

**FAIR HAVEN BOROUGH COUNCIL**  
**MAY 29, 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 Jaeger, Koch, Marchese, Peters and Rodriguez. Absent: Councilwoman Sorensen. Others present: Administrator Casagrande and Attorney Alfieri.

**PROCLAMATION**

Mayor Lucarelli was joined by the group Moms Demand Action for Gun Sense in America as he read a proclamation for Gun Safety Awareness Day (June 1<sup>st</sup>). Liz deBeer, Hance Road, thanked the Mayor and Council for the proclamation and for their support and read a statement with regard to gun violence. She encouraged everyone to wear the color orange and advised the public that there is an event being held on Saturday, June 2<sup>nd</sup> in Asbury Park.

**WORKSHOP SESSION**

Administrator Casagrande advised that the NJ State Legislature passed a bill that the Killed In Action flag should be flown to recognize the service men and women killed in action. These flags will be flown at all State, County and Municipal main buildings. These flags do not replace the MIA flag. She had the flag with her for the governing body and public to see and advised it would be hung on the flagpole in front of Borough Hall.

A draft policy for lawn sign protocol was provided to Mayor and Council for their consideration. The policy does not need to be made official at this meeting. Attorney Alfieri reviewed the Borough's ordinance and this policy will help better clarify regulations for lawn sign display. This policy can be reviewed and relisted for the June 11<sup>th</sup> meeting. There was brief discussion regarding the policy and not having lawn signs in the pocket parks or Memorial Park. Additional clarification was requested and the fact that permission will not be authorized to an organization that does not pick up their signs once the time frame of display is over.

Mayor Lucarelli advised that the Borough of Monmouth Beach created an ordinance with regulations on single use of plastics. He felt that this is important to do to help prevent litter on the beaches and all over the Borough and would like to have a similar ordinance in Fair Haven. It should be passed along to the Business Association for their review/recommendation. Straws get into our water system and create hazards; this is very hard to enforce. There is Senate Bill 2600 which creates a charge for plastic and paper bags i.e. 5 cents per bag; the NJ League of Municipalities is considering the bill. Ralph Wyndrum, Environmental Commission Chairman, said that the Commission supports Monmouth Beach's ordinance 100%. The businesses in town should not be put at risk. Plastic bags are being replaced by #2 plastics to make it easier to recycle. Laline Neff is the lead person on the Environmental Commission who is trying to get points and certification through Sustainable NJ. There are plastics in the ocean, rivers and ponds. The Environmental Commission/Green Team will help with an awareness campaign for this and will work with the schools on this as well. Fair Haven's recycling capabilities will be revisited for the expansion of #5 and #6. Councilman Rodriguez said there are costs to recycle additional recyclables (#4, #5 and #6). Councilwoman Koch said it is a matter of educating our citizens and she asked if the Green Team has thought of coming to the schools and speaking to the students as Ambassadors; yes, the Green Team will be reaching out to the Boy Scouts, Girl Scouts and students to lead the charge. It might be best to create a handout for families to use as a guide. Councilman Peters said that he is glad that the Mayor listed this on the agenda as the Environmental Commission has been working on certifications and improving processes. Administrator Casagrande will speak with the Borough's Recycling Coordinator, Adam Hubeny, to get his comments/recommendations. The Borough has a contract with its trash and recycling hauler on how to recycle. The Mutt Mitts that are used in the parks to clean up pet waste may need to be reviewed; they are most likely biodegradable. Mayor Lucarelli said that some businesses in Monmouth County are already moving ahead with recyclable material; cardboard carriers have become popular instead of Styrofoam. There have been many complaints regarding litter in our parks with water bottles not making it to the receptacles. Dr. Wyndrum said that many stores offer reusable paper or plastic for groceries to be carried in. Consensus was for a similar ordinance to be created for Fair Haven.

**PUBLIC COMMENT ON AGENDA ITEMS**

The meeting was opened to the public for comments or questions at 7:30 p.m. Liz deBeer, Hance Road, said that she was a teacher for years and agrees with banning straws, but there are some disabilities that require a straw be used. Canvass bags may also help and some sort of visual reference guide would be helpful for the public.

Cameron Spector, Lake Avenue, thanked the governing body for the Gun Violence

Awareness proclamation stating that it means a lot. With regard to plastic recyclables, it is important to move forward with regulations. He mentioned that in Colorado, they charged 5 cents for each plastic bags which created \$40,000 in revenue.

Ruth Blaser, River Road, felt that Ordinance No. 2018-13 (Capital Ordinance), listed for hearing and adoption is too vague and she wanted it to be more specific.

There being no further comments or questions, the meeting was closed to the public at 7:34 p.m.

**APPROVAL OF MINUTES**

Councilman Marchese made a motion to approve the Regular Meeting minutes of May 14, 2018, second by Councilman Peters.

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

Negative: None

Abstain: None

Absent: Councilwoman Sorensen

Councilman Rodriguez made a motion to approve the Executive Session minutes of May 14, 2018, second by Councilman Peters.

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

Negative: None

Abstain: None

Absent: Councilwoman Sorensen

**OLD BUSINESS**

**HEARING AND ADOPTION OF ORDINANCES**

1. Ordinance No. 2018-07, Amend 30-5.3: Prohibit the Sale of Marijuana

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF MONMOUTH SUPPLEMENTING THE FAIR HAVEN BOROUGH CODE, CHAPTER 30, LAND USE DEVELOPMENT REGULATIONS, SECTION 5.3, PERMITTED AND PROHIBITED USES**

On motion of Councilman Marchese, second by Councilwoman Koch with Ayes by all present, Mayor Lucarelli opened the meeting for comments or questions at 7:35 p.m.

Susan O'Brien, River Road, asked if this ordinance pertains to wholesale businesses. She was advised that this ordinance would allow a dispensary as a "D" Variance for recreational use. The Planning Board reviewed and approved of the ordinance as it is consistent with the Master Plan.

There being no further comments or questions, the Hearing was closed to the public at 7:37 p.m. on motion of Councilman Rodriguez, second by Councilwoman Koch with Ayes by all present.

Offered for adoption by Councilman Marchese, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Sorensen

Councilman Peters left the meeting at 7:38 p.m.

2. Ordinance No 2018-08, Amend Chapter 30-10: Inspections and Guarantees

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF MONMOUTH SUPPLEMENTING THE FAIR HAVEN BOROUGH CODE, CHAPTER 30, LAND USE DEVELOPMENT REGULATIONS, SECTION 10 GUARANTEES AND INSPECTIONS**

On motion of Councilman Jaeger, second by Councilman Marchese with Ayes by all present, Mayor Lucarelli opened the meeting for comments or questions at 7:38 p.m.

There being no comments or questions, the Hearing was closed to the public at 7:38 p.m.

on motion of Councilwoman Koch, second by Councilman Marchese with Ayes by all present.

Offered for adoption by Councilman Rodriguez, second by Councilman Marchese

Affirmative: Councilmembers Jaeger, Koch, Marchese and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Peters and Sorensen

3. Ordinance No. 2018-13, Capital Ordinance for 2018

**AN ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS EQUIPMENT, INFRASTRUCTURE IMPROVEMENTS AND IMPROVEMENTS TO PUBLIC BUILDINGS AND GROUNDS AND APPROPRIATING THE SUM OF \$215,000.00 THEREFORE, AUTHORIZED IN AND BY THE BOROUGH OF FAIR HAVEN, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

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

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

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Jaeger, Koch, Marchese and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Peters and Sorensen

4. Ordinance 2018-14, Amend Building and Fire Permit Fees

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF MONMOUTH AMENDING THE FAIR HAVEN BOROUGH CODES, CHAPTER 11: BUILDING AND CONSTRUCTION AND CHAPTER 12: FIRE PREVENTION AND PROTECTION**

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

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

Offered for adoption by Councilwoman Koch, second by Councilman Rodriguez

Affirmative: Councilmembers Jaeger, Koch, Marchese and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Peters and Sorensen

**NEW BUSINESS**  
**INTRODUCTION OF ORDINANCES**

1. Ordinance No. 2018-15, Amend Chapter 2, Subsection 2-27.18 Future Firefighters Auxiliary

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF MONMOUTH SUPPLEMENTING CHAPTER 2, ADMINISTRATION, BY AMENDING SECTION 27.18, FUTURE FIREFIGHTER'S AUXILIARY.**

**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 2, specifically Section 27.18 Future Firefighter's Auxiliary.

**NOTE:** The section of Chapter 2 that is to be amended by Ordinance is Section 27.18 Future

Firefighter's Auxiliary. All additions are shown in **bold italics with underlines**. The deletions are shown as ~~***strikeovers in bold italics***~~. Sections of Chapter 2-27.18 that will remain unchanged are shown in normal type.

**II.**

2-27.18 ~~***Future Junior Firefighter's Fireman's***~~ Auxiliary.

a. ~~***Future Junior Firefighter's Fireman's***~~ Auxiliary.

1. A ~~***Future Junior Firefighter's Fireman's***~~ Auxiliary to the Volunteer Fire Department of the Borough of Fair Haven is hereby established pursuant to the provisions of N.J.S.A. 40A:14-95 et seq. and subject to the supervision of the fire company and its Chief. The members of the Auxiliary shall be known as "~~***Future Junior Firefighters Firemen***~~."

2. ~~***Future Junior Firefighters Firemen***~~ shall meet all the qualifications of regular firemen, except that they need only have reached the age of fourteen (14) years and may be no older than eighteen (18) years of age.

3. The ~~***Future Junior Firefighters Firemen***~~, before being considered for membership, must obtain permission to join the Auxiliary from their parent or guardian and must submit to the fire company the permission, in writing, and acknowledged or approved in the manner required by law for deeds to real estate to be recorded.

4. Members of the Auxiliary shall be insured by the same coverage and in the same amounts provided for the regular volunteer Firefighters of the Borough of Fair Haven.

5. Every person seeking to become a ~~***Future Junior Firefighter Firemen***~~ must apply and be selected in the same manner as regular Firefighters.

6. ~~***Future Junior Firefighters Firemen***~~ shall be trained for eventual membership in the Fair Haven Volunteer Fire Company by the Chief and the regular members.

7. No ~~***Future Junior Firefighter Firemen***~~ shall be allowed to perform duties that would expose him to the same degree of hazard as a regular member of the Volunteer Fire Company.

8. ~~***Future Junior Firefighters Firemen***~~ shall not fight fires.

9. ~~***Future Junior Firefighters Firemen***~~ shall be subject to provisions of the Borough ordinance covering Firefighters and to suspension or expulsion as provided therein.

Offered for introduction by Councilwoman Koch, second by Councilman Jaeger

Affirmative: Councilmembers Jaeger, Koch, Marchese and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Peters and Sorensen

2. Ordinance No. 2018-16, Amend Chapter 30-3.14, Escrow Fees

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN  
IN THE COUNTY OF MONMOUTH SUPPLEMENTING CHAPTER 30,  
LAND USE AND DEVELOPMENT REGULATION, BY AMENDING  
SECTION 3.14, FEES.**

**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 30, specifically Section 3.14 Fees.

**NOTE:** The section of Chapter 30 that is to be amended by Ordinance is Section 3.14 Fees. All additions are shown in **bold italics with underlines**. The deletions are shown as ~~***strikeovers in bold italics***~~. Sections of Chapter 30-3.14 that will remain unchanged are shown in normal type.

**II.**

**30-3.14 Fees.**

The developer shall, at the time of filing an application, pay a nonrefundable fee to the Borough by cash, certified check, or bank draft in accordance with the current fee schedule adopted by the Borough Council on file in the Borough Clerk's office. The fees to be paid shall be the sum of the fees for the component elements of the plat or plan. Proposals requiring a combination or approvals such as subdivision, site plan, and/or variance, shall pay a fee equal to the sum of the fee for each element. Additional fees may be assessed for extraordinary review costs not otherwise covered by this section. The amount of any application filing fees for an informal review shall be a credit toward fees for an application for development. Additional fees may be assessed for extraordinary review costs not otherwise covered by this section as a refundable application escrow fee as specified herein:

Paragraphs (a)—(k) No changes.

1. Escrow Deposits.

1. In addition to the initial fees or charges as elsewhere set forth, the municipal agency shall require escrow deposits in accordance with the provisions of the fee and deposit schedule set forth in this paragraph *l*. The Chief Financial Officer of the municipality shall make all of the payments to professionals for services rendered to the municipality or approving authority for review of applications for development, review and preparation of documents, inspection of improvements or other purposes under the provisions of N.J.S.A. 40:55D-1 et seq. The application review and inspection charges shall be limited only to professional charges for review of applications, review and preparation of documents and inspections of developments under construction and for review by outside consultants when an application is of a nature beyond the scope of the expertise of the professionals normally utilized by the municipality. The only cost that shall be added to any such charges shall be actual out-of-pocket expenses of such professionals or consultants including normal and typical expenses incurred in processing applications and inspecting improvements. No applicant shall be charged for any municipal, clerical or administrative functions, overhead expenses, meeting room charges or any of the municipal costs and expenses except as provided for specifically by statute, nor shall a municipal professional add any such charge to his bill.

2. Scope of Reimbursed Services. The municipality shall be entitled to be reimbursed for the review of applications, both as to completeness and as to content; for the review and preparation of documents such as, but not limited to: drafting resolutions, developer's agreements, and necessary correspondence with applicant or applicant's professionals.

3. Deposit of Escrow Funds; Refunds. Deposits received from any applicant in excess of five thousand (\$5,000.00) dollars shall be held by the Chief Financial Officer in a special interest-bearing deposit account, and upon receipt of bills from professionals and approval of said bills as hereinafter provided for, the Chief Financial Officer may use such funds to pay the bills submitted by such professionals or experts. The municipality shall not be required to refund an amount of interest paid on a deposit which does not exceed one hundred (\$100.00) dollars for the year. If the amount of interest exceeds one hundred (\$100.00) dollars, the entire amount shall belong to the applicant and shall be refunded to him by the municipality annually or at the time the deposit is repaid or applied for the purposes for which it was deposited, as the case may be, except that the municipality may retain for administrative expenses a sum equivalent to no more than thirty-three and one-third (33 1/3%) percent of that entire amount, which shall be in lieu of all other administrative and custodial expenses. All sums not actually so expended shall be refunded to the applicant within ninety (90) days after the final decision by the appropriate municipal agency with respect to such application, upon certification by the Board Secretary that such application has been finally decided.

4. Payments. Each payment charged to the deposit for review of applications, review and preparation of documents and inspection of improvements shall be pursuant to a voucher from the professional which voucher shall identify the personnel performing the service, and each date the services were performed, the hours spent to one-quarter (1/4) hour increments, the hourly rate and the expenses incurred. All professionals shall submit vouchers to the Chief Financial Officer of the municipality on a monthly basis in accordance with the schedules and procedures established by the Chief Financial Officer. The professional shall send an informational copy of all vouchers or statements submitted to the Chief Financial Officer of the municipality simultaneously to (1) the applicant and (2) the municipal agency for whom said services were performed.

The Chief Financial Officer shall prepare and send to the applicant a statement which shall include an accounting of funds listing all deposits, interest earnings, disbursements and the cumulative balance of the escrow account. This information shall be provided on a quarterly basis, if monthly charges are one thousand (\$1,000.00) dollars or less, or on a monthly basis if

monthly charges exceed one thousand (\$1,000.00) dollars. If an escrow account or deposit contains insufficient funds to enable the municipality or approving authority to perform required application reviews or improvement inspections, the Chief Financial Officer shall provide the applicant with a notice of the insufficient escrow or deposit balance. In order for work to continue on the development or the application, the applicant shall within a reasonable time period post a deposit to the account in an amount to be agreed upon by the municipality or approving authority and the applicant. In the interim, any required health and safety inspections shall be made and charged back against the replenishment of funds.

5. Payments Required Prior to Issuance of Permits. No zoning permits, building permits, certificates of occupancy or any other types of permits may be issued with respect to any approved application for development until all bills for reimbursable services have been received by the municipality from professional personnel rendering services in connection with such application and payment has been made.

6. Close Out Procedures. The following close out procedures shall apply to all deposits and escrow accounts established under the provisions of N.J.S.A. 40:55D-1 et seq. and shall commence after the approving authority has granted final approval and signed the subdivision plat or site plan, in the case of application review escrows and deposits, or after the improvements have been approved in accordance with N.J.S.A. 40:55D-53, in the case of improvement inspection escrows and deposits.

The applicant shall send written notice by certified mail to the Chief Financial Officer of the municipality and the approving authority and to the relevant municipal professional, that the application or the improvements, as the case may be, are completed. After receipt of such notice, the professional shall render a final bill to the Chief Financial Officer of the municipality within thirty (30) days and shall send a copy simultaneously to the applicant. The Chief Financial Officer of the municipality shall render a written final accounting to the applicant on the uses to which the deposit was put within forty-five (45) days of receipt of the final bill. Any balances remaining in the deposit or escrow account including interest in accordance with N.J.S.A. 40:55D-53.1 shall be refunded to the developer along with the final accounting.

7. Scope of Charges. All professional charges for review of an application for development, review and preparation of documents or inspection of improvements shall be reasonable and necessary, given the status and progress of the application or construction. Review fees shall be charged only in connection with an application for development presently pending before the approving authority or upon review of compliance with the conditions of approval, or review of requests for modification or amendment made by the applicant. A professional shall not review items which are subject to approval by any State governmental agency and not under municipal jurisdiction except to the extent consultation with a State agency is necessary due to the effect of State approvals on the subdivision or site plan.

8. Limitation of Inspection Fees. Inspection fees shall be charged only for actual work shown on a subdivision or site plan or required by an approving resolution. Professionals inspecting improvements under construction shall charge only for inspections that are reasonably necessary to check the progress and quality of the work and such inspections shall be reasonably based on the approved development plans and documents.

9. Substitution of Professionals. If the municipality retains a different professional or consultant in the place of a professional originally responsible for development application review, or inspection of improvements, the municipality or approving authority shall be responsible for all time and expenses of the new professional to become familiar with the application or the project, and the municipality or approving authority shall not bill the applicant or charge to the deposit or the escrow account for any such services.

10. Estimate of Cost of Improvements. The cost of the installation of improvements for the purposes of N.J.S.A. 40:55D-53 shall be estimated by the Municipal Engineer based on documented construction costs for the public improvements prevailing in the general area of the municipality. The developer may appeal the Municipal Engineer's estimate to the County Construction Board of Appeals, established pursuant to N.J.S.A. 52:27D-127.

11. Appeals.

(a) An applicant shall notify in writing the Governing Body with copies to the Chief Financial Officer, the approving authority and the professional whenever the applicant disputes the charges made by a professional for a service rendered to the municipality in reviewing applications for development, review and preparation of documents, inspection of improvements, or other charges made pursuant to N.J.S.A. 40:55D-53.2. The Governing Body or its designee

shall within a reasonable time attempt to remediate any disputed charges. If the matter is not resolved to the satisfaction of the applicant, the applicant may appeal to the County Construction Board of Appeals, established pursuant to N.J.S.A. 52:27D-127 any charge to an escrow account or deposit by any municipal professional or consultant, or the cost of the installation of improvements estimated by the Municipal Engineer pursuant to N.J.S.A. 40:55D-53.4. An applicant or his authorized agent shall submit the appeal in writing to the County Construction Board of Appeals. The applicant or his authorized agent shall simultaneously send a copy of the appeal to the municipality, approving authority, and any professional whose charges are the subject of the appeal. An applicant shall file an appeal within forty-five (45) days from receipt of the informational copy of the professional's voucher required by subsection N.J.S.A. 40:55D-53.2(c), except that if the professional has not supplied the applicant with an informational copy of the voucher, then the applicant shall file his appeal within sixty (60) days from receipt of the municipal statement of activity against the deposit or escrow account required by N.J.S.A. 40:55D-53.2(c). An applicant may file an appeal for an ongoing series of charges by a professional during a period not exceeding six (6) months to demonstrate that they represent a pattern of excessive or inaccurate charges. An applicant making use of this provision need not appeal each charge individually.

(b) Appeals shall be taken in accordance with the rules and procedures established by the County Construction Board of Appeals.

(c) During the pendency of any appeal, the municipality or approving authority shall continue to process, hear and decide the application for development and to inspect the development in the normal course and shall not withhold, delay or deny reviews, inspections, signing of subdivision plats or site plans, the reduction or the release of performance or maintenance guarantees, the issuance of construction permits or certificates of occupancy, or any other approval or permit because an appeal has been filed or is pending under this subsection. The Chief Financial Officer of the municipality may pay charges out of the appropriate escrow account or deposit for which an appeal has been filed. If a charge is disallowed after payment, the Chief Financial Officer of the municipality shall reimburse the deposit or escrow account in the amount of any such disallowed charge or refund the amount to the applicant. If a charge is disallowed after payment to a professional or consultant who is not an employee of a municipality, the professional or consultant shall reimburse the municipality in the amount of any such disallowed charge.

12. Escrow Fees. The following minimum sums are required to be deposited in an escrow account for application to the Planning Board and/or Board of Adjustment.

(a) Residential	Escrow
All single-family residential applications (not involving subdivision)	<del>\$750.00</del> <u>\$1,500.00</u> plus <del>\$150.00</del> <u>\$300.00</u> per new variance. No escrow payment will be required for existing variances that are not expanded, enlarged or increased as defined in subsection 30-7.3
Minor subdivision	\$2,500.00
Major subdivisions: 0-3 units or lots Per lot for each lot in excess of 3 lots	\$3,500.00 Plus \$2,000.00

(b) Nonresidential Development.

Note: Use the greater of the escrow amounts determined from the floor area and parking space tables below:

Based on Floor Area	Escrow
0–1,000 S.F., GFA	<del>\$2,500.00</del> <u>\$3,750.00</u>
1,001–10,000 S.F., GFA	<del>\$4,000.00</del> <u>\$6,000.00</u>
10,001–50,000 S.F., GFA	<del>\$6,000.00</del> <u>\$9,000.00</u>
50,001 –100,000 S.F., GFA	<del>\$9,000.00</del> <u>\$13,500.00</u>
100,000 + S.F., GFA	<del>\$12,000.00</del> <u>\$18,000.00</u>

Based on Parking Spaces	Escrow
0–5 spaces	<del>\$2,000.00</del> <u>\$3,000.00</u>
6–25 spaces	<del>\$5,000.00</del> <u>\$7,500.00</u>
26–100 spaces	<del>\$15,000.00</del> <u>\$22,500.00</u>
101–500 spaces	<del>\$20,000.00</del> <u>\$30,000.00</u>
501+ spaces	<del>\$25,000.00</del> <u>\$37,500.00</u>

(c) Variances	Escrow
Appeals under 40:55D-70a	\$500.00
Interpretation or special questions under 40:55D-70c	\$500.00
Variances under 40:55D-70c	Residential <del>\$150.00</del> <u>\$300.00</u> per new variance. No escrow payment will be required for existing variances that are not expanded, enlarged or increased as defined in subsection 30-7.3  Nonresidential \$500.00 per new variance. No escrow payment will be required for existing variances that are not expanded, enlarged or increased as defined in subsection 30-7.3
Variances under 40:55D-70d	\$1,000.00

(d) Conditional Use	\$750.00 in addition to site plan escrow amount
---------------------	---

(e) Extension of Approval	\$500.00
---------------------------	----------

(f) Informal Review	
Minor subdivision or site plan	\$500.00
Major subdivision or site plan	\$1,000.00

Offered for introduction by Councilwoman Koch, second by Councilman Marchese

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

**CONSENT AGENDA**  
**RESOLUTIONS**

- Resolution No. 2018-123, Approve Block Party on Laurel Drive – September 16<sup>th</sup> (rain date September 30<sup>th</sup>)

**WHEREAS**, a request was received to hold a Block Party on Laurel Drive on Sunday, September 16, 2018 from 2 pm to 6 pm (rain date: September 30<sup>th</sup>); and

**WHEREAS**, Police Chief Joseph McGovern reviewed the application and submitted his approval on May15, 2018; and

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Fair Haven that approval is hereby granted for a block party to be held on Laurel Drive on Sunday, September 16, 2018 from 2 pm to 6 pm (rain date: September 30<sup>th</sup>).

**BE IT FURTHER RESOLVED** that Permit No. BP 2018-03 will be issued for said event.

Offered for adoption by Councilman Jaeger, second by Councilwoman Koch

Affirmative: Councilmembers Jaeger, Koch, Marchese and Rodriguez  
 Negative: None



Abstain: None  
Absent: Councilmembers Peters and Sorensen

2. Resolution No. 2018-124, Executive Session-Pending 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:

**Acquisition of Property**

1. River Road

**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 Councilman Jaeger, second by Councilwoman Koch

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

3. Resolution No. 2018-125, Authorize Advertisement/Receipt of Bids-Colocation on cell tower monopole

**BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that the Borough’s Cell Tower Consultant, FSD Enterprises, and the Borough Administrator are authorized to advertise and receive bids for colocation on the monopole of the Cell Tower.

Offered for adoption by Councilman Jaeger, second by Councilwoman Koch

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

4. Resolution No. 2018-126, Payment of Vouchers

**BE IT RESOLVED** by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the May 29, 2018 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2017 CURRENT ACCOUNT	\$ 1,318.91
2018 CURRENT ACCOUNT	\$ 181,770.23
GENERAL CAPITAL	\$ 13,112.79
OTHER TRUST	\$ 8,802.04
<b>TOTAL</b>	<b>\$ 205,003.97</b>

Offered for adoption by Councilman Jaeger, second by Councilwoman Koch

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

5. Resolution No. 2018-127, Amend Resolution No. 2018-116 Awarding Brush Grinding, Transportation and Disposal Bid

**WHEREAS**, Resolution No. 2018-116 was adopted by the Mayor and Council of the Borough of Fair Haven at their May 14, 2018 Council Meeting; and

**WHEREAS**, the bid amounts for Mazza Mulch, Inc. and Atlantic Tree Materials and Brush Grinding Co., Inc. were listed in reverse order and should be corrected as follows:

**WHEREAS**, the bidders are as follows:

	<i>Bidder</i>	<i>Base Bid Amount</i>	<i>Option 1 Amount</i>	<i>Option 2 Amount</i>	<i>Option 3 Amount</i>
1.	Britton Industries, Inc. Lawrenceville, NJ	\$30,000.00	\$18,750.00	\$18,750.00	\$18,750.00
2.	Mazza Mulch Inc., Tinton Falls, NJ	\$30,960.00	\$19,350.00	\$19,350.00	\$19,350.00
3.	Atlantic Tree Materials and Grindings Co., Inc. Holmdel, NJ	\$33,200.00	\$20,750.00	\$20,750.00	\$20,750.00

**WHEREAS**, Britton Industries, Inc. remains the lowest bidder and the award of contract remains the same with a Base Bid and Options 1 and 2 in the amount of \$67,500.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey that Resolution No. 2018-116 is hereby amended.

Offered for adoption by Councilman Jaeger, second by Councilwoman Koch

Affirmative: Councilmembers Jaeger, Koch, Marchese and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Peters and Sorensen

6. Resolution No 2018-128, Appointment of Fair Housing and Share Plan Subcommittee

**WHEREAS**, there is a need to appoint members to the Housing Element and Fair Share Plan Subcommittee; and

**WHEREAS**, the Mayor has advised that the following persons will be appointed to the Housing Element and Fair Share Plan Subcommittee:

Councilwoman Elizabeth Koch  
Councilman Christopher Rodriguez  
James Banahan  
Todd Lehder

Offered for adoption by Councilman Jaeger, second by Councilwoman Koch

Affirmative: Councilmembers Jaeger, Koch, Marchese and Rodriguez

Negative: None

Abstain: None

Absent: Councilmembers Peters and Sorensen

**Reports of Departments**

**April 2018**

-Municipal Court

-Chief Financial Officer

Motion to accept the reports as submitted moved by Councilman Jaeger, 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 7:42 p.m. Councilwoman Koch reported on recreation matters. The Mother/Son Brunch was held on the 20<sup>th</sup> and was a success. Yoga Nights at Fair Haven Fields will begin on June 5<sup>th</sup> at 7:30 pm (registration is on-line), the first Concert on the Dock will be June 15<sup>th</sup> and the first movie in the park will be June 29<sup>th</sup> at 8:45 p.m. at Fair Haven Fields. Fair Haven Day tickets are on sale (on line and at Borough Hall); volunteers are needed. On June 2<sup>nd</sup> there will be a celebration of 50 years for the National Trails System; a walk and talk will take place.

Councilman Rodriguez commended DJ, the Borough and the Veterans for the Memorial Day ceremony; there were great essays by the students. Administrator Casagrande said that it was the Mayor's idea to have the students create an essay about the Doughboy statute and the four names on it.

Ruth Blaser, River Road, said she has a problem as a resident and taxpayer with DPW and the brush schedule which she feels is selectively enforced. She said that she reviewed archives and said there are yellow violation notices that can be given to residents. Mrs. Blaser said the schedule is a burden to her and she feels it is not working. She was frustrated by the equipment breaking down and asked that the Borough hire a better mechanic for repairs. Rumson does not have any down time with their schedule and she questioned why the Borough only allows for pick up 8 out 12 months. Mayor Lucarelli acknowledged that DPW has faced challenges with the weather and equipment failure, but they have done a great job under the circumstances which were not their fault. Our pick-up schedule is weather dependent and Fair Haven has a smaller staff than Rumson.

Susan O'Brien, River Road, had a follow up comment regarding brush. She said this past winter was a tough one and asked if there could be a pick up done after a storm or one could be arranged in March. Mayor Lucarelli said the Borough is having a problem with brush and leaves being combined; we may have to scoop up those piles and deliver it to Mazza who will accept it. The separate piles may seem to slow the process, but it is efficient. We will do a more hybrid approach next year. The leaf vac truck arrived which will help with pick up and keeping the streets clean. Mrs. O'Brien said that she does her own yard work and separated the piles, but the truck came and collected everything together. She advised that it is the landscaping companies that are violating the regulations and they are not paying attention to the literature the Borough provides.

There being no further comments or questions, the meeting was closed to the public at 7:53 p.m.

Council went into executive session at 7:57 p.m. and this meeting was reconvened at 7:59 p.m.

#### **ADJOURNMENT**

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

Time of Adjournment: 8:00 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR  
Borough Clerk