

**FAIR HAVEN BOROUGH COUNCIL
FEBRUARY 27, 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. Mayor Lucarelli asked that everyone keep former Mayor Joseph Szostak's family in their thoughts as he passed away last week. He read the Sunshine Law Statement.

ROLL CALL

On Roll Call the following were present: Councilmembers Jaeger, Marchese, Peters, Sorensen and Wilhelm (via telephone). Others present: Administrator Casagrande and Attorney Alfieri.

PUBLIC AUCTION – FISK STREET LOT (BLOCK 39, LOT 6)

The public auction was advertised in the February 13th and 20th issues of the Asbury Park Press as per Ordinance No. 2016-18. Attorney Alfieri verified that anyone interested in bidding signed in and that there were no sealed bids submitted; the Borough Clerk advised that she did not receive any.

Attorney Alfieri read an opening statement and opened the public auction at 7:02 p.m. Mayor Lucarelli confirmed the names of Kevin Gosney and Christian "Noah" Kolarsick as the bidders. He began the auction at the minimum of \$330,000 and increased by \$5,000 increments. The end bid was from Mr. Gosney for \$405,000. A brief recess was taken at 7:07 pm until 7:09 pm to finalize some paperwork. The auction process closed at 7:09 p.m.

Councilman Peters made a motion to introduce the slate of candidates to fill a vacancy on Council as presented by the Democratic Committee; the candidates were Christopher Rodriguez, Patricia Quigley and Shervyn VonHoerl, second by Councilwoman Sorensen with Ayes by all present.

Attorney Alfieri said that a poll of Council needed to be taken and a candidate who has three nominations would be put forward for the resolution to be acted upon:

Councilman Jaeger voted for Christopher Rodriguez

Councilman Marchese abstained

Councilman Peters voted for Christopher Rodriguez

Councilwoman Sorensen stated that in these types of situations she looks to what the needs are and the Borough is well served on the finance end and one candidate is unique. She voted for Patricia Quigley

Councilman Wilhelm voted for Patricia Quigley

With a tie vote, Mayor Lucarelli said that he had to break the tie. Both candidates are well qualified, but based on Mr. Rodriguez's service on Shade Tree, volunteering in town and attending Council meetings, he voted for Christopher Rodriguez.

RESOLUTION

1. Resolution No. 2017-44, Appointment of Councilperson

WHEREAS, a vacancy exists on the Fair Haven Borough Council upon the resignation of Councilwoman Aimee Humphreys; and

WHEREAS, the Municipal Vacancy Law of NJSA 40A:16-7 requires "An appointment to fill a vacancy in the membership of the Governing Body shall be by a majority vote of the membership of the remaining members of the Governing Body"; and

WHEREAS, pursuant to NJSA 40A:6-11, Municipal Vacancy Law, the Fair Haven Democratic Committee has recommended **Patricia Quigley, Christopher Rodriguez and Shervyn VonHoerl** to fill the vacant seat for the remainder of 2017.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that pursuant to NJSA 40A:16-7, **Christopher Rodriguez, 134 Buttonwood Drive, Fair Haven, NJ** is appointed as a Councilmember to fill the unexpired term of Aimee Humphreys through December 31, 2017.

Offered for adoption by Councilman Peters, second by Councilwoman Sorensen

Affirmative: Councilmembers Jaeger, Marchese, Peters, Sorensen, Wilhelm

Negative: None

Abstain: None

Absent: None

Councilman Rodriguez came forward and Attorney Alfieri administered the Oath of Office while Amy Mallet, Democratic Chair, held the bible.

A recess was taken from 7:14 p.m. until 7:16 p.m. so Councilman Rodriguez could take his seat at the dais.

ROLL CALL OF COUNCIL

On Roll Call the following were present: Councilmembers Jaeger, Marchese, Peters, Rodriguez, Sorensen and Wilhelm (via telephone).

PROCLAMATION

Mayor Lucarelli advised that Joan Jay was unable to attend this meeting so we will deliver the proclamation to her. He read the proclamation, to the public, thanking her for her service on the Planning Board.

WORKSHOP SESSION

Applications were received for the following street openings:

-Street Opening Request from NJ American Water Company for 23 Fisk Street, Service Replacement

Motion to approve moved by Councilwoman Sorensen, second by Councilman Jaeger with Ayes by all present.

-Street Opening Request from Arcadis for soil borings at River Road and Navesink Avenue

Motion to approve moved by Councilwoman Sorensen, second by Councilman Jaeger with Ayes by all present.

-Street Opening Request from NJ Natural Gas Company for 141 Oak Place, Service Retirement (opening to be made behind the curb).

Motion to approve moved by Councilwoman Sorensen, second by Councilman Jaeger with Ayes by all present.

A request was received regarding banners and bows for Paint the Town Pink Month which is May. Mayor Lucarelli said that we have participated in the event in years past and asked if a pink stripe would be painted down the middle of the street; no. Hackensack Meridian requested permission to display a banner. The Clerk advised that the banner hooks on the pole across River Road broke. They would like to stake the banner in the ground wherever the borough chooses. Councilwoman Sorensen advised that the Clerk suggested the banner be staked in the ground at the entrance to the Borough by Schwenker's Pond and she felt it was a good idea; Council agreed. Councilman Jaeger asked if this is something that could be posted on the electronic message board sign; yes, surrounded by pink. Motion to approve moved by Councilwoman Sorensen, second by Councilman Jaeger with Ayes by all present.

Council has discussed a proposed amendment to Chapter 30:7-8(h), Accessory Buildings and Structures at past meetings. Councilman Peters said that this has not been discussed or reviewed, in full and requested this be relisted on the March 13th agenda for further discussion.

With regard to Visiting Nurse Association (VNA) services, the Mayor said that Mrs. Blaser has, over the years, questioned funds paid to the VNA and what services are covered. The Borough received a report from the VNA showing the schedule of visits that were performed during 2016. Administrator Casagrande read the report to the public. We pay the VNA \$3,297 annually for their services. She advised this was discussed at the Monmouth County Regional Board of Health meeting and these are necessary tasks to be performed. If we leave the VNA, our workload would be assessed and we would be billed by the Regional Health Commission accordingly if they handled these services. Administrator Casagrande said that she has made several attempts to contact the VNA to speak with someone directly. This matter can be listed on the March 13th agenda for further discussion. Council had some questions on the programs and what they can do i.e. vaccinations for our elderly. Councilman Marchese said that he would like to know how many residents actually use the services. Administrator Casagrande will send the Mayor the contact information for VNA and he will make some phone calls; the report is rather opaque. We are not sure how the services are being paid i.e. Medicare, insurance. Councilman Peters said that we are paying for services and it is important that they answer our inquiries to verify that we are getting

services promised.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:27 p.m. Susan O'Brien, River Road, stated that she used Meridian Health when she had surgery and a visiting nurse came and billed the visit to Medicare. Administrator Casagrande said that TB cases require five visits for observation and the administering of medication.

Ruth Blaser, River Road, said that she volunteered for the VNA's hospice program and visited patients. This service was billed to the patient's insurance company.

Councilman Marchese stated that it was a pleasure serving on the Planning Board with Mrs. Jay. She was a guiding force during the Master Plan process.

There being no further comments or questions, the meeting was closed to the public at 7:30 p.m.

APPROVAL OF MINUTES

Councilwoman Sorensen made a motion to approve the Regular Meeting minutes of February 13, 2017, second by Councilman Marchese

Affirmative: Councilmembers Marchese, Peters, Sorensen

Negative: None

Abstain: Councilmembers Jaeger, Rodriguez and Wilhelm

Absent: None

Councilwoman Sorensen made a motion to approve the Executive Session minutes of February 13, 2017, second by Councilman Marchese

Affirmative: Councilmembers Marchese, Peters, Sorensen

Negative: None

Abstain: Councilmembers Jaeger, Rodriguez and Wilhelm

Absent: None

OLD BUSINESS

ADOPTION OF ORDINANCE

1. Ordinance No. 2017-01, Index Rate Ordinance

**2017 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

A hearing was held at the February 13th meeting, but there were not enough Councilmembers in attendance to cast a formal vote.

Offered for adoption by Councilman Peters, second by Councilwoman Marchese

Affirmative: Councilmembers Jaeger, Marchese, Peters, Rodriguez, Sorensen, Wilhelm

Negative: None

Abstain: None

Absent: None

Attorney Alfieri said that a group of Borough Officials (Administrator, Engineers, Construction Code Office, Councilman Marchese, Land Use Board members) met, discussed the definition of habitable attic and came to a consensus. This conforms with the Construction Code regulations.

NEW BUSINESS

INTRODUCTION OF ORDINANCES

1. Ordinance No. 2017-02, Amend Chapter 30:2-4, Definition of Habitable Attic

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN
IN THE COUNTY OF MONMOUTH AMENDING THE FAIR HAVEN
BOROUGH CODE, CHAPTER 30, LAND USE DEVELOPMENT
REGULATIONS, SECTION 2.4, DEFINITIONS, SPECIFICALLY "ATTIC, HABITABLE"**

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 add to Chapter 30, Section 30-2.4, Definitions, specifically “Attic, Habitable”.

NOTE: The section of Chapter 30 that is to be amended by Ordinance is Section 2.4 Definitions, specifically “Attic, Habitable”. All additions are shown in **bold italics with underlines**. The deletions are shown as ~~**strikeovers in bold italics**~~. Sections of Chapter 30, Section 2.4 that will remain unchanged are shown in normal type.

II.

30-2.4 Definitions.

Certain words, phrases, and terms in this chapter are defined for the purpose herein as follow:

Attic, Habitable. Habitable Attic means an attic which has an approved stairway as a means of access and egress and in which the ceiling area at a minimum height of seven ~~**and one-third**~~ (7 ~~**1/3**~~) feet above the attic floor is not more than one-third (1/3) the area of the next floor below. **The calculation of the height of the attic is as defined in the Uniform Construction Code.**

Offered for introduction by Councilman Marchese, second by Councilwoman Sorensen

Affirmative: Councilmembers Jaeger, Marchese, Peters, Sorensen, Wilhelm

Negative: None

Abstain: Councilman Rodriguez

Absent: None

This ordinance will be sent to the Planning Board for their review and recommendation. The hearing and adoption on the ordinance will take place at the April 24th meeting.

CONSENT AGENDA
RESOLUTIONS

2. Resolution No. 2017-45, Executive Session – 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. Yachtworks Encroachment

Contract Negotiations

1. Interlocal Service Agreements with Rumson
2. Teamsters

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 Councilwoman Sorensen

Affirmative: Councilmembers Jaeger, Marchese, Peters, Sorensen, Wilhelm

Negative: None

Abstain: Councilman Rodriguez

Absent: None

3. Resolution No. 2017-46, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the February 27, 2017 agenda are hereby approved and the

Finance Department is hereby authorized to release payment to the various vendors.

2017 CURRENT ACCOUNT	\$	51,119.06
2016 CURRENT ACCOUNT	\$	9,601.09
OTHER TRUST	\$	17,887.15
GENERAL CAPITAL	\$	4,952.43
TOTAL	\$	83,559.73

Offered for adoption by Councilman Jaeger, second by Councilwoman Sorensen

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

4. Resolution No. 2017-47, Authorize Lease for Postage Machine with Jersey Mail Systems

WHEREAS, the Borough of Fair Haven currently has a lease with Pitney Bowes that will expire in March 2017; and

WHEREAS, it is necessary to have a mail machine to continue with the daily transactions of Borough business; and

WHEREAS, the Borough received proposals on various mail machines and has decided to enter into a five year lease with Jersey Mail Systems for a PostBase 45 Auto Feeder and Sealer Mailing System at a monthly cost of \$125.00 per month.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Borough Administrator is hereby authorized to execute a five year lease agreement with Jersey Mail Systems, attached as Exhibit "A".

Offered for adoption by Councilman Jaeger, second by Councilwoman Sorensen

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

5. Resolution No. 2017-48, Appoint Richard Stephens as a Permanent, Full Time Laborer

WHEREAS, Resolution No. 2016-169 appointed Richard Stephens as a full time Public Works employee with a six month probationary period; and

WHEREAS, the probationary period will be completed on March 6, 2017, a performance evaluation was conducted by Richard Gardella, Director of Engineering and Public Works and the Borough Administrator and Mr. Gardella have made a joint recommendation for Richard Stephens to become a permanent, full time, Public Works Laborer, effective March 6, 2017; and

WHEREAS, the position/salary step for Richard Stephens will be at the Grade 1 rate of \$35,016, in accordance with the 2013-2016 Teamsters Local 177 Memorandum of Agreement, effective January 1, 2015.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Richard Stephens be appointed as a permanent, full-time laborer for the Department of Public Works, in accordance with the salary schedule outlined above, effective March 6, 2017.

Offered for adoption by Councilman Jaeger, second by Councilwoman Sorensen

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

6. Resolution No. 2017-49, Appoint two Part-Time School Crossing Guards

WHEREAS, vacancies exists in the Fair Haven Police Department for the position of part time school crossing guard; and

WHEREAS, Chief Joseph McGovern has recommended the vacancy be filled by Raymond Patrick Powers who meets all of the required qualifications.

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that Robert J. Keenan, Fair Haven and Brian L. Allison, Long Branch, NJ are hereby appointed as a part time School Crossing Guard at an hourly salary of \$13.95, effective February 28, 2017.

Offered for adoption by Councilman Jaeger, second by Councilwoman Sorensen

Affirmative: Councilmembers Jaeger, Marchese, Peters, Sorensen, Wilhelm

Negative: None

Abstain: Councilman Rodriguez

Absent: None

7. Resolution No. 2017-50, Appoint Special Counsel for Yachtworks Encroachment

WHEREAS, Resolution No. 2017-01 appointed Edward Eastman as Special Legal Counsel for tidelands matters for the Borough of Fair Haven pursuant to the provisions of N.J.S.A. 19:44A-20.5 for the year 2017; and

WHEREAS, Mr. Eastman has resigned his position as Special Legal Counsel due to a conflict that has arisen; and

WHEREAS, the Borough has solicited non-fair and open proposals for Special Counsel for tidelands matters; and

WHEREAS, Mr. John W. Van Dalen, Esq. has completed and submitted a proposal and the non-fair and open paperwork; and

WHEREAS, funds for this purpose will be appropriated in the 2017 Municipal Budget.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that the Mayor and Municipal Clerk are hereby authorized to execute said contract with Mr. John W. Van Dalen, Esq., Special Legal Counsel.

BE IT FURTHER RESOLVED that a contract for said services, the Business Disclosure Entity Certification and Determination of Value are on file with the Borough Clerk and available for public inspection; and

BE IT FUTHER RESOLVED that a copy of this resolution be forwarded to the following:

1. Mr. John W. Van Dalen, Esq.
2. Mr. Salvatore Alfieri, Esq.
3. Chief Financial Officer
4. Borough Administrator

BE IT FUTHER RESOLVED that copy of this resolution shall be published in the Asbury Park Press as required by law within ten (10) days of its passage.

Offered for adoption by Councilman Jaeger, second by Councilwoman Sorensen

Affirmative: Councilmembers Jaeger, Marchese, Peters, Sorensen, Wilhelm

Negative: None

Abstain: Councilman Rodriguez

Absent: None

8. Resolution No. 2017-51, Accept Performance Guarantees for 810 River Road, LLC

WHEREAS, 810 River Road, LLC. has obtained preliminary and major site plan approval from the Fair Haven Planning Board pursuant to a Resolution adopted by the Planning Board on February 18, 2016; and

WHEREAS, the Planning Board Engineer prepared a bond estimate for this project

by way of letter dated February 23, 2017; and

WHEREAS, 810 River Road, LLC, has posted performance guarantees in conformance with the bond estimate, as well as additional fees as follows:

Check No. 6914 in the amount of \$36,599.76 (10% cash deposit) from the Silicon River, LLC

Check No. 1030 in the amount of \$15,249.90 (5% of the engineering and inspection fees), 810 River Road, LLC

Check No. 10887 in the amount of \$7,000.00 (Parking Fund per Resolution No. 2016-174), Forefront

Performance Bond No. B 1183418 in the amount of \$329,398.00 issued by Selective Insurance Company of America 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 guarantees are accepted by the Borough in order to secure performance by the property owner of a preliminary and major site plan to effectuate the terms and conditions of the site plan approval.

Offered for adoption by Councilman Jaeger, second by Councilwoman Sorensen

Affirmative: Councilmembers Jaeger, Marchese, Peters, Sorensen, Wilhelm

Negative: None

Abstain: Councilman Rodriguez

Absent: None

Reports of Departments

January 2017

-Municipal Court

-Police Department

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

GOOD OF THE BOROUGH

Mayor Lucarelli opened the meeting to the public for comments or questions at 7:34 p.m. Ruth Blaser, River Road, said that she is relying on information that was given at the February 13th meeting regarding Schwenker's Pond clean up. Council advised that a Certificate of Occupancy would not be given until the punch list items were taken care of. One of the homes was just closed on. She requested that the Certificate of Occupancy be held on the second house which is currently under contract. Mrs. Blaser said the pond should have been cleaned up during Phase I according to the Developer's Agreement. Mayor Lucarelli assured her that the performance bond posted will not be released until the pond is cleaned. The Borough cannot hold the Certificate of Occupancy as there are no life safety issues. Attorney Alfieri advised that there is a timeframe for them to be in compliance. Mrs. Blaser said that she does not want to see DPW employees taking care of the clean-up. She wants a deadline given to the developer. Administrator Casagrande said that there is a tree in question near River Road and there is a tree in the pond which will be addressed. It is going to be a feat to remove the trees.

Susan O'Brien, River Road, said besides tracking the VNA, could the Borough find out how many people use SCAT. She was advised that the Borough did not renew the SCAT contract for this year.

Mrs. Blaser said that she was not able to attend the February 13th meeting and noted a cost for \$1,100 for Connor Jaeger's plaque and asked where it is. It will be erected at Fair Haven Fields when a date and time is set (most likely in May or June). Mrs. Blaser said that the insignia on the Borough trucks costs a lot of money since they are just decals. She noted that there was a newsletter article from the Mayor citing MCOS grant money and asked if they were matching grants; yes. Mayor Lucarelli said that there are many MCOS grants that the Borough was awarded. She asked for a list of curb and sidewalk projects that will be done in town. Administrator Casagrande said that the Engineer's report was sent to the governing body and the design specs have been completed as of today. Councilman Rodriguez will be provided a copy of the Engineer's report. Mrs. Blaser asked if there were plans to repave River Road; it is a county road and we have not been advised of any type of work on River Road. She congratulated the Mayor for his letter in the last newsletter where he gives the facts and addressed rumors.

Councilwoman Sorensen said that this past weekend was a very successful, record-

breaking Father/Daughter Dance. Between the two nights, there were 400 attendees. DJ Breckenridge did an amazing job. There are videos on Facebook showing the event.

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 8:45 p.m.

ADJOURNMENT

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

Time of Adjournment: 8:46 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk