN BOROUGH COUNCIL**  
**NOVEMBER 25, 2019**

The meeting was called to order by Mayor Lucarelli at 7:03 p.m. The Flag Salute was followed by a Moment of Silent Meditation. The Mayor asked that Marty Coy and his family be kept in everyone's thoughts as his mother Sheila Brown Coy passed away on November 21<sup>st</sup>. The Sunshine Law Statement was read.

**ROLL CALL**

On Roll Call the following were present: Councilmembers Koch, Peters, Rodriguez and Sorensen. Absent: Councilmembers Banahan and Rice. Others present: Administrator Casagrande and Attorney Alfieri.

Mayor Lucarelli said that there is a resident, Sara, who is a student at the University of Vermont (graduating in 2021), who would like to make a statement to the governing body. Sara Bayer, Forrest Avenue, introduced herself and read a statement to the Mayor and Council regarding the condition of the Navesink River and the pollution that is affecting the wildlife and shellfish. She suggested a rain garden be planted at the Fair Haven Police Department to catch the rain water run-off. After Sara read her statement, the Mayor advised her that the Borough of Fair Haven is one of the first municipalities to install a rain garden; one at Borough Hall and a second at Knollwood School. He said that he would like to make her a student representative to the Environmental Commission, this summer. With the assistance of the DEP, Clean Ocean Action and our Environmental Commission, we were able to eliminate all bacterial load from the Navesink and we are looking to reconfigure Schwenker's Pond from the watershed.

**WORKSHOP SESSION**

A tree removal appeal was received from Mr. and Mrs. Boyle, 118 Lincoln Avenue. The Borough's Arborist submitted his recommendation. It is the only tree on the property, but they are willing to plant a 4" diameter, at breast height, deciduous shade tree as their replacement tree in the Spring 2020. Motion to approve moved by Councilwoman Sorensen, second by Councilwoman Koch with Ayes by all present.

The next matter discussed was a DPW Safety Procedure Report presented by Director of Engineering and DPW, Rich Gardella, and Police Chief Joseph McGovern. Administrator Casagrande read a statement regarding an incident that occurred in September with a DPW loader and a student biking to school. Handouts were provided to the governing body on the dais. Chief McGovern met with Engineer Gardella and Assistant Engineer Poruchynsky to review the routes and school start and end times. The Chief said there is construction all through the Borough and we have a lot of children who bike to school; more than most municipalities. Most of the children wear their helmets and they are fastened securely. Presentations have been done in the schools for bike safety. There will be a bike rodeo in the Spring; there will be prizes provided from the businesses and PTA for proper bike safety. Chief McGovern said that the school is also doing a bike training (not on safety) regarding how to get on and off of a bicycle properly as well as how to stand the bike up. The Borough and schools do a good job on training and bike safety; it is a concern of the Police, DPW and everyone in the room (Council, Administration and residents). Engineer Gardella reviewed the DPW process and procedures for safety and efficiency. There is a Standard Operating Procedure for brush and leaf collection as well as snow and ice removal (including where the materials are to be disposed). There are three employees per crew for collection and the collections are done by zones shown in the municipal calendar. The three zones are A, B and C and are broken down from the Red Bank border to Hance Road, from Hance Road to Fair Haven Road and Fair Haven Road to the Rumson border. Once the crew has gone through the zone, as shown in the calendar, they do not go back until the following month. January is the month that Christmas trees are picked up. All landscapers are registered/licensed through the Borough Clerk's office where they are given a copy of the zones and the municipal calendar. So far in 2019, the Borough has collected over 3,000 cubic yards of brush (the amount of brush collected a year can fill Met Life Stadium five times). All of the tasks that DPW does is mapped and logged into the One Drive computer program including pick-ups, where they were taken, who was on the crew, etc. A map of the Borough was provided to the governing body as a result of the internal meeting held between Administrator Casagrande, Police Chief McGovern, Engineer Gardella and Assistant Engineer Poruchynsky. The DPW has already been operating the way it has been described and the meeting that was held confirmed it. We work from the outer Borough border to the center of town. Emergencies do occur that need to be addressed immediately such as a tree falling that needs to be cut up and hauled away. There are half days of school this week so DPW is addressing the school areas once the students have been dismissed. Engineer Gardella said he and Assistant Engineer Poruchynsky also look at training of the employees; they are continuously training through each season (on-line, through the Borough's Joint Insurance Fund and classes through Rutgers) regarding procedures and safety. There is continued dialogue with the employees. Sign in sheets are kept for training to show the employees have read the literature that is provided or that they attended a class or participated in on-line training. The Third Street Reconstruction Project was completed this year which provides a link between the schools (funded through an NJDOT grant). Mayor Lucarelli

asked that the information provided to the governing body this evening, be shared through Constant Contact, the website and other social media. Administrator Casagrande said that what is being done is the best approach to address the concerns expressed and we have an efficient schedule/zone pick up. Our DPW has the best Commercial Vehicle Plan and it is the safest. The Mayor asked for a Facebook “push” regarding pick-ups in the zones so parents are aware of where the pick-ups are taking place for that week. Councilwoman Koch suggested asking the school to do the same through their social media e-blasts. Police will be patrolling the areas as well. The consensus of Council was to stay with the same leaf and brush pick-up schedule for 2020.

**PUBLIC COMMENT ON AGENDA ITEMS**

The meeting was opened to the public for comments or questions at 7:40 p.m. Ruth Blaser, River Road, asked about the Medicare Reimbursement payments on the bill list and what the time frame is; she was advised that the payment is for the year.

There being no further comments or questions, the meeting was closed to the public at 7:41 p.m.

**APPROVAL OF MINUTES**

Councilwoman Koch made a motion to approve the Regular Meeting minutes of November 12, 2019, second by Councilwoman Sorensen

Affirmative: Councilmembers Koch and Peters

Negative: None

Abstain: Councilmembers Rodriguez and Sorensen

Absent: Councilmembers Banahan and Rice

Councilwoman Koch made a motion to approve the Executive session minutes of November 12, 2019, second by Councilwoman Sorensen

Affirmative: Councilmembers Koch and Peters

Negative: None

Abstain: Councilmembers Rodriguez and Sorensen

Absent: Councilmembers Banahan and Rice

Councilwoman Sorensen made a motion to approve the Special Meeting minutes of November 13, 2019, second by Councilman Rodriguez

Affirmative: Councilmembers Peters, Rodriguez and Sorensen

Negative: None

Abstain: Councilwoman Koch

Absent: Councilmembers Banahan and Rice

Councilwoman Sorensen made a motion to approve the Executive Session minutes of November 13, 2019, second by Councilman Rodriguez

Affirmative: Councilmembers Peters, Rodriguez and Sorensen

Negative: None

Abstain: Councilwoman Koch

Absent: Councilmembers Banahan and Rice

**OLD BUSINESS**

There was no old business brought before the governing body.

**NEW BUSINESS - CONSENT AGENDA  
RESOLUTIONS**

1. Resolution No. 2019-221, Executive Session: Personnel, Pending Litigation, Acquisition of Property 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. Police Chief

**Pending Litigation**

1. Yacht Works

**Acquisition of Property**

1. River Road

**Contract Negotiations**

1. ILSA with Rumson
2. ILSA with Monmouth County
3. 2020 Professional Contracts

**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 Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Koch, Peters, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Banahan and Rice

2. Resolution No. 2019-222, Call for a Study Commission to Review the Open Public Records Act

**WHEREAS**, the Borough of Fair Haven strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

**WHEREAS**, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

**WHEREAS**, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

**WHEREAS**, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

**WHEREAS**, the Borough of Fair Haven has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

**WHEREAS**, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

**WHEREAS**, the Borough of Fair Haven received and responded to 244 OPRA requests in 2017, there were 202 OPRA requests in 2018, and to date has received and responded to 241 OPRA requests as of October 31, 2019; and

**WHEREAS**, the Borough of Fair Haven's staff, collectively, has spent approximately 400 responding to OPRA requests received in 2019 to date, and a yearly average of approximately 950 hours since 2017; and

**WHEREAS**, due to the often, conflicting case law and Government Record Council decisions, as well as the unique characteristics of OPRA request, the Borough of Fair Haven must oftentimes rely on the municipal attorney to review certain OPRA requests; and

**WHEREAS**, some examples of OPRA requests that interrupted work day operations or were voluminous in nature:

1. Request for information from 1966 to February 2019 (e-mails, voice mails, all letters, memorandums, correspondence between governing body members, Borough Staff, County Staff, State agencies pertaining to applications, permits, licenses, minutes, etc.
2. History of Ordinances (including copies of the first Land Use Ordinance through current times).
3. Multiple Requests from the same person for same information that were provided numerous times.

4. Past and current Land Use applications that include resolutions, correspondence, exhibits, memorandums, reports and plans.
5. Businesses/solicitors looking for vendor information (award of contract, billing, services) and also include animal licensing information and security companies.
6. Requests for Borough employees e-mail history correspondence (sent and/or received) for a single year or decades.
7. Media requests for Police Internal Affairs reports, Disciplinary action and Settlements (for particular employee or department as a whole).
8. Documents involving Borough Facilities and pertaining to its history, etc.
9. Vendor Contracts, expenditures, change orders, resolutions.
10. Revaluation/Reassessment information for various years.
11. History of professionals (appointments, contracts, bills/vouchers, reimbursements).
12. Coordinating information between various departments to provide a response to the requestor.

**WHEREAS**, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever-increasing cost to taxpayers; and

**WHEREAS**, as the current law approaches its twentieth (20<sup>th</sup>) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform.

**NOW, THEREFORE BE IT RESOLVED** that the governing body of the Borough of Fair Haven appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law and use the Commission's findings to perform a comprehensive reform of OPRA; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be forwarded to Senator Declan O'Scanlon and Assemblypersons Amy Handlin and Serena DiMaso, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of the State of New Jersey, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Koch, Peters, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Banahan and Rice

3. Resolution No. 2019-223, Authorize Execution of Memorandum of Agreement with Teamsters

**BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that the Mayor and Borough Clerk are hereby authorized to execute a Memorandum of Agreement with Teamster Local #177 which will settle a Public Employment Relations Commission matter (CO-2019-309).

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Koch, Peters, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Banahan and Rice

4. Resolution No. 2019-224, Approve 2019 Budget Transfers

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

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

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

the 2019 budget appropriations:

<u>FROM</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
9-01-20-130-101	Finance-Salary & Wages	\$ 300.00
9-01-20-150-211	Tax Assessment-Contractual	\$ 8,000.00
9-01-20-165-211	Engineering-Contractual	\$10,000.00
9-01-21-186-101	Zoning Officer-Salary & Wages	\$ 300.00
9-01-23-215-228	Workers Comp Insurance	\$ 421.00
9-01-23-220-227	Health Benefits-Medical	\$62,756.00
9-01-23-333-227	Waiver-Medical	\$ 1,500.00
<b>Total</b>		<b>\$ 83,277.00</b>

<u>TO</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
9-01-20-100-101	Administration-Salary & Wages	\$ 2,275.00
9-01-20-150-101	Tax Assessment-Salary & Wages	\$ 1.00
9-01-20-165-101	Engineering-Salary & Wages	\$ 2,500.00
9-01-21-180-211	Planning Board-Contractual	\$ 7,500.00
9-01-28-370-101	Recreation-Salary & Wages	\$ 1.00
9-01-32-465-299	Reclamation Fees-Misc.	\$ 65,000.00
9-01-36-472-299	Social Security-Misc	\$ 4,000.00
9-01-43-494-202	Recycling Tax-Contractual	\$ 2,000.00
<b>Total</b>		<b>\$ 83,277.00</b>

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Koch, Peters, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Banahan and Rice

5. Resolution No. 2019-225, Set Meeting Date for 2020 Council Reorganization Meeting

**BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that the Annual Council Reorganization Meeting will be held on Monday, January 6, 2020 at 7:00 p.m. in the Council Chambers, 748 River Road.

Clerk Cinquegrana advised that there was an amendment to the bill list. The current account is \$5,000 less (the Garden State Sealing payment was removed until an appropriate bill is received). The 2019 Current amount should be \$278,005.82 for a total bill list amount of \$294,746.34).

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Koch, Peters, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Banahan and Rice

6. Resolution No. 2019-226, Payment of Vouchers

**BE IT RESOLVED** by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the November 25, 2019 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2018 CURRENT ACCOUNT	\$ 23.02
2019 CURRENT ACCOUNT	\$ 278,005.82
GENERAL CAPITAL	\$ 5,088.00
GRANT FUND	\$ 2,596.00
OTHER TRUST	\$ 9,033.50
<b>TOTAL</b>	<b>\$ 294,746.34</b>

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Koch, Peters, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Banahan and Rice

## **Reports of Departments**

### **October**

-Tax Collector

Motion to accept the report as submitted moved by Councilwoman Sorensen, 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 7:44 p.m. Ruth Blaser, River Road, said that the wreaths along River Road look sad; they need new bows and lights. She was advised that the decorations are about 8 years old. Councilwoman Sorensen said that we will look into new decorations for next year. Mrs. Blaser asked that there not be green bulbs; they should be white to stand out more.

Councilman Peters said that he will give a wrap up on finance with highlights of the past 15 years at the December 16<sup>th</sup> meeting. He will share an informational handout that he created, when he met with Councilmembers-Elect Meghan Chrisner-Keefe and Michael McCue last week, with the governing body.

Councilwoman Sorensen thanked Engineer Gardella, Administrator Casagrande and Chief McGovern for quickly acting on water that was coming out of the street where she lives. She said that she and Administrator Casagrande have had discussions regarding the pond being looked at again due to things that have been discovered based on Governor Murphy's recent statement. Administrator Casagrande said the Governor's office released \$13.5 million in grants to deal with water quality issues and algae blooms. She e-mailed Peter Avakian, Consulting Engineer (copying Mayor and Council) requesting a proposal for a State funds grant for both McCarter and Schwenker Ponds. An e-mail was also sent to Terry O'Connor, County Administrator, to see if the Freeholders will allow for Monmouth County Open Space grant projects early to obtain funds to get the work done. Addressing the ponds are not inexpensive projects (treatments, hydro raking, etc.).

Councilman Rodriguez thanked Councilwoman Sorensen for circulating the Turkey Trot event information. It will take place on Thanksgiving morning at 9:30 a.m. at Fair Haven Fields. There will be a collection for Toys for Tots at the event and there will be other collection sites through the Borough (the Library, Booskerdoo, Nicholas Creamery and other business locations). Councilman Rodriguez said that he may not be able to attend the next Council Meeting so he wanted to thank Councilman Peters for the collegial and open approach to governing which helped when he first became a Councilperson.

Councilwoman Sorensen reminded everyone that November 30<sup>th</sup> is Shop Small Saturday in Fair Haven; there will be a trolley around town where she and Councilmembers Koch and Rodriguez will host. December 6<sup>th</sup> is when Santa Claus will be here at 6 p.m. (there will be food and treats); this event is sponsored by the Fair Haven Business Association with support from the Recreation Committee.

Mrs. Blaser said that the Fair Haven Seniors Group is very active and they have collected food and toys for Lunch Break.

Councilwoman Koch said that Dermer Dreams came to the November 12<sup>th</sup> Council Meeting to present their non-profit organization and what they do. They provided collection bags to the residents in town so they could be filled with non-perishable food and placed on the porch for pick-up. They are overwhelmed by the response they received; everyone filled their bags and left them on the porch. Mayor Lucarelli stopped by and saw Daniel Dermer on Saturday during the collection and he said they estimated that 10,000 pounds would be collected; they actually received around 25,000-30,000 pounds of food from Fair Haven alone. There were many involved in the collection; Neighborhood Captains, High School Key Club members, residents, children, etc. The Mayor asked that a proclamation be prepared and given to the Dermer Family. Clerk Cinquegrana suggested presenting it at the 2020 Reorganization Meeting on January 6<sup>th</sup>.

Councilwoman Sorensen advised the Council and public that the Holiday Decorating Contest is happening again this year; information has been published. Prizes will be awarded at the Reorganization Meeting.

There being no further comments or questions, the meeting was closed to the public at 7:55 p.m.

Council went into executive session at 7:58 p.m. and this meeting was reconvened at 8:50 p.m.

**ADJOURNMENT**

Motion to adjourn moved by Councilman Peters, second by Councilwoman Sorensen with Ayes by all present.

Time of Adjournment: 8:50 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR  
Borough Clerk