

FAIR HAVEN BOROUGH COUNCIL
OCTOBER 10, 2017

The meeting was called to order by Mayor Lucarelli at 7:04 p.m. The Flag Salute was followed by a Moment of Silent Meditation. It was asked that the residents of California be kept in everyone's thoughts. Mayor Lucarelli read the Sunshine Law Statement.

ROLL CALL

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

WORKSHOP SESSION

Mayor Lucarelli said that a tree removal appeal was received from the Jordan Family, 100 Rustic Terrace. Motion to approve moved by Councilman Jaeger, second by Councilman Wilhelm with Ayes by all present.

A tree removal appeal was received from Tony Natsis for 26 Hillcrest Road. The Arborist and Assistant Engineer have advised that the application is incomplete or not in compliance with what has been submitted to the Zoning Department. Mr. Natsis needs to coordinate with our Zoning Officer to bring the matter into compliance. Motion to table until our next meeting moved by Councilman Peters, second by Councilman Jaeger with Ayes by all present.

Best Practices for 2017 align with the score we received last year. We are generally compliant. Administrator Casagrande said she still needs to work on the Personnel Manual; she is re-writing according to JIF guidelines. Councilman Jaeger requested that this be accomplished before we submit best practices next year. Mayor Lucarelli suggested that she "call in" for extra assistance, if needed, since Fair Haven is small and does not have a Human Resources Department. He recommended an interlocal with Middletown or a larger municipality that has a Human Resource department and deals with personnel matters every day.

Mayor Lucarelli said with regard to 2018 Council Meetings, a draft schedule was provided and looks good. The summer has 4th of July which sets the schedule a little off. There will only be one meeting in August and two meetings for the other months. Councilman Marchese gave his OK via e-mail to this schedule. Council agreed with the schedule presented.

Administrator Casagrande advised that a title search for the Police Department and Community Center property is required for renovations and due to ROSI considerations. A title search for this property is very complicated because there are multiple parcels involved. The cost will be \$3,000 to pull a clear title. Attorney Alfieri had recommended that the search be done. She just wanted the governing body to be aware of this as the cost is more expensive than anticipated.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:10 p.m. Mayor Lucarelli advised that there is a payment on the bill list in the amount of \$3,150 relating to the Open Public Records Act and there is also Resolution No. 2017-204 expressing opposition to proposed legislation regarding the Open Public Meetings Act and Open Public Records Act on the agenda. The reason he is bringing this to the public's attention is that there was a public records request made by someone who is looking to create a product to sell to the Borough. The request was submitted to the Clerk and pertained to the Borough's assessment data. The data is received and maintained through the County and we pay a substantial sum for it as part of our shared service agreement. The requestor filed a complaint against the Borough for his request being denied and hiring an attorney that charges \$400 per hour. Mayor Lucarelli said that this shows an abuse of OPRA as it is written. There is a "big head of steam" in the Legislature to make government transparent, but it is being done with a poorly written piece of legislation. The Borough is paying this fee under protest. Fair Haven is not against the public having access to the records of the Borough and government, but are against vendors gaining access to data information, for free, and imposing an undue burden on staff to comply.

Ruth Blaser, River Road, asked why there is a resolution for a special meeting to be held on October 16th. The Borough received six RFPs from Architects for the Police Department, Community Center and DPW building renovations. A special meeting is being called in order to hold interviews with a few Architects so that we can move forward with the projects.

Susan O'Brien, River Road, asked if the Architects are coming in with a design. No, they are coming in with their credentials and past work that they have done. The interviews are being conducted in order to hire a firm who will then create a plan/rendering for these locations.

There being no further comments or questions from the public, the meeting was closed at 7:13 p.m.

APPROVAL OF MINUTES

Councilman Peters made a motion to approve the Regular Meeting minutes of September 25, 2017, second by Councilman Rodriguez

Affirmative: Councilmembers Peters and Rodriguez

Negative: None

Abstain: Councilmembers Jaeger and Wilhelm

Absent: Councilmembers Marchese and Sorensen

Councilman Peters made a motion to approve the Executive Session minutes of September 25, 2017, second by Councilman Rodriguez

Affirmative: Councilmembers Peters and Rodriguez

Negative: None

Abstain: Councilman Jaeger and Wilhelm

Absent: Councilmembers Marchese and Sorensen

OLD BUSINESS

There was no old business brought before the governing body.

NEW BUSINESS - CONSENT AGENDA RESOLUTIONS

1. Resolution No. 2017-200, 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:

Personnel

1. Borough Architect

Possible Litigation

1. Yachtworks
2. 20 Gillespie, LLC

Contract Negotiation

1. Encroachment on Borough Property
2. PBA Negotiations

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 Wilhelm, second by Councilman Jaeger

Affirmative: Councilmembers Jaeger, Peters, Rodriguez and Wilhelm

Negative: None

Abstain: None

Absent: Councilmembers Marchese and Sorensen

2. Resolution No. 2017-201, Approve Salary Increase for Permanent School Crossing Guards

WHEREAS, Resolution No. 2017-74 set the salaries for non-aligned employees which included the permanent school crossing guards; and

WHEREAS, the Fair Haven School District amended the hours of the school day which equates to an additional 90 hours for the school year that the crossing guards are needed at their post; and

WHEREAS, due to the increased hours, the annual salary for permanent school crossing guards will be increased to \$8,979.00 and they will receive an additional 10 hours in paid time off retroactive to September 18, 2017 and pro-rated through December 31, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the finance department adjust the annual salary and time off for permanent school crossing guard according to this resolution.

Offered for adoption by Councilman Wilhelm, second by Councilman Jaeger

Affirmative: Councilmembers Jaeger, Peters, Rodriguez and Wilhelm

Negative: None

Abstain: None

Absent: Councilmembers Marchese and Sorensen

3. Resolution No. 2017-202, Approve Payment for Health Insurance Incentive Program the State Health Benefits Program; and

WHEREAS, Blue Cross Blue Shield of New Jersey has an incentive program for subscribers to the OMNIA Plan or Aetna's Liberty Plan who are first time enrollees and remain with the plan for the years 2017 and 2018; and

WHEREAS, the incentive for eligible employees enrolled with the program for 2017 and 2018 is:

- \$1,000 for Single Member Coverage as part of a tiered network plan
- \$1,250 for Member/Spouse Coverage as part of a tiered network plan
- \$1,250 for Parent/Child Coverage as part of a tiered network plan
- \$2,000 for Family Coverage as part of a tiered network plan

WHEREAS, the Borough of Fair Haven has employees that are enrolled in a tiered network plan and are entitled to an incentive payment amount based on their coverage chosen.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Finance Department is hereby authorized to pay an insurance incentive to the Borough employees who are eligible and were enrolled in 2017 and re-enrolled for the year 2018.

Offered for adoption by Councilman Wilhelm, second by Councilman Jaeger

Affirmative: Councilmembers Jaeger, Peters, Rodriguez and Wilhelm

Negative: None

Abstain: None

Absent: Councilmembers Marchese and Sorensen

4. Resolution No. 2017-203, Set Special Council Meeting for October 16th

WHEREAS, the Mayor and Council have determined that a special meeting is required to hold an executive session meeting at 7:00 p.m. with any and all business of the Borough to be conducted; and

WHEREAS, the Mayor and Council have selected October 16, 2017 at Borough Hall as the time and place of said special meeting; and

WHEREAS, the Mayor and Council have authorized the Borough Clerk to notice for and advertise the special meeting in accordance with the requirements of the Open Public Meetings Act.

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 Mayor and Council shall hold a special meeting on October 16, 2017, at 7:00 p.m. for executive session and any and all business of the Borough to be conducted directly following, as deemed necessary and appropriate.

Offered for adoption by Councilman Wilhelm, second by Councilman Jaeger

Affirmative: Councilmembers Jaeger, Peters, Rodriguez and Wilhelm

Negative: None

Abstain: None

Absent: Councilmembers Marchese and Sorensen

5. Resolution No. 2017-204, Oppose Legislative Proposals regarding Open Public Meetings Act and Open Public Records Act

WHEREAS, the New Jersey Senate Budget and Appropriations Committee took action on Senate Bill Nos. 1045 and 1046, which amend the Open Public Meetings Act and Open Public Records Act, respectively, on June 29, 2017; and

WHEREAS, the Committee released the bills to the full Senate without recommendation because the bills are unnecessary, unpopular with the public and would result in significant financial and administrative burdens on municipalities; and

WHEREAS, the bills fail to adequately protect taxpayers, municipalities and especially, Municipal Clerks from abusive, harassing and purposefully confrontational individuals who submit voluminous requests for no legitimate reason; and

WHEREAS, the legislation would expand the Open Public Meetings Act to created impractical and burdensome requirements with respect to subcommittees and working groups established by the entire governing body, which would effectively limit the ability of small groups of local officials discussing issues of public concern for the purposes of informing the governing body; and

WHEREAS, under the bills, the responsibilities of municipal clerks who the Legislature has already loaded with responsibilities beyond the scope of their office, would be stretched even further than current law requires without a single dollar of additional resources provided to or authorized to be collected by municipalities; and

WHEREAS, the bills would impose a financial burden on municipalities that would not be offset by a revenue source other than the property tax, making the bills unfunded mandates prohibited by the New Jersey Constitution; and

WHEREAS, some municipalities are more equipped than other to meet the burdens that would be imposed by Senate Bill Nos. 1045 and 1046, however, without assistance of any kind from the States or the courts, every municipality would be on its own to meet the myriad new requirements of the law.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven, that the Legislature is strongly urged to reject Senate Bill Nos 1045 and 1046 and draft new legislation to modernize OPRA and OPMA while providing municipalities and clerks with the resources to effectuate these changes for the benefit of the public.

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed with the legislative sponsors of Senate Bill Nos. 1045 and 1046 and Assembly Bill Nos. 2697 and 2699, the Speaker of the General Assembly, the President of the Senate, Governor Christie and all parties are urged to listen to the concerns of local officials and prevent Senate Bill Nos. 1045 and 1046 from becoming law.

Offered for adoption by Councilman Wilhelm, second by Councilman Jaeger

Affirmative: Councilmembers Jaeger, Peters, Rodriguez and Wilhelm

Negative: None

Abstain: None

Absent: Councilmembers Marchese and Sorensen

6. Resolution No. 2017-205, Chapter 159: Body Armor Replacement 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 \$1,544.49 grant from the Department of Justice for a Body Armor Replacement 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 \$1,544.49 which items in now available as revenue from:

Department of Justice
Body Armor Replacement Fund

BE IT FURTHER RESOLVED that a like sum of \$1,544.49 be and the same is hereby appropriated under the caption of General Appropriations – Operations Excluded from CAPS:

Department of Justice
Body Armor Replacement 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 Wilhelm, second by Councilman Jaeger

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

7. Resolution No. 2017-206, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the October 10, 2017 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2016 CURRENT ACCOUNT	\$	542.50
2017 CURRENT ACCOUNT	\$	60,580.51
GENERAL CAPITAL	\$	3,269.00
PAYROLL AGENCY	\$	13,053.40
OTHER TRUST	\$	23,306.96
TOTAL	\$	100,752.37

Offered for adoption by Councilman Wilhelm, second by Councilman Jaeger

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

8. Resolution No. 2017-207, Appoint Part Time School Crossing Guard – Bruce MacDonald

WHEREAS, a vacancy 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 Bruce MacDonald who meets all of the required qualifications.

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that Bruce MacDonald is hereby appointed as a part-time School Crossing Guard with an hourly salary of \$14.25 effective October 11, 2017.

Offered for adoption by Councilman Wilhelm, second by Councilman Jaeger

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

9. Resolution No. 2017-208, Approve Dedication by Rider for Benches and Trees

WHEREAS, permission is required of the Director of the Division of Local Government

Services for approval as Dedication by Rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, NJSA 40A:5-29 et seq. provides for receipt of by the municipality to provide for the operating costs to administer this act; and

WHEREAS, NJSA 40A:4-29 provides the dedicated revenues anticipated from the bench and tree dedication monies are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey as follows:

1. The Mayor and council do hereby request permission of the Director of the Division of Local Government Services to pay expenditures for benches and trees as per NJSA 40A:5-29 et seq.
2. The Municipal Clerk of the Borough of Fair Haven, County of Monmouth is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

Offered for adoption by Councilman Wilhelm, second by Councilman Jaeger

Affirmative: Councilmembers Jaeger, Peters, Rodriguez and Wilhelm

Negative: None

Abstain: None

Absent: Councilmembers Marchese and Sorensen

Reports of Departments

September 2017

-Municipal Clerk

-Dog License

-Planning Board and Zoning Board

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 7:15 p.m. Ruth Blaser, River Road, said that on the bill list from the last meeting, there was a bill for a drainage repair on Gillespie Avenue and asked if the Borough is going to be reimbursed by the developer. She was advised that the repair that was done was not near the 20 Gillespie project. There was a line collapse down the road that created a sinkhole and required repair. She said in February 2017 the Board of the seniors requested of Mayor and Council that a 6X27 plaque of the Senior Center Presidents be hung in Borough Hall and it has not been hung. She does not want it hung in the Community Center because it is not safe there. She wants it hung upstairs in Borough Hall.

Councilman Wilhelm said Jersey Shore Rugby sign ups were held last Saturday. He thanked the Recreation Committee. It was a success.

Councilman Rodriguez said on Saturday, October 14th at 9:00 a.m. there will be a Nature Walk and Talk in the Nature Area led by Bill Schadel and all are invited to attend.

There being no further comments or questions, the meeting was closed to the public at 7:18 p.m.

Councilman Peters acknowledged Bea Sena, former Councilwoman, who was in the audience.

Council went into executive session at 7:22 p.m. and this meeting was reconvened at 7:55 p.m.

Administrator Casagrande advised the governing body that there is a woman who has a contract through Monmouth County to remove dead deer. She charges \$33.50 per deer that are removed road side and it is \$67.00 if she has to go on the property. Last week, the Police called this vendor because of a deer impaled on a resident's fence. Council was advised there will be an open purchase order for this service. There was brief discussion on hunting solutions (bow

hunting) because there are so many deer in the area and they are destroying property and gardens. Mayor Lucarelli said the hunter has to be licensed through State Fish and Game and receive permission from the residents who live within 150 feet of the property where the deer to be hunted are. Shrewsbury passed an ordinance to allow for bow hunting and there was a large outpouring for the public.

ADJOURNMENT

Motion to adjourn moved by Councilman Wilhelm, second by Councilman Rodriguez with Ayes by all present.

Time of Adjournment: 8:02 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk