

FAIR HAVEN BOROUGH COUNCIL
FEBRUARY 13, 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 read the Sunshine Law Statement.

ROLL CALL

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

PROCLAMATIONS

Joan Jay was unable to attend the meeting due to illness. She will be invited to our February 27th meeting.

The Mayor invited Mr. and Mrs. Frissora to the front of the room and read a proclamation congratulating, their son, Michael, on his Eagle Scout achievement. Mrs. Frissora thanked the Council and directed the public's attention to a picture display showing Michael's project (a garden constructed of nine wooden pallets at Sickles School for educational and practical purposes). She advised that the person who presented and pinned her son was her cousin, John Drake, who grew up in Fair Haven and earned his Eagle Scout award in 1978; he constructed a sign for Bicentennial Hall. Michael could not attend this meeting because he was at school (Stevens Institute).

WORKSHOP SESSION

Mayor Lucarelli advised that Aimee Humphreys resigned her position on Council so the Democratic Party provided a list of three names as a replacement. He thanked Aimee for serving on Council. To be fair, each candidate was invited to speak for five minutes on what being a Councilmember means to them. Patricia Quigley came forward. She advised that she is a former attorney (NJ and NY bar) last practicing in 2012 and currently works at her family's business, Barnacle Bills. She has three kids that are grown and this is a good possibility to give back to the Borough. She has been a resident of Fair Haven since 1984. As an attorney she was Real Estate Counsel for developers in Rumson, practiced small business law, negotiated transactions and created resolutions. She has been involved in zoning, tidelands rights, liquor licenses, DEP, land use matters and was involved with the PNC Arts Center Tax Exemption. Mrs. Quigley said her family has supported local causes such as Clean Ocean Action, Covenant House, 180 Turning Lives Around, Holiday Express and the Rumson St. Patty's Day Parade. Mrs. Quigley said the reasons she would like to serve on Council is that it seems Fair Haven is facing a lot of pressure from the surrounding towns as far as development, there are Department of Public Works issues, education, etc. She stated she was more analytical than in the forefront. She would like to lend her skills and experience (grant writing, breaking matters into small pieces, research, etc) to the Council and would like to show her gratitude to Fair Haven.

Amy Mallet, Democratic Chairperson, read a statement prepared by Shervyn VonHoerl, who had a prior trip planned and could not reschedule. Mr. VonHoerl moved here in 2014 with his wife and three children. He felt that he made the right choice by moving to Fair Haven and enjoys the traditions of the Fireman's Fair, Stokes and transition. He advised that he has a long history of volunteerism such as being Treasurer of a 501C3 organization that is related to Dartmouth College (his alma mater), coaching Fair Haven recreation sports, helping during Trucktoberfest and soon to become Cub Master of Fair Haven Pack 127. He is a Portfolio Manager, by profession, and a portfolio he runs is a Municipal Legacy Fixed Income. Mr. VonHoerl said that he has more he can contribute to Fair Haven. He looks forward to Council's decision in two weeks and felt that any candidate chosen would be an asset.

Christopher Rodriguez came forward and also read a statement. He thanked Council for allowing him to speak. He and his wife live in town with their three children. There are three great candidates offered as a replacement and Council cannot go wrong with whomever they choose. He hopes to serve to benefit his neighbors and children and volunteers his time to keep Fair Haven a great place to live and raise a family. Mr. Rodriguez said, as Councilman, that he will listen, learn and generate new ideas to benefit Fair Haven. He is involved with Scouts (also an Eagle Scout); it has been his lifelong theme to be involved), volunteers for the Fireman's Fair, scarecrow fee collection for the school, Chairman of the Shade Tree Commission, liaison to the Fair Haven Natural Area, worked with the Environmental Commission on some projects (involved with the Green Team Recognition) and coaches soccer. He is formally trained in Finance, obtaining his Masters Degrees from Columbia Business School and also Rutgers University. He is an entrepreneur and started a company along with some institutional backers and built a federally regulated derivative exchange from scratch which resulted from the financial crisis. The focus of his company, Eris Exchange, provides a marketplace for large firms to transfer debt obligation from floating rate risk to fixed rate risk in the most efficient manner possible. Mr. Rodriguez said his financial background can help with the budget, cost benefit analysis and capital projects to positively influence the residents of the community. It is clear that the Council has done many things to reduce costs over the years including shared services, outsourcing and finding other ways where it makes sense to save money. He would like to contribute and explore positive revenue generation products as well as help manage these costs. As a Councilperson, besides

focusing on the Borough’s financial health, he would like to put effort into three other key areas: volunteerism, seniors and the environment. He thanked the Council for their time.

Mayor Lucarelli thanked all three candidates for their time and offering their talents. He thanked Amy Mallet for bringing three talented candidates before the Council for consideration.

A street opening request was received from NJ American Water for 56 Laurel Drive, new service. Motion to approve moved by Councilman Peters, second by Councilwoman Sorensen with Ayes by all present.

The following street opening requests were received from NJ Natural Gas:

- 284 Dartmouth Avenue – Oil Conversion
- 300 Ridge Road (opening on McCarter Avenue) – New Service
- 18 S. Woodland Drive - Service Installation
- 23 Fisk Street – Service Retirement
- 158 Oxford Avenue – Service Retirement

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

The 2017 Council Committees have been discussed the last two meetings. The list has been revised since the last meeting. We currently have one liaison to each committee. Since there is an increased workload, it has been decided to go with a Chairperson and Vice Chairperson. The following will be the Council Committees which will enable greater communication and lend coverage:

COMMITTEE	CHAIRPERSON	VICE CHAIRPERSON
Finance	Councilman Peters	Councilman Jaeger
Engineering & Public Works	Councilman Peters	Councilman Wilhelm
Police, Fire & OEM	Councilman Wilhelm	Councilwoman Sorensen
Recreation	Councilwoman Sorensen	Councilman Marchese
Planning & Zoning	Councilman Marchese	Replacement
Personnel	Councilwoman Sorensen	Councilman Peters
Borough Facilities	Councilman Jaeger	Replacement

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

With regard to the proposed amendment to Chapter 30:7-8(h), Administrator Casagrande explained this eliminates the section with regard to front yard/side yard setbacks. A list of addresses was sent to the Council so they could look at what the concerns were and to make a decision as to the ordinance being amended. Councilman Peters said he visited some of the suggested sites, but not all of the issues have been worked out. It was asked that this be listed on the next meeting agenda for further discussion.

Administrator Casagrande said that as per the January 23rd meeting, she had the Building Department review the proposed amendment to Chapter 30:2-4, defining habitable attic and they suggested we further align the language with the Uniform Construction Code. Attorney Alfieri said he can incorporate the definition of the code. Comments were not received from Engineer Gardella or Assistant Engineer Poruchynsky. The ordinance could be adjusted to add “as defined by the Uniform Construction Code.” Councilman Marchese said that other parts of the code will need to be amended where this is involved. An ordinance will be listed for introduction at the February 27th meeting.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:32 p.m. Susan O’Brien, River Road, said that there is a resolution on the agenda to extend the contract with M&S Waste Services for another two years and noted that there are volunteers, for the Natural Area, bringing the can to the street which M&S has not been picking up. She asked that the contract be updated to include that. Administrator Casagrande said that the contract has not been changed. They are picking up the can that is put out by the volunteer; it was an added can since the original contract. Mrs. O’Brien felt that a DPW employee should be bringing the can out to the street. Administrator Casagrande said she has not heard that there is an issue with this from the volunteer. Councilman Peters said that when the Borough was handling trash collection, in-house, it cost \$425,000 and with the M&S Contract extension, it will be almost \$183,000. There has been a major improvement in terms of cost structure (a savings of \$1.4 million to date). Mrs. O’Brien is concerned about the animal waste and pollution in the Navesink River. Mayor Lucarelli said the DPW may step in if the volunteer no longer wishes to continue the task.

Katy Frissora, Lexington Avenue, said that we need to be careful with volunteers. The residents shovel the area around the fire hydrants during snowstorms to keep it clear. Volunteering is big in Fair

Haven and always seems to help. Our residents like to be involved in town.

There being no further comments or questions, the meeting was closed to the public at 7:36 p.m.

APPROVAL OF MINUTES

Councilwoman Sorensen made a motion to approve the Executive Session minutes of December 19, 2016, second by Councilman Marchese

Affirmative: Councilmembers Marchese, Peters, Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Wilhelm

Councilwoman Sorensen made a motion to approve the Regular Meeting minutes of January 23, 2017, second by Councilman Marchese

Affirmative: Councilmembers Marchese, Peters, Sorensen

Negative: None

Abstain: None

Absent: Councilmember Jaeger and Wilhelm

Councilwoman Sorensen made a motion to approve the Executive Session minutes of January 23, 2017, second by Councilman Marchese

Affirmative: Councilmembers Marchese, Peters, Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Wilhelm

OLD BUSINESS

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

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

On motion of Councilman Peters, second by Councilwoman Sorensen with Ayes by all present, Mayor Lucarelli opened the meeting for comments or questions at 7:39 p.m.

Due to the language in the ordinance, there are not enough votes to pass this ordinance so the hearing can be held this evening and the ordinance listed for adoption on the February 27th agenda.

There being no further comments or questions, the Hearing was closed to the public at 7:39 p.m. on motion of Councilman Peters, second by Councilwoman Sorensen with Ayes by all present.

Motion to hold the adoption of the ordinance at the February 27th meeting moved by Councilwoman Sorensen, second by Councilman Peters with Ayes by all present.

NEW BUSINESS - CONSENT AGENDA RESOLUTIONS

1. Resolution No. 2017-37, 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:

Sale of Real Property

1. William Street

Possible Litigation

1. Yachtworks Encroachment
2. 586 Ridge Road
3. Hendrickson Place Encroachment
4. Schwenker's Pond

Contract Negotiations

- 1. Realty Data Services
- 2. VNA 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 Peters, second by Councilwoman Sorensen

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

- 2. Resolution No. 2017-38, 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 13, 2017 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2017 CURRENT ACCOUNT	\$ 85,914.94
2016 CURRENT ACCOUNT	\$ 36,633.64
OTHER TRUST	\$ 7,138.16
TOTAL	\$129,686.74

Offered for adoption by Councilman Peters, second by Councilwoman Sorensen

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

- 3. Resolution No. 2017-39, Award Contract to Vallee Surveying – Land Surveyor and Mapping Services

WHEREAS, the Borough of Fair Haven, County of Monmouth, State of New Jersey has determined that there is a need for survey work and mapping services for various projects that will take place in the Borough of Fair Haven; and

WHEREAS, it is the desire of the Governing Body to move forward with the work required for these projects; and

WHEREAS, one (1) proposal was received for professional services for survey work and mapping services from the following, attached as Exhibit A:

Proposal Received From

- 1. Vallee Surveying, LLC., Toms River, NJ

WHEREAS, upon review of the proposal, it has been determined that Vallee Surveying, LLC submitted all of the necessary paperwork in compliance with the RFP issued and a Recommendation of Award letter has been received by the Borough Engineer; and

WHEREAS, the Chief Financial Officer has certified sufficient funds are available in the budget.

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 the proposal submitted by Vallee Surveying, LLC., 1010 Commons Way, Building G, Toms River, NJ, which is attached as Exhibit A.

Offered for adoption by Councilman Peters, second by Councilwoman Sorensen

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

- 4. Resolution No. 2017-40, Authorize Continued Solid Waste and Recycling Services from M&S Waste

Services for years 4 and 5

WHEREAS, the Borough of Fair Haven and M&S Waste Services have entered into a contract for solid waste and recycling; and

WHEREAS, in order to ensure the safe and efficient transition of solid waste and recycling services to the Borough residents and to protect the health, safety and welfare of the residents, the Borough will exercise its option under Section 7 of the contract with M&S Waste Services to extend the contract for two (2) additional one (1) year terms; and

WHEREAS, the Borough will exercise its right to extend the contract for the two (2), additional one (1) year terms which will expire on May 31, 2019.

WHEREAS, the contract price will be \$182,501.25 for each additional contract year.

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 aforementioned contract is extended for two (2), additional one (1) year terms and the Mayor and Municipal Clerk are authorized to execute any and all documents necessary to effectuate the extensions.

Offered for adoption by Councilman Peters, second by Councilwoman Sorensen

Affirmative: Councilmembers Marchese, Peters, Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Wilhelm

5. Resolution No. 2017-41, Authorize Maintenance Renewal for govDelivery – website services

WHEREAS, the Borough of Fair Haven currently has an agreement with GovDelivery for Website Maintenance Services; and

WHEREAS, in 2015 RFPs were advertised and received for said service; and

WHEREAS, the Borough Administrator feels it in the best interest of the Borough to extend its current contract with GovDelivery for the year 2017 in an amount of \$6,000 paid in quarterly installments.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that a contract with GovDelivery be extended through December 31, 2017 in the amount of \$6,000 paid in quarterly installments and that the Borough Administrator is authorized to execute said contract on the Borough's behalf.

Offered for adoption by Councilman Peters, second by Councilwoman Sorensen

Affirmative: Councilmembers Marchese, Peters, Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Jaeger and Wilhelm

6. Resolution No. 2017-42, Authorize Monmouth County Mosquito Control Division to apply pesticides

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to NJSA 26:9-27, et seq., has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the County; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control and chemical control to exterminate the mosquito population within the County of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designated "congested area", the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Borough of Fair Haven is designated as a "congested area" by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW THEREFORE BE IT RESOLVED as follows:

1. The Mayor and Council of the Borough of Fair Haven hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides, by aircraft, for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard or both with the understanding that:
 - a. The County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies; and
 - b. Such operations will be performed in compliance with applicable Federal and State regulations; and
 - c. The County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

Offered for adoption by Councilman Peters, second by Councilwoman Sorensen

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

7. Resolution No. 2017-43, Temporary Emergency Appropriations for 2017

WHEREAS, NJSA 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned; and

WHEREAS, the total temporary emergency resolutions adopted in the year 2017 for the Borough pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total \$2,476,904.00 for the Current Fund.

NOW, THEREFORE, BE IT RESOLVED that not less than two-thirds of all members of the Borough Council of the Borough of Fair Haven, New Jersey affirmatively concurring in accordance with the provisions of NJSA 40A:4-20:

1. An emergency temporary appropriation shall be and the same is hereby made for the following purposes:

Account Number	Description	Amount	Reason
Current Account			
7-01-20-130-202	Finance Contractual	\$ 5,500.00	Edmunds Software
7-01-23-210-228	Insurance - General Liability	\$ 47,000.00	JIF Payment 1 of 2
7-01-26-290-258	Streets & Roads - Salt & Sand	\$ 15,000.00	
7-01-26-315-235	Vehicle Maintenance – Equipment Repair	\$ 5,000.00	
7-01-27-335-216	Environmental Commission Dues	\$ 200.00	ANJEC Annual Invoice
7-01-36-471-299	PERS Miscellaneous	\$140,725.00	PERS Annual Invoice
7-01-36-475-299	PFRS Miscellaneous	\$346,679.00	PFRS Annual Invoice
TOTAL		\$560,104.00	

2. That said emergency temporary appropriations will be provided for in the 2017 budget under the appropriate titles.

3. That one certified copy of this resolution will be filed with the Director of Local Government Services

Offered for adoption by Councilman Peters, second by Councilwoman Sorensen

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

-Library

The report shows quite a bit of circulation and use of the material as well as programs that our library has to offer.

January 2017

-Municipal Clerk

-Dog License

-Planning Board and Zoning Board

-Tax Collector

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 7:41p.m. Mayor Lucarelli said that the next Council Meeting, February 27, 2017 will be a big night with the appointment of a new Councilperson and a live auction to be held for a lot on Fisk Street which has been advertised. Council looked at all of the properties that we own and we could not justify why we needed this lot. The lot of Fisk Street is an empty lot. The property backs up to the park next to the police department. The amount received at auction will help defray some costs for work to be done at our police department; the minimum bid would be \$330,000.

There being no further comments or questions, the meeting was closed to the public at 7:43 p.m.

Council went into executive session at 7:49 p.m. and this meeting was reconvened at 9:08 p.m.

ADJOURNMENT

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

Time of Adjournment: 9:10 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk