

FAIR HAVEN BOROUGH COUNCIL
JUNE 11, 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. Mayor Lucarelli asked that the family of Joe Truex (16 year First Aid Squad member, 3 time Captain) who passed away last week be kept in everyone's thoughts and prayers. The Sunshine Law Statement was read.

ROLL CALL

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

PROCLAMATION

Mayor Lucarelli acknowledged Mike Gianforte, Two Rivers Water Reclamation Authority. A proclamation was read and presented to William Leonard for his many years of volunteer service as a Councilmember, Mayor, member of the Fire Department and a Commissioner for the Two Rivers Water Reclamation Authority. Mr. Leonard said that he enjoyed all of the services that he gave. Mr. Gianforte said that the staff and Commissioners of the Two Rivers Water Reclamation Authority thanks Bill Leonard who has the longest service as Chairman and never having a rate increases during his tenure. Mr. Gianforte said that Mr. Leonard made him a better person, made a difference and he will be missed.

Councilman Peters arrived at 7:05 p.m.

WORKSHOP SESSION

Mayor Lucarelli said Councilman Peters asked that a Bike Share with Red Bank be listed for discussion. Red Bank Councilman Eddie Zipprich has been instrumental in creating a bike share for Red Bank. Vincent Raia, P3GM, who has been working with Red Bank was in attendance to present the idea. He said they are in the exploratory phase for Red Bank. There could be 7-8 bike stations in the surrounding towns. It was estimated that Fair Haven could have 7 stations. Each station would have 10 bikes; some areas may need more. Someone will count the bikes each night. Councilman Peters said that each bike is technology based and can be parked in the area of the station if the holders are full. There will not be any electric assist bikes. Councilwoman Koch asked how the spots for the bike racks are chosen. She was advised that there would be four stations in the downtown areas and then distributed through the parks. Councilwoman Koch asked if there would be any racks in Sea Bright; they hope so. She asked for information regarding the people who use the bikes as this is usually a city or vacation area product and how it relates to small towns. Councilwoman Sorensen asked how many months out of the year the bikes would be available; year-round even during the winter (a few bikes will be available as there is still usage). Councilman Marchese asked who maintains the bikes; the company would. It was asked if the bike stations would take up parking spaces; no, they don't have to (it depends on the area). Councilman Rodriguez asked how bike use is charged; there is a set number of minutes per month that are charged accordingly. Councilwoman Koch asked if they were looking to place the racks on Borough property or private property as well; Borough property to start with and then possibly private. P3GM plans to speak with Little Silver about this bike share program as well. Councilman Peters said he thought there could be a bike rack downtown east, downtown west, the dock and Fair Haven Fields (depending on demand). There will be an RFP process for space. Mayor Lucarelli asked if there would be income coming back to the Borough; no, but P3GM will take on all the maintenance costs. It is up to the riders to wear bike helmets; the helmets will not be provided in case there is a cracked helmet plus the health issues that could be involved. The Mayor said Fair Haven will wait to see what happens in Red Bank and then discuss it further from there. He thanked Councilman Peters for bringing this idea/plan to the Council.

With regard to the William Street entrance to Fair Haven Fields, Administrator Casagrande provided a picture to the governing body. The entrance is overgrown and the DPW is looking to do what was done on Third Street with mulch and trimming back the overgrowth. There are issues at Third Street and William Street with encroachments and illegal dumping. Illegal dumping is hard to trace, but the encroachments are easy to address. Encroachments have also been identified at the Fair Haven Fields tract. The Borough's next step is to reach out to the residents encroaching and having it corrected. The Borough's easement is 16' wide and 186' long. DPW is working there and the neighbors will be contacted. There will be split rail fencing on either side for the first 100' or so to delineate the trail; the Recreation Committee will be contacted about this. This will help with the connectivity to bikes, walkers, etc. No trees will be taken down. We have not received a final fence quote, but the quotes received are around \$4,000. The neighbors in the area will be advised of the work.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:22 p.m. Jen Spitz, William Street, said she sent pictures and a letter regarding the William Street entrance to the fields. The path is covered over and impassible. She asked if there were markers for the property because she did not see any. She was advised that there are markers in the ground. Mrs. Spitz advised that the contractor that built her house replaced pine trees with arborvitae with permission from the Borough. She also felt that split rail fencing on both sides of the path will be tight and a problem for bikers. Administrator Casagrande advised that the path is 16' wide and there should not be an issue.

There being no further comments or questions, the meeting was closed to the public at 7:27 p.m.

APPROVAL OF MINUTES

Councilman Rodriguez made a motion to approve the Regular Meeting minutes of May 29, 2018, second by Councilwoman Koch

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

Negative: None

Abstain: Councilwoman Sorensen

Absent: None

Councilman Rodriguez made a motion to approve the Executive Session minutes of May 29, 2018, second by Councilman Marchese

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

Negative: None

Abstain: Councilwoman Sorensen

Absent: None

OLD BUSINESS

HEARING AND ADOPTION 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.**

On motion of Councilwoman Sorensen, second by Councilman Jaeger with Ayes by all present, Mayor Lucarelli opened the meeting for comments or questions at 7:27 p.m.

There being none, the Hearing was closed to the public at 7:28 p.m. on motion of Councilman Peters, second by Councilwoman Sorensen with Ayes by all present.

Offered for adoption by Councilman Peters, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: None

With regard to a requested stop sign for Spruce Drive on to Buttonwood, Attorney Alfieri said this was discussed at an earlier meeting. Corporal John Waltz did an investigation/survey of the area and recommended a stop sign be installed; Engineer Gardella agrees. An ordinance will be listed for introduction on the June 25th agenda.

**NEW BUSINESS - CONSENT AGENDA
RESOLUTIONS**

1. Resolution No. 2018-129, Executive Session – Possible Litigation, Pending 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. 20 Gillespie, LLC

Pending Litigation

1. Yacht Works

Acquisition of Property

1. River Road

Contract Negotiations

1. Maser Engineering Proposal

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

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

Offered for adoption by Councilman Peters, second by Councilwoman Sorensen

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

2. Resolution No. 2018-130, Authorize Mailing of Estimated Tax Bills

WHEREAS, due to the late adoption of the State of New Jersey's budget the County Board of Taxation is unable to certify the tax rate at this time and the municipal Tax Collector will be unable to mail the tax bills on a timely basis;

WHEREAS, the municipal Tax Collector in consultation with the municipal Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies;

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:

1. The Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the municipality for the third installment of 2018 taxes. The Tax Collector shall proceed and take such actions as permitted and required by P.L. 1994, c72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The estimated tax levy for 2018 is hereby set at \$31,534,533.72.
3. In accordance with law, the third installment of 2018 taxes shall not be subject to interest until the later of the grace period or the twenty-fifth calendar day after the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date which interest may begin to accrue.

Offered for adoption by Councilman Peters, second by Councilwoman Sorensen

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

3. Resolution No. 2018-131, Approve 2018/2019 Liquor License Renewal for Shrewsbury River Yacht Club

WHEREAS, an application for renewal of a club license has been made to the Mayor and Council of the Borough of Fair Haven; and

WHEREAS, the Borough Clerk certifies that the requisite fee has been paid and a Tax Clearance Certificate is on file in her office.

NOW, THEREFORE, BE IT RESOLVED that a club liquor license be issued by the Borough of Fair Haven and the appropriate officer of the Borough of Fair Haven is authorized to issue and sign the same in the name of the Borough of Fair Haven for the period commencing July 1, 2018 and ending June 30, 2019 upon application filed by:

1313-31-006-001 Shrewsbury River Yacht Club

Offered for adoption by Councilman Peters, second by Councilwoman Sorensen

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

Negative: None

Abstain: Councilwoman Koch

Absent: None

4. Resolution No. 2018-132, Approve 2018/2019 Liquor License Renewal for Knights of Columbus

WHEREAS, an application for renewal of a club license has been made to the Mayor and Council of the Borough of Fair Haven; and

WHEREAS, the Borough Clerk certifies that the requisite fee has been paid and a Tax Clearance Certificate is on file in her office.

NOW, THEREFORE, BE IT RESOLVED that a club liquor license be issued by the Borough of Fair Haven and the appropriate officer of the Borough of Fair Haven is authorized to issue and sign the same in the name of the Borough of Fair Haven for the period commencing July 1, 2018 and ending June 30, 2019 upon application filed by:

1313-31-005-001 Columbus Club of Red Bank

Offered for adoption by Councilman Peters, second by Councilwoman Sorensen

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

Negative: None

Abstain: Councilman Marchese

Absent: None

5. Resolution No. 2018-133, Approve 2018/2019 Liquor License Renewal for The Cellar

WHEREAS, an application for renewal of a plenary retail distribution license has been made to the Mayor and Council of the Borough of Fair Haven; and

WHEREAS, the Borough Clerk certifies that the requisite fee has been paid and a tax clearance certificate is on file in her office.

NOW, THEREFORE, BE IT RESOLVED that a plenary retail distribution license be issued by the Borough of Fair Haven and the appropriate officer of the Borough of Fair Haven is authorized to issue and sign the same in the name of the Borough of Fair Haven for the period commencing July 1, 2018 and ending June 30, 2019 upon application filed by:

1313-44-001-005 The Cellar, Inc.

Offered for adoption by Councilman Peters, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: None

6. Resolution No. 2018-134, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the June 11, 2018 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2018 CURRENT ACCOUNT	\$ 176,236.18
PAYROLL AGENCY	\$ 13,494.00
OTHER TRUST	\$ 5,720.28
DOG TRUST	\$ 135.82
TOTAL	\$ 195,586.28

Offered for adoption by Councilman Peters, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: None

Reports of Departments

May 2018

-Municipal Clerk

-Dog License

-Planning Board and Zoning Board

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 7:32 p.m. Mayor Lucarelli congratulated Councilwoman Sorensen on another successful Fair Haven Day. Councilwoman Sorensen thanked the entire committee and volunteers as well as the Police Department and DPW. She said that she appreciates everything that was done to make the day a success including Mother Nature.

Chris Brenner, Maple Avenue, thanked the governing body for changing the heading for Yacht Works to pending litigation, but felt it is still vague. He said that Fair Haven Yacht Works released some of the details regarding this matter and as a resident and member of Yacht Works he is concerned and outraged by this. Mr. Brenner said that this issue has to do with the dock that has been there for a long time showing the book he wrote on Fair Haven's history. Councilman Peters said that the statement made is not entirely true. Mayor Lucarelli said that what was stated is not what is being litigated. The Borough has spent \$40,000 to defend this matter and now has sued the DEP and Yacht Works; this is taxpayer's money. Mr. Brenner said that the money that has been spent could have gone toward better brush service. The Mayor responded that the facts given are not entirely accurate and not about the case. The Borough did not enter into this dispute out of choice; we are defending the rights of the citizens of Fair Haven.

Bob Krueger, McCarter Avenue, said that he is a long-time resident who uses the Yacht Works dock and asked how the residents are going to benefit from the lawsuit and why the Borough is going after Yacht Works. Mayor Lucarelli said that he would love to divulge the information, but the matter is ongoing. Attorney Alfieri said most of this matter is litigation and there is a Yacht Works application that is before the DEP that the Borough has objected to. Mr. Krueger was told he could OPRA the DEP for the application information. The Mayor said he understands the public's frustration by what they have been told by an aggrieved business owner, but it cannot be discussed at this time. Administrator Casagrande was asked to OPRA the DEP for the information so it is available to the public.

John Lorenz, Third Street, asked if a Management Agreement was offered by the State. Attorney Alfieri said there was action by the State to void the Borough's riparian grant from the 1960s taken by the applicant's paperwork to the DEP. Mr. Lorenz said that he attended the May 29th Council Meeting and asked if the State was in touch with the Borough regarding a Management Rights Agreement and was told no. He was advised that we have an application pending with the Tidelands Bureau for an agreement and are waiting on a ruling (for the Borough's DeNormandie property as a passive park); there are a lot of moving parts to the

matter. Mr. Lorenz said that a business owner is under duress by this and it is not fair. The Mayor advised that the Borough cannot respond to this statement due to the litigation pending and Mr. Lorenz was making statements on one letter out of hundreds of letters. Once the litigation is over, we can discuss it.

Donna Steiner, Colonial Court, thanked the Borough for the new stop signs; they are great and appreciated. Mayor and Council were also thanked for the efforts to prevent plastic or address plastic recycling. She offered her help, if needed. She asked if there was an Environmental Public Grant for businesses to transition. The Mayor said he did not think there was anything out there in the form of grants. The Business Association had a meeting last week and they are looking into single use plastics i.e. straws and food containers. Mrs. Steiner asked what is happening on Hance Road from River Road to the river with the new sidewalks. She said the road is still torn up and is a safety hazard. Administrator Casagrande said that when the new sidewalks were put in, a builder cut into the sidewalk, without permission, and had to repair it at his own expense last week; that section of the road will be paved ASAP.

Laura Kuras, William Street, said she is concerned about the air quality from the brush site. She provided information about fumes from the mulch and said she would e-mail it to the governing body. She asked for thoughts and feedback.

Tom Bull, Maple Avenue, said he is a 26-year resident and asked what the end game with Yacht Works would be. The Borough is defending the rights of Fair Haven's residents to have access to the water from the DeNormandie Avenue passive park. He asked if there was a map of aerials for the public to review; the Borough will work on obtaining that information for the public.

Bob Donnelly, William Street, asked what the end game is for the brush site which has been discussed at numerous Council meetings. He asked if Council has a plan to close the site or move it. He was told the brush site is a Class B facility and it is impossible to get a different one if the site is moved. Mayor Lucarelli said that he is working with the County to see if we can have a shared area for the surrounding municipalities. Our brush site is visited bi-monthly by County representatives and it is tightly regulated. A favorable response is not foreseen. To have our brush hauled to an approved facility and composted would cost a lot of money or an alternative would be to have the residents compost their leaves/brush and leave it on their property. We are trying to obtain a piece of land for a shared facility to process brush. All Borough property is under Green Acres so it is hard to move the site; we would need permission from the State to use a different location. The Mayor said that he would like to place the brush site near the garden plots at Ridge Road and move the garden plots to a reconditioned area at Hendrickson Place. Jen Spitz and various other residents offered to reach out to the DEP. The public was advised that there is a deed restriction on the land and we would need multiple permissions from the County and the State. Advocacy from the public is not needed at this time, but may be needed if we have a place and purpose. Mrs. Spitz offered to do the leg work to get this done. The Borough also has the Natural Area and Recreation Committee (Councilwoman Sorensen is the liaison for both) which would need to sign off as an OK to have a brush facility moved to the property as well as the garden plot renters to be sure they won't be affected. Mayor Lucarelli said at some point he will meet with the Commissioner of the DEP and will invite residents who are being affected to attend and advise how their lives are impacted by the truck traffic and brush grinding process.

Jennifer Spitz, William Street, asked if anyone from Council has been to the brush site in the past two weeks; a majority of Council stated they have. She said the residents could not even go outside due to the odors from the grinding. Councilman Peters said that residents are going to be affected one way or another by events that happen in town i.e. the residents in the area of Fair Haven Fields are affected by the activities that take place in the park. Mr. Donnelly said that he hears that the Mayor and Council agree that the situation is out of hand at the brush site. Councilman Peters said this governing body will not close the brush facility until another location is found and approved. Mayor Lucarelli said the path forward will be through the Recreation Committee and Natural Area Advisory Committee.

Henry Nemser, Gillespie Avenue, said that at the May Council meeting, the Borough Engineer was directed to draft a letter to the developer of 20 Gillespie, LLC and noted that there has not been any progress from the letter written on May 15th on the driveway cut outs. He advised that there has not been any communication and the 15th of this month will be 30 days. The letter that was sent to the developer was read by him. Attorney Alfieri acknowledged that at the end of this week it will be the 30 days and this matter is being discussed in executive session

this evening. The Performance Bond states the governing body will have to certify information if the bond is called. Attorney Alfieri said he spoke with Engineer Gardella and the next step is that a resolution be listed on the June 25th agenda to call the bond and have the Borough Engineer certify information. Attorney Alfieri provided Mr. Nemser with a June 5th letter received from the developer. There is an application before the Planning Board for relief of the original board approval. The bonding company will get involved to have the work completed or it may go to litigation.

Bob Krueger, McCarter Avenue, asked about the end of DeNormandie Avenue where there is supposed to be a passive park with no parking. He was advised that there are a few handicap spots that are allowable. It was asked what is going on with riparian rights; there could be kayaks and allowing people to use the beach. There will not be any playground equipment on the property just some benches. He asked why the Borough is pursuing riparian rights and spending his money. The Mayor advised him to wait until the litigation is finished. Mr. Krueger said that he will look at the material, but the dock has been in town longer than the governing body has.

Ruth Blaser, River Road, asked if the governing body has looked at McCarter Pond lately. She said the bubblers are not working so the pond is a “sea of bile” and looks disgusting. She asked that the bubblers be turned up. Administrator Casagrande said the bubblers are separate from the treatment; the vendor is contacted when there is a bloom. A call will be made tomorrow requesting the vendor treat the pond. Mrs. Blaser thanked the Borough for her brush being picked up, but she still has more to put out.

Andy Mustillo, Riverlawn Drive, said that there was a lot of talk about Yacht Works at Fair Haven Day. He said that he wanted to understand the reason why the Borough bought the land across from Yacht Works. He was advised that the Borough purchased the property for \$1.2 million and will cost the taxpayers approximately \$250,000; most of the purchase is being paid for with grant money. The land was gifted to a gentleman after the Civil War and had been in that family until 2012. We purchased the property based on the previous Master Plan and the need for waterfront property. The Mayor explained the process; we will have a living shore line restored to a natural state with a plaque regarding the Robard/Williams Family. There was no historical significance to the home determined by several Monmouth County departments. Councilman Peters reminded the public that the Borough sold the Masonic Temple property and got that back on the tax rolls.

Councilwoman Koch said that there was an OEM presentation last week for the public at Knollwood School and the first responders did an amazing presentation on responses to emergency situations. She thanked them. It was a great presentation and she wished more people attended.

There being no further comments or questions, the meeting was closed to the public at 8:20 p.m.

Council went into executive session at 8:27 p.m. and this meeting was reconvened at 9:33 p.m.

ADJOURNMENT

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

Time of Adjournment: 9:34 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk