

FAIR HAVEN BOROUGH COUNCIL
MARCH 12, 2018

The meeting was called to order by Mayor Lucarelli at 7:03 p.m. The Flag Salute was followed by a Moment of Silent Meditation. The Sunshine Law Statement was read.

ROLL CALL

On Roll Call the following were present: Councilmembers Jaeger, Koch, Marchese, Rodriguez and Sorensen. Councilman Peters. Others present: Administrator Casagrande, CFO Lapp and Attorney Alfieri.

Mayor Lucarelli asked for a motion to add matters under the Workshop agenda; a proposed amendment to the zoning ordinances to address marijuana dispensaries and a request to use the Council Chambers for a film. Motion to add these items moved by Councilwoman Sorensen, second by Councilman Jaeger with Ayes by all present.

WORKSHOP SESSION

A tree removal appeal was received for 33 DeNormandie Avenue and the Borough's Forrester submitted his memo and recommendation. Councilwoman Sorensen said that this property had an application before the Historic Preservation Commission and was carried to their March meeting for an amended plan (they would like the house to look more historic in the front). Approval of the plan should be obtained before the trees are addressed. Councilwoman Sorensen said the placement of the house was in question. The Historic Preservation Commission offered to go before the zoning board with the applicant for a variance. Mr. Shaheen was in attendance on behalf of the contractor and said that the attorney is working on an amended plan. There was brief discussion among Council and the consensus was to hold this request until Historic Preservation makes a decision.

A street opening application from NJ American Water for 128 Fair Haven Road to replace service was approved on motion of Councilwoman Sorensen, second by Councilman Jaeger with Ayes by all present.

A street opening application from NJ Natural Gas for 86 Hance Road for new service was approved on motion of Councilwoman Sorensen, second by Councilman Marchese with Ayes by all present.

A draft temporary amendment to the street opening ordinance was written by Attorney Alfieri and he will work with the engineer in a remediation plan. This was spearheaded in relation to the moratorium for Lake Avenue. Administrator Casagrande said that the Borough will be working with Rutgers regarding our street opening ordinance and other street matters. This ordinance will be listed on the March 26th agenda for introduction.

With regard to the tree and bench donation policy that was discussed at the February 26th meeting, it is being worked on internally.

The matter of a proposed gun safety resolution was tabled until the March 26th meeting so that Councilman Peters can be in attendance to formally act on it.

Colleen Lapp, CFO, was in attendance to discuss the proposed 2018 Municipal Budget which was provided to the governing body. Councilman Peters submitted an e-mail with regard to the draft budget. The Finance Committee (Mayor, Councilmembers Peters and Jaeger, Administrator Casagrande and CFO Lapp) met and discussed the proposed budget and that present services will be maintained. The municipal rate is decreasing from 0.388 to 0.377; we still need our post tax appeal values. There is a healthy surplus in the budget and any use of surplus will be used from line items not needed for next year. There is \$1,700,000 surplus allocated in this year's budget; some of the money will be going toward tax appeals. There is \$35,000 earmarked for Storm Trust, \$300,000 to pension or DCRP contributions and \$725,000 to the Capital Improvement Fund. The Finance Committee made a decision to maintain \$1.5 million in surplus. CFO Lapp monitors the regeneration of surplus; we have the option to cancel against the Capital Improvement Fund if money is not used. In 2017, the average home in Fair Haven cost \$770,600 and in 2018 it will be \$809,400 which is an approximate tax increase of \$57.70. Mayor Lucarelli thanked Councilmembers Peters and Jaeger, Administrator Casagrande and CFO Lapp for their work on this budget. The plan is to introduce the budget on March 26th and advertise the hearing and adoption for April 23rd.

Amendments can be made between introduction and adoption. Councilman Jaeger said the reason for \$725,000 in capital improvement is for the infrastructure that needs to be repaired in the Borough; a down payment. This does not allocate the capital improvements that would be done down the road with a bond ordinance once decided (purchases or infrastructure). Councilman Rodriguez asked if the appeal liability will be different this year compared to last year. Councilman Jaeger said there is a small amount in there to begin; an amount was chosen so the Tax Assessor has something to work with to resolve matters quickly (\$250,000 would be the maximum exposure).

On March 8th, the Borough sold a note. CFO Lapp said we sold a shorter note so that renewal will be later in the year. It is hard to give information without an introduced budget. Having the note come due in the fall will help with planning. Funds and notes from 2017 were reviewed. There were four bidders last week; Oppenheimer and Company is the successful bidder with a purchase price of \$2,478,869. CFO Lapp reviewed the numbers submitted from the bidders. Councilman Jaeger asked how the pricing on the BAN is benchmarked. Administrator Casagrande and CFO Lapp will speak with the Borough's Financial Advisor and report back.

Attorney Alfieri advised the governing body that there have been amendments to regulations for Performance Guarantees such as a municipality cannot make a developer bond for matters solely on the site (i.e. catch basin which is privately owned and maintained). The other change is a municipality can now require the developer to post a stabilization and safety bond during construction. Fees can be collected for inspection, temporary COs and a maintenance bond (15% of the project for two years which automatically terminates). Our ordinance must conform to the new State Statute; a draft will be created for discussion at the March 26th meeting. Attorney Alfieri said he and Engineer Gardella feel that these amendments are good changes. The Maintenance Bond would be 15% of what was originally bonded and we can take 15% for Stormwater Management matters.

With regard to marijuana dispensaries, Attorney Alfieri advised that Mayor Lucarelli has called for a zoning ordinance change regarding sale of marijuana and dispensary. The Borough can pass an ordinance now even if the Governor has not taken any action. It is not a permitted use now so an applicant would have to appear before the land use board(s). We can obtain samples from other municipalities (Rumson or Oceanport) who have enacted similar legislation. A draft ordinance will be workshopped for discussion at the March 26th agenda.

Sam Bolsero, manager of Booskerdoo (a coffee shop in town), requested permission to use the Borough's Council Chambers on Sunday, March 18th for a film he is making. He is an actor and director attending Brookdale and looking to attend NYU. Sam needs to submit a video project to NYU and would like to film in Fair Haven. He has written a short film and one of the characters winds up on trial. Councilwoman Sorensen recommended using the Council Chambers, which once was the courthouse room, for his film. He needs to film this weekend and was looking to film on Sunday, March 18th. This would be a great, life changing opportunity. There would be no evidence of Fair Haven in the film except a thank you at the end in the credits. He spoke to the police department with regard to opening and closing the building; Patrolman John Waltz said he would come and chaperone if that was part of the approval. Filming will take place from 9 a.m. until 5 p.m. Councilman Rodriguez said that if someone is here, in the building, it is a reasonable request. Councilmembers Koch and Sorensen said that they would chaperone and/or Patrolman Waltz. Motion to approve the request and waive the fee was moved by Councilwoman Sorensen, second by Councilwoman Koch with Ayes by all present.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:42 p.m. Ruth Blaser, River Road, said that the stop signs mentioned in Ordinance No. 2018-03 are already there. She was advised that the intersections that were bold, italicized and underlined are the areas where signs are needed.

There being no further comments or questions, the meeting was closed to the public at 7:44 p.m.

APPROVAL OF MINUTES

Councilwoman Sorensen made a motion to approve the Regular Meeting minutes of February 26, 2018, second by Councilman Rodriguez

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

Councilman Rodriguez made a motion to approve the Executive Session minutes of February 26, 2018, second by Councilwoman Koch

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

OLD BUSINESS

There was no old business brought before the governing body.

NEW BUSINESS

INTRODUCTION OF ORDINANCES

1. Ordinance No. 2018-03, Supplement Chapter 7, Section 20, Stop Intersections

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR
HAVEN IN THE COUNTY OF MONMOUTH SUPPLEMENTING
CHAPTER 7, VEHICLES AND TRAFFIC, BY AMENDING SECTION
20, STOP INTERSECTIONS**

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 7-20 Stop Intersections.

NOTE: The section of Chapter 7-20 that is to be supplemented by Ordinance is Section 7-20 Stop Intersections. All additions are shown in ***bold italics with underlines***. The deletions are shown as ~~***strikeovers in bold italics***~~. Sections of Chapter 7-20 that will remain unchanged are shown in normal type.

II.

7-20 STOP INTERSECTIONS.

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections described are hereby designated as Stop Intersections. Stop signs shall be installed as provided therein. (2002 Code § 10.12.040; Ord. No. 9-26-05(D); Ord. No. 2-6-06(A); Ord. No. 2009-22 §II; Ord. No. 2010-31; Ord. No. 2014-11)

<i>Intersection</i>	<i>Stop Sign(s) On:</i>
Battin Road at Boat Ramp	Battin Road
Battin Road at Lewis Lane	Lewis Lane
Beekman Place at Lake Avenue	Beekman Place
Borough Hall Parking Lot at Fair Haven Road	Parking Lot Exit
Buttonwood Drive at Linden Drive	Buttonwood Drive
Charles Court at Harding Road	Charles Court
Clay Street at Gillespie Avenue	Clay Street
Cypress Court at Poplar Avenue	Cypress Court
Danna Court at Gentry Drive	Danna Court
Denise Court at Gentry Drive	Denise Court

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Elm Place at Willow Street	Elm Place
Fisk Street-Hayes Place at Maple Avenue	Fisk Street-Hayes Place
Gentry Drive at Dartmouth Avenue	Gentry Drive
Harrison Avenue at Harding Road	Harrison Avenue
Harvard Road at Harrison Avenue	Harvard Road
Harvard Road at Lake Avenue	Lake Avenue
Hillcrest Road at Buttonwood Drive	Hillcrest Road
Hillcrest Road at Kemp Avenue	Hillcrest Road
James Court at Gentry Drive	James Court
Kemp Avenue at Willow Street	Kemp Avenue
Lake Avenue at Princeton Road	Princeton Road
Laurel Drive at Oak Place	Laurel Drive
Lexington Avenue at First Street	Lexington Avenue
Lincoln Avenue at First Street	Lincoln Avenue
Linden Drive at Kemp Avenue	Linden Drive
Linden Drive at South Woodland Drive	Linden Drive
Maple Avenue at Hendrickson Place	Maple Avenue
Maple Avenue at McCarter Avenue	Maple Avenue
<u>Oak Place at Laurel Drive</u>	<u>Oak Place</u>
Oak Place at Willow Street	Oak Place
Oaklawn Road at Harding Road	Oaklawn Road
Park Lane at Laurel Drive	Park Lane
<u>Park Lane at Linden Drive</u>	<u>Park Lane</u>
Park Road at Cambridge Avenue	Park Road
Smith Street at Jackson Street	Smith Street
William Street at Henderson Place	Williams Street

Offered for introduction by Councilwoman Sorensen, second by Councilman Rodriguez

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

Negative: None

Abstain: None

Absent: Councilman Peters

2. Ordinance No. 2018-04, Supplement Chapter 7, Section 21, Multi-Way Stop Intersections

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN
IN THE COUNTY OF MONMOUTH SUPPLEMENTING CHAPTER 7,
VEHICLES AND TRAFFIC, BY AMENDING SECTION 21,
MULTI-WAY STOP INTERSECTIONS**

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 7-21 Multi-Way Stop Intersections.

NOTE: The section of Chapter 7-21 that is to be supplemented by Ordinance is Section 7-21 Multi-Way Intersections. All additions are shown in ***bold italics with underlines***. The deletions are shown as ~~***strikeovers in bold italics***~~. Sections of Chapter 7-20 that will remain unchanged are shown in normal type.

II.

7-21 MULTI-WAY STOP INTERSECTIONS.

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections herein described are designated as Multi-Way Stop Intersections. Stop signs shall be installed as provided herein.

<i>Intersection</i>	<i>Stop Signs On:</i>
Clay Street at DeNormandie Avenue	Clay Street and DeNormandie Avenue
<i><u>Forman Street at Smith Street</u></i>	<i><u>Forman Street and Smith Street</u></i>
Hendrickson Place at Maple Avenue	Hendrickson Place and Maple Avenue
Lake Avenue at Beekman Place	Lake Avenue and Beekman Place

Offered for introduction by Councilwoman Sorensen, second by Councilman Rodriguez

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

Negative: None

Abstain: None

Absent: Councilman Peters

3. Ordinance No. 2018-05, Amend Chapter 4 Section 1 to include, No Knock Regulation section

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN
IN THE COUNTY OF MONMOUTH AMENDING THE FAIR HAVEN
BOROUGH CODE, CHAPTER 4, GENERAL LICENSING, SECTION 1,
PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS.**

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 amend Chapter 4, Section 1, Peddlers, Solicitors and Transient Merchants.

NOTE: The section of Chapter 4 that is to be amended by Ordinance is Section 1 Peddlers, Solicitors and Transient Merchants. All additions are shown in ***bold italics with underlines***. The deletions are shown as ~~***strikeovers in bold italics***~~. Sections of Chapter 4, Section 1 that will remain unchanged are shown in normal type.

II.

4-1 PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS.

4-1.1 Definitions.

As used in this section:

Canvasser or **Solicitor** shall mean a person who goes from place to place, house to house, or person to person, selling or taking orders for or offering to sell or take orders for goods, wares, merchandise or any article for future delivery or for services to be performed in the future or for the making, manufacturing or repairing of any article or thing whatsoever for future delivery or for the solicitation of money for any purposes whatsoever. **Any person taking a poll or a survey from house to house or on the streets, or distributing advertisements or handbills is included.**

Hawker or **Peddler** shall mean any person who goes from place to place by traveling on the streets or from house to house and carries with him goods, wares or merchandise of any description for the purpose of selling and delivering them to

purchasers.

Junk Dealer shall mean a person who deals in buying and selling old iron or other metals, glass, paper, cordage or other waste or discarded material.

Transient Merchant shall mean a person commonly referred to either as a transient merchant or itinerant vendor who engages temporarily in business in the Borough by occupying a room, building, tent, lot or other premises for the purpose of selling goods, wares and merchandise.

Transient Merchant also includes any person who conducts any traveling or street show, carnival or circus and in connection therewith sells or displays for sale any goods, wares or merchandise.

Transient Merchant Peddler shall mean a person who engages in business in the manner defined by the definition of transient merchant and in pursuant thereof becomes a peddler or hawker, or hires a peddler or hawker, as hereinabove described. (2002 Code § 5.12.010)

4-1.2 Purpose.

The purpose of this section is for the Borough of Fair Haven to exercise police power for the public safety, comfort, convenience and protection of the borough and the citizens of the borough. Also, the purpose of this Ordinance is to secure the residents of the Borough; the peaceful enjoyment of their homes by prohibiting door-to-door solicitation during those times when such solicitation is most intrusive and disruptive; to aid crime prevention and detection; to prevent unfair competition, dishonest business practices; and fraudulent solicitation by the regulation of transient merchants, hawkers, peddlers, junk dealers, solicitors and canvassers as defined in subsection 4-1.1. (2002 Code § 5.12.020)

4-1.3 License Required.

It is unlawful for any transient merchant, hawker, peddler, junk dealer, solicitor or canvasser to sell or dispose of or to offer to sell or dispose of any goods, wares, merchandise or publications or to solicit money within the Borough without first applying for and securing a license as hereinafter provided. (2002 Code § 5.12.030)

4-1.4 Persons Exempted.

The provisions of this section shall not be construed to apply to the following persons:

- a. Any person selling fruits, vegetables or farm products grown by himself with or without the help of others;
- b. Any honorably discharged soldier, sailor, marine, nurse, or army field clerk of the United States, having been in the active military or naval service of the United States in any war in which this country has been engaged, or who served or shall have served in the armed forces of the United States during the present emergency, who is a resident of the State of New Jersey and who has procured a license in the manner and under the conditions prescribed in N.J.S.A. 45:24-9 et seq.;
- c. Any person who conduct a judicial sale under the authority of State or national laws;
- d. Any exempt member of a volunteer fire department, volunteer fire engine, hook and ladder, hose, supply company or salvage corps, of any municipality or fire district in this State, who holds an exemption certificate issued to him as an exempt member of any such department, company or corps, who is a resident of the State of New Jersey, and who has procured a license in the manner and under the conditions prescribed in N.J.S.A. 45:24-9 et seq.;
- e. Any person soliciting for a lawful and recognized religious, charitable, educational or political organization, provided however, that the local chairman or other person in charge of solicitation for such lawful and recognized religious, charitable, educational or political organization in the Borough shall apply for and obtain a license in the manner hereinafter provided and all persons engaged in such solicitation shall carry identification cards signed by such local chairman or person in charge, but nothing herein contained shall permit any such person to engage in any business within these provisions without first applying for and obtaining the prescribed license;
- f. Any person engaged in the sale or delivery of newspapers qualified as legal newspapers within the meaning of N.J.S.A. 35:1-1 et seq. (2002 Code § 5.12.040)

4-1.5 Application for License.

Any person desiring a license shall file with the Borough Clerk an application containing the following information:

- a. Applicant's name, home and business address and local address, if any;
- b. Place or places of residence of the applicant for the preceding three (3) years;
- c. The physical description of the applicant, setting forth the applicant's age, sex, height, weight, complexion, color of hair and eyes and any other distinguishing physical characteristics;
- d. The name, address and principal or registered office in this State, if any, of the person, firm, organization or corporation for or through whom or under whose auspices the applicant is authorized to conduct such activity or a statement, if such be the case, that the applicant is engaged in such activity solely in his own behalf;
- e. A brief description of the type or types of articles or services to be sold or furnished and the purpose or purposes for which money is to be solicited;
- f. A statement as to the approximate amount of money to be collected by the applicant and whether or not the same is to be in full or partial payment for articles to be sold or services to be rendered;
- g. The length of time for which the license is desired;
- h. A statement as to whether or not the applicant has been convicted of any crime or misdemeanor involving moral turpitude and if applicant has been so convicted, the nature of the offense or offenses and the penalty or penalties imposed therefor. If the applicant is not engaged in the proposed activity solely in his own behalf, there must be attached to the application a letter from the person, firm, organization, or corporation for or through whom or under whose auspices the applicant seeks authorization to conduct such activity, together with sample copies of the order or receipt form or forms to be used by him in connection with such activity. All applicants must submit to fingerprinting by the Police Department of the Borough at the time the application is made; (2002 Code § 5.12.050)

i. The days of the week and the hours of the day during which the licensed activity will be conducted;

j. If a vehicle is to be used, a description of the vehicle, together with New Jersey state vehicle license number or other means of identification.

4-1.6 Transient Merchant Licenses.

In addition to the foregoing items, the applicant shall file:

- a. A sworn statement of the true invoice of the amount, average quality or kind and value of the goods to be offered for sale;
- b. A statement of the location of such goods by streets or number, and whether on the premises from which it is sold or in warehouse;
- c. To the application must be attached, in the discretion of the Borough Clerk, the bills or invoices of purchase of such goods. (2002 Code § 5.12.060)

4-1.7 Transient Merchant Peddler Licenses.

In addition to the foregoing information the applicant must show:

- a. The names and addresses of each peddler acting for the merchant;
- b. And for each peddler, the number either of arrests or convictions for misdemeanors or crimes and the nature of the offenses for which arrested or convicted. (2002 Code § 5.12.070)

4-1.8 Soliciting for Religious or Charitable Organizations.

In addition to the information required under subsection 4-1.5, the applicant, local chairman or other person in charge of the solicitation, shall set forth upon his application the names and addresses of all persons authorized to in behalf of such religious or charitable organization for the period of the license and shall attach to the application the form of identification card to be carried by each person engaged in such solicitation. Provided, however, that when the intended solicitation is to be performed by school children under the age of nineteen (19), who reside in the Borough and is for the purpose of raising funds for the assistance of local schools and churches, the license shall be secured in the manner hereinabove provided, but the identification cards may be signed by any member of the committee in charge of the solicitation for such local school or church, provided that the chairman thereof has filed their signatures with and as a part of

the application for license made by such chairman. (2002 Code § 5.12.080)

4-1.9 Establishing Character of Business; Filing of Bond.

For transient merchants, transient merchant peddlers, solicitors requiring advance payment in whole or in part, and new merchants, the Borough Clerk shall establish the character of the business by:

- a. Eliciting a declaration of intention of all new businessmen as to whether they intend to remain in the Borough temporarily or longer than a period of one (1) year.
- b. By requiring a bond in the amount of one thousand (\$1,000.00) dollars in accordance with and for the purposes provided in N.J.S.A. 45:24-5. (2002 Code § 5.12.090)

4-1.10 Forfeit of Bond.

The bond shall be declared forfeit upon conclusive period of:

- a. Falsification in application for a license;
- b. Willful violation of any of the provisions of this section;
- c. Removal from the Borough within a year after opening the business premises without payment of the license fee required of transient merchants or merchant peddlers. The bond of every merchant continuously conducting a vending business for more than one (1) year shall be cancelled and no further bond shall be required of him under this section. (2002 Code § 5.12.100)

4-1.11 Investigation of Applicant; Granting of License.

Following the filing of the application, the Administrator, the Chief of Police, or the Borough Clerk shall conduct an investigation to ascertain the truth of the statements made by the applicant upon his application. If upon completion of such investigation it appears that the statements made upon the application are true, that the applicant has not been convicted of any crime or misdemeanor involving moral turpitude and has not been convicted of a prior violation of this section, the Administrator, the Chief of Police, or the Borough Clerk shall endorse a statement to that effect upon the reverse side of the application and the Borough Clerk shall thereafter proceed to issue the license for which the application was made. (2002 Code § 5.12.110)

4-1.12 License Not Transferable; Exceptions; Fee for Peddler's License Transfer.

For all classes of licenses, the licensing issued shall not authorize any person, except the licensee therein named to engage in business thereunder. No license shall be transferable from the licensee therein named to any other person, provided however, that a peddler's license issued upon an annual basis may be transferred if the transferee pays a transfer fee of one (\$1.00) dollar and makes application and qualifies thereto in all respects and in the same manner as if his application were for the original issuance of such license. A separate license must be obtained by a licensed transient merchant for each branch or separate place of business in which his business is conducted and each license shall authorize the person to conduct business only at the location which is indicated therein. (2002 Code 5.12.120)

4-1.13 Display of License.

Every person holding a license, under this section, shall be required to carry the license with him or at his business premises while engaged in the business licensed. He must produce the license at the request of any official of the Borough. To every peddler granted a license, the Borough Clerk shall issue either a license card, button or metal plate, bearing the words "License, Peddler, Borough of Fair Haven," together with the number of the license and the year for which it is issued. All automobiles, wagons, carts or other vehicles used for peddling shall have affixed thereon the license. A transient merchant, transient merchant peddler and new merchant must post a license certificate in a prominent place of his business premises. The vendors of all other classes shall, if the license is in the form of a button, have the same affixed on the lapel of his or her coat or garment while engaged in business. Persons soliciting money for a religious or charitable organization shall at all times during such solicitation carry with them and shall exhibit upon request the identification cards for which provision is made above. (2002 Code 5.12.130)

4-1.14 Fees.

License fees shall be as follows:

a. *Solicitors.* For each solicitor other than a person soliciting for a lawful and recognized religious, charitable, educational or political organization: The fee shall be as stated in subsection 2-56.1. Every solicitor's license shall terminate at the close of December 31 of the year for which it is issued.

b. *Peddlers.* For each peddler, regardless of the method used for transporting his wares and merchandise: The fee shall be as stated in subsection 2-56.1. Every peddler's license shall terminate at the close of December 31 of the year for which it is issued.

c. *Transient Merchants.* The fee shall be as stated in paragraphs a. and b. above.

d. *Transient Merchant Peddler.* For each transient merchant peddler, the fee shall be as stated in paragraphs a. and b. above.

e. *Junk Dealer.* For each junk dealer, the fee shall be as stated in paragraphs a. and b. above.

f. *For All Other Licenses.* The fee shall be as stated in paragraphs a. and b. above.

(2002 Code 5.12.140; Ord. No. 2008-03; Ord. No. 2016-05)

4-1.15 Revocation and Suspension of License; Hearing.

a. Any license issued hereunder may be suspended for any infraction or violation of the terms of the license, or of any Borough ordinance, State or Federal statute, or falsification in applying for a license. The suspension shall become effective by the mailing of a notice to the address appearing upon the application and shall state *grounds upon which the suspension or revocation is based and* that *an* opportunity for a hearing will be given at a ~~time~~ certain *time*. *Notice shall be served by certified mail, return receipt requested, at least ten (10) days prior to the date set for the hearing. within five (5) days from date of notice, before the Borough Administrator who, upon finding of such a violation, may revoke the license, and in the event of failure of licensee to appear, the license shall automatically be revoked and cancelled. (2002 Code 6.12.150)*

b. *At the hearing, the licensee shall have the right to appear and be heard, to be represented by an attorney, to present witnesses on his behalf, to cross-examine opposing witnesses and to have a permanent record made of the proceedings at his own expense. If a record is made and a copy if requested by the licensee, the licensee shall provide a copy to the Borough without charge. The Borough Council shall revoke or suspend the license if it is satisfied by a preponderance of the evidence that the licensee is guilty of the acts charged.*

4-1.16 Conditions of Permit.

a. Upon the expiration of any license issued under the provisions of this section, the holder thereof shall surrender the same to the Borough Clerk within twenty-four (24) hours. Upon notice of the cancellation or revocation of any license issued under the provisions of this section, the holder shall surrender the same to the Borough Clerk within twenty-four (24) hours after notice of such cancellation.

b. The holder shall have the permit in his possession at all times and shall exhibit the same at any time upon request by Police Officer or by any purchaser or prospective purchaser.

c. The holder shall not canvass or solicit orders for any articles from pedestrian or vehicular traffic on or adjacent to any public street, avenue or highway within the limits of the Borough in such manner as will interfere with the normal and usual use of such public street, avenue or highway.

d. The holder shall not enter in or upon any house, building or structure or any land or property, without prior consent of the owner or occupant thereof, whether there is placed or posted on the premises in conspicuous position at or near the usual means of ingress, a sign or other form of notice stating or indicating that the owner or occupant thereof forbids or otherwise does not desire persons engaged in such or similar activity to enter upon the premises.

e. The holder shall give a written receipt to the purchaser, which receipt shall be signed by the holder and shall set forth a brief description of the article ordered, the total purchase price thereof, and the amount of the payment, if any, received by the holder from the purchaser.
(2002 Code § 5.12.160)

f. The holder shall immediately leave the resident's property upon request by the resident to do so.

g. The holder shall not engage in any conduct which is prohibited by any statute, regulation or ordinance in effect in the Borough.

4-1.17 Deliveries.

This section shall not affect any person engaged in the delivery of goods, wares, merchandise or other articles or things in the regular course of business to the premises of persons ordering or entitled to receive the same. (2002 Code § 5.12.170)

4-1.18 Violations; Penalties.

Any person who violates any provisions of this section or fails to comply with the provisions of N.J.S.A. 45:24-1 to 45-24-8 shall be liable, upon conviction, to the penalty stated in Chapter I, Section 1-5. (2002 Code § 5.12.180)

4-1.19 Time Restrictions.

It shall be unlawful for any peddler or solicitor to engage in the business of peddling, canvassing, or soliciting before 10:00 a.m. or later than 6:00 p.m. or dusk, whichever is earlier, nor on Sundays or holidays, except ice cream vendors.

4-1.20 "Do Not Solicit" List.

a. Notwithstanding the provisions of any other section of this chapter, any person or entity who owns or rents property within the Borough may register such property on a "Do Not Solicit" list.

b. Registration for the "Do No Solicit" list shall be made as follows:

1. The "Do Not Solicit" list shall be maintained by the Borough Clerk.

2. The "Do Not Solicit" list shall consist solely of property addresses, and shall include no further identifying information concerning the ownership of the property.

3. Property owner must notify the Borough Clerk of any change in ownership of property within the Borough. The Borough Clerk shall remove from the "Do Not Solicit" list any property which has changed ownership.

c. The Borough Clerk's office shall provide a copy of the "Do Not Solicit" list to every applicant to whom a license is issued pursuant to this chapter.

d. Solicitation of any nature at any address identified on the "Do Not Solicit" list shall constitute a violation of this chapter. Each and every solicitation at an address identified on the "Do Not Solicit" list shall constitute a separate violation of this chapter.

Offered for introduction by Councilman Marchese, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: Councilman Peters

CONSENT AGENDA RESOLUTIONS

1. Resolution No. 2018-66, 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. Yacht Works
- 2. Affordable Housing

Contract Negotiations

- 1. PBA 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 Koch, second by Councilman Rodriguez

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

- 2. Resolution No. 2018-67, Approve Tax Court Appeal Judgment Refund - 88 Buena Vista Avenue

WHEREAS the property owner listed below filed a Petition of Appeal with the Tax Court of New Jersey for the year 2017; and

WHEREAS, said appeal was considered and a judgment in the amount of \$2,148.90 has been entered that the property below qualifies for a refund for the 2017 property taxes as follows:

Owner	Address	Block	Lot	Refund
Dawn &William Garavente	88 Buena Vista Avenue	64	6.01	\$1,074.45 (4 th qtr, 2017)

WHEREAS, it has been requested that said refund be paid to the order of Jacobus & Associates, LLC. (Trustee for Dawn and William Garavente), 201 Littleton Road, 1st Floor, Morris Plains, NJ 07950; and

WHEREAS, the property was sold to Adam and Kelly Peralta so the second quarter 2018 taxes will have a \$1,074.45 credit applied.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Tax Collector and Chief Financial Officer are hereby authorized to pay said refund in the amount of \$1,074.45, as listed above and apply a \$1074.45 credit for the 2018 second quarter taxes due.

Offered for adoption by Councilwoman Koch, second by Councilman Rodriguez

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

- 3. Resolution No. 2018-68, Authorize Reduction of Performance Bond - Buttonwood Investors - Woodland Drive

WHEREAS, Buttonwood Investors (“Developer”), is the owner of the real property known as Block 65, Lots 3, 4 and 5 upon which a three (3) lot subdivision was approved; and

WHEREAS, the Developer has posted a performance guarantee pursuant to NJSA 40:55D-1, et seq. and has partially completed the bonded site improvements; and

WHEREAS, the Borough Engineer has conducted an inspection and issued a report received March 7, 2018 (a copy of which is attached hereto) authorizing a reduction of the performance guarantee with 51% remaining from the original sum posted with the Borough.

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 performance guarantee of the Developer be reduced to \$ 14,580.00.

Offered for adoption by Councilwoman Koch, second by Councilman Rodriguez

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

4. Resolution No. 2018-69, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the March 12, 2018 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2017 CURRENT ACCOUNT	\$ 7,958.75
2018 CURRENT ACCOUNT	\$2,552,334.81
PAYROLL AGENCY	\$ 13,425.28
OTHER TRUST	\$ 914.73
DOG TRUST	\$ 671.66
TOTAL	\$2,575,305.23

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

5. Resolution No. 2018-70, Approve Temporary Emergency Appropriation

WHEREAS, emergent conditions have arisen with respect to the payment of bills in a number accounts and no adequate provision has been made in a Year 2018 temporary budget for the aforesaid purposes; and

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 2018 for the Borough pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total \$1,881,085.80 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			
8-01-20-135-201	Audit Contractual	\$ 10,000.00	Audit Services Contract
8-01-23-222-227	Waiver Medical	\$ 7,200.00	Quarterly Medical Waivers
8-01-25-260-219	First Aid Supplies	\$ 2,000.00	First Aid Supplies

8-01-20-125-270	Mayor & Council Training & Conferences	\$ 500.00	March 12, 2018, Page 13 Mayors Conference
TOTAL		\$ 19,700.00	

2. That said emergency temporary appropriations will be provided for in the 2018 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 Councilwoman Koch, second by Councilman Rodriguez

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

Negative: None

Abstain: None

Absent: Councilman Peters

Reports of Departments

Year End - 2017

-Tax Collector

-Librarian

February 2018

-Municipal Clerk

-Dog License

-Tax Collector

-Police Department

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

GOOD OF THE BOROUGH

Mayor Lucarelli opened the meeting to the public for comments or questions at 7:46 p.m. Jim Moody, Gillespie Avenue, expressed frustration regarding the 20 Gillespie Project. He gave the history of the project since going before the land use boards and changes over time; this has been going on since 2005. He understood that some improvements have been made to the property, but there were supposed to be improvements in front of the neighbor's homes and the applicant refuses to take the appropriate action. The governing body is not holding them to the approving resolution and the bonds posted. There has been absolutely no activity on the property and the Borough has not called the bond for non-compliance. Mr. Moody said that he was also speaking on behalf of the neighbors when asking for action to be taken and for this matter to be resolved. Everyone is aware there are issues and want to know why nothing is being done. The neighbors are not being advised as to why it sits or the status of the project. The safety fence is coming down and currently the driveway runs across all of the neighboring driveways. Mayor Lucarelli asked if the neighbors have been apprised, by their attorney, of the action that has been taken. Attorney Alfieri advised that executive session has been where the discussions have taken place so that information cannot be disclosed. The applicant was advised to go to the Planning Board for reconsideration. Letters have been sent to 20 Gillespie, LLC and the application submitted has been deemed incomplete multiple times. Attorney Alfieri corresponded with the applicant's attorney today. Mr. Moody said he received a copy of a letter from Engineer Gardella showing the deficiencies which was very clear. These properties are for sale and the neighbors were told that no COs would be issued. Councilwoman Sorensen asked Attorney Alfieri what happens to the signed agreement we have; it follows the land. The agreements were filed with the County and they have to comply with what has been approved as of this date unless the Planning Board approves the relief. The cross-access easement was signed last year and has not been acknowledged by Mr. San Filippo. Councilwoman Sorensen made a motion that 20 Gillespie, LLC be added to the executive session agenda this evening, second by Councilman Marchese with Ayes by all present.

Douglas Silk, Gillespie Avenue, said that he is trying to sell his house. This project has been 10 years in the making and should not go on so long. Eric Krol, Caldwell Banker, said he shares each resident's frustration that there has been no resolution to this matter.

Mrs. Whitelaw, Gillespie Avenue, stated she is frustrated and aggravated because

it has been ten years. An agreement was made many years ago and the developer has gone around every loophole to not complete the project. She requested the governing body help the residents get some relief. There has been thousands of dollars spent on this matter with no solution.

Councilman Rodriguez announced that Arbor Day is April 27th. The Shade Tree Commission had to cancel their meeting this month due to lack of quorum and will meet on April 4th. The Boy Scouts and Girl Scouts want to plant some plants in town. There is a push to clean up the playgrounds and pocket parks. Shade Tree is working with the Natural Area Committee, Recreation Committee and the schools to clean these areas up.

There being no further comments or questions, the meeting was closed to the public at 8:02 p.m.

Council went into executive session at 8:07 p.m. and this meeting was reconvened at 8:49 p.m.

ADJOURNMENT

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

Time of Adjournment: 8:50 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk