

FAIR HAVEN BOROUGH COUNCIL
JULY 30, 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 Mayor asked that the family of Joe Gallagher be kept in everyone's thoughts. The Sunshine Law Statement was read.

ROLL CALL

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

PROCLAMATIONS

Mayor Lucarelli, with the assistance of Council President Peters, read four proclamations honoring Girls Scouts who earned their Gold Award (the highest award that can be bestowed upon a Girl Scout), as follows:

Kathryn Medrow established a new Science Club at Knollwood School giving kids an opportunity in STEM (science, technology engineering and math) related extracurricular activities by meeting every other week to conduct fun experiments and discuss science-related topics and with the help of other high-school aged mentors, worked on special projects and concluded with a science fair at the end of the year for family and friends.

Emma Singleton provided musical instruments and instruction to underprivileged children in the Red Bank community by working with the Red Bank Superintendent of Schools and holding an instrument drive which garnered dozens of instruments. There was a music curriculum which she and other Rumson-Fair Haven Regional High School students taught to the children at the Red Bank Boys and Girls Club.

Dana Elderhorst worked with the nurse and principal at Knollwood School to understand the specific hygiene needs of the fourth-grade girls, developed a program and taught it as a supplement to their health education class. She also worked with local retailers to get donations of products.

Julia Wagner became a beekeeper by installing and caring for two Italian honeybee hives at a local property that grows food for Lunch Break.

WORKSHOP SESSION

Administrator Casagrande advised that a letter dated July 12th was received from Douglas Kovacs, Esq., Planning Board Attorney, on behalf of the Planning Board where they point out and contemplate a notice for a conforming lot. We would have to pass an Ordinance for the Borough to notice (not the applicant) the surrounding property owners, if a lot is conforming. Councilman Marchese said there was an inquiry regarding a minor subdivision a few months ago. There is no issue if the lots conform and can be subdivided or if there are no issues with a variance; the surrounding property owners do not need to be notified. At the last Planning Board meeting, a resident attended and voiced her concern about how a subdivision could occur and requested a notice provision be considered outside of the Land Use Law. Councilman Marchese said there are towns who imposed a regulation that notification be given by the municipality to the surrounding homeowners and the courts voted against the need for it because the Land Use Law governs applications.

At the July 16th meeting, the bids for Improvements to Third Street were discussed and carried to this meeting so that Engineer Gardella could attend and give his thoughts and recommendations on the submissions. Administrator Casagrande distributed a spreadsheet for funding available and funding received via grants to the governing body. If Council decides to award on August 20th, funding is available or a capital bond ordinance could be put in place. Engineer Gardella advised the bids were taken on July 12th with a base bid and two options; two bids were received. Third Street from Fair Haven Road to Hance Road would receive sidewalks and curbs as well as reconstruction of Third Street from Church Street to Maple Avenue (site distance issue that needs to be regraded and paved). There would be new sidewalk on Fair Haven Road and reconstruction of the intersection with crosswalks, ramps and ADA improvements (Laurel Drive, Third Street and Fair Haven Road). Option #2 was to mill and pave Third Street with curbing where no curbing exists and some grading. The lowest bidder for Base Bid plus Option #1 was Diamond Construction. Third Street has become an area of reconstruction with 3-4 new homes recently built, a recent demolition and two subdivisions approved by the Planning Board (William and Third and one near Gentry Drive).

Councilman Rodriguez asked about the housing stock that is in the area now. There

would be a road moratorium as there have been with other road projects. Engineer Gardella said there are two homes one has been framed and the other has started the foundation work; his department will work with them. Maple Avenue to Allen Street would be on for a 2nd Phase. The bid number submitted was high because of substantial reconstruction needed on Third Street. With a Change Order, the project would be \$650,000 minus \$250,000 from a DOT Grant. Councilman Marchese asked, “would the sidewalks be the entire length of Third Street?” Yes, it will fill the gap for a smoother walk along the road (Safe Streets to Schools). Councilman Marchese does not have a problem with the streets being reconstructed, but took exception to the sidewalks because Third Street is closed during the school year so kids can bike to and from school. Mayor Lucarelli said that the sidewalks are used when there is vehicular traffic and Third Street is open to motorists. Since the sidewalks are not contiguous, it forces people to walk in the street. Engineer Gardella said he is finalizing the five-year capital plan which will show the number of streets that are in need of repair/paving; estimates are being put together now. Third Street is ½ mile and this project should get us 1,000 feet from Fair Haven Road to Maple Avenue; they will look at the areas on Third Street to patch in, if needed.

Administrator Casagrande said that she would need to know when the governing body would want to award the bid so a time line can be set for the project. If the bid is awarded at the August 20th meeting, it would fall within the 60-day receipt of bids; state paperwork will need to be done and a preconstruction meeting held to get the project up and running. If the governing body decides to award the base bid plus Option #1, a Certification of Funds would be needed through the budgeted capital. The Capital plan will be discussed at the August 20th meeting and we can act at the September 10th or 24th meeting.

Councilwoman Koch asked Engineer Gardella when he thought construction would start. It is a Department of Transportation Project so we would send the awarding resolution to them and they will respond, a preconstruction meeting will be held to include the utility (water, sewer, gas) contractors and police department. This may be anticipated as a fall project; it depends on the contractor. Both bidders are willing to start and once the project begins, it will move. It was asked how the students will get to school during construction and if there will be an alternate route. The project could start late summer and into the school year. Traffic control will be there in the morning. Engineer Gardella and Chief McGovern spoke about the project and the police will manage the children as they go up Third Street when the road is closed. Most of the work will be done while the kids are in school. Chief McGovern said that he will staff, as needed, and will assist in managing the project from a safety aspect.

Councilman Rodriguez asked if there will be tree removal and community items. Engineer Gardella said there are pay items for trees which is in most bid specifications, as well as, replacement/restoration which includes fencing, pavers, sprinklers, mailboxes, etc. Items will be dealt with “as we go”; work will be coordinated with the homeowners who have sprinklers or items that may be affected. The resident’s properties will be top soiled and lawns sodded. There may be a few trees removed that are in bad shape (adjacent to Cedar Avenue). These trees were supposed to be taken down as part of a prior subdivision, but were not. This will be coordinated with the property owners through the Borough’s Arborist.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:32 p.m. Susan O’Brien, River Road, asked if property owners impacted by the project will be notified of the project. No one has been notified. Notification is done after the contract is awarded and prior to construction. The Borough held a public hearing on the project as part of the grant process. Mrs. O’Brien relayed her experience with construction that took place in front of her home as well as the restoration.

Ruth Blaser, River Road, asked that a one-sentence synopsis of the resolutions be given. The Mayor asked if there was a specific resolution she needed a description for. She asked about the purchase of a police vehicle. Councilman Peters said that there has been ongoing discussion on the appropriate vehicles for responses, public safety and what are the best long term surviving vehicles. Police vehicles run constantly with many hours of use in all sorts of weather.

Evan Hughes, DeNormandie Avenue, spoke of sidewalks and handicap accessibility. He suggested the governing body consider Third Street becoming a one-way street if this DOT project takes place and a bike lane is installed. Engineer Gardella said the plan is to be ADA compliant and getting as many of the elements required in.

Jeanne Lenczyk, Fair Haven Road, said that sidewalks are not necessary on Fair Haven

Road. A portion of her driveway and front yard and many other resident's driveways will be taken when they are installed. Mayor Lucarelli said the sidewalks will be installed in the Borough's right of way. Nick Lenczyk said the Borough is not being considerate of the residents who live there. There are sidewalks on one side of Fair Haven Road which is safer and there have been no issues with what is there now. He asked that the governing body address other issues in town with raised sidewalks and broken crosswalks, etc. The Mayor said that the arguments presented do not carry weight with traffic safety engineers; they recommend the project that was discussed last meeting and this evening. The sidewalks are there to prevent injury. Mrs. Lenczyk asked how far onto the resident's property will the sidewalks go. We are using the Borough's right of way for the project.

Steve Trudel asked if a four-way stop was going to be installed at Church Street and Third Street; no, part of the scope of work is to regrade that area for better site distance.

Bob Dobson, Fair Haven Road, said that his property will be impacted by the Third Street project. He understands the Borough has a right of way that they will be working with, but in his case, the best tree (White Oak) on Fair Haven Road and on his property will need to be removed and he will be losing many parking spaces in his driveway. There is a crossing guard at the corner of Third and Fair Haven Road as well as by Sickles School. It was suggested that the sidewalks that are in place now be repaired and asked the governing body to look at Fair Haven Road and what the impact will be.

Kim Lewis, Third Street, complimented the Borough on the park and fence installation. She was concerned that when you exit the park into the parking lot there are a lot of people falling, there is no handicap parking and no signage to yield to pedestrians. She said that Councilman Marchese lives near her and there were speed bumps which created uneven pavement and are now causing kids to fall off of their bikes; it is a safety issue. She said that she has a retaining wall in front of her home (corner of Allen and Third Streets) which she likes, but if someone were hurt, she would be responsible. She thought the idea of sidewalks would be great, but in the winter time when it snows, the streets are plowed and garbage cans are out for collection, it will limit the distance people and vehicles can pass through. She said the Third Street Project will make the area look nice, but it comes with a lot of responsibility; maintaining the sidewalks is the property owner's responsibility. She liked the earlier suggestion of Third Street becoming a one-way street. Ms. Lewis asked that the governing body look at Third Street before awarding the bid and that they look at the park, curbing and lack of handicap accessibility.

Liz MacNeil, Third Street, asked who would be liable for trip and falls on the sidewalk and when the residents will be notified of the project. Administrator Casagrande said with regard to the liability for sidewalks, the Borough is protected. We receive notice and act in good faith to address tripping hazards. The insurance companies understand that municipalities cannot fix everything at once. Commercial properties are responsible for their sidewalks and tripping hazards. The plans for the Third Street Project are on the Borough's website and we will make a copy available in the library. A surveyor will flag where the sidewalks will be installed (4' sidewalks, 4' from the curb). Engineer Gardella said there are sidewalk easements in front of the property and the builder for her home paid into the sidewalk fund; currently, there is crushed stone in front of the home.

Richard Mitterando, Third Street, said his driveway is equal to the street (he lives across from Country Lane – north side). Mr. Mitterando was advised that sidewalk is not proposed there; only on the south side.

Mark Kolakowski, Laurel Drive, endorsed the prior comments from the Lenczyk family.

Mrs. O'Brien asked when the tax bills are going out; they will be mailed by this Friday and the grace period has been extended to August 28th. She asked what happened to M&S Waste; they sold their business to Suburban Disposal; there is a resolution on the agenda assigning the balance of the contract to Suburban Disposal. She asked if the contract could be updated; no, they are assuming the contract as it is written. The current contract is in effect until May 2019 and then it will be rebid. Suburban Disposal bought all of M&S's vehicles so the trucks will still show M&S Waste. They have many contracts with municipalities and are doing well.

Ms. Lewis asked how it was decided which side of the street will get sidewalks on Third. Engineer Gardella said a full survey was done of the corridor and a majority of the sidewalks from the corner of Allen to the Gentry are already there; we need to interconnect them. We are

looking for full sidewalk linkage on Third Street from Fair Haven Road to Hance Road.

Councilman Marchese said Third Street was discussed a few years ago and Engineer Gardella explained why sidewalks should be on the south side. We need to make sure there is no parking along the curbs when school is in session and kids are crossing. No parking signs on the south side of Third Street will be needed. The police department is going to have to get involved. Engineer Gardella said uniform signage is part of the contract.

Mr. Hughes said there is not a huge cost difference to install thirsty (permeable) concrete to help with the water flow. Mayor Lucarelli said that thirsty concrete does not hold up on a heavily used roadway; it breaks down rapidly.

Mrs. Blaser asked where The Cellar liquor store is moving to; they are moving to the opposite end from where they currently are. She asked why there will be an online auction; we need to sell both DPW and Police Department equipment. Most government auctions are now done via computer. The company will post pictures and handle the bidding and process for the Borough.

Nick Lenczyk, Fair Haven Road, asked if Fair Haven Road will be paved. He was advised that it is not part of the Third Street Improvement bid; it is on the schedule of roads to be addressed. Engineer Gardella said that they are working on finalizing a list of projects to be done.

Mrs. Blaser suggested the bubblers at McCarter Pond be adjusted. She was advised that the Borough called for treatment to be done, but the weather has caused treatment to be delayed. The contractor was out at the site today.

There being no further comments or questions, the meeting was closed to the public at 8:07 p.m.

APPROVAL OF MINUTES

Councilman Rodriguez made a motion to approve the Regular Meeting minutes of July 16, 2018, second by Councilwoman Koch

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

Mayor Lucarelli advised that the Executive Session minutes of July 16, 2018 would be tabled to the August 20th meeting (for further review) on motion of Councilwoman Sorensen, second by Councilwoman Koch with Ayes by all present.

OLD BUSINESS

HEARING AND ADOPTION 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

On motion of Councilman Marchese, second by Councilwoman Koch with Ayes by all present, Mayor Lucarelli opened the meeting for comments or questions at 8:07 p.m.

There being none, the Hearing was closed to the public at 8:08 p.m. on motion of Councilman Marchese, second by Councilwoman Sorensen with Ayes by all present.

Offered for adoption by Councilman Marchese, second by Councilwoman Sorensen

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

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**

On motion of Councilman Marchese, second by Councilwoman Koch with Ayes by all present, Mayor Lucarelli opened the meeting for comments or questions at 8:08 p.m.

There being none, the Hearing was closed to the public at 8:08 p.m. on motion of Councilman Marchese, second by Councilwoman Koch with Ayes by all present.

Offered for adoption by Councilman Marchese, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: None

**NEW BUSINESS - CONSENT AGENDA
RESOLUTIONS**

1. Resolution No. 2018-148, Approve Place to Place Transfer - The Cellar

WHEREAS, an application has been filed for a Place to Place Transfer of Plenary Retail Distribution License Number 1313-44-001-005 issued to The Cellar, Inc. for premises heretofore located at 594 River Road, Fair Haven, New Jersey; and

WHEREAS, the submitted application form is complete, in all respects, the transfer fees have been paid and the license has been properly renewed for the current license term (2018-2019).

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fair Haven does hereby approve, effective, approximately October 1, 2018, the Place to Place Transfer of the aforesaid Plenary Retail Distribution License premises from its former location at 570 River Road, Fair Haven, New Jersey to its new location at 594 River Road, Fair Haven, New Jersey and does hereby direct the Borough Clerk to endorse the license certificate as follows: "This license, subject to all of its terms and conditions, is hereby transferred to premises located at 594 River Road, Fair Haven, New Jersey."

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: None

2. Resolution No. 2018-152, Accept 2017 Municipal Audit

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2017 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations", and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Fair Haven hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: None

3. Resolution No. 2018-153, Authorize Borough Administrator to Execute Contract for On-Line Auction

WHEREAS, there are certain vehicles and equipment owned by the Borough of Fair Haven which are no longer of use to the Borough and the Borough Council has recommended that they be sold; and

WHEREAS, Local Public Contracts Law N.J.S.A. 40A:11-36 requires authorization of municipal surplus via the adoption of a Resolution; and

WHEREAS, the Borough Administrator is authorized to set the minimum bid for items to be sold.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Borough Administrator be authorized to dispose of the following items of municipally owned property not needed for public use through the process of a public auction to be held August 10, 2018 until August 24, 2018 via on-line auction handled by <http://www.govauctionlistservices.com/>

BE IT RESOLVED that the items to be sold are listed in Exhibit A attached hereto.

BE IT FURTHER RESOLVED that the Borough Administrator is hereby authorized to execute a contract with <http://www.govauctionlistservices.com/> which is attached as Exhibit B.

BE IT FURTHER RESOLVED that any items not purchased at auction may be disposed of by the Borough.

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: None

4. Resolution No. 2018-154, Authorize Extension of Grace Period for 3rd Quarter Taxes

WHEREAS, the Tax Collector has informed the Mayor and Council that the Monmouth County Board of Taxation was delayed in forwarding necessary information for the preparation and mailing of final tax bills to the real estate taxpayers of the Borough of Fair Haven for the year 2018; and

WHEREAS, the present statute requires the imposition of a late charge if 3rd quarter 2018 taxes are not paid by the 10th of August; and

WHEREAS, it would be unfair and unreasonable to impose a penalty for a delinquent payment when the amount of the payment is unknown.

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector of the Borough of Fair Haven is hereby ordered and directed, according to Public Law 1994, Chapter 72, signed July 14, 1994, that if tax bills are not delivered or mailed at least 25 (twenty-five) calendar days prior to the standard due date, then the delinquency date for 3rd quarter 2018 taxes shall be established as the twenty-fifth (25) calendar day after the date the tax bill was delivered or mailed. The tax bills will contain the date on which interest shall start accruing.

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven are hereby extending the grace period for payment of 3rd quarter 2018 taxes to August 28, 2018

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: None

5. Resolution No. 2018-155, Approve Temporary Sign Installation for Fair Haven Fire Department

WHEREAS, in accordance with Borough Code, **30-7.24 (f) Special Event Signs**, civic groups or service organizations may erect a temporary sign prior to a special event provided that permission is granted by the Mayor and Council; and

WHEREAS, the Fair Haven Fire Company has submitted paperwork to the Borough requesting permission to install a temporary sign for their Annual Firemen's Fair; and

WHEREAS, on July 19, 2018, Nicolas Poruchynsky, Zoning Officer approved the Zoning Application for the temporary sign.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Fair Haven Fire Company is hereby authorized to erect a temporary sign "The Outback" on an accessory structure that exists on the property from August 13, 2018 until September 7, 2018.

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: None

6. Resolution No. 2018-156, Appoint Jared Okerson to the DPW Building Maintenance Technician Position

WHEREAS, per the 2017-2021 Teamster's contract, there is a stipend for the position of Building Maintenance Technician in the amount of \$7,500.00; and

WHEREAS, Richard Gardella, Public Works Superintendent, posted the position, conducted an interview and has submitted his recommendation for the appointment of Jared Okerson and Theresa Casagrande concurs with the recommendation made.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Jared Okerson be appointed as Building Maintenance Technician until

February 1, 2019.

BE IT FURTHER RESOLVED that this position will become effective August 1, 2018.

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

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

7. Resolution No. 2018-157, Executive Session–Personnel, 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:

Personnel

1. Police Department Retirement/Staffing

Pending Litigation

1. Yacht Works
2. Community Center Fields
3. 20 Gillespie, LLC.

Acquisition of Property

1. River Road

Contract Negotiations

1. 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 Jaeger, Koch, Marchese, Peters, Rodriguez and Sorensen
Negative: None
Abstain: None
Absent: None

8. Resolution No. 2018-158, Authorize Purchase of a 2018 Chevy Tahoe Police Vehicle

WHEREAS, the Borough of Fair Haven, County of Monmouth, State of New Jersey has determined that there is a need for the replacement of a police vehicle in the Borough of Fair Haven in accordance with the Vehicle Replacement Plan; and

WHEREAS, the vehicle that will be replaced is a 2011 Dodge Charger with 95,000 miles; and

WHEREAS, the Chief Financial Officer, Colleen Lapp, has certified the availability of funds for the lease payment.

NOW THEREFORE, BE IT RESOLVED that by the Borough of Fair Haven that Borough Administrator Casagrande is hereby authorized to enter into a contract through the Cranford Cooperative Purchasing System (47-CPCPS) for a three-year lease of a 2018 Chevy Tahoe SSV 5W4 vehicle for the Police Department in the amount of \$12,960 per year for three years with the option to purchase for \$1 at the end of the lease agreement.

BE IT FURTHER RESOLVED that this purchase is being made through the Cranford Cooperative Purchasing System (47-CPCPS) and was approved by Mayor and Council through the Vehicle Replacement Plan on June 10, 2013.

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

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

9. Resolution No. 2018-159, Authorize Purchase of First Aid Radio Equipment

WHEREAS, a request has been received from the Fair Haven First Aid Squad to purchase new mobile and handheld portable radio equipment for the first aid rigs and line officers; and

WHEREAS, requests have been made as follows:

First Aid

- Two (2) Mobile Radios
- Four (4) Handheld Radios (2 per rig)
- Three (3) Handheld Radios (3 line-officers)

Total Purchase and Installation Amount \$52,026.55

WHEREAS, the above equipment will be purchased for the Fair Haven First Aid Squad and the Chief Financial Officer has certified available funds for said purchase.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the above budget item expenditure is hereby approved.

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

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

10. Resolution No. 2018-160, 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 30, 2018 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2017 CURRENT ACCOUNT	\$ 780.00
2018 CURRENT ACCOUNT	\$1,995,543.99
OTHER TRUST	\$ 2,030.91
TOTAL	\$1,998,354.90

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

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

11. Resolution No. 2018-161, Approve Assignment of M&S Waste Disposal Contract to Suburban Disposal

WHEREAS, the Borough of Fair Haven currently has contract with M&S Waste Disposal for the collection of solid waste and recycling material; and

WHEREAS, M&S Waste has advised the Borough that they are selling their assets to

Suburban Disposal; and

WHEREAS, the Borough approves assignment of the M&S Waste Disposal Contract to Suburban Disposal, contingent upon:

1. Attorney review and approval of the assignment documents
2. NJ Department of Environmental Protection approval
3. A replacement Performance Guarantee by Suburban Disposal be posted

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven that the Solid Waste and Recycling Service contract be assigned to Suburban Disposal and that the Mayor and Borough Clerk are hereby authorized to execute the appropriate paperwork to effectuate said change.

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: None

Reports of Departments

June 2018

-Municipal Court

-Chief Financial Officer

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

GOOD OF THE BOROUGH

Mayor Lucarelli opened the meeting to the public for comments or questions at 8:10 p.m. Councilman Peters announced that there were no action items or issues of concern associated with the 2017 Municipal Audit. He read a section from the audit.

Ruth Blaser, River Road, requested that communications to the Mayor and Council be listed on the agenda. She said, in the past, residents would write letters to the Borough and Council would read them aloud at a meeting. Mayor Lucarelli said residents are more than welcome to write a letter and request it be read into the record. She asked that Council reconsider adding correspondence to the agenda. Councilman Peters said that someone could submit correspondence to be read during Good of the Borough as well.

Paul Lenskold, McCarter Avenue, read a statement for the record with regard to an incident that took place after the July 16th Council Meeting, as follows:

Before I get to any questions, I would like to read this statement, without interruption, and that it be recorded as part of the Borough's minutes.

- Following the end of the July 16, 2018 Borough Council meeting, I was having a conversation with Jim Graff. During that conversation, Councilman Peters approached and interrupted our conversation to show Mr. Graff a photo of Fair Haven Yacht Works that he claims was from 1997 (please note that this photo was not included in the Borough's documents released to the public on July 2, 2018, as it should have been).
- More importantly, Councilman Peters then approached me, unsolicited and unprofessionally, and began to verbally harass me about the fact that over his time on Council he has approved over \$1,500,000 in funding for the Fair Haven Fire Department and questioned me on when did he and Council not pay for undisputed bills.
- I responded to him that, 1) at no time during Open Public Comment did I ever question bills for the fire company not related to the matter of Fair Haven Yacht Works and 2) that to answer his question, correctly, the answer would be at least TWO (the same two that I questioned during Open Public Session as being part of an approved operating budget for which services were rendered and unpaid).
- Please note that even though I am an active member of the Fair Haven Volunteer Fire Company, at no point during my time speaking at the Good of the Borough did I

represent myself as speaking on behalf of the Fire Company and I only questioned unpaid bills related to the matter regarding Fair Haven Yacht Works and ONLY Fair Haven Yacht Works. It is extremely important to not confuse or mix up the issues being discussed.

- Going forward, I ask that Councilman Peters and all other Councilmembers to address all matters during the Open Public Session so that they can be responded to appropriately and at the time when the public can hear and the Clerk can record as part of the minutes.
- Lastly, if Mr. Peters or any other Councilmembers have any additional photos or documents that they have not disclosed to the public, they should do so immediately so that a true and fair assessment of the facts can be viewed by the public.

Mr. Lenskold asked for an apology from Councilman Peters. Councilman Peters said that he was providing both Mr. Lenskold and Mr. Graff with more information (photos showing the changes to the Yacht Works boat slips over the years) pertaining to Yacht Works property. He apologized to Mr. Lenskold that his approach and tone were interpreted as aggressive. The apology was accepted. Mr. Lenskold advised that his questions pertain to Yacht Works and do not have anything to do with the Fair Haven Fire Department; he is digging into the facts. The Borough Clerk requested a copy of Mr. Lenskold's statement for the file.

Mr. Lenskold said that there are many interesting facts in the November 30, 2015 agreement, but nothing about unresolved bills. In paragraph 3 of the agreement it shows that Yacht Works would pay for ½ of the legal fees for the riparian matter and that was honored/fulfilled by Yacht Works. Mr. Lenskold said that services were rendered by Fair Haven Yacht Works and requested the Borough resolve the outstanding bills with them (the bills are not part of the property dispute). Councilman Marchese asked Mr. Lenskold if he was at the meeting on behalf of Yacht Works; he replied, he was in attendance as a concerned citizen and taxpayer. Councilman Peters said the bill is disputed and money is in escrow; the Fire Department has not asked for the bill to be paid. Administrator Casagrande said there is no need for the money to be in escrow. There were a series of negotiations which were well documented; we were not to be charged for the time in question. This bill is part of the counterclaim and the dispute is still on-going. A slip has been provided to the Borough for the rescue boat and the matter will be settled through the proceedings or court action. If the original agreement submitted to the DEP was accepted, the bill would have been paid; the agreement was not accepted by the DEP so we are now in dispute. Mr. Lenskold asked Administrator Casagrande if the money for the slip was included in the Fair Haven Fire Department's Operating Budget and if so, it should have been paid. She replied that the budget is not specific to bills. Bills are paid when a voucher is submitted and approved by Mayor and Council through the bill list at a Council Meeting. Councilman Jaeger advised that the budget is a planning document. Mr. Lenskold said he is familiar with the budget process because he has been through it in the past. He reiterated that Yacht Works paid their share of the legal bill, as promised.

Mr. Lenskold asked if the Borough has job descriptions for each Borough employee. Administrator Casagrande said that there are not descriptions for all employees. He asked about the Zoning Officer and his responsibilities. Attorney Alfieri said the Zoning Officer position is defined by statute. Mr. Lenskold asked if all Zoning Officers have the same powers if it is governed by statute; yes.

There being no further comments or questions, the meeting was closed to the public at 8:22 p.m.

Council went into executive session at 8:25 p.m. and this meeting was reconvened at 9:10 p.m.

ADJOURNMENT

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

Time of Adjournment: 9:10 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk