

FAIR HAVEN BOROUGH COUNCIL
MARCH 26, 2018

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. The Sunshine Law Statement was read.

ROLL CALL

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

WORKSHOP SESSION

Mayor Lucarelli asked for approval of the following street opening applications:

- NJ American Water to retire old water service -174 Buttonwood Drive
- NJ American Water to replace water service - 174 Buttonwood Drive
- NJ Natural Gas to install gas service - 113 Church Street
- NJ Natural Gas to install gas service - 128 Fair Haven Road
- NJ Natural Gas to retire gas service - 86 Third Street

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

With regard to bulk drop off hours for the town-wide yard sale and 2019 Program Review, Administrator Casagrande advised that the Borough schedules DPW services at the end of the year prior so it can be included in the municipal calendar. This year we have drop offs on the first Saturday of the month and some months have a second drop off date. Councilwoman Koch suggested that the drop off on the day of the town-wide yard sale be changed to 1:00-5:00 p.m. instead of 9:00 a.m. to 1:00 p.m. so people who have left over items can bring it to the Recycling Center instead of holding it until the 3rd Saturday. Administrator Casagrande said that it may be best to hold drop off from 9:00 a.m. until 5:00 p.m. Mayor Lucarelli was concerned that the dumpsters may be filled by the end of the day and suggested ordering a larger container for the May 5th drop off. It was hoped that the two drop off dates in May would help. Councilman Peters felt that there needs to be a more frequent service for bulk. Councilwoman Sorensen suggested extending the bulk drop off hours until 4:00 p.m. the day of bulk drop off. The consensus of Council was for the hours to be 9:00 a.m. until 3:00 p.m. on May 5th. There was brief discussion on DPW overtime for this service.

Administrator Casagrande said that the 2019 Bulk Schedule will be reviewed with the DPW Director and the Committee. The DPW yard is small for this process and not the safest. The Borough is looking for a new facility. She asked for consideration to institute a monthly bulk pick up. Councilwoman Sorensen recommended it be offered quarterly. The fall months would be tough because of leaf and brush pick up as some of the equipment is altered to accommodate for this task. There could be 9 bulk pick-ups in a year to increase this service to the residents. A decision will need to be made by June or July in order to have it incorporated into the municipal calendar. Many towns follow this schedule and have different ways to address it (i.e. a reasonable amount or limit the maximum number of items).

With regard to the proposed Special Event Tipping Fee Ordinance, Attorney Alfieri said DJ Breckenridge, Director of Parks, Recreation and Special Events Coordinator, submitted an e-mail to the Borough Clerk with information requesting a draft ordinance be created for Council's consideration. The draft was sent to DJ and he gave his OK. Administrator Casagrande said that many organizations are holding events that create a lot of trash and it would be best if the organization paid to offset the additional trash cost. The draft ordinance states that a dumpster may be required depending on the event (there are many repeat events at Fair Haven Fields). Mayor Lucarelli agreed with this thought process and making it revenue neutral. This ordinance will be listed for introduction at the April 9th meeting.

With regard to the proposed Tree Ordinance Amendment, Councilman Marchese asked if there would be an increase in the fee to the residents; no. Administrator Casagrande said she had a discussion with Bill Brooks, Borough Forrester, because it is costing the Borough more to administer the program than we are taking in fees. Large construction projects take more time and follow up. Mr. Brooks gave some recommendations for an ordinance amendment. A copy of Rumson's ordinance was provided in Council's packet plus the new State regulations for licensing and certification of landscaper and tree removal companies. Councilman Peters said that he would prefer that larger trees be addressed rather than acting on brush and landscaping of the properties; he is not interested in replacement landscaping. Administrator Casagrande said recently the Borough has been running into issues with trees that will be in the footprint of a new

construction. It is important to look at the current code and make adjustments to address matters. Councilman Peters said that he would work with Councilman Marchese to make amendments since they have history with the process. It is also important to look at the amount of time vs. the costs coming in or the applications where no fee was charged (diseased or dying trees). Councilman Marchese asked that it go on record, as he has done in the past, that he is against telling people what to do with their property. Councilman Rodriguez asked that this matter be referred to Shade Tree for review and discussion at their next meeting. A tree ordinance is needed in order to have a Shade Tree Commission. Our current ordinance will be presented along with Rumson's ordinance for Shade Tree to consider. Councilman Marchese explained that the tree ordinance was once part of the land use section when first enacted. It was eventually amended and placed under the Property Maintenance section of the code.

Administrator Casagrande gave a Bicentennial Hall update as some things have come up over the past few weeks. The governing body discussed this matter at their May 22, 2017 meeting and it was referred to the Recreation Committee (a copy of the minutes was sent to the Mayor and a few Councilmembers last week). This project was started with the Historic Preservation Commission and residents raising funds and then the Borough stepped in. On June 26, 2017, a resolution was passed for a \$35,000 capital expenditure for fixtures. Some items were installed and addressed. Just recently Councilwoman Sorensen and Patricia Drummond (Historic Preservation Commission member and head of fundraising) were at the building looking at the status; the Buildings and Grounds Committee reviewed the status as well. A decision needs to be made on what type of meeting space it should be. Administrator Casagrande said we need to be careful so that there is no high impact activity there. Councilwoman Sorensen said that there is a Historic Preservation meeting tomorrow (3/27) and there is a Recreation Committee meeting at the beginning of next month where this can be discussed. There will not be any potting of plants by the Garden Club, assembling of wreaths by the Scouts or stapling things to the walls. Councilman Rodriguez said that he has been working with Councilmembers Jaeger and Sorensen on a punch list and ideas for usage. Patricia Drummond has some ideas for an opening ceremony. The Borough tried to preserve the historic nature of the building, but some items had to be done in accordance with code such as the ramp, steps, etc. There will be limited bathroom facilities (one bathroom) if someone or a group wanted to hold an event or party, they might have to bring in a port-o-potty. Councilman Peters said he would just like the building to be used.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:43 p.m. Ruth Blaser, River Road, asked what the capacity of the Bicentennial Hall building will be once the project is completed. She was advised that the Fire Marshal will have to make that determination (it is done in tiers depending on whether it is just chairs or chairs and tables). She asked if there would be a functional bathroom and kitchen; yes. She asked if there would be a rain date for the town-wide yard sale; yes, the day after. Mrs. Blaser asked if the No Knock regulations would pertain to Clean Ocean Organizations; yes, it would apply to everyone. She was advised that there are some organizations that are federally exempt from state and local ordinances, but they would still be provided with the list of residents who registered under the No Knock ordinance and asked to respect such a request when they are given their approval to solicit in town. Mrs. Blaser questioned the bill list payment for landscaper stickers; she was advised that tree removal and landscaper companies that register with the Borough are given bumper stickers so they are easier for code enforcement and the police to identify as approved contractors.

There being no further comments or questions, the meeting was closed to the public at 7:46 p.m.

APPROVAL OF MINUTES

Councilwoman Sorensen made a motion to approve the Regular Meeting minutes of March 12, 2018, second by Councilman Marchese

Affirmative: Councilmembers Koch, Marchese, Rodriguez and Sorensen

Negative: None

Abstain: Councilman Peters

Absent: Councilman Jaeger

Councilman Rodriguez made a motion to approve the Executive Session minutes of March 12, 2018, second by Councilwoman Koch

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

OLD BUSINESS

With regard to the proposed resolution for gun safety legislation, Councilman Peters circulated a memo with a revision which he sent to the Clerk. He read the draft that he had, in full, to the governing body and the public. He advised that he wrote it when he was in Parkland, Florida and he saw the community, memorials, etc. He asked that the resolution, he read, be added to this agenda for action, second by Councilman Rodriguez with Ayes by all present.

With regard to a proposed amendment to the Performance Guarantee Ordinance, Attorney Alfieri sent a draft for Council’s consideration. He advised if there were no changes and it was acceptable that the ordinance be listed for introduction on the April 9th agenda and it would then be submitted to the Planning Board for review and comment/recommendation.

Attorney Alfieri sent a draft ordinance to amend the land use ordinance addressing marijuana dispensaries. If there are no changes, the ordinance can be listed on the April 9th agenda for introduction. Councilman Marchese advised he had an issue with the words medical marijuana being in the document. Currently, marijuana is illegal and Councilman Peters asked if the ordinance would be challenged. Attorney Alfieri said that it could not and it would be up to the Land Use board; the ordinance can be modified if marijuana is legalized. Councilman Rodriguez said he reviewed the ordinance in the agenda packet that Rumson created. He felt that the Borough should not make things illegal that are already that way, federally. Medical marijuana is a different matter as long as it is prescribed and supervised. Councilman Rodriguez felt that enacting an ordinance is premature and suggested doing a resolution expressing the Borough’s views. Councilman Marchese said Fair Haven was in the forefront and now Little Silver, Middletown, Rumson and Oceanport have come out with ordinances since our initial conversation; we should look into adopting our own ordinance. The consensus of Council was they did not think the ordinance would be challenged. Attorney Alfieri advised the governing body that what is introduced will be sent to the Planning Board. An ordinance will be listed for introduction on April 9th. Councilman Rodriguez said that he would also like the resolution brought back to lobby government. Both an ordinance and resolution can be done. The resolution will be recirculated.

HEARING AND ADOPTION 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**

On motion of Councilwoman Sorensen, second by Councilman Marchese with Ayes by all present, Mayor Lucarelli opened the meeting for comments or questions at 8:00 p.m.

There being none, the hearing was closed to the public at 8:00 p.m. on motion of Councilwoman Sorensen, second by Councilwoman Koch with Ayes by all present.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

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**

On motion of Councilman Marchese, second by Councilwoman Koch with Ayes by all

present, Mayor Lucarelli opened the meeting for comments or questions at 8:01 p.m.

There being none, the Hearing was closed to the public at 8:02 p.m. on motion of Councilwoman Sorensen, second by Councilwoman Koch with Ayes by all present.

Offered for adoption by Councilman Rodriguez, second by Councilman Marchese

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

Negative: None

Abstain: None

Absent: Councilman Jaeger

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**

On motion of Councilwoman Sorensen, second by Councilman Rodriguez with Ayes by all present, Mayor Lucarelli opened the meeting for comments or questions at 8:02 p.m.

The process was explained and it was reiterated that the list will be provided to all vendors who are approved to solicit. It was also explained that there are some organizations that are approved federally so local ordinances do not apply to them which means hours as well. They will be asked to be considerate of those who are on the list which will only provide the address.

There being no further comments or questions, the Hearing was closed to the public at 8:05 p.m. on motion of Councilwoman Sorensen, second by Councilwoman Koch with Ayes by all present.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilman Jaeger

**NEW BUSINESS
INTRODUCTION OF ORDINANCES**

1. Ordinance No. 2018-06, Amend Street Opening Ordinance

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN
IN THE COUNTY OF MONMOUTH SUPPLEMENTING CHAPTER 15, STREET,
SIDEWALK, CURB, DRIVEWAY AND GUTTER EXCAVATION, BY
AMENDING SECTION 1.25, RESTORATION OF THE SURFACE**

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 15, specifically Section 1.25 Restoration of the Surface.

NOTE: The section of Chapter 15 that is to be supplemented by Ordinance is Section 1.25 Restoration of the Surface. All additions are shown in **bold italics with underlines**. The deletions are shown as ~~**strikeovers in bold italics**~~. Sections of Chapter 15-1.25 that will remain unchanged are shown in normal type.

II.

15-1.25 Restoration of the Surface.

- a. 1. Once the excavation work area has been properly saw cut, and the back fill tamped and compacted, the permittee shall install no less than eight (8) inches of bituminous stabilized base course to the trench surface. If the distance from the edge of the excavation work area to the

existing curb is less than two (2) feet, the permittee shall be required to excavate to the curb and evenly install eight (8) inches of bituminous stabilized base course in the entire area.

2. The partially restored pavement shall be allowed to settle for no less than ninety (90) days and no more than one hundred eighty (180) days. At the end of the period of time of settlement required by the Superintendent of the Department of Public Works or his designee, an inspection shall be performed by the Superintendent of Public Works or his designee.

3. At this time, unless the Superintendent of the Department of Public Works, using a standard of reasonableness, authorizes a less stringent action, the permittee shall be required to mill and restore the excavation work area surface extending from the curb to the centerline of the road or a minimum of one (1) foot beyond the outer edges of the excavation, whichever is greater, and install no less than two (2) inches of FABC surface course. The permittee shall also be required to provide a tack coat on all existing bituminous and concrete surfaces and a hot-poured rubber asphalt joint sealer (per section 908 of DOT Standard Specifications for Roads and Bridges). If the excavation work area will be within two (2) feet or less of a previous excavation made within one (1) year (by the same permittee along the same side of the road), the permittee shall be required to mill and restore between the outermost excavation from the centerline of the roadway to the curb.

4. If the distance from the edge of the excavation work area to the existing curb is greater than two (2) feet and less than four (4) feet, permittee shall be required to mill this area, as well as the surface of the excavation work area. In the event that the excavation work area opening is smaller than ten (10) square yards, the Superintendent of the Department of Public Works, or his designee, may determine that milling and/or other trench repair methods be used.

5. The permittee will be required to replace any structures including, but not limited to, curb, pavement and sidewalk, that had been undermined by the adjacent trench excavation and restoration work, at his or its expense. Such work shall be performed according to Borough standards.

6. Rules and Regulations. Applicant shall comply with all BOCA Codes, Ordinances of the Borough of Fair Haven, resolutions or conditions of the Mayor and Council, or any duly constituted Board and any regulations which the Superintendent of Public Works or the Borough Engineer may establish.

b. 1. Maintenance Procedures. When final pavement restoration is approved, as required in paragraph a. above, the Superintendent of Public Works or his designee, shall notify the Borough Clerk, in writing, that the portion of the cash repair deposit or performance guarantee pertaining to the street opening permit posted by the permittee at the onset of the project may be released subject to the retainage requested herein below. Such release shall be subject to the permittee agreeing to maintain the restored excavation work area for a period of two (2) years from the date of final approval of the work and posting a maintenance bond to guarantee same. The permittee shall also agree to repair any adjacent structures including but not limited to curb, pavement and sidewalk that are damaged as a result of any excavation work area settlement during this period of time. In furtherance of these agreements, the Borough Clerk shall retain as a cash retainage, fifty (50%) percent of the cash repair deposit and/or performance guarantee during the two (2) year maintenance period.

2. If an inspection reveals that the restored excavation work area becomes unacceptable, the Superintendent of the Department of Public Works, or his designee shall notify the permittee that he must repair the area in accordance with the aforementioned procedure within thirty (30) days from the date of notification or sooner if safety on public conveyances is involved. If the permittee fails to repair the trench within this time, the Superintendent of the Department of Public Works, or his designee shall notify the Borough Clerk and he shall allow the Borough to utilize the permittee's cash retainage and maintenance bond to pay for the cost of repairing the excavation work area. If the restoration costs exceed the maintenance bond, the permittee shall be liable for the additional costs.

3. Upon the termination of the two (2) year maintenance period, any remaining portion of said maintenance bond that has not been expended shall be returned to the permittee without interest.

c. The permittee may be required to place a temporary surface over openings made in paved traffic lanes. Except when the permanent replacement pavement is to be replaced before the opening of the cut to traffic, the fill above the bottom of the existing pavement shall be tamped into place, properly graded and topped with a minimum of two (2) inches of bituminous patch material which is suitable to maintain the opening in good condition until permanent restoration

can be made. The crown of the temporary restoration shall not exceed one (1) inch above the adjoining pavement. The permittee shall exercise special care in making such temporary restorations and must maintain such restorations in safe traveling condition until such time as permanent restorations are made. If, in the judgment of the Borough Engineer, it is not expedient to replace the pavement over any cut or excavation made in the street upon completion of the work allowed under such permit by reason of the looseness of the earth or weather conditions or any other reason, he may direct the permittee to lay a temporary pavement of steel plate or other suitable material designated by him over such cut or excavation, to remain until such time as the repair of the original pavement may be properly made.

d. Acceptance or approval of any excavation work by the Superintendent of the Department of Public Works, his designee, or the Borough Engineer shall not prevent the Borough from asserting a claim against the permittee and his or its surety under the surety bond required hereunder for incomplete or defective work if discovered within twenty-four (24) months from the completion of the excavation work. The presence of a representative of the Department of Public Works or the Borough Engineer during the performance of any excavation work shall not relieve the permittee of its responsibilities hereunder.

e. *Additional Permit Fee for Excavations on Paved Streets Less than Five (5) Years Old.*

1. No permit shall be issued by the Superintendent of Public Works of the Borough of Fair Haven which would allow an excavation or opening of a paved or improved street surface less than five (5) years old unless the applicant can clearly demonstrate that public health or safety requires that the proposed work be permitted or unless an emergency condition exists.

2. If, by special permission of the Superintendent of Public Works, a permit is issued to open any paved or improved street surface less than five (5) years old, an additional fee shall be charged for the opening, except that the additional fee shall be waived in the event the work is of an emergency nature. The additional fee shall be equal to the sum of three hundred (\$300.00) dollars for the first two (2) years and one hundred fifty (\$150.00) dollars for years three (3) through five (5).

3. The Borough Council may, for good cause, allow an excavation or opening of a paved or improved street surface less than five (5) years old, provided that the Borough Engineer approves a restoration plan for the area excavated or opened.

(Fees restated at subsection 2-56.1, Fee Schedule.)

Offered for introduction by Councilwoman Sorensen, second by Councilman Marchese

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

Negative: None

Abstain: None

Absent: Councilman Jaeger

CONSENT AGENDA
RESOLUTIONS

1. Resolution No. 2018-71, Introduction of 2018 Municipal Budget

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the calendar year 2018.

BE IT FURTHER RESOLVED that said Budget be published in the Asbury Park Press in the issue of April 12, 2018.

BE IT FURTHER RESOLVED, that the governing body does hereby approve the following as the Budget for the Calendar Year 2018.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilman Jaeger

2. Resolution No. 2018-72, Executive Session-Possible Litigation, Acquisition of Property & 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. 20 Gillespie, LLC

Acquisition of Property

- 1. River Road

Contract Negotiations

- 1. PBA Contract
- 2. Borough Auditor 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 Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilman Jaeger

- 3. Resolution No. 2018-73, Approve Office 365 Contract Renewal

WHEREAS, on January 29, 2015, the Borough of Fair Haven entered into an Enterprise Enrollment Agreement with Microsoft for Exchange and/or Office 365; and

WHEREAS, Dell is the NJ State Contract vendor for Microsoft Enterprise Enrollment; and

WHEREAS, the current contract is set to expire on March 31, 2018 and a renewal quote in the amount of \$18,231.21 for three years (\$6,077.07 per year) was received under Dell's NJ State Contract No. M0003 89850; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract in the 2018 budget and the succeeding 2019 and 2020 budgets, in an amount not to exceed \$6,077.07 annually.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Borough Administrator is authorized to execute a three-year renewal contract based on the unit pricing listed in NJ State Contract No. M0003 89850.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilman Jaeger

- 4. Resolution No. 2018-74, Authorize Borough Engineer to issue a warning to 20 Gillespie, LLC/Incomplete Site Improvements

WHEREAS, the 20 Gillespie Avenue LLC ("Developer") obtained subdivision approval for property known as Block 57, Lots 27 and 30 as described on the Tax Map of the Borough of Fair Haven; and

WHEREAS, Developer entered into a Developer's Agreement with the Borough dated June 18, 2014 and posted the required performance guarantees; and

WHEREAS, a portion of the performance guarantee was provided by Bank of America Merrill Lynch by way of an Irrevocable Standby Letter of Credit dated June 12, 2014, last revised May 30, 2017; and

WHEREAS, it appears as if the Developer has not completed the site improvements within the time period provided in the Developer's Agreement and the Borough has elected to direct the Borough Engineer to issue a thirty (30) day warning to the Developer as required in the Irrevocable Standby Letter of Credit dated June 12, 2014, last revised May 30, 2017.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of Borough of Fair Haven that the Borough Engineer is directed to issue a letter to the Developer giving the Developer thirty (30) days to complete all site improvements and to report to the Mayor and Council the status of said improvements at the expiration of the 30-day period.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilman Jaeger

5. Resolution No. 2018-75, Approve Sidewalk Café Permit for Fairwinds Deli

WHEREAS, Chapter 4-2.1 governs Sidewalk Cafes and Restaurants in the Borough of Fair Haven; and

WHEREAS, Fairwinds Deli, 798 River Road, has filed the appropriate Sidewalk Café License Application and paid the appropriate fee to the Borough Clerk; and

WHEREAS, the Police Chief has reviewed said application and submitted his approval for said permit as follows:

5 Tables and 20 chairs to accommodate 20 patrons.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Sidewalk Café Permit is hereby approved and shall be issued by the Municipal Clerk with an expiration date of December 1, 2018.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilman Jaeger

6. Resolution No. 2018-76, Approve Sidewalk Café Permit for Umbertos Pizzeria

WHEREAS, Chapter 4-2.1 governs Sidewalk Cafes and Restaurants in the Borough of Fair Haven; and

WHEREAS, Umberto's Pizzeria, 583 River Road, has filed the appropriate Sidewalk Café License Application and paid the appropriate fee to the Borough Clerk; and

WHEREAS, the Police Chief have reviewed said application and submitted approval for said permit as follows:

4 Tables and 12 chairs to accommodate 12 patrons with the possibility of adding a third table.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Sidewalk Café Permit is hereby approved and shall be issued by the Municipal Clerk with an expiration date of December 1, 2018.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilman Jaeger

7. Resolution No 2018-77, Approve Fire Department/Social Membership - Jeffrey T. Huey

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that Jeffrey T. Huey, 6 Dogwood Lane, Fair Haven, NJ having been duly accepted as a social member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilman Jaeger

8. Resolution No. 2018-78, Approve Fire Department/Affiliate Membership - Jessica Patel

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that Jessica Patel, 205 Fair Haven Road, Fair Haven, NJ having been duly accepted as an affiliate member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department/First Aid.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilman Jaeger

9. Resolution No. 2018-79, Authorize Release of Street Opening Cash Repair Deposit - 121 Harvard Road

WHEREAS, Ordinance No. 2007-31 created the Street Excavation Ordinance which requires a cash repair deposit be posted to serve as security for the inspection, repair and performance of work necessary to put the street in as good a condition as it was prior to the excavation if the permittee fails to make the necessary repairs or to complete the proper refilling of the opening and the excavation work performed in accordance with the excavation permit; and

WHEREAS, the Director of Engineering and Public Works has completed an inspection of the street opening (Permit No. 2015-46 approved on September 11, 2015) for 121 Harvard Road done by Hilton Concrete, LLC, 499 Roxbury Road, Belford, NJ, 07718 for replacement of a driveway apron; and

WHEREAS, the Assistant Director of Engineering and Public Works has recommended that the cash repair deposit posted by Mr. Hilton be returned in the amount of \$193.00.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the foregoing cash deposit return is hereby approved and the Chief Financial Officer/Assistant Chief Financial Officer and Borough Clerk are hereby authorized to pay said refund to Mr. Michael Hilton, Hilton Concrete, LLC.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilman Jaeger

10. Resolution No. 2018-80, Authorize Maser Consulting to move forward with Phase II – DPW

WHEREAS, a proposal dated December 19, 2017 and non-fair and open paperwork dated was received from Maser Consulting, P.A. for the Phase II Environmental Site Investigation for the Department of Public Works, One Allen Street; and

WHEREAS, the proposal states that the total cost for Tasks 1.0 through 4.0 for the Phase II Environmental Site Investigation at the Department of Public Works shall not exceed \$31,500.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, that Maser Consulting, P.A be accepted and awarded for the Phase II Environmental Site Investigation at the Department of Public Works at a cost not to exceed \$31,500 and the Mayor is authorized to execute said proposal.

BE IT FURTHER RESOLVED THAT the total amount for these projects shall not exceed \$31,500.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

11. Resolution No 2018-81, 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 \$2,538,315.56 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-Current	Description	Amount	Reason
8-01-20-100-101	Administration – Salaries	\$ 3,000.00	Carry to budget adoption
8-01-20-120-101	Municipal Clerk – Salaries	\$ 1,200.00	Carry to budget adoption
8-01-20-130-101	Finance – Salaries	\$ 850.00	Carry to budget adoption
8-01-20-145-101	Tax Collection – Salaries	\$ 400.00	Carry to budget adoption
8-01-20-150-101	Tax Assessor – Salaries	\$ 800.00	Carry to budget adoption
8-01-20-165-101	Engineering – Salaries	\$ 4,000.00	Carry to budget adoption
8-01-21-180-101	Planning Board – Salaries	\$ 250.00	Carry to budget adoption
8-01-21-185-101	Zoning Board – Salaries	\$ 250.00	Carry to budget adoption
8-01-21-186-101	Zoning Officer – Salaries	\$ 2,200.00	Carry to budget adoption
8-01-22-209-101	Code Enforcement – Salaries	\$ 5,000.00	Carry to budget adoption
8-01-23-220-227	Health Benefits – Medical	\$ 70,300.00	Carry to budget adoption
8-01-25-265-276	Fire Dept – Fire Hydrants	\$ 8,425.00	Carry to budget adoption
8-01-25-275-201	Municipal Prosecutor – Contractual	\$ 2,850.00	Carry to budget adoption
8-01-26-305-202	Solid Waste – Contractual	\$ 5,000.00	Carry to budget adoption
8-01-26-315-101	Vehicle Maint. – Salaries	\$ 200.00	Carry to budget adoption
8-01-26-315-235	Vehicle Maint.- New Equip/Repair	\$ 3,000.00	Carry to budget adoption
8-01-28-370-101	Recreation – Salaries	\$ 1,300.00	Carry to budget adoption
8-01-29-390-101	Library – Salaries	\$ 2,800.00	Carry to budget adoption
8-01-31-440-276	Telephone Utilities	\$ 4,000.00	Carry to budget adoption
8-01-31-446-276	Natural Gas Utilities	\$ 4,000.00	Carry to budget adoption
8-01-36-741-299	PERS Miscellaneous	\$ 142,919.00	Carry to budget adoption
8-01-36-475-299	PFRS Miscellaneous	\$ 361,542.00	Carry to budget adoption
8-01-45-935-299	Note Interest - Miscellaneous	\$ 32,943.76	Carry to budget adoption
TOTAL		\$ 657,229.76	

- 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 Sorensen, second by Councilwoman Koch

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

12. Resolution No. 2018-82, Approve Sidewalk Café Permit for Lupo Pizzeria

WHEREAS, Chapter 4-2.1 governs Sidewalk Cafes and Restaurants in the Borough of Fair Haven; and

WHEREAS, Lupo Pizzeria, 757 River Road, has filed the appropriate Sidewalk Café License Application and paid the appropriate fee to the Borough Clerk; and

WHEREAS, the Police Chief has reviewed said application and submitted approval for said permit as follows:

7 Tables and 28 chairs to accommodate 28 patrons.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Sidewalk Café Permit is hereby approved and shall be issued by the Municipal Clerk with an expiration date of December 1, 2018.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

13. Resolution No. 2018-83, 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 26, 2018 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2017 CURRENT ACCOUNT	\$ 4,447.10
2018 CURRENT ACCOUNT	\$ 135,104.98
OTHER TRUST	\$ 14,397.72
DOG TRUST	\$ 69.00
TOTAL	\$ 154,018.80

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

14. Resolution No 2018-84, Advocate for Common Sense Gun Safety Legislation

WHEREAS, the Borough of Fair Haven is saddened by the unthinkable and horrific acts committed at Stoneman Douglas High School on February 14, 2018 impacting the children and broader community forevermore; and

WHEREAS, the Borough of Fair Haven Mayor and the Borough Council as a unified bipartisan body calls for an end to the senseless violence caused by deranged individuals with access to assault weapons in communities around our country through improved legislation at all

levels of government; and

WHEREAS, Children throughout the nation have been negatively affected directly and indirectly by violent crimes involving firearms; and

WHEREAS, Dr. Colleen Kraft, President of the American Academy of Pediatrics (AAP), formally issued a statement on February 15, 2018 on behalf of the AAP that encapsulates our collective sentiment:

“Children are dying from gun violence and Congress is failing to act. Every one of our 100 U.S. senators, and all 435 U.S. representatives bear a responsibility to take meaningful action to protect our children, our families, and our communities. Our elected leaders cannot continue to fail at this most essential task.

We can start by working to advance meaningful legislation that keeps children safe. The American Academy of Pediatrics advocates for stronger state and federal gun laws that protect children, including a ban on assault weapons like the one used in yesterday's school shooting. We also call for stronger background checks, solutions addressing firearm trafficking, and encouraging safe firearm storage. We will also continue to work to ensure that children and their families have access to appropriate mental health services, particularly to address the effects of exposure to violence”; and

WHEREAS, the tragedies of Parkland, Florida, of Newtown, Connecticut, of Columbine High School in Colorado, emphasize the extreme need to immediately address a number of issues including access to firearms, a uniform code of compliance for school security, and the delivery of mental health services; and

WHEREAS, our public reporting systems that are used to identify clear threats, individuals who are in need of mental health services and proactive law enforcement intervention had unacceptable functional gaps. Thus, we need bold actions to improve our reporting of school violence, individuals at risk and public threats. It is unacceptable that these systems which received multiple tips were not up to the task of providing key information to public safety officials who then should have acted with all due haste to address the public risk. The true sadness of this situation was that in the months prior to this incident there appears to have been multiple flags which were raised that could and should have resulted in swift action by public officials and law enforcement that could have prevented this incident and/or saved lives; and

WHEREAS, The Fair Haven Borough Council respects the rights of the vast majority of gun owners who are very aware of the tremendous power of these weapons and who are constantly vigilant in their management and use of firearms. We support the responsible use of firearms in recreation and sports and are confident that the firearms owners and industry can and will work in partnership with our communities to assure that all firearms owners are properly trained and licensed. We also believe that reasonable compromise is the key to both protecting the rights stated in the Constitution of the United States of America as well as assuring that firearms are not in the hands of individuals who lack the control and mental stability to assure public safety. Thus, some aspects of gun regulation must be adjusted to assure that the events at Parkland are not repeated. Our community of Fair Haven demands that the strict assault rifle laws of our State be held as the model for the rest of the nation to ensure these types of atrocities never occur in our community or any community going forward; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven in the County of Monmouth, State of New Jersey, urges our national leadership including all members of Congress regardless of party affiliation to identify and implement meaningful action to address access to and ownership of military-style assault rifles, accurate and complete reporting of the activities of at-risk individuals, the delivery of mental health services, and financial support to ensure a safe and secure school climate.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilman Jaeger

Reports of Departments

February 2018

-Municipal Court

Motion to accept the report, 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 8:07 p.m. Councilwoman Sorensen said that there is a Fire Department and First Aid drill taking place this evening on Willow Street the home is being demolished and are allowing our first responders to practice. March Madness is happening at the school and Councilwoman Koch is a coach for the teachers. The Spring Coaching Clinic will take place in Rumson on March 29th, Baseball Opening Day will be Saturday, April 14th, Fair Haven Natural Area Volunteer Day will take place on Saturday, April 21st from 9:00 a.m. to 12 noon (volunteers are needed). The Ridge Road Run for Suicide (5k) is scheduled for April 15th; participants can also walk the course. The Bench Dedication Program has rolled out; Administrator Casagrande, Councilwoman Koch, DJ Breckenridge and Betty Ann Berube were thanked for their assistance. Two of ten benches have been sold (one for McCarter Park and the other for Fair Haven Fields). The Easter Egg Hunt was held last weekend and was well attended. The Father-Daughter Dance was also this past weekend; there were 400 attendees.

Councilman Rodriguez recognized Councilman Peters and his wife, Nancy, who attended and marched in the rally against gun violence in Red Bank this past weekend; he said it was an honor to march with them. Councilman Peters said it is important to note that a majority in attendance and spoke were our youth.

Ruth Blaser, River Road, said the bulk drop off schedule should be as it was and available to everyone.

There being no further comments or questions, the meeting was closed to the public at 8:10 p.m.

Council went into executive session at 8:15 p.m. and this meeting was reconvened at 9:17 p.m.

ADJOURNMENT

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

Time of Adjournment: 9:17 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk