

**FAIR HAVEN BOROUGH COUNCIL
OCTOBER 23, 2017**

The meeting was called to order by Mayor Lucarelli at 7:02 p.m. The Flag Salute was followed by a Moment of Silent Meditation. Mayor Lucarelli read the Sunshine Law Statement.

ROLL CALL

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

WORKSHOP SESSION

Mayor Lucarelli said there was a request from Rumson-Fair Haven Regional High School to sell Class of 2019 lawn signs supporting their upcoming Thanksgiving game vs. Shore Regional. Councilwoman Sorensen said that she received a solicitation and had advised them that they need to request permission. The signs need to come down by Monday, November 27th. Councilman Peters made a motion to approve the request, second by Councilwoman Sorensen with Ayes by all present.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:04 p.m. Susan O'Brien, asked about the Workshop Session and why the public copies look different than the one online? She asked where all of the budget matters were. She was advised that there was only one matter under the Workshop agenda and asked where she pulled the agenda from.

There being no further comments or questions, the meeting was closed to the public at 7:05 pm.

APPROVAL OF MINUTES

Councilman Jaeger made a motion to approve the Regular Meeting minutes of October 10, 2017, second by Councilwoman Sorensen

Affirmative: Councilmembers Jaeger, Peters and Rodriguez

Negative: None

Abstain: Councilmembers Marchese and Sorensen

Absent: Councilman Wilhelm

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

Affirmative: Councilmembers Jaeger, Peters and Rodriguez

Negative: None

Abstain: Councilmembers Marchese and Sorensen

Absent: Councilman Wilhelm

Councilwoman Sorensen made a motion to approve the Special Meeting minutes of October 16, 2017, second by Councilman Rodriguez

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

Negative: None

Abstain: None

Absent: Councilman Wilhelm

Councilwoman Sorensen made a motion to approve the Executive Session minutes of October 16, 2017, second by Councilman Marchese

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

Negative: None

Abstain: None

Absent: Councilman Wilhelm

**NEW BUSINESS - CONSENT AGENDA
RESOLUTIONS**

1. Resolution No. 2017-210, Executive Session – Personnel 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. Architect Interviews
2. Planning and Zoning Compliance Assistant

Contract Negotiation

1. Encroachment on Borough Property
2. Monmouth County SCAT Contract

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

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

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

Negative: None

Abstain: None

Absent: Councilman Wilhelm

2. Resolution No. 2017-211, Tax Court Judgment/Correction of Error Refund – 186 Lake Avenue

WHEREAS, Burke Development demolished a dwelling and built a new home at 186 Lake Avenue, (Block 3, Lot 36); and

WHEREAS, Burke Development received a Certificate of Occupancy on the new home at 186 Lake Avenue, (Block 3, Lot 36) on October, 28, 2015; and

WHEREAS, Mr. Frederick Williams and Ms. Marissa Savino purchased and closed on the property and new home on January 6, 2016; and

WHEREAS, due to an error by the Borough's Tax Assessor, the Added/Omitted portion of this property's tax assessment was processed for six (6) months, instead of the two (2) months.

WHEREAS, the Borough's Tax Assessor filed a Correction of Errors request for the Added/Omitted portion of the tax bill associated with this property; and

WHEREAS, a Correction of Errors Judgment was received from the State Tax Court revising the prorated Added/Omitted assessment for the property; and

WHEREAS, the Tax Collector has provided and the Chief Financial Officer has certified a calculation in the amount of \$7,811.51, inclusive of penalties and interest, to be refunded to the current property owners, which represents the portion of the overpayment due to Mr. Williams and Ms. Savino from the Borough; and

WHEREAS, the balance of the Added Omitted payment for the period of time between October 28, 2015 and January 6, 2016, in the amount of \$3944.22, inclusive of penalty and interest, which was paid by Mr. Williams and Ms. Savino is a matter to be determined between the seller (Burke Development) and the buyers (Mr. Frederick Williams and Ms. Marissa Savino).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the finance department process said refund, as per the State's Correction of Error Judgment, in the amount of \$7,811.51.

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

Negative: None

Abstain: None

Absent: Councilman Wilhelm

3. Resolution No. 2017-212, Refund Unused Zoning Board Escrow Fees-Mandia-43 DeNormandie Avenue

WHEREAS, Jason Mandia submitted a Zoning Board application for an addition at 43 DeNormandie Avenue, Block 49 Lot 17; and

WHEREAS, escrow money was posted by the applicant; and

WHEREAS, the addition was granted and Mr. Mandia 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 \$505.60

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 Jason Mandia, 43 DeNormandie Avenue, Fair Haven, NJ.

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

Negative: None

Abstain: None

Absent: Councilman Wilhelm

4. Resolution No. 2017-213, Refund Unused Zoning Board Escrow Fees-Page-191 Lewis Lane (B79, L22)

WHEREAS, Steven Page submitted a Zoning Board application for a pool at 191 Lewis Lane, Block 79 Lot 22; and

WHEREAS, escrow money was posted by the applicant; and

WHEREAS, the Board granted permission to install a pool and Mr. Page 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 \$280.00

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 Steven Page, 191 Lewis Lane, Fair Haven, NJ.

Offered for adoption by Councilwoman Sorensen, second by Councilman

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

Negative: None

Abstain: None

Absent: Councilman Wilhelm

5. Resolution No. 2017-214, Monmouth County Open Space Grant Application-Trail Linkage and Expansion

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of the Borough of Fair Haven desires to obtain County Open Space Trust Funds in the amount of \$89,000 to fund trail linkage and expansion throughout Fair Haven Fields (Ridge and Fair Haven Roads, Block 77 Lot 1); and

WHEREAS, the total cost of the project including all matching funds is \$178,000; and

WHEREAS, the Borough of Fair Haven is the owner and controls the project site.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR OF THE BOROUGH OF FAIR HAVEN THAT:

1. Theresa Casagrande, Borough Administrator, is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the principal contact person and correspondent of the above named municipality; and
2. The Borough of Fair Haven is committed to this project and will provide the balance of funding

necessary to complete the project in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and

3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Theresa Casagrande, Borough Administrator is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

Negative: None

Abstain: None

Absent: Councilman Wilhelm

6. Resolution No. 2017-215, Authorize Purchase of DPW Equipment – Case International Tractor

WHEREAS, there is a need for a Case International Tractor for the Department of Public Works; and

WHEREAS, the Department of Public Works received quotes for said equipment; and

WHEREAS, the Borough Administrator and Borough Engineer have submitted a Capital Item purchase authorization request as follows:

DEPARTMENT OF PUBLIC WORKS

Case International Tractor	\$ 23,310.72
Bucket Attachment	\$ 4,896.75
Freight, preparation and delivery	\$ 2,475.00
TOTAL	\$ 30,682.47

WHEREAS, the above equipment will be purchased through the National Joint Power Alliance (NJPA) Cooperative Agreement, State Contract Number NJPA #16-X024053, T2187.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that this Capital Item Expenditure is hereby approved and will be charged to Capital Account C-04-55-706-001 where funds have been certified by the Chief Financial Officer.

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

Negative: None

Abstain: None

Absent: Councilman Wilhelm

7. Resolution No. 2017-216, Approve Change Order No. 1 to Fiore Paving - Tennis Court Refurbishment

WHEREAS, Resolution No. 2016-195 awarded a contract for tennis court refurbishment and new courts to Fiore Paving, Oceanport, NJ 07757 in and amount not to exceed \$340,000; and

WHEREAS, the Director of Engineering and Public Works requested a change order for additional items increasing the final contract amount by \$20,300.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven that Change Order #1 to the Tennis Court Refurbishment and New Court contract authorizes an increase to the contract between the Borough of Fair Haven and Fiore Paving for a total contract amount of \$360,300.

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

Administrator Casagrande advised that an adjustment was made to the bill list; the General Capital amount was reduced by \$6,000.

8. Resolution No. 2017-217, 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 23, 2017 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2016 CURRENT ACCOUNT	\$ 88.77
2017 CURRENT ACCOUNT	\$4,980,639.91
GENERAL CAPITAL	\$ 256,924.59
PAYROLL AGENCY	\$ 227.50
OTHER TRUST	\$ 5,329.64
TOTAL	\$ 5,243,210.41

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

9. Resolution No. 2017-218, Special Meeting - October 26th at 7:30 p.m. - Architect Interview

WHEREAS, the Mayor and Council have determined that a special meeting is required to hold an executive session meeting at 7:30 p.m. with any and all business of the Borough to be conducted; and

WHEREAS, the Mayor and Council have selected October 26, 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 26, 2017, at 7:30 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 Councilwoman Sorensen, second by Councilman Rodriguez

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

Reports of Departments
September 2017

- Tax Collector
- Municipal Court
- Police Department

Motion to accept as submitted 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 7:07 p.m. Mr. and Mrs. Muralidhara, Park Road, said there were bushes and trees removed from the front of their home for the sidewalk improvement. She asked if they were going to be replaced. Mayor Lucarelli said that the trees were in the right of way so the Borough took them. The sidewalk work has been completed and there will not be replacement bushes or trees because it is the Borough's right of way. The Muralidharas were advised that they do not have to plant anything either. Mrs. Muralidhara said

there is a tree that is not in good condition in the right of way as well. Administrator Casagrande said that she will have the tree looked at to see if it needs to be removed.

Susan O'Brien, River Road, said that the Borough should advise residents when trees are being removed for a project. Administrator Casagrande said that notice is given for projects, but we do not notice for landscaping removal or gardens in the right of way.

Councilwoman Sorensen thanked the Recreation Department for an amazing Halloween Egg Hunt and Parade this past weekend.

Councilman Rodriguez said November 4th is recreation soccer and there will also be a joint Shade Tree/Natural Area clean up. The Boy Scouts, Cub Scouts and other organizations will be doing the clean-up at the Natural Area from 9 am to noon. The public is welcome to join in as well.

Councilwoman Sorensen said there was a recent suicide in the area and St. George's Church, Rumson, is hosting a survivor of suicide program open to children and adults on October 25th. There will be grief counselors there. Anyone interested in attending should RSVP.

There being no further comments or questions, the meeting was closed to the public at 7:15 p.m.

Council went into executive session at 7:16 p.m. and this meeting was reconvened at 8:45 p.m.

ADJOURNMENT

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

Time of Adjournment: 8:46 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk