

FAIR HAVEN BOROUGH COUNCIL
JUNE 25, 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, Marchese, Peters Rodriguez and Sorensen. Absent: Councilwoman Koch. Others present: Administrator Casagrande and Attorney Alfieri.

WORKSHOP SESSION

A tree removal appeal from John Tsakiris, Petcon Builders, LLC for 882 River Road was received. A memo was submitted to the governing body by Bill Brooks, Forrester. He will be replanting more trees than required by ordinance. Motion to approve the request moved by Councilman Peters, second by Councilman Rodriguez with Ayes by all present.

A tree removal appeal from Michel Berger, 810 River Road, LLC was received. There was some discussion regarding trees that were approved to be removed in the past and those that exceeded permission for removal. Motion to conditionally approve pending Planning Board approval of a revised landscape plan which reflects the tree removal and replacement on the property moved by Councilman Jaeger, second by Councilman Rodriguez with Ayes by all present except Councilman Marchese who abstained.

A tree removal appeal from Michel Berger, 804 River Road, LLC was received. An application for tree removal was not submitted for this property, but trees were removed. There was brief discussion on the information submitted. Motion to table the matter pending the submission of a tree removal and replacement plan which is acceptable to the Borough's Planner or a separate site plan review by the Planning Board moved by Councilman Jaeger, second by Councilman Rodriguez with Ayes by all present.

A lawn sign request for the WhatSUP event (stand-up paddle board event) to be held on July 21, 2018 in Rumson was received. The signs will be standard lawn sign size to be displayed from June 26th until July 22nd. Suzy Gilbert said that this will be the third year the event is being held. It is a stand-up paddle board race with proceeds going to the Children's Hospital at Monmouth Medical. She said there would be approximately 50 signs in town. The goal is to raise \$100,000 this year. Motion to approve moved by Councilman Peters, second by Councilwoman Sorensen with Ayes by all present.

There has been a request to amend the non-smoking ordinance(s) for the parks in town adopted a few years ago which only permitted smoking on impervious surfaces. The Environmental Commission has requested that smoking be outright banned in public parks and public buildings, as well. Ralph Wyndrum, Environmental Commission Chairman, said that they would like to ban smoking in the parks and include signage at the entrance to the parks. The Mayor asked Attorney Alfieri to amend the current ordinances on the books by striking the impervious surface language and creating an ordinance banning smoking in the Borough's parks and buildings for introduction at the July 16th meeting. Ralph Wyndrum requested signage be at the DPW, Borough Buildings and the park entrances.

Councilman Peters said, earlier today, the Fair Haven First Aid Squad presented a plan to a Council subcommittee to renovate its two ambulances. The Borough and First Aid alternate the purchase of first aid rigs. The last one the Borough purchased was in 2006. A request was made for the Borough to donate the old chassis to the First Aid Squad so they can dispose of them and the First Aid will purchase two new chassis (a cost of \$209,000). They will come before the governing body, at a future date, to address their radios. Both Councilmembers Peters and Sorensen recommended to Council that the chassis be donated to the First Aid (they will title the ambulances to us). Councilwoman Sorensen said that the Borough appreciates the creative solution received from the Fair Haven First Aid. Motion to authorize the First Aid to move forward with the project and the Borough donate the chassis to them moved by Councilman Peters, second by Councilwoman Sorensen with Ayes by all present.

Administrator Casagrande said Bill S1893 (State and Local Tax Legislation) was signed into law by Governor Murphy in May. The bill authorizes municipalities, counties or school districts to establish charitable funds for specific purposes; permits property tax credit for certain donations. This is supposed to become effective July 3, 2018. Rules and regulations have not been released to the municipalities as to how the program will work. Last week the NJ Municipal Manager's Association (NJMMA) hosted a seminar regarding this topic to further

discuss it. The bill and concept are complicated and the responsibility would fall on the Finance and Tax Collector's offices to track/keep an accounting. Administrator Casagrande read bullet points regarding the program and how it is to be calculated and handled. There would need to be a separate trust account for each of the charities which would mean a program update in our Edmunds Finance System. The bill states that donations could be made directly to the County and/or the schools and they do not have a means to accept the funds. The legislation is burdensome to municipalities and is not supported by the IRS. The Director of the Division of Local Government Services has been tasked with the programs implementation. The Borough can choose to participate or not participate. If the county and schools decide to participate, the Borough will have to get involved, by default. The NJMMA is trying to work with Trenton on this. Administrator Casagrande will keep the governing body abreast of the program. There was brief discussion on the program and the issues that could present themselves. Councilman Marchese asked, "if a municipality were to participate in the program, would additional personnel need to be hired?" Yes, 100%.

With regard to the Monmouth County Municipal Open Space (MCOS) program, a letter was received from the County with the 2018 funding that will be available. The usual process would need to be followed if the Borough is interested in pursuing a grant. Administrator Casagrande said that she was bringing this to the governing body's attention to see if they wanted to consider the program. If so, the Borough could submit an application to assist with permits for the DeNormandie Avenue property or trails around Fair Haven Fields (Ridge Road and Fair Haven Road). Fair Haven has been successful with the program in the past. We are trying to close out the current projects we have and there are other projects in queue. Our current MCOS projects are McCarter Park, Sandy Buffer Restoration and the Waterfront Parks along the Navesink River. The consensus of Mayor and Council was to put this on hold until we have a handle on what is outstanding. Councilman Jaeger said that the Borough has other priorities that will fall out of line if we put something on the project list.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:27 p.m. Susan O'Brien, River Road, said that she was surprised by the governing body's reaction to the State's legislation and asked if there were any creative, long-range solutions. It is tough to not be able to deduct property taxes as the law is now and could create a problem for Fair Haven's taxpayers. Councilman Peters said there needs to be a "standardized check off". Councilman Jaeger said the State spends too much money and maybe they should not continue spending. There have been discussions by Tax Assessors, as well, on how properties will be affected. Administrator Casagrande said Bill S1893 is very complicated legislation and will require a lot of personnel to make it happen besides the fact that the IRS is not on board (also not fair to the taxpayers). Mrs. O'Brien asked if there were any other solutions being worked on. Councilman Marchese agreed with Mrs. O'Brien's comment about there being a negative effect on the town and he could see this causing a reduction in the size of homes being built so the taxes are lower. Councilman Peters said other states address their tax structure differently and don't offer as many services i.e. garbage collection, brush collection. Residents are relying on the IRS and they are not going to go along with this legislation.

Robert Muzzy, 20 Gillespie, LLC., asked to address Resolution No. 2018-139, on the agenda, recalling the bond for the 20 Gillespie Project. He stated the Borough Engineer has been unresponsive to e-mail, phone calls and inquiries. The project is done except for two items (the driveways and the agreements with the neighbors being signed). He said Engineer Gardella told them the driveways do not have to be installed. Attorney Alfieri said he spoke with Engineer Gardella last week regarding the May 15th letter sent to 20 Gillespie LLC and nothing had been addressed or done. Mr. Muzzy said a response was sent on June 5th stating that Engineer Gardella and other officials have not responded to permit submissions. He asked how they can finish the project when there has not been a response or meeting set up to address items. Mr. Muzzy said the bond company is going to investigate the claim and will see that 20 Gillespie, LLC complied with what was required and the Borough has what it needs. Attorney Alfieri said that 20 Gillespie, LLC signed a Developer's Agreement and it must be abided by. The next step, if the resolution is passed by Council, is that the Borough Engineer will sign a certification that will be sent to the bond company; he can do another inspection before certifying and if there is compliance, he can state that. Attorney Alfieri said that there are three neighbors, in attendance, who are willing to sign the agreement, but 20 Gillespie is not allowing it to happen. Councilman Marchese confirmed with Attorney Alfieri that there is a Planning Board resolution and court order that the driveways have to be installed; yes. Mr. Muzzy said that 20 Gillespie, LLC has not come to an agreement with the neighbors as they have not agreed to some of the side agreement/milestones that have been set. Attorney Alfieri and Administrator Casagrande held a

meeting a few years ago to try and move the matter forward and nothing has happened since a letter was sent a few years ago. Mayor Lucarelli said that if the three driveways are installed, whether they lead to nowhere or not, then the requirement is satisfied. Attorney Alfieri said that the Planning Board application submitted for reconsideration of the driveways has been deemed incomplete because of trees and a survey that was required; the survey was submitted last week. Mr. Muzzy said that 20 Gillespie, LLC would consider the work if the neighbors would be willing to connect and commit to a schedule. The Mayor thanked 20 Gillespie, LLC for their time.

Jim Moody, Gillespie Avenue, stated he was not sure where Mr. Muzzy was getting his facts from. In 2010, 20 Gillespie, LLC. was required to provide driveway access for the three neighbors. In 2013, a decision was made that the driveways should be installed. He reviewed the history of the matter. The applicant was to remove trees and adjust the roadway. At two Planning Board meetings, those who attended and the Board heard that paver blocks were going to be installed to help with the drainage. In December 2015, Mr. Moody said he and his neighbors, the Borough Attorney and Borough Administrator went to the site to review the project and were not allowed on the property. A picture was submitted of the trees that were removed when the Borough Engineer was out of town attending a conference in North Jersey (a Stop Work Order had to be issued). There have been various revisions to the drainage submitted. In 2016, Mr. Macri decided that the neighbors had six months to have a plan and when the neighbors asked if they could hire and pay the applicant's engineer to help tie in the project, the applicant advised he would not allow it. The neighbors hired Mr. Ward to assist with a plan. There were many letters sent to the attorney and engineer for 20 Gillespie regarding the issues. The resolution and agreement with the Borough gave them two years to complete the work and it was not done. Mr. Moody said that landscape trees were just planted on Sunday with no sprinkler system; they are not going to take. They also put gravel at the access to the beach which is currently washing away. The bond has been reduced by the governing body for the work completed. The work that was done this weekend was only done due to the resolution listed on tonight's agenda. There has been no action at the site until the resolution was listed.

Henry Nemser, Gillespie Avenue, said he lives adjacent to the property being discussed and the neighbors did not want to see a resolution to call the bond, they just wanted the work that was promised to be done. The neighbors are prepared to do the work, estimates have been received and were recertified/updated since it has been awhile. The neighbors will complete any project they are responsible for, but they want 20 Gillespie, LLC to comply with what was presented in 2013 before the Planning Board.

Administrator Casagrande stated that there is the process that the Borough Engineer has to go through. If there are 30 outstanding items on a punchlist, it is not reviewed/inspected one by one, it is reviewed and inspected as a whole.

There being no further comments or questions, the meeting was closed to the public at 7:55 p.m.

APPROVAL OF MINUTES

Councilman Rodriguez made a motion to approve the Regular Meeting minutes of June 11, 2018, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: Councilwoman Koch

Councilman Rodriguez made a motion to approve the Executive Session minutes of June 11, 2018, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: Councilwoman Koch

OLD BUSINESS

There was no old business brought before the governing body.

NEW BUSINESS

INTRODUCTION OF ORDINANCES

1. Ordinance No. 2018-17, Supplement Chapter 7-20, Stop Signs to include Spruce Drive

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

BE IT ORDAINED by the Council of the Borough of Fair Haven, in the County of Monmouth, in the State of New Jersey, as follows:

I.

The purpose of this Ordinance is to supplement Chapter 7, specifically Section 7-20 Stop Intersections.

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

II.

7-20 STOP INTERSECTIONS.

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

<i>Intersection</i>	<i>Stop Sign(s) On:</i>
Battin Road at Boat Ramp	Battin Road
Battin Road at Lewis Lane	Lewis Lane
Beekman Place at Lake Avenue	Beekman Place
Borough Hall Parking Lot at Fair Haven Road	Parking Lot Exit
Buttonwood Drive at Linden Drive	Buttonwood Drive
Charles Court at Harding Road	Charles Court
Clay Street at Gillespie Avenue	Clay Street
Cypress Court at Poplar Avenue	Cypress Court
Danna Court at Gentry Drive	Danna Court
Dartmouth Avenue at Fair Haven Fields	Exit to Fair Haven Fields
Denise Court at Gentry Drive	Denise Court
Elm Place at Willow Street	Elm Place
Fisk Street-Hayes Place at Maple Avenue	Fisk Street-Hayes Place
Gentry Drive at Dartmouth Avenue	Gentry Drive
Harrison Avenue at Harding Road	Harrison Avenue
Harvard Road at Harrison Avenue	Harvard Road
Harvard Road at Lake Avenue	Lake Avenue
Hillcrest Road at Buttonwood Drive	Hillcrest Road
Hillcrest Road at Kemp Avenue	Hillcrest Road
James Court at Gentry Drive	James Court
Kemp Avenue at Willow Street	Kemp Avenue

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Lake Avenue at Princeton Road	Princeton Road
Laurel Drive at Oak Place	Laurel Drive
Lexington Avenue at First Street	Lexington Avenue
Lincoln Avenue at First Street	Lincoln Avenue
Linden Drive at Kemp Avenue	Linden Drive
Linden Drive at South Woodland Drive	Linden Drive
Maple Avenue at Hendrickson Place	Maple Avenue
Maple Avenue at McCarter Avenue	Maple Avenue
Oak Place at Laurel Drive	Oak Place
Oak Place at Willow Street	Oak Place
Oaklawn Road at Harding Road	Oaklawn Road
Park Lane at Laurel Drive	Park Lane
Park Lane at Linden Drive	Park Lane
Park Road at Cambridge Avenue	Park Road
Smith Street at Jackson Street	Smith Street
<u>Spruce Drive at Buttonwood Drive</u>	<u>Spruce Drive</u>
William Street at Henderson Place	Williams Street

Offered for introduction by Councilman Rodriguez, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: Councilwoman Koch

CONSENT AGENDA
RESOLUTIONS

1. Resolution No. 2018-135, Approve Block Party - Gentry Drive/Danna Court - September 8th

WHEREAS, a request was received to hold a Block Party on a portion of Gentry Drive and Danna Court on Saturday, September 8, 2018 from 5:00 pm to 8:00 pm (rain date: Sunday, September 9th, 5:00 pm to 8:00 pm); and

WHEREAS, Chief McGovern reviewed the application and submitted his approval on June 18, 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 a portion of Gentry Drive and Danna Court on Saturday, September 8, 2018 from 5:00 pm to 8:00 pm with a rain date of Sunday, September 9, 2018.

BE IT FURTHER RESOLVED that Permit No. BP 2018-04 will be issued for said event.

Offered for adoption by Councilman Marchese, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: Councilwoman Koch

2. Resolution No. 2018-136, Approve Block Party - Lexington Avenue - July 28th

WHEREAS, a request was received to hold a Block Party on First Street (between Lincoln and Lexington Avenues) on Saturday, July 28, 2018 from 2:00 pm to 11:00 pm with a rain date of Sunday, July 29, 2018; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on June 19, 2018.

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 First Street (between Lincoln and Lexington Avenues) on Saturday, July 28, 2018 from 2:00 pm to 11:00 pm with a rain date of Sunday, July 29, 2018.

BE IT FURTHER RESOLVED that Permit No. BP 2018-05 will be issued for said event.

Offered for adoption by Councilman Marchese, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: Councilwoman Koch

3. Resolution No. 2018-137, Chapter 159: Clean Communities Grant

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such items of revenue in the Budget of the County or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and

WHEREAS, the Borough of Fair Haven has received a \$11,026.19 grant from State of New Jersey for a Clean Communities Grant and wishes to amend its 2018 budget to include this amount as revenue; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2018 in the amount of \$11,026.19 which items in now available as revenue from:

The State of New Jersey
Clean Communities Grant

BE IT FURTHER RESOLVED that a like sum of \$11,026.19 be and the same is hereby appropriated under the caption of General Appropriations – Operations Excluded from CAPS:

The State of New Jersey
Clean Communities Grant

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

Offered for adoption by Councilman Marchese, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: Councilwoman Koch

4. Resolution No. 2018-138, Chapter 159: Alcohol Education Rehabilitation and Enforcement

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such items of revenue in the Budget of

the County or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and

WHEREAS, the Borough of Fair Haven has received a \$1,098.49 grant from State of New Jersey for an Alcohol Education Rehabilitation and Enforcement Fund and wishes to amend its 2018 budget to include this amount as revenue; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2018 in the amount of \$1,098.49 which items in now available as revenue from:

The State of New Jersey
Alcohol Education Rehabilitation and Enforcement Fund

BE IT FURTHER RESOLVED that a like sum of \$1,098.49 be and the same is hereby appropriated under the caption of General Appropriations – Operations Excluded from CAPS:

The State of New Jersey
Alcohol Education Rehabilitation and Enforcement Fund

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

Offered for adoption by Councilman Marchese, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: Councilwoman Koch

5. Resolution No. 2018-139, Authorize Borough Attorney and Engineer to call the bond - 20 Gillespie, LLC

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 “Letter of Credit”); and

WHEREAS, the Developer has not completed the site improvements within the time period provided in the Developer’s Agreement and the Borough Engineer placed the Developer on Notice of the outstanding items by certified letter, return receipt requested, dated May 15, 2018 as required in the Letter of Credit; and

WHEREAS, the Developer has responded to the Borough Engineer’s letter of May 15, 2018 by disputing the status of construction of the bonded improvements.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of Borough of Fair Haven that the Borough Professionals and Staff take any and all actions to call and draw upon the Letter of Credit and to liquidate the cash portion of the performance guarantee.

BE IT FURTHER RESOLVED by the Mayor and Council of Borough of Fair Haven that they endorse the findings of the Borough Engineer as outlined in his May 15, 2018 letter and they further find that the items specified in said letter remain incomplete and outstanding.

BE IT FURTHER RESOLVED by the Mayor and Council of Borough of Fair Haven

that the Borough Professionals and Staff take any and all actions necessary for the purpose of completing all bonded improvements, including but not limited to, preparing, soliciting and accepting bids for said work pursuant to the Local Public Contracts Law.

Offered for adoption by Councilman Marchese, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: Councilwoman Koch

6. Resolution No. 2018-140, Approve 2018-2019 Liquor License Renewal for Raven and The Peach

WHEREAS, an application for renewal of a plenary retail consumption 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 consumption 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:

1313-32-004-014 Raven and The Peach

Offered for adoption by Councilman Marchese, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: Councilwoman Koch

7. Resolution No. 2018-141, Approve 2018-2019 Liquor License Renewal for Nauvoo Grill Club

WHEREAS, an application for renewal of a plenary retail consumption 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 consumption 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:

1313-33-002-010 Nauvoo Grill Club Corp

Offered for adoption by Councilman Marchese, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: Councilwoman Koch

8. Resolution No. 2018-142, Approve Unused Escrow Refund for 68 Forman Street – Paul Cavise

WHEREAS, Paul Cavise, 68 Forman Street, Block 35, Lot 1 submitted an application for change of use to the Planning Board; and

WHEREAS, escrow money was posted by the applicant; and

WHEREAS, Mr. Cavise withdrew his application and has requested that any unused escrow from the application be refunded; and

WHEREAS, the Zoning Board Secretary has calculated and provided, in writing, an escrow refund amount as follows:

Unused Escrow funds in the amount of \$1,024.00.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Chief Financial Officer will refund the unused escrow fees as noted above to Paul Cavise, 26 East Washington Avenue, Atlantic Highlands, NJ 07716.

Offered for adoption by Councilman Marchese, second by Councilwoman Sorensen

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

9. Resolution No. 2018-143, 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 25, 2018 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2017 CURRENT ACCOUNT	\$ 6,503.75
2018 CURRENT ACCOUNT	\$ 148,414.49
GENERAL CAPITAL	\$ 50,161.92
OTHER TRUST	\$ 9,313.10
TOTAL	\$ 214,393.26

Offered for adoption by Councilman Marchese, second by Councilwoman Sorensen

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

10. Resolution No. 2018-144, Appoint Zoning Board, Alternate #1 Member, Unexpired Term - Adam Ludman

WHEREAS, the Borough of Fair Haven has constituted and appointed a Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-69; and

WHEREAS, Borough of Fair Haven Municipal Code 30-3.2a provides that the Mayor may appoint Zoning Board members with the confirmation of the Borough Council; and

WHEREAS, a vacancy currently exists on the Zoning Board, Alternate #1 position with a term that will expire on December 31, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Adam Ludman is hereby appointed as a Zoning Board Alternate #1 Member with a term to expire on December 31, 2019.

Offered for adoption by Councilman Marchese, second by Councilwoman Sorensen

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

Reports of Departments

May 2018

- Tax Collector
- Police Department
- Municipal Court

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

GOOD OF THE BOROUGH

Mayor Lucarelli opened the meeting to the public for comments or questions at 7:57 p.m. Paul Lenskold, McCarter Avenue, came forward to speak about the Yacht Works matter. He read the complaint and asked if the matter is about property or money; he was advised property. The governing body was asked, "What is the plan to use the water?" Mayor Lucarelli read a statement on behalf of the governing body with regard to the matter including a brief history and what has taken place in the Borough's right of way including the encroachment (see statement attached to these minutes). Mr. Lenskold was advised that the Borough has attempted to negotiate with Yacht Works and an agreement that was made was rejected by the NJDEP. All public documents will be available through the Municipal Clerk's Office and the Library. Mr. Lenskold asked, "how much has been spent in legal bills, to date?" He was advised to submit an OPRA request to the Municipal Clerk and an accounting can be provided to him for the legal fees.

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

ADJOURNMENT

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

Time of Adjournment: 8:03 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk