

FAIR HAVEN BOROUGH COUNCIL
AUGUST 7, 2017

The meeting was called to order by Mayor Lucarelli at 7:00 p.m. The Flag Salute was followed by a Moment of Silent Meditation. The Mayor asked that the families of Michelle Moriarity (Kindergarten teacher at Sickles School) and Robert Stollwerck (DJ Breckenridge's grandfather) be kept in everyone's thoughts. Mayor Lucarelli read the Sunshine Law Statement.

ROLL CALL

On Roll Call the following were present: Councilmembers Marchese, Rodriguez, Sorensen and Wilhelm. Absent: Councilmembers Jaeger and Peters. Others present: Administrator Casagrande and Attorney Alfieri.

PROCLAMATION

Mayor Lucarelli asked that Megan Douty come forward to be recognized as a USA World Cup Lacrosse Champion. Coach Dale Oehler read a letter from Steve Stenersen, President and CEO of US Lacrosse. The Mayor read a proclamation for her accomplishments and presented her with a Key to the City. Megan displayed her medals.

Mayor Lucarelli said that he coached Megan in lacrosse when she was a seventh and eighth grader; she is quite an athlete and a pleasure to watch and coach. A lot of hard work and dedication has allowed Megan to be where she is today. Mr. Oehler founded the Rumson-Fair Haven Lacross program 20 years ago. He said Megan is the most successful lacrosse player to come out of the Rumson-Fair Haven area.

Megan thanked everyone for their support and said this has been an awesome experience and was grateful for the recognition.

A ten minute recess was taken for pictures and congratulations.

WORKSHOP SESSION

A lawn sign request was received from Monmouth Day Care Center for their Touch a Truck event. They would like to display 10 signs beginning September 9th for 10 days. Motion to approve moved by Councilman Wilhelm, second by Councilman Marchese with Ayes by all present.

A lawn sign request was received from the Fair Haven Business Association for the August sidewalk sales. They will be displayed from August 11th until the 26th. Motion to approve moved by Councilman Rodriguez, second by Councilwoman Sorensen with Ayes by all present.

With regard to a bench and tree dedication program, Councilwoman Sorensen said there was a draft pamphlet at the dais. She attended the Shade Tree meeting last week to discuss tree recommendations. Pricing is still being worked out; a range may be set especially for the benches. Placement will be at the Borough's discretion. Administrator Casagrande said once the fees have been set, it will have to be incorporated to our fee ordinance. The Chief Financial Officer is working on a dedicated revenue fund. No payments will be accepted until we are ready to move forward with planting and bench placement. A map may be provided to show where trees or benches are needed and requests for preferred locations will be considered.

Applications for the 2017 Monmouth County Open Space Grant are due next month. Administrator Casagrande said that projects were discussed at the last Council Meeting when it was agreed that the Borough would apply for a continuation of the trail system through Fair Haven Fields including the linking of stone dust trails at Ridge Road and Fair Haven Road. The Engineer's estimate is \$130,000. She will prepare the application with the assistance of Engineer Gardella. The public hearing will be advertised this week for the August 21st meeting.

Mayor Lucarelli said there have been posts through social media regarding the condition of Schwenker's Pond and the weed growth. The Borough commissioned a pond study besides what was received from the DEP. In conjunction with Brian Rice, the Environmental Commission and Navesink River Municipalities Committee, the focus was on discovering and curing the infiltration of bacteria into the pond which has been successful. You will see there are different types of vegetation in the pond. We have a report from Aquatic Analysis, Inc. which discusses the ecology of the pond. The Mayor read from the report regarding the life cycles identified. When we accepted the dedication of the pond, we knew there would be issues coming forward. The first step was to tackle the bacteria, the next step will be to share the report with the Environmental Commission which shows

options (dredging the pond or planting other types of material to make it a meadow) for the plant life. The cost to dredge the pond would be around \$1 million, but the concern is where to put the dredge spoils to dry out. Councilman Peters had expressed a thought, at a previous meeting, that the pond should be slowly drained and turned into a stream to clean the organic material and find a use for it. Councilman Peters and the Environmental Commission will come back to the governing body with a plan for open discussion.

At the July 10th Council Meeting, the Fair Haven Education Foundation made a request to hold a 5K Color Run event at Fair Haven Fields. They did not have a firm date and were asked to advise the governing body when a date was chosen; they advised this afternoon that the date chosen is Sunday, November 5th. The Parks and Recreation Director is fine with the date. Motion to approve the Fair Haven Education Foundation's 5K Color Run to be held on November 5th moved by Councilwoman Sorensen, second by Councilman Wilhelm with Ayes by all present.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:24 p.m. Susan O'Brien, River Road, asked if all of the resolutions have been listed on the agenda; yes.

Ruth Blaser, River Road, said with regard to Schwenker's Pond, there is an issue every year so it is not something that just came up and it seems the Borough was not prepared for it this year. She feels the Borough is not being proactive and did not feel it should be passed off to other committees and people for review and recommendation ("paralysis by analysis"). She wanted the problem to be solved and a date certain. Councilman Marchese asked what the date of the report that the Mayor cited from was; July 13th. He asked who paid for the report; the Borough will pay the vendor once their purchase order is received. Councilman Marchese said that this shows the Borough is pretty proactive. Mrs. Blaser asked if the Borough takes out the dam that runs into Shippee's Pond, would there be a problem? The Mayor advised that if the Borough were to take out the dam, it would need Monmouth County and the DEP to give their permission.

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

APPROVAL OF MINUTES

Councilman Rodriguez made a motion to approve the Regular Meeting minutes of July 24, 2017, second by Councilman Marchese

Affirmative: Councilmembers Marchese and Rodriguez

Negative: None

Abstain: Councilmembers Sorensen and Wilhelm

Absent: Councilmembers Jaeger and Peters

Councilman Marchese made a motion to approve the Executive Session minutes of July 24, 2017, second by Councilman Rodriguez

Affirmative: Councilmembers Marchese and Rodriguez

Negative: None

Abstain: Councilmembers Sorensen and Wilhelm

Absent: Councilmembers Jaeger and Peters

OLD BUSINESS

There was no old business brought before the governing body.

NEW BUSINESS

INTRODUCTION OF ORDINANCES

1. Ordinance No. 2017-08, Amend Borough Code 7-15, Parking Prohibited during Certain Hours on Certain Streets

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF MONMOUTH AMENDING AND SUPPLEMENTING THE FAIR HAVEN BOROUGH PARKING CODE SECTION 7-15 PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS

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

I.

The purpose of this Ordinance is to supplement Chapter 7, specifically Section 7-15 Parking Prohibited During Certain Hours on Certain Streets.

NOTE: The section of Chapter 7 that is to be supplemented by this Ordinance is Section 7-15 Parking Prohibited During Certain Hours on Certain Streets. All additions are shown in ***bold italics with underlines***. Sections of Chapter 7 that will remain unchanged are shown in normal type. The deletions are shown as ***strikeovers in bold italics***.

II.

7-15 PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS.

a. No person shall park a vehicle between the hours specified any day upon any of the streets or parts of streets described.

<i>Name of Street</i>	<i>Sides</i>	<i>Time</i>	<i>Location</i>
All streets	Both	Between 2:00 a.m. and 5:00 a.m. November 1–April 1	
McCarter Avenue	South	April 1 through June 30 between 4:00 p.m. and 8:00 p.m., Monday through Friday; between 8:00 a.m. and 6:00 p.m., Saturday and Sunday.	From Maple Avenue to Christ Methodist Church driveway
Oak Place	East	Between 7:30 a.m. and 3:30 p.m., School days	Willow Street southerly to Laurel Drive
Oak Place	West	Between 7:30 a.m. and 3:30 p.m., School days	River Road to a point 50 feet south and Willow Street to a point 75 feet north
Third Street	North	Between 7:30 a.m.– 8:30 a.m. and <i>2:30 p.m.– 3:30 p.m. 2:45 p.m.– 3:45 p.m.</i>	Entire length
Third Street	South	Between 7:30 a.m.– 8:30 a.m. and <i>2:30 p.m.– 3:30 p.m. 2:45 p.m.– 3:45 p.m.</i>	Maple Avenue to Church Street and from the westerly curbline of Cedar Avenue to Hance Road
Willow Street	North	Between 7:30 a.m. and 8:30 a.m.; Between 2:30 p.m. and 3:30 p.m.; School days	Fair Haven Road easterly 720 feet

b. Permission for overnight parking may be granted, at the discretion of the Police Department, in the following circumstances:

1. When a vehicle is disabled, with the conditions that the vehicle be removed at the end of the next business day.
2. When visitors are spending the night and have no other area to park their vehicles, on a temporary basis.
3. When work is being done that prevents use of a driveway.

Permission shall not be given when the ground is snow covered or when inclement weather is expected. Permission must be sought for each and every night when the vehicle will be parked on the street.

c. *Penalty.* Any person who violates this section shall be liable to a fine of twenty-five (\$25.00) dollars.

Offered for introduction by Councilman Wilhelm, second by Councilwoman Sorensen

Affirmative: Councilmembers Marchese, Rodriguez, Sorensen and Wilhelm

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Peters

CONSENT AGENDA

RESOLUTIONS

1. Resolution No. 2017-150, Approve Fire Company Social Affairs Membership – David Kearns

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that David John Kearns, 110 Third Street, Fair Haven, NJ having been duly accepted as a social member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department.

Offered for adoption by Councilman Rodriguez, second by Councilman Wilhelm

Affirmative: Councilmembers Marchese, Rodriguez, Sorensen and Wilhelm

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Peters

2. Resolution No. 2017-151, Approve Block Party for Jackson Street (between Smith Street and Hance Road) on September 30th.

WHEREAS, a request was received to hold a Block Party on Jackson Street (between Hance Road and Smith Street) on Saturday, September 30, 2017 from 2 pm to 11 pm with a raindate of Saturday, October 7, 2017; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on July 24, 2017; 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 Jackson Street on Saturday, September 30, 2017 from 2 pm to 11 pm with a raindate of Saturday, October 7, 2017.

BE IT FURTHER RESOLVED that Permit No. BP 2017-05 will be issued for said event.

Offered for adoption by Councilman Rodriguez, second by Councilman Wilhelm

Affirmative: Councilmembers Marchese, Rodriguez, Sorensen and Wilhelm

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Peters

3. Resolution No. 2017-152, Chapter 159: Alcohol Education Rehabilitation Enforcement Fund

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 an \$579.06 grant from State of New Jersey for an Alcohol Education Rehabilitation and Enforcement Fund and wishes to amend its 2017 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 2017 in the amount of \$579.06 which items in now available as revenue from:

The State of New Jersey
Alcohol Education Rehabilitation and Enforcement Fund

BE IT FURTHER RESOLVED that a like sum of \$579.06 be and the same is hereby appropriated under the caption of General Appropriations – Operations Excluded from CAPS:

The State of New Jersey
Alcohol Education Rehabilitation and Enforcement Fund

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 Councilman Rodriguez, second by Councilman Wilhelm

Affirmative: Councilmembers Marchese, Rodriguez, Sorensen and Wilhelm

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Peters

4. Resolution No. 2017-153, Waive Borough's ABC Codes 3-19.1 and 9-1.22 for Oktoberfest – September 16, 2017

WHEREAS, the Foundation of Fair Haven will be holding an Oktoberfest Event on Saturday, September 16, 2017; and

WHEREAS, Borough Code 3-19.1 “prohibits open consumption of any alcoholic beverages on public property within the Borough unless authorized by the Governing Body, or on private property without consent of the owner of the property or the person, over the age of twenty-one (21) years, in possession or control of the property” and Borough Code 9-1.22 “prohibits alcoholic beverages while in a public park, open space, sanctuary, or recreation area and all persons shall conduct themselves in a proper and orderly manner and, in particular, no person shall bring alcoholic beverages, drink same at any time nor shall any person be under the influence of intoxicating liquor”; and

WHEREAS, the Ocktoberfest Event will take place at Fair Haven Fields and will include the provision of alcoholic beverage requiring that the above mentioned codes be waived for alcohol purchased through the Foundation of Fair Haven as no outside alcohol will be permitted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Borough Codes 3-19.1 and 9-1.22 be waived on September 16, 2017 between the hours of 4:00 p.m. and 10:00 p.m. for Oktoberfest and codes be waived for alcohol purchased through the Foundation of Fair Haven as no outside alcohol will be permitted.

Offered for adoption by Councilman Rodriguez, second by Councilman Wilhelm

Affirmative: Councilmembers Marchese, Rodriguez and Wilhelm

Negative: None

Abstain: Councilwoman Sorensen

Absent: Councilmembers Jaeger and Peters

5. Resolution No. 2017-154, Accept 2016 Municipal Audit

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2016 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized

themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Fair Haven hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Offered for adoption by Councilman Rodriguez, second by Councilman Wilhelm

Affirmative: Councilmembers Marchese, Rodriguez, Sorensen and Wilhelm

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Peters

6. Resolution No. 2017-155, Executive Session – Personnel, Litigation and Contract Negotiation

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. Planning and Zoning Personnel Considerations

Litigation

1. 600 River Road vs. FH Planning Board and Fair Haven Retail

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 Rodriguez, second by Councilman Wilhelm

Affirmative: Councilmembers Marchese, Rodriguez, Sorensen and Wilhelm

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Peters

7. Resolution No. 2017-156, Authorize Personnel for the Oktoberfest Event – September 30th

WHEREAS, the Mayor and Council of the Borough of Fair Haven that the Borough Administrator is authorized to allocate Borough resources, including Borough Personnel and budgeted funds, to successfully carry out the Oktoberfest event on September 16, 2017.

BE IT FURTHER RESOLVED that Police personnel will receive the Special Duty Rate of \$40.00 per hour as per Ordinance 2012-03.

Offered for adoption by Councilman Rodriguez, second by Councilman Wilhelm

Affirmative: Councilmembers Marchese, Rodriguez and Wilhelm

Negative: None

Abstain: Councilwoman Sorensen

Absent: Councilmembers Jaeger and Peters

8. Resolution No. 2017-157, Urge State Legislature to Extend 2% CAP on Police and Fire Contract Arbitration Awards

WHEREAS, municipalities in New Jersey, including the Borough of Fair Haven, require specific tools to address the rising cost of municipal government; and

WHEREAS, salary costs, to a great extent, drive property tax increases; and

WHEREAS, in July 2010, the Governor and New Jersey State Legislature enacted a permanent 2% CAP on municipal and school board tax levies with limited exceptions that did not include police and fire arbitration contract awards; and

WHEREAS, in December 2010, the State Legislature unanimously approved and the Governor enacted a temporary 2% CAP on Police and Fire Arbitration Contract awards in an effort to control increasing salary costs and provide a solution to assist local governments in keeping property taxes down and costs under control; and

WHEREAS, the December 2010 legislation included an April 1, 2014 sunset on the 2% arbitration cap while the 2% property tax levy remained permanent for municipalities and school boards; and

WHEREAS, in June 2014, the Legislature unanimously approved and the Governor enacted an extension until December 31, 2017 for the 2% Arbitration Cap, however, the 2% property tax levy cap continues to remain permanent, without an exemption for police and fire arbitration contract awards; and

WHEREAS, municipalities, including the Borough of Fair Haven, continue efforts to contain costs and provide vital services to residents within the 2% property tax levy while the New Jersey economy remains sluggish and taxpayers struggle to keep their homes and pay their taxes; and

WHEREAS, the Borough of Fair Haven recognizes it is now time for our taxpayers to benefit directly from these cost-saving measures as many police and fire contracts will come due for negotiation after the sunset date; and

WHEREAS, if the cap on interest arbitration expires while the 2% levy cap remains in effect, municipalities, such as the Borough of Fair Haven, will be forced to reduce or eliminate municipal services in order to fund interest arbitration awards.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Fair Haven, County of Monmouth and State of New Jersey urges the State Legislature to permanently extend the 2% CAP on Police and Fire Arbitration Contract Awards; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Governor Chris Christie, Lieutenant Governor Kim Guadagno, Senator Joseph Kyrrillos, Jr., Assemblywoman Amy Handlin, Assemblyman Declan O'Scanlon, the Commissioner of the Department of Labor and Workforce Development and the League of Municipalities.

Offered for adoption by Councilman Rodriguez, second by Councilman Wilhelm

Affirmative: Councilmembers Marchese, Rodriguez, Sorensen and Wilhelm

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Peters

9. Resolution No. 2017-158, Authorize Refund of Unused Escrows to 798 Associates (B52, L8)

WHEREAS, Warren Abrahamsen, 798 Associates, submitted an application to the Planning Board for site plan approval at 798 River Road, Block 52 Lot 8; and

WHEREAS, escrow money was posted by the applicant; and

WHEREAS, site plan approval was granted and Mr. Abrahamsen has requested that any unused escrow from the application be refunded; and

WHEREAS, the Planning Board Secretary has calculated and provided, in writing, an escrow refund amount as follows:

Unused Escrow funds in the amount of \$3,840.31.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Chief Financial Officer will refund the unused escrow fees as noted above for 798 River Road, Fair Haven, NJ.

Offered for adoption by Councilman Rodriguez, second by Councilman Wilhelm

Affirmative: Councilmembers Marchese, Rodriguez, Sorensen and Wilhelm

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Peters

10. Resolution No. 2017-159, Authorize Refund of Unused Escrows to Richard Bahadurian (Various Projects)

WHEREAS, Richard Bahadurian, had submitted several applications and posted escrow money to the Planning Board for the following projects:

- Site Plan and Outdoor Dining at 121 Fair Haven Road, Block 52 Lot 26
- Site Plan and Use Variance at 770 River Road, Block 52, Lot 2
- Site Plan and Use Variance at 740 River Road, Block 25, Lot 19

WHEREAS, site plan and use variances were granted for each project and Mr. Bahadurian has requested that any unused escrow from the applications be refunded; and

WHEREAS, the Planning Board Secretary has calculated and provided, in writing, a total amount of \$4,440.33 in unused escrow refunds as follows:

- 121 Fair Haven Road \$ 678.51
- 770 River Road \$ 516.00
- 740 River Road \$3,245.82

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Chief Financial Officer will refund the unused escrow fees as noted above to Mr. Bahadurian.

Offered for adoption by Councilman Rodriguez, second by Councilman Wilhelm

Affirmative: Councilmembers Marchese, Rodriguez, Sorensen and Wilhelm

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Peters

11. Resolution No. 2017-160, Authorize Refund of Unused Escrows to Sean Kirwan, 51 Heights Terrace (B77, L54)

WHEREAS, Sean Kirwan submitted a Zoning Board application for an addition at 100 Hendrickson Avenue, Block 77 Lot 54; and

WHEREAS, escrow money was posted by the applicant; and

WHEREAS, the addition was granted and Mr. Kirwan has requested that any unused escrow from the application be refunded; and

WHEREAS, the Zoning Board Secretary has calculated and provided, in writing, an unused escrow refund amount as follows:

Unused Escrow funds in the amount of \$519.76

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Chief Financial Officer will refund the unused escrow fees as noted above to Sean Kirwan, 52 Heights Terrace, for 100 Hendrickson Avenue, Fair Haven, NJ.

Offered for adoption by Councilman Rodriguez, second by Councilman Wilhelm

Affirmative: Councilmembers Marchese, Rodriguez, Sorensen and Wilhelm

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Peters

12. Resolution No. 2017-161, Authorize Refund of Unused Escrows to Craig Kolb, 20 Harvard Road (B2, L2, 3 and 4)

WHEREAS, Craig Kolb, submitted an application to the Planning Board for subdivision approval at 20 Harvard Road, Block 3, Lots 2, 3 and 4; and

WHEREAS, escrow money was posted by the applicant; and

WHEREAS, subdivision approval was granted and Mr. Kolb has requested that any unused escrow from the application be refunded; and

WHEREAS, the Planning Board Secretary has calculated and provided, in writing, an unused escrow refund amount as follows:

Unused Escrow fund in the amount of \$1,281.00.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Chief Financial Officer will refund the unused escrow fees as noted above for 20 Harvard Road, Fair Haven, NJ.

Offered for adoption by Councilman Rodriguez, second by Councilman Wilhelm

Affirmative: Councilmembers Marchese, Rodriguez, Sorensen and Wilhelm

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Peters

13. Resolution No. 2017-162, Chapter 159: Body Armor Grant Fund

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 \$2,200.00 grant from the Department of Justice for a Body Armor Fund and wishes to amend its 2017 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 2017 in the amount of \$2,200.00 which items in now available as revenue from:

Department of Justice
Body Armor Fund

BE IT FURTHER RESOLVED that a like sum of \$2,200.00 be and the same is hereby appropriated under the caption of General Appropriations – Operations Excluded from CAPS:

Department of Justice
Body Armor Fund

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 Councilman Rodriguez, second by Councilman Wilhelm

Affirmative: Councilmembers Marchese, Rodriguez, Sorensen and Wilhelm

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Peters

14. Resolution No. 2017-163, Authorize Refund of Unused Escrow to Alfred Stone, 606 River Road, B32, L4)

WHEREAS, Alfred Stone, 606 River Road, submitted an application to the Planning Board for site plan approval at 606 River Road, Block 32 Lot 4; and

WHEREAS, escrow money was posted by the applicant; and

WHEREAS, site plan approval was granted and Mr. Stone has requested that any unused escrow from the application be refunded; and

WHEREAS, the Planning Board Secretary has calculated and provided, in writing, an escrow refund amount as follows:

Unused Escrow funds in the amount of \$233.88.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Chief Financial Officer will refund the unused escrow fees as noted above to Mr. Stone, 72800 Citrus Court, Palm Desert, California, 92260.

Offered for adoption by Councilman Rodriguez, second by Councilman Wilhelm

Affirmative: Councilmembers Marchese, Rodriguez, Sorensen and Wilhelm

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Peters

15. Resolution No. 2017-164, Authorize Refund of Unused Escrows to Catherine Korsant, 117 Battin Road (B79, L31)

WHEREAS, Catherine Korsant, 117 Battin Road, submitted an application to the Zoning Board for an addition at 117 Battin Road, Block 79, Lot 31; and

WHEREAS, escrow money was posted by the applicant; and

WHEREAS, approval was granted and Ms. Korsant has requested that any unused escrow from the application be refunded; and

WHEREAS, the Zoning Board Secretary has calculated and provided, in writing, an escrow refund amount as follows:

Unused Escrow funds in the amount of \$670.75.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Chief Financial Officer will refund the unused escrow fees as noted above to Ms. Korsant, 410 Park Avenue, Floor 22, New York, New York 10022.

Offered for adoption by Councilman Rodriguez, second by Councilman Wilhelm

Affirmative: Councilmembers Marchese, Rodriguez, Sorensen and Wilhelm

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Peters

16. Resolution No. 2017-165, Authorize Refund of Unused Escrows to Karl Broberg, 825 River Road (B51, L20.01)

WHEREAS, Karl Broberg submitted a change of use application to the Planning Board for 825 River Road, Block 51 Lot 20.01; and

WHEREAS, escrow money was posted by the applicant; and

WHEREAS, change of use approval was granted and Mr. Broberg has requested that

any unused escrow from the application be refunded; and

WHEREAS, the Planning Board Secretary has calculated and provided, in writing, n escrow refund amount as follows:

Unused Escrow funds in the amount of \$988.00.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Chief Financial Officer will refund the unused escrow fees as noted above to Karl Broberg, 18 Lewis Lane, Fair Haven, NJ.

Offered for adoption by Councilman Rodriguez, second by Councilman Wilhelm

Affirmative: Councilmembers Marchese, Rodriguez, Sorensen and Wilhelm

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Peters

17. Resolution No. 2017-166, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the August 7, 2017 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2017 CURRENT ACCOUNT	\$3,186,255.80
2016 CURRENT ACCOUNT	\$ 13,998.00
PAYROLL AGENCY	\$ 12,992.76
OTHER TRUST	\$ 22,504.67
GRANT FUND	\$ 1,000.00
GENERAL CAPITAL	\$ 7,500.00

TOTAL \$3,244.251.23

Offered for adoption by Councilman Rodriguez, second by Councilman Wilhelm

Affirmative: Councilmembers Marchese, Rodriguez, Sorensen and Wilhelm

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Peters

Reports of Departments

May 2017

-Chief Financial Officer

June 2017

-Chief Financial Officer

July 2017

-Municipal Clerk

-Dog License

-Planning Board and Zoning Board

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

GOOD OF THE BOROUGH

Mayor Lucarelli opened the meeting to the public for comments or questions at 7:27 p.m. Ann Marie Woods, River Road, had a concern regarding M&S Waste leaving a trail of trash and recycling through town and recycling on her front lawn last Wednesday. The driver does not get out of the truck to clean up the recyclables that are dropped. Administrator Casagrande said that residents should contact the Borough and we will reach out to M&S and have the driver come back. Ms. Woods said she did contact the Borough first thing Thursday morning and asked if she should attend the Council meeting and was advised that she should. She was frustrated that she is following the rules and the contractor is not. The town looks messy when this happens especially on River Road which is a main road/thoroughfare.

Meghan Keefe, Fisk Street, had a concern with parking on Fisk Street. There are a lot of projects happening on Fisk Street and the construction vehicles are parking on both sides of the street making it hard for cars to pass through. She looked at the Borough's ordinances

and there are no ordinances prohibiting commercial vehicles or any vehicles from parking on both sides of the street (especially a narrow street). Chief McGovern said there are two homes going up near the police department and one across the street. The police department is monitoring the parking and it has improved. Ms. Keefe said Fisk Street is a hazard for all pedestrians and bicyclists especially children. There was brief discussion on having construction vehicles park in the driveway at the property where they are working. Ms. Keefe said it is not just construction vehicles, it is the employee's personal vehicles as well. Mayor Lucarelli said that this will be left to the police to enforce and parking is dependent upon the street and the size of the lot. Ms. Keefe asked if there could be an ordinance to have no parking on both sides of the street since there are no sidewalks; there is a large concern for the children.

Brian Rice, Maple Avenue, said there are many other streets that are just as busy with one side parking. He had a problem last week trying to drive down Fair Haven Road to the river from River Road; a landscaper truck was blocking the roadway and was asked several times to move so vehicles could pass. It seems that people are starting to lack common sense and do not think of other factors when they park. There are more businesses in town which is great, but delivery trucks and contractor's need to be more mindful. Chief McGovern said it has been noted that Fair Haven Road is extremely busy from Clay Street to the water and officers are addressing it.

Steve Trudel, Church Street, asked if there was a plan to take the trees down at Third Street and Cedar Avenue and if so, when? He was advised that it would take place before school opens, but there is no specific date. Mayor Lucarelli asked Administrator Casagrande to explain the Community Center Field renovation. She explained that the governing body looked at many capital projects for the Borough and explained the process for small ticket capital also known as "pay as you go". Last year, Mayor and Council decided to improve multiple sites, one being the Community Center Fields with other sites as well (BIC Hall, McCarter Pond and Schwenker's Pond). The Community Center fields began with the Mayor and Council making a request to our Engineering Department and Recreation Committee to draw up a concept plan for the project which was given to the Facilities Committee; adjustments were made. The Council approved the project through a resolution at a previous meeting. The Borough received a grant for curbs and sidewalks on one side of Third Street. There will be stone dust trails behind the curb for field access. Trees will be removed because of their location and exposed roots. There will be sidewalks installed on Cedar and the idea is to create connectivity and safety for pedestrians, park users, etc. Mr. Trudel said he reviewed the agendas and did not see the matter listed/discussed since March and was not sure how the public was supposed to know the matter was being discussed. He spoke to and reviewed the matter with Councilman Rodriguez. Mr. Trudel submitted photos that were taken over the weekend and gave them to the governing body for review. Some of the trees are very large and will be a problem to replace/gain shade that is currently being provided. It was asked that the present trees co-exist with the new walkway. Administrator Casagrande said that the projects the Borough is working on or will be working on were part of the insert that went out with the tax bills that were mailed and Third Street is on the list. Engineer Gardella presented the project to the governing body at several meetings.

Kim Lewis, Third Street, said that she grew up on Third Street in the family home and safety on Third Street is a problem. The street is uneven and needs to be addressed because kids are constantly falling. She asked if there would be lights at the field because people walk at all times of the day including evening/night. Mayor Lucarelli said we have an NJDOT Safe Routes to Schools grant which is a large grant and we have been working on the plan for over a year. This renovation does include taking down mature trees and replanting a lot more (4' at breast height). Each Sweet Gum tree has to come down on Third and Cedar Streets for barrier free access to the park. Ms. Lewis said the fence is down and it causes baseballs to fall on the neighboring properties. She was advised that the fence will be replaced once the trees are removed. Ms. Lewis said that the residents would like to be heard and understand what is taking place. The Mayor said that the governing body understands that this is a big change and it was discussed in public and through the Recreation Committee. The Borough would like to have barrier free access to the recreation facilities and unfortunately the trees have to go. Councilman Marchese asked if paving is part of the project; it is an alternate in the bid (milling and paving) which will address the concerns. The Borough has never spent a penny on the park except for the basketball backboards that were donated; it is overdue. It will not be cheap to mill and repave the area; we may not be able to do it, but we can consider it. This is the first step in order for everything to come together.

Elizabeth O'Neill, 17 year Third Street resident, said that the trees shade and cool the homes in the area reducing electric bills. People enjoy the area and there is no way 4" replacement trees will provide the shade and enjoyment that the current trees do now. The

removal of the trees will impact the environment and the wildlife who feed on the pods. She asked that the trees be incorporated into the park. She and the residents were in attendance to speak against the removal of trees. It was suggested that wood 4X4s be placed around the trees like the Acme did on Forman Street to save the trees. Mrs. O'Neill said that the residents in the area will have increased electric bills to cool their homes if the trees are removed. She asked if the curbs were being removed; yes and replaced. She asked, "why the sidewalks are needed if the kids bike to school or their parents drive them?" She agreed with improving the park as long as the trees are kept. The Mayor said that the public needs to understand that this is a deliberative democracy (an open process); we refer things to committees for review and recommendation. Our view is to improve the town for the next 50 years not what the view is today; we have to represent the entire town and what is best for everyone. There are new laws, codes, statutes and engineering design elements that change and need to be implemented. Mrs. O'Neill submitted a petition with names that she collected to save the trees. She said that the tree can be neutered; the Mayor said that the Borough and its professionals have never heard of this process. Administrator Casagrande said that she is looking into tree neutering.

Joseph Shannon, Maple Avenue, said the trees that are being replaced will not leave the area looking the same and the residents want better.

Mayor Lucarelli said that there are e-mails to the Shade Tree Commission Chairman that has not been publicized regarding the tree removal and replacements. The trees drop fruit and gum balls all over which makes the area messy and dangerous.

Dave Becker, Navesink Avenue (also a DPW Employee and Shade Tree Commission member) advised that the DPW cleaned the gum balls in the past as they are a hazard, but there is not enough man power to maintain the area. He stated that most of the residents are upset because it seems to have been thrust upon them and requested the governing body take a step back before cutting the trees down. There is not a large inventory of replacement trees due to Superstorm Sandy. The Borough is sacrificing trees for a walking path. Mr. Becker said that he saw Councilman Marchese go to bat for the trees when two trees were taken down by the baseball field; he called Borough Hall and got a status from the Borough Administrator.

Seth Kohn, Third Street, said there was a lot of talk about trees, but it is also about privacy. There will be a lot of visibility into the homes; the residents who moved to the street would like to maintain their privacy and are concerned about their property values as well. The current trees have charm. The Mayor said that it seems that any change that is proposed will have an automatic diminution of the property value; the Borough hears this argument often. Mr. Kohn said that the walking trail will not be used because with no trees there is no shade or many dogs will be there and the residents will be stuck with the mess. He requested that the park be rebuilt together so everyone is happy.

Ms. Lewis recognized many long-time residents in the audience who have gone through many changes and would like the trees to be preserved. She said it seems that Third Street has never been good enough and people never wanted to frequent Third Street or the park. The residents are not complaining about the trees. She asked that the Borough leave the residents something to remember the old Fair Haven by keeping the trees.

Mr. Trudel said that the governing body volunteers its time and felt that this project, if done the way presented, will be used against Mayor and Council because the residents are not being heard.

Dick Fuller, Elmwood Lane, said he is confused because there is no rational evaluation of trees. There are ways to evaluate grown trees and their value such as ecological services and fall colors; they are value and the current trees are outstanding. The residents are not seeing a strong effort to evaluate the trees. By this action, the governing body is stating that the trees are worthless. The services that they provide are not being replaced. There are years of growth in these trees that are irreplaceable. He suggested the Borough find a rational way to value the trees via ecological services and real estate values.

Sherri MacNeill, Third Street, said that she would like to see a drawing; she was advised that there are two drawings up front. She asked if it included the street work to be done. She was directed to the Municipal Clerk's office for a copy of the Third Street Road Program.

Dan Soloman, corner of William and Third Streets, asked to be informed of the steps moving forward. Administrator Casagrande advised that the Third Street Project is has not

gone to bid yet. Mayor Lucarelli said that based on resident attendance at this meeting, the Borough will breathe, take a step back and review the plan. The governing body believed that going to the Recreation Committee was the right thing to do. The Mayor said that he believes in deliberative democracy and would like this project to be completed by the end of this year; he agreed that those who live near the park should have a say. He asked that this matter be relisted on the August 21st agenda. Councilman Marchese made a motion to re-review this matter with those who were originally involved and go back to the drawing board, second by Councilwoman Sorensen with Ayes by all present.

Councilman Wilhelm advised the public to watch the Borough's website and the agendas for what is being considered or discussed. Councilman Marchese said there is also a bi-monthly newsletter that is available that alerts the public to what is happening in town; you can request a copy be mailed or view it on the Borough's website.

Tina Brendel, Third Street, said she did not see a plan on the website. She was unsure of when the sketch was done or discussed.

Joseph Shannon, Maple Avenue and Third Street, asked if some of the residents could be part of the re-evaluation of the project. Mayor Lucarelli said this matter is being relisted on the August 21st agenda for discussion. The committee will walk the area with the Borough Engineer and some members of the Recreation Committee. The public is more than welcome to join in.

Ms. Brendel asked how there is going to be barrier free access if there is going to be a fence. The fence will have an opening and there will be a drop curb to access the area. She asked if it is grandfathered for ADA because it is pre-existing; grandfather only goes so long. She asked if the tree removal was discussed at a public meeting; yes, the Borough Engineer did discuss this project as part of a proposed project list at a public meeting stating that so many trees would be taken down and replaced as part of the plan. It was asked if Shade Tree was approached regarding replacement trees; yes, they were asked about replacement trees. Administrator Casagrande said that the Borough cannot conduct public business without a meeting. It is a violation of the Open Public Meetings Act (OPMA) if done as a whole via e-mail or a meeting not publicized. There are committees which allows a smaller group to review, discuss and make recommendation to the full governing body; the matters are then discussed at a Council Meeting by the Mayor and Council. Agendas are publicized.

Mr. Becker asked that the governing body be more forthcoming which is what the residents feel have not happened. Mayor Lucarelli said unfortunately, social media can lead to issues; all decisions and discussions must take place in public at a Council meeting.

Richard Doggett, Third Street, said that residents love their trees and the trees in town and asked that there be a way to work the project around them.

Susan O'Brien, River Road, asked if the people who live within 200' of the park were noticed; no, we are not required to do so. She said it would have been a nice thing to do. Mayor Lucarelli said this is not something that comes up often and it is hard to determine who and how many would be affected.

Ms. O'Neill asked if the Borough would be open to sketches and ideas from the residents; the Mayor said that the Borough will have sketches made up for the public to review and provide input. Fair Haven has a talented pool of employees which includes many in the room this evening.

Ms. Lewis asked if there would be sidewalks on both sides of Third Street or just one side; the south side of Third Street will have a continuous sidewalk from Fair Haven Road to Hance Road.

Councilman Wilhelm said that he has been sitting on the dais for many years and asked that the public please show up to stay informed on what is happening in the Borough. This matter has been discussed twice and also discussed by the Recreation Committee.

It was stated that the Borough should get the public's input especially if they are exempt from procedures that the residents have to comply with to remove trees from their property.

There being no further comments or questions, the meeting was closed to the public at 8:30 p.m.

Council went into executive session at 8:38 p.m. and this meeting was reconvened at 9:15 p.m.

Council briefly discussed setting up a Third Street meeting between the Mayor, Engineer Gardella, Councilmembers Rodriguez and Jaeger regarding the process that was taken for the park. Third Street Park serves the entire Borough and we need to keep all facts in mind. It was requested that an alternate plan be found. There was discussion on possible dates to meet at the park and to include Christian Burns (Shade Tree Chairman), the Borough's Arborist and a few residents (Elizabeth O'Neill, Steve Trudel, Dick Fuller, Seth Kohn) for review and discussion. Councilman Marchese would fill in if a Councilperson could not attend.

ADJOURNMENT

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

Time of Adjournment: 9:25 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk