

FAIR HAVEN BOROUGH COUNCIL
JULY 24, 2017

The meeting was called to order by Mayor Lucarelli at 7:01 p.m. The Flag Salute was followed by a Moment of Silent Meditation. The Mayor asked that the Jakubecy, Countryman and Feeney families be kept in everyone's thoughts with the passing of Will at the age of 32. Mayor Lucarelli read the Sunshine Law Statement.

ROLL CALL

On Roll Call the following were present: Councilmembers Jaeger, Marchese and Peters. Absent: Councilmembers Rodriguez, Sorensen and Wilhelm. Others present: Administrator Casagrande and Bruce Padula, Esq., Borough Attorney's Office.

WORKSHOP SESSION

Mayor Lucarelli said the first item of business is the 2017 Monmouth County Open Space Grant. Administrator Casagrande said this matter was discussed at the July 10th meeting as to whether or not we should apply for the grant which is due September 20th. Mayor and Council wanted a current capital project update. On the dais was a general update of ongoing projects including tennis courts. There is a meeting with Rumson-Fair Haven Regional High School regarding the change order, bond and project close out on August 2nd. The 2017 micro-project for sidewalks will begin this week; there was a preconstruction meeting a few weeks ago. They will start near Willow Street to complete before school starts. There are multiple projects in cue; the list was provided for the governing body to review.

A possible grant application submission could be for the stone dust trail connecting Ridge Road to Fair Haven Road. The Borough Engineer's project estimate was provided to the governing body as well as the hydro-raking quote for McCarter Pond (\$66,840 without transporting it out, etc). If we apply for \$200,000, we would need to match it with \$100,000. This matter can be relisted on the August 7th agenda for a final decision and we would need to hold a public hearing on the grant application at the August 21st meeting; she reviewed the timelines. Mayor Lucarelli said that he would like to move along with the hydro-raking at McCarter Pond. The organic material could be dried out and used (if material appropriate) for the stone dust trail. Councilman Jaeger said that we should look at it for its face value. The Mayor said that the organic material could be used to augment projects in the fields and trails. Councilman Jaeger said that it is a safety issue (trails) so he is onboard with applying. There is backlog that we need to keep up with so we should not be adding to the list. Mayor Lucarelli said that the Borough may go for outsourcing projects and engineering.

With regard to the matter of Habitable Floor Area Ratio, Councilman Marchese suggested that the Land Use Committee, formed in January, convene again to make recommendations for the Planning Board to consider and then come before the governing body with how to address Habitable Floor Area. It seems best to do away with the ordinance, but it should be reviewed to decide what the effect, if any, it would have.

Councilman Rodriguez arrived to the meeting at 7:15 p.m.

Planning Board and Zoning Board are on the front lines and there should be recommendations from them to us so we can address it appropriately. This is a different way of handling it, but it is a major topic. Councilman Jaeger said when Mr. Lehder spoke at a past meeting, he "got a lot" out of the conversation and the governing body would benefit greatly if these discussions took place, as needed. Administrator Casagrande was asked to reconvene the committee (Attorney Alfieri, Mayor Lucarelli, Councilman Marchese, Todd Lehder, Jake Rue, Jim Banahan, Mike Sullivan and Engineers Gardella and Poruchynsky) to meet and discuss this topic. Councilman Peters asked about the first floor height; he was advised that it cannot exceed 35' above the crown of the road. A brief discussion ensued. Administrator Casagrande said this matter went to our Planner for review and recommendation; most recommendations for change regarding Planning Board and Zoning Board come from the boards themselves.

Bill Folker, Lewis Point Road, addressed Mayor and Council asking what the goal is that they intend to start with. There are so many issues surrounding HFAR which involves a lot of discussion around those issues. The same requests that come up at all Zoning Board meetings should be reviewed. This is a complicated matter and it will not be easy to come up with a solution. Councilman Peters asked about lot coverage as we are not sure when the standards were implemented (1980s possibly 1970s). Councilman Marchese said that Fair Haven is one of the few municipalities that has both FAR and HFAR; we need to make a decision on which standard would be best for the Borough. It was asked that the committee convene the first week in August.

With regard to processing recreation refunds, Administrator Casagrande said this was discussed briefly at a prior meeting. There is a resolution listed on this evening's agenda and payments are also on the bill list for approval. She does not feel it is necessary to have both. Councilman Peters agreed that the refunds can be handled administratively, but would like the staff to be aware if the same people are requesting refunds. Mayor Lucarelli said that resolutions are a good way to watch what is coming in and going out. Council consensus was to just have refunds listed on the bill list because there is back up and approval by the department head, finance, etc.

The Borough has historically had a liaison to every department. This year there were Council Committees formed with a Chairperson and Vice Chairperson. It was not clear what would be the best committee to oversee the Natural Area (DPW or Recreation). At the July 10th meeting, there was discussion regarding dredge spoils and discussing the matter with the Natural Area Committee. Mayor Lucarelli said to make it simple and since it borders with the Borough's recreation area, it would be best to place this under the Recreation Committee to liaise between Council and the Natural Area. Councilman Jaeger felt there may be some push back based on conversations that have taken place regarding encroachment (Fair Haven Fields vs. Natural Area). The Natural Area is a recreational use. Councilman Jaeger said that the Natural Area is more of a preservation of area than a design of recreation for others. Councilman Peters said that someone is needed to interact with them in an official way to keep the lines of communication open.

Mayor Lucarelli introduced two gentlemen, Rich and Rob, from Little Silver who started a Flag Football organization about 15 years ago. The event that was organized is called the Rivalry Series (flag football tournament) and it takes place around Thanksgiving; they provided a handout. A partnership was formed with Lunch Break to make it a fundraiser. The event has always been Little Silver vs. Shrewsbury. Last year they decided to open it up to children's games and games for parents; it was successful. They would like to add a Fair Haven vs. Rumson dynamic to the event/organization. Everyone gets involved as it is a family fun day; the police departments, fire departments, Mayors (coin toss) and Councilmembers. Rob and Rich spoke with DJ and Councilwoman Sorensen about this idea as well. It was suggested that they speak with the Board of Education and Superintendent to get their idea rolling.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:35 p.m. Mayor Lucarelli advised that this evening's agenda was amended to include Resolution No. 2017-149 accepting Performance Guarantees for Fair Haven Retail, LLC.

Ruth Blaser, River Road, questioned a payment to Becker's Tree (page 8) being listed twice and asked if it was a mistake. Administrator Casagrande said that it was not a mistake as there are two different POs listed; she flagged the vendor and is waiting for documentation. Mrs. Blaser asked if the builder at Schwenker's Pond completed the items within the Developer's Agreement; she was advised that the Borough is reducing the bond which was posted in accordance with the Municipal Land Use Law; we are compelled to reduce the bond by a percentage. She asked what the payment to Edmunds and Associates was for; they provide our program for tax, finance, dogs, etc.; we pay the balance of what our bank does not cover. Mrs. Blaser asked what the WHIPP Program is; it is the on line tax payment system.

Bill Folker, Lewis Point Road, asked if the Natural Area and Recreation liaison would be a common Council liaison; yes.

There being no further comments or questions, the meeting was closed to the public at 7:37 p.m.

APPROVAL OF MINUTES

Councilman Jaeger made a motion to approve the Regular Meeting minutes of July 10, 2017, second by Councilman Rodriguez

Affirmative: Councilmembers Jaeger, Marchese, Peters and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Sorensen and Wilhelm

Councilman Marchese made a motion to approve the Executive Session minutes of July 10, 2017, second by Councilman Rodriguez

Affirmative: Councilmembers Jaeger, Marchese and Peters
Negative: None
Abstain: Councilman Rodriguez
Absent: Councilmembers Sorensen and Wilhelm

OLD BUSINESS

There was no old business brought before the governing body.

NEW BUSINESS - CONSENT AGENDA
RESOLUTIONS

1. Resolution No. 2017-144, Executive Session – Personnel, Possible Litigation 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:

Possible Litigation

1. Yacht Works

Contract Negotiations

1. Consulting Engineer
2. Architectural Services

WHEREAS, minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW THEREFORE BE IT RESOLVED that the public be excluded from this meeting.

Offered for adoption by Councilman Jaeger, second by Councilman Marchese

Affirmative: Councilmembers Jaeger, Marchese and Peters
Negative: None
Abstain: Councilman Rodriguez
Absent: Councilmembers Sorensen and Wilhelm

2. Resolution No. 2017-145, Release Performance Guarantees – Kolarsick Builders, Inc: Church Street Project

WHEREAS, Kolarsick Builders, Inc. posted a Performance Bond and a 10% Cash Deposit as required for a Minor Subdivision for Block 28, Lot 17.01, 17.02, 17.03 (corner of River Road and Church Street); and

WHEREAS, Kolarsick Builders, Inc. posted the cash bond in the amount of \$10,499.40 on June 23, 2015 and Two River Communities Bank posted the Performance Bond in the amount of \$94,494.60 and later reduced by Resolution No. 2015-239 to \$41,994.00; and

WHEREAS, on June15, 2017, the Borough Engineer recommended the release of 90% performance guarantee, the 10% cash deposit and any remaining escrow funds.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fair Haven, that the Performance Bond in the amount of \$41,994.00, Planning Board Escrow in the amount of \$1,034.06 and cash deposit in the amount of \$10,555.11 (including interest) for Block 28, Lots 17.01, 17.02 and 17.03 is hereby released.

BE IT FURTHER RESOLVED that a two year Maintenance Bond in the amount of \$15,749.10 will be posted prior to the release of said funds.

Offered for adoption by Councilman Jaeger, second by Councilman Marchese

Affirmative: Councilmembers Jaeger, Marchese and Peters
Negative: None
Abstain: Councilman Rodriguez
Absent: Councilmembers Sorensen and Wilhelm

3. Resolution No. 2017-146, Authorize Various Parks and Recreation Program Refunds

WHEREAS, Emily Ryan, 431 River Road, Fair Haven, New Jersey, registered her son, Finn, for the Monster Golf trip and was not able to attend due to a scheduling conflict and has requested a \$24.00 refund; and

WHEREAS, Christine Eberhard, 29 Oaklawn Road, Fair Haven, New Jersey, registered her son, Luke, for the Small Factory Camp, which was cancelled due to low enrollment and has requested a \$125.00 refund; and

WHEREAS, Shari Gagliardo, 82 Cedar Avenue, Fair Haven, New Jersey, registered her son, Logan, for the Small Factory Camp, which was cancelled due to low enrollment and has requested a \$125.00 refund; and

WHEREAS, DJ Breckenridge, Parks and Recreation Director, is recommending Borough Council approve said refunds.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the refunds referenced above are approved and the Finance Department is hereby authorized to process said refunds.

Offered for adoption by Councilman Jaeger, second by Councilman Marchese

Affirmative: Councilmembers Jaeger, Marchese and Peters
Negative: None
Abstain: Councilman Rodriguez
Absent: Councilmembers Sorensen and Wilhelm

4. Resolution No. 2017-147, Authorize Performance Bond Reduction - David Carr – River Road and Glen Place

WHEREAS, David Carr, is the owner of the real property known as Block 12.1, Lots 9, 10, 20 and 21; and

WHEREAS, Resolution No. 2016-48 accepted the performance guarantees that were posted pursuant to NJSA 40:55D-1, et seq.; and

WHEREAS, the developer has partially completed the bonded site improvements and requested a reduction in performance guarantees; and

WHEREAS, the Borough Engineer has conducted an inspection and provided an e-mail dated July 18, 2017 recommending a reduction of the performance guarantee to 30% of the original sum posted with the Borough.

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 performance guarantee of the Developer be reduced to \$33,225.48.

Offered for adoption by Councilman Jaeger, second by Councilman Marchese

Affirmative: Councilmembers Jaeger, Marchese and Peters
Negative: None
Abstain: Councilman Rodriguez
Absent: Councilmembers Sorensen and Wilhelm

5. Resolution No. 2017-148, 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 24, 2017 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2017 CURRENT ACCOUNT	\$ 2,059,133.21
2016 CURRENT ACCOUNT	\$ 9,675.20

GENERAL CAPITAL	\$ 12,311.25
PAYROLL AGENCY	\$ 227.50
OTHER TRUST	\$ 19,853.52
TOTAL	\$ 2,101,200.68

Offered for adoption by Councilman Jaeger, second by Councilman Marchese

Affirmative: Councilmembers Jaeger, Marchese and Peters

Negative: None

Abstain: Councilman Rodriguez

Absent: Councilmembers Sorensen and Wilhelm

6. Resolution No. 2017-149, Accept Performance Guarantees – Fair Haven Retail, LLC

WHEREAS, Fair Haven Retail, LLC obtained site plan approval from the Fair Haven Planning Board pursuant to a Resolution adopted by the Planning Board on April 27, 2017; and

WHEREAS, the Planning Board Engineer prepared a bond estimate for this site plan by way of letter dated June 16, 2017; and

WHEREAS, Fair Haven Retail, LLC has posted performance guarantees in conformance with the bond estimate, as follows:

Check No. 000622 in the amount of \$43,591.38 (10% Cash Deposit)

Check No. 000623 in the amount of \$18,163.08 (5% engineering and inspection fee)

WHEREAS, Performance Bond No. 2255713 in the amount of \$392,322.42 issued by North American Specialty (NAS) Group which represents the 90% Bond.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, that the aforementioned performance guarantee is accepted by the Borough in order to secure performance by the property owner of a site plan to effectuate the terms and conditions of the Planning Board approval.

Offered for adoption by Councilman Jaeger, second by Councilman Marchese

Affirmative: Councilmembers Jaeger, Marchese and Peters

Negative: None

Abstain: Councilman Rodriguez

Absent: Councilmembers Sorensen and Wilhelm

Reports of Departments

June 2017

-Police Department

-Tax Collector

-Municipal Court

Motion to accept the reports as submitted moved by Councilman Peters, second by Councilman Jaeger with Ayes by all present.

GOOD OF THE BOROUGH

Mayor Lucarelli opened the meeting to the public for comments or questions at 7:40 p.m. Mayor Lucarelli said that Megan Douty, Fair Haven resident and graduate of the University of Maryland College Park, was selected to be part of the USA Lacrosse Team. The team went to England and won gold. She did so well that she was selected to be on a special team and is headed to Poland to compete in the World Games. We will have a proclamation for Megan at our August 7th meeting.

Councilman Marchese said there is positive news coming with regard to the Municipal Alliance; they are in the process of hiring someone to run the program. On July 27th, there will be a presentation on drug abuse at Knollwood School which will be geared toward parents to look for warning signs. National Night Out will be held on August 1st at Police Headquarters. Councilman Marchese asked for a resolution to the State Legislature urging them to extend the 2% CAP on Police and Fire Arbitration Contract Awards. It is an important tool to have for future negotiations. It was requested that the attorney draft the resolution for the next meeting to carry it forward.

Councilman Rodriguez advised that the Oceanic Bridge Project is still taking comments. The deadline date to comment is August 4th. Councilman Jaeger asked if there is a website; yes, Councilman Rodriguez will e-mail the information to him.

There being no further comments or questions, the meeting was closed to the public at 7:44 p.m.

Council went into executive session at 7:47 p.m. and this meeting was reconvened at 8:23 p.m.

ADJOURNMENT

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

Time of Adjournment: 8:24 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk