

**FAIR HAVEN BOROUGH COUNCIL**  
**JULY 16, 2018**

The meeting was called to order by Council President Peters at 7:00 p.m. The Flag Salute was led by Lily Halpern followed by a Moment of Silent Meditation. Council President Peters asked that everyone keep Officer Dwayne Reevey and his family in their thoughts. The Sunshine Law Statement was read.

**ROLL CALL**

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

**WORKSHOP SESSION**

A request to waive the commercial filming fee was received from Cameron Spector, Cap Gun Productions. He would like to film a short film on Sunday, July 22<sup>nd</sup> in the Fair Haven Fields Natural Area. He spoke with a received an OK from DJ Breckenridge for use of the area. Councilwoman Sorensen asked where he posts his films? On You Tube and enters them at film festivals, etc. Motion to approve moved by Councilwoman Sorensen, second by Councilman Rodriguez with Ayes by all present.

With regard to Improvements to Third Street, Administrator Casagrande said that the project went out to bid for this project and two bids were received (Earle Asphalt and Diamond Construction) on July 12<sup>th</sup>; results were at the dais. This project is partially funded by an NJDOT grant (\$200,000). The project will create connectivity to the two schools. In 2016, \$125,000 was allocated to fund the project and in 2017, \$200,000 which totals \$525,000 authorized funding for the project. The base bid is for the actual Third Street work (curbs, sidewalks and realigning a blind spot) and two options; Option #1 was the connectivity piece with sidewalks at McCarter Avenue to the pond, as well as, squaring off the intersection and Option #2 was milling and paving the entire length of Third Street. Diamond Construction was the low bidder for the Base Bid plus Option #1 and Earle was lowest bidder with the base bid and two options. The bids came close to the engineer's estimate. It is up to Mayor and Council on how and when they would like to award the bid. The funding for the base bid portion can be done through ordinances and if it is decided to award all three components, the Borough will need an additional funding authorization. The bid can be awarded at the next meeting or when Council sees fit. Administrator Casagrande said that she spoke with Councilman Jaeger last week and there are two minor subdivisions and a few new homes on Third Street plus the DPW facility upgrade which can be helped with this project. Councilman Marchese agreed that milling and paving needs to be done on Third Street, but there is not a lot of sidewalk traffic. Safe Streets to Schools has kids on their bikes and there are other areas in town where help is needed. Councilwoman Sorensen agreed that other streets need attention.

The meeting was opened to the public for comments or questions on this topic. Robert Lenczyk, Fair Haven Road, said he bought his house because you can fit more cars in the driveway. If sidewalks are installed, driveway space would be lost. He is a 26-year resident and does not recall any injuries occurring on the road that would warrant sidewalks. If both sides of the street have sidewalks, it will be harder to watch the kids.

Consensus of Council was to table this matter until July 30<sup>th</sup> for further discussion. It was requested that Engineer Gardella attend to speak about the proposed project.

Councilman Rodriguez said the Master Plan calls for this to be done. He read from the resident surveys received. Specifications were prepared and bids were received so the governing body should not back away from the project. Consensus is needed as to what should be awarded.

Lori Marrone, William Street, said that her kids do not attend public school and felt that sidewalks are really important regardless. There are kids in the summer time that play outside, there are cars that speed not to mention the sight obstruction in an area on Third Street. She was advised that the sidewalks would be installed; the question/concern is about the paving.

Administrator Casagrande updated the governing body on the status of 20 Gillespie, LLC. Engineer Gardella received a call from 20 Gillespie, LLC indicating that they would like to meet with him and the neighboring property owner's engineer. The Borough is in the process of calling the bond. 20 Gillespie, LLC would like to use the same contractor for the driveway installations. Attorney Alfieri advised that the Borough has not contacted the bond company because Engineer Gardella is correcting his letter with an update on the project; this will be sent to the bond company.

Updated school aid figures were sent on Friday. The Division of Local Government Services forwarded the numbers to the schools and the schools have until Friday, July 20<sup>th</sup> to amend their A4F statement. The Borough will then prepare and mail out the tax bills.

**PUBLIC COMMENT ON AGENDA ITEMS**

The meeting was opened to the public for comments or questions at 7:22 p.m. Susan O'Brien, River Road, asked when the tax bills will go out. She was advised around July 25<sup>th</sup> and property owners will have 25 days from the mailing to pay them.

There being no further comments or questions, the meeting was closed to the public at 7:23 p.m.

**APPROVAL OF MINUTES**

Councilman Rodriguez made a motion to approve the Regular Meeting minutes of June 25, 2018, second by Councilwoman Sorensen.

Affirmative: Councilmembers Marchese, Peters, Rodriguez and Sorensen

Negative: None

Abstain: Councilwoman Koch

Absent: Councilman Jaeger

**OLD BUSINESS**

**HEARING AND ADOPTION OF ORDINANCES**

1. 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.**

On motion of Councilwoman Sorensen, second by Councilman Marchese with Ayes by all present, Council President Peters opened the meeting for comments or questions at 7:23 p.m.

There being no further comments or questions, the Hearing was closed to the public at 7:24 p.m. on motion of Councilwoman Koch, second by Councilwoman Sorensen with Ayes by all present.

Offered for adoption by Councilwoman Sorensen, second by Councilman Marchese

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

Negative: None

Abstain: None

Absent: Councilman Jaeger

2. Ordinance No. 2018-17, Supplement Chapter 7-20, Stop Intersections 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**

On motion of Councilman Rodriguez, second by Councilman Peters with Ayes by all present, Council President Peters opened the meeting for comments or questions at 7:24 p.m.

Councilman Rodriguez said that he lives in this area and the stop sign on Spruce Drive will help. It was discovered that Spruce was not a controlled intersection, so it was studied and a recommendation was made to install a stop sign.

Lily Halpern, Buttonwood Drive, thanked the governing body for the stop sign which will let her and her friend ride their bikes and play more safely.

There being no further comments or questions, the Hearing was closed to the public at 7:26 p.m. on motion of Councilwoman Koch, second by Councilman Peters with Ayes by all present.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: Councilman Jaeger

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

1. Ordinance No. 2018-18, Amend Code 3-25, No Smoking in Borough Parks and Buildings

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN  
IN THE COUNTY OF MONMOUTH AMENDING SECTION 25, NO  
SMOKING IN PUBLIC PARKS IN CHAPTER 3, POLICE REGULATIONS**

**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 amending Chapter 3, specifically adding Section 25, No Smoking in Public Parks.

**NOTE:** The section of Chapter 3 that is to be amended by Ordinance is Section 25 No Smoking in Public Parks. All additions are shown in **bold italics with underlines**. The deletions are shown as ~~***strikeovers in bold italics***~~. Sections of Chapter 3-25 that will remain unchanged are shown in normal type.

**II.**

**3-25.1 Smoking Prohibited.**

No person shall smoke any products, which include but are not limited to, cigarettes, pipes, cigars, etc. in any municipally owned **building**, public park, sanctuary or recreation area ~~***except on impervious surfaces***~~.

**3-25.2 Violations and Penalties.**

For any violation of this Section, the responsible party shall be fined, upon conviction, the sum of twenty-five (\$25.00) dollars for the first offense and fifty (\$50.00) dollars for every offense thereafter, payable to the Borough of Fair Haven.

Offered for introduction by Councilwoman Sorensen, second by Councilman Marchese

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

Negative: None

Abstain: None

Absent: Councilman Jaeger

2. Ordinance No. 2018-19, Amend Code 9-1-35, No Smoking in Borough Parks and Buildings

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN  
IN THE COUNTY OF MONMOUTH AMENDING SECTION 1.35, NO  
SMOKING IN PUBLIC PARKS IN CHAPTER 9, PARKS AND RECREATION  
AREAS**

**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 amending Chapter 9, specifically amending Section 1.35, No Smoking in Public Parks.

**NOTE:** The section of Chapter 9 that is to be amended by Ordinance is Section 1.35 No Smoking in Public Parks. All additions are shown in **bold italics with underlines**. The deletions are shown as ~~***strikeovers in bold italics***~~. Sections of Chapter 1.35 that will remain unchanged are shown in normal type.

II.

**9-1.35. No Smoking in Public Parks.**

No person shall smoke any products, which include but are not limited to, cigarettes, pipes, cigars, etc. in any municipally owned building, public park, sanctuary or recreation area ~~except on impervious surfaces~~.

Offered for introduction by Councilman Marchese, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilman Jaeger

**CONSENT AGENDA**  
**RESOLUTIONS**

1. Resolution No. 2018-145, Executive Session-Personnel, Pending Litigation, Acquisition of Property 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:

**Personnel**

1. Police Department-Shift Coverage
2. DPW Maintenance Position

**Pending Litigation**

1. Yacht Works

**Acquisition of Property**

1. River Road

**Contract Negotiations**

1. M&S Waste
2. Various Interlocals with Rumson (Court, Construction Code, Misc).

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

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

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: Councilman Jaeger

2. Resolution No. 2018-146, Approve Change in Bank Signatories for Municipal Court Accounts

**WHEREAS**, Two Rivers Community Bank, 140 Broad Street, Red Bank, New Jersey, is the designated financial institution for all the Municipal Court Account and Municipal Court Bail Account of the Borough of Fair Haven; and

**WHEREAS**, there is a need to amend the signatories for Municipal Court Bank Account #1218507517 and Account #1218507625.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that until otherwise changed all checks, warrants, notes and other financial papers for the Borough of Fair Haven Municipal Court and Municipal Court Bail be signed by Municipal Court Judge Peter Lucas or Municipal Court Administrator Michele R. Smallze or

Deputy Municipal Court Administrator Colleen Schulster or Mayor Benjamin J. Lucarelli.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to Municipal Court Administrator Michele R. Smallze and Two River Community Bank.

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

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

3. Resolution No. 2018-147, Payment of Vouchers

**BE IT RESOLVED** by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the July 16, 2018 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2017 CURRENT ACCOUNT	\$	3,375.00
2018 CURRENT ACCOUNT	\$	309,643.70
PAYROLL AGENCY	\$	13,578.39
OTHER TRUST	\$	4,399.17
DOG TRUST	\$	1.20
<b>TOTAL</b>	<b>\$</b>	<b>330,997.46</b>

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

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

4. Resolution No. 2018-148, Approve Place to Place Transfer for The Cellar, Inc.- This resolution was pulled and will be relisted on the July 30<sup>th</sup> agenda.
5. Resolution No. 2018-149, Approve Fire Department Membership Application - Richard G. Andres, Jr.

**BE IT RESOLVED** by the Borough Council of the Borough of Fair Haven that Richard G. Andres, Jr., 15 Second Street, Fair Haven, NJ having been duly accepted as a regular member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department.

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

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

6. Resolution No. 2018-150, Appoint Councilman Jaeger to the Two Rivers Water Reclamation Authority, unexpired term

**WHEREAS**, William Leonard resigned his position on the Two Rivers Water Reclamation Authority in June 2018; and

**WHEREAS**, there is a need to be an appointment made to fill the vacancy left by Mr. Leonard which will expire on December 31, 2018.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Fair Haven that Councilman Eric Jaeger will be appointed to fill the vacancy as Fair Haven's representative to the Two Rivers Water Reclamation Authority.

**BE IT FURTHER RESOLVED** that this appointment will expire on December 31,

2018.

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: Councilman Jaeger

7. Resolution No. 2018-151, Authorize Borough Attorney and Engineer to call the bond – Buttonwood Investors

**WHEREAS**, Buttonwood Investors LLC (“Developer”) obtained subdivision approval for property known as Block 65, Lots 3, 4 and 5 as described on the Tax Map of the Borough of Fair Haven; and

**WHEREAS**, the Developer has posted a cash performance guarantee in the amount of \$24,288.24 which was reduced on March 12, 2018 to \$14,580; and

**WHEREAS**, the Developer has not completed the site improvements and the Borough Engineer placed the Developer on Notice of the outstanding items by letter dated May 11, 2015 (a copy of which is attached); and

**WHEREAS**, the Developer has not responded to the Borough Engineer’s letter of May 11, 2015.

**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 liquidate the cash 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, 2015 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 Councilwoman Koch, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: Councilman Jaeger

### **Reports of Departments**

#### **May 2018**

-Chief Financial Officer

#### **June 2018**

-Municipal Clerk

-Dog License

-Planning Board and Zoning Board

-Tax Collector

-Police Department

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

### **GOOD OF THE BOROUGH**

Council President Peters opened the meeting to the public for comments or questions at 7:28 p.m. Donna Steiner, Colonial Court, asked what the hours are for noise. She was advised that on the weekdays, 8:00 a.m. until dusk and the weekends, 9:00 am until dusk. If there is an issue, she was advised to contact the police department.

Paul Lenskold, McCarter Avenue, asked to address the Council regarding Yacht Works. He received and reviewed information from his submitted OPRA request. There was reference to a 1962 grant and he asked about the agreement and why some documents were not included in the public folder pertaining to the Yacht Works matter. He said there was information referenced in the documents, but he did not have the 1962 grant, January 2017 letter from Tidelands, November 2015 agreement with Yacht Works, a letter from the Borough to the previous Yacht Works owners dated March 26, 1976. Attorney Alfieri advised Mr. Lenskold to OPRA the documents he felt were missing and they would be reviewed to see if they can be released. Mr. Lenskold asked why Attorney Alfieri was filing the lawsuit against Yacht Works and not Mr. Van Dalen, Esq. and if there was a conflict. No conflicts, Mr. Van Dalen's expertise is NJDEP matters and dealing with state agencies. Mr. Lenskold noted \$51,000 in legal fees, to date, and asked if there is a maximum amount budgeted for this matter. He was advised that it is being discussed; this is a property rights dispute where there is an encroachment on borough property (12 slips) which is being illegally occupied. Mr. Lenskold felt there should not be an open checkbook for this matter as taxpayer money is being spent. Attorney Alfieri said there is a budget line item for legal and if it is exceeded, there would need to be a transfer done. It was asked what the total legal line item amount is; Administrator Casagrande said approximately \$85,000 per year is budgeted for legal. He said that there is a 2015 invoice due to Yacht Works that has not been paid; he was advised that it is part of a negotiation agreement. Mr. Lenskold said at the June 25<sup>th</sup> Council Meeting he asked if Attorney Alfieri was charging the Borough any fees related to the case and that he questioned the legal payment of \$7,888 that he thought was for Mr. Alfieri's law firm. Mr. Alfieri said he must have misunderstood the question/statement and corrected himself by explaining to Mr. Lenskold that the \$7,000 fee was for the other law firm hired by the borough for this matter. Mr. Alfieri stated that his firm began charging for the litigation (Quiet Title) that began in January. It was asked if two law firms are working on matters pertaining to Yacht Works; yes.

Jim Graf, Spruce Drive, felt that Mr. and Mrs. Cerruti (owners of Yacht Works) are being treated unfairly. He stated that they are the hardest working people he knows who have been in business for 50 years. Marinas are the emblem of our town and the Albertina is part of the Borough logo. He asked, "what is going to be gained from this"? Council President Peters said that he will send Mr. Graf and Mr. Lenskold a copy of a picture of the Yacht Works Marina from 1997 and they can compare it to what is there now; if you look at the picture, the difference can be seen. Mr. Graf said that he is concerned as a citizen and a member of Yacht Works.

There being no further comments or questions, the meeting was closed to the public at 7:43 p.m.

Council went into executive session at 7:50 p.m. and this meeting was reconvened at 8:30 p.m.

#### **ADJOURNMENT**

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

Time of Adjournment: 8:30 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR  
Borough Clerk