

FAIR HAVEN BOROUGH COUNCIL
SEPTEMBER 24, 2018

The meeting was called to order by Mayor Lucarelli at 7:00 p.m. The Flag Salute was led by Special Officer Michael Volker followed by a Moment of Silent Meditation. The Sunshine Law Statement was read.

ROLL CALL

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

OATH OF OFFICE
PATROLMAN MICHAEL J. VOLKER

Chief McGovern thanked everyone for coming. He said that it was a long process that brought some good candidates and Michael Volker was appointed as Patrolman. Mike started out as a Police Explorer, became a Special Officer and now he is a Patrolman. He is also active with fire department. Mike's parents, Brian and Kelly, were in attendance and introduced. Chief Paterson of the Rumson Police Department and various officers from surrounding municipalities and a State Trooper was acknowledged. Chief McGovern said that he is happy to have Mike become part of the great department that he has, they are the best of the best.

Mayor Lucarelli administered the Oath of Office while Kelly Volker held the Bible. Brian Volker pinned Mike's badge on his uniform.

Councilman Marchese arrived to the meeting at 7:05 p.m.

PROCLAMATIONS

Mayor Lucarelli called the recipients of the Random Acts of Beauty Award forward and thanked them for making Fair Haven beautiful. He asked that any Garden Club members come forward and stated that a few years ago he and his wife were walking through town and made note of the homes and businesses with beautiful landscaping done by the home or business owner, not a professional contractor. He had asked the Garden Club to look through town and choose recipients for this award. The Mayor read the proclamation aloud. Framed copies of the proclamation were distributed as follows:

The Lenza Residence, 61 Oak Place
The Devlin Residence, 71 Oak Place
The Bernabeu Residence, 97 Lake Avenue
The Kuras Residence, 57 Forrest Avenue
The Heinlein Residence, 65 Willow Street

Garden Plots
Dave Bordelon

Business
Lupo Pizzeria, 757 River Road

WORKSHOP SESSION

Rumson-Fair Haven Regional High School has a Special Referendum Election being held on October 2nd. Dr. Peter Righi and Frank Gripp were in attendance to talk about the referendum and the literature they distributed to the governing body and the public. Dr. Righi said that parents who attended Back to School night commented that the building had not changed since they attended school. There is a bond going off of the books soon so there would be a flat tax rate for residents if the referendum were approved. Frank Gripp provided a little history stating when he began working for the school in 2010 he started looking at the facilities and began to create a list of improvements needed. Meetings were held last fall with the staff, students and public and the groups came up with a brainstorm of ideas. Everyone's lists meshed so they decided to move forward with a referendum. The "mortgage" is about to be paid off so it is a good time to move forward with the plan. Councilwoman Sorensen noted that the literature provided mentions that the school was approved for 32% state funding to assist the district with the project costs and asked Mr. Gripp to explain. He said if capital reserve is used, then there is no state aid; if it is not used, the school can get a debt service reimbursement. Councilman Marchese asked if that was guaranteed; no, nothing is guaranteed. The State has been paying 85% of what the school is eligible for. He was asked if it would be tax neutral in anticipation of state funding; yes. Councilman Rodriguez mentioned that there are a lot of folks who are not aware that this election is taking place since it is not happening during a regularly scheduled

election. There are other people who thought it was being held on October 1st. Mr. Gripp said that this election was announced at the five (5) Back To School nights. Councilman Peters said that the school needs to be careful with notification and making sure that everyone is aware because not everyone has a student in the school system or subscribes to the e-blasts and announcements. Councilman Peters said it would cost nothing if it was part of the General Election ballot and asked what the cost to hold this special school election would be; Mr. Gripp said about \$10,000-\$12,000. It was asked why they would not wait three weeks when there would be longer hours and a larger voter base. There were no costs noted in the literature regarding the project they are seeking approval for. Approximately \$4.5 million for classrooms (10 science classrooms, STEM technology, the library), upper portion of the library, converting the graphic lab into a girl's locker room and constructing a woodshop behind the existing auditorium. The library and woodshop would cost \$1.5 million. They are also looking to create a softball field, turf baseball field and field hockey field. There will be 20-year term financing.

Susan O'Brien, River Road, said that the sample ballot has been delivered and it provides the date and voting location. She asked if the public could have a tour of the school to see what exactly is going to happen; yes. Dr. Righi said what is important in this project plan is that a graphic lab will be made a girl's locker room which is currently in the basement in not the greatest of condition. Councilman Jaeger asked if debt would be issued first and then spent; yes. Mr. Gripp said that they would sell a bond as quickly as possible so that the 2019-2020 budget would be flat.

The next order of business was a tree removal appeal from 46 Church Street. The tree fell and damaged the homeowner's vehicles. Motion to approve the appeal was moved by Councilwoman Sorensen, second by Councilman Jaeger with Ayes by all present. The homeowner, David Horner, was thanked for attending the meeting. Mr. Horner gave Council the history of the tree and stated they thought it was healthy and it turns out it was decaying from the inside out and fell through their cars. He said that he had the tree maintained and they are sad that this happened; the tree was like a family member.

Our contract with Nixle (emergency notification system) expires at the end of the year. They submitted a quote for one year and three years. Three years would maintain the \$2,500 per year cost. If awarded one year at a time, there is the chance that the price can increase. Council asked that a resolution be listed on the October 10th agenda approving a three-year contract.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:28 p.m. There being none, the meeting was closed to the public at 7:28 p.m.

APPROVAL OF MINUTES

Councilman Marchese made a motion to approve the Regular Meeting minutes of September 10, 2018, second by Councilwoman Koch.

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

Negative: None

Abstain: Councilman Rodriguez

Absent: None

Councilman Jaeger made a motion to approve the Executive Session minutes of September 10, 2018, second by Councilwoman Sorensen.

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

Negative: None

Abstain: Councilman Rodriguez

Absent: None

OLD BUSINESS

The Long Live Lax request for a multi-sport wall was discussed at the September 10th meeting and carried to this meeting so the governing body could look at the marked-out area to get an idea of the layout for the wall, fencing, buffer, etc. Motion to approve moved by Councilwoman Sorensen, second by Councilman Peters with Ayes by all present. The students who proposed the idea and fundraised were in attendance. They were advised that the Borough Engineer will work up the plan and a trust account will be created for the wall.

HEARING AND ADOPTION OF ORDINANCES

1. Ordinance No. 2018-20, Amend Borough Code 3-24.1, Halloween Regulations

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE
COUNTY OF MONMOUTH AMENDING THE FAIR HAVEN BOROUGH CODE,
CHAPTER 3, POLICE REGULATIONS, SECTION 24, HALLOWEEN REGULATIONS,
SUBSECTION 1, PROHIBITED ACTS**

On motion of Councilman Peters, second by Councilwoman Koch with Ayes by all present, Mayor Lucarelli opened the meeting for comments or questions at 7:30 p.m.

There being no comments or questions, the Hearing was closed to the public at 7:31 p.m. on motion of Councilman Peters, second by Councilman Jaeger with Ayes by all present.

Offered for adoption by Councilman Peters, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: None

2. Ordinance No. 2018-21, 2018 Capital Bond Ordinance

**BOND ORDINANCE PROVIDING FOR VARIOUS 2018 CAPITAL
IMPROVEMENTS AND THE ACQUISITION AND THE PAYMENT
OF THE PURCHASE PRICE(S) OF REAL PROPERTIES LOCATED
ON RIVER ROAD, BY AND IN THE BOROUGH OF FAIR HAVEN,
IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY;
APPROPRIATING \$3,218,750 THEREFOR AND AUTHORIZING
THE ISSUANCE OF \$3,057,812 BONDS OR NOTES OF THE
BOROUGH TO FINANCE PART OF THE COST THEREOF**

On motion of Councilman Peters, second by Councilwoman Sorensen with Ayes by all present, Mayor Lucarelli opened the meeting for comments or questions at 7:32 p.m.

There being no comments or questions, the Hearing was closed to the public at 7:32 p.m. on motion of Councilwoman Sorensen, second by Councilwoman Koch with Ayes by all present.

Offered for adoption by Councilman Peters, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: None

**NEW BUSINESS -CONSENT AGENDA
RESOLUTIONS**

1. Resolution No. 2018-183, Approve Fire Department Membership-James Imbro

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that James Imbro, 1 Schwenker Place, 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 Councilman Jaeger, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: None

2. Resolution No. 2018-184, Approve Block Party on Poplar Avenue – October 20th

WHEREAS, a request was received to hold a Block Party on Poplar Avenue on Saturday, October 20, 2018 from 3 pm to 11 pm with a rain date of Sunday, October 21, 2018; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on September 17, 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 Poplar Avenue on Saturday, October 20, 2018 from 3 pm to 11 pm with a rain date of Sunday, October 21, 2018.

BE IT FURTHER RESOLVED that Permit No. BP 2018-09 will be issued for said event.

Offered for adoption by Councilman Jaeger, second by Councilwoman Koch

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

3. Resolution No. 2018-185, Executive Session: 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:

Pending Litigation

1. Yacht Works
2. Community Center Fields

Acquisition of Property

1. River Road

Contract Negotiations

1. Architect's Proposal

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

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

Offered for adoption by Councilman Jaeger, second by Councilwoman Koch

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

4. Resolution No. 2018-186, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the September 24, 2018 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2018 CURRENT ACCOUNT	\$	65,648.84
GENERAL CAPITAL	\$	125,321.94
GRANT FUND	\$	3,211.65
OTHER TRUST	\$	7,014.65
TOTAL	\$	201,197.08

Offered for adoption by Councilman Jaeger, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: None

Reports of Departments

August 2018

-Municipal Court

-Chief Financial Officer

Motion to accept the reports as submitted moved by Councilman Jaeger, 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 7:34 p.m. Chris Hempstead, Willow Street, said that he e-mailed everyone with regard to the construction taking place a Forefront. He said he understands that Mr. and Mrs. Berger are upstanding and great citizens which is great, but the residents in the area are suffering. The surrounding property owners attended the Board meeting(s) and listened to the replanting plan. It seems they are constantly asking for forgiveness and stating they were not aware of the violation(s) because it is their contractor. Currently, the residential properties are exposed and there is no privacy. Mr. Hempstead said there are no inspections being done and the original building was not saved, as promised. The Planning Board approved the buildings to be on the property line and it was never that way; it seems that the applicant has a deal with the Borough. Mr. Hempstead was corrected. Mayor Lucarelli said the Borough has had numerous conversations with the property owner regarding the project. They were given a Temporary Certificate of Occupancy for now and the Borough is holding bond money that was posted for the project. They must accomplish a buffer and control the light going forward. No bond monies will be released until they comply with their approvals. It is noted that the project is being done with disregard to the surrounding residents and the Borough continues to work with them in correcting matters. Mr. Hempstead asked why a temporary CO was issued with the project not being in compliance and said that he has videotaped the police warning the contractors and then the police coming back. He is looking into the Planning Board approving this project (size and scope) so quickly stating that he sat on the Zoning Board for years and fought for residents to be able to install a pool, fence or awning and those meetings took hours before approval was given or sometimes not. It is believed that corners were cut. The Mayor said that stop work orders were issued and the Borough has spoken with the property owner repeatedly and reiterated his displeasure. Councilman Marchese addressed Mr. Hempstead by stating that they sat on the Zoning Board together for many years and that he held him in high regard, but the accusation of there being deal with the property owner does not sit well. Councilman Marchese said the Planning Board does not issue the COs. The Planning Board had numerous meetings regarding the Forefront project since 2015 before the approvals were given; the Board always listens to questions and concerns of the surrounding residents. He could not recall if Mr. Hempstead or his wife testified at any of the earlier meetings of the Board. Mr. Hempstead said that the Two River Times and Red Bank Green reported that one building was remaining and a new building was being built and they were going to be connected by an atrium. Councilman Marchese said that Mrs. Hempstead recently testified about what has taken place on the property and the Planning Board was upset by her testimony regarding what has been happening. He made a personal recommendation that the Temporary Certificate of Occupancy not be given until the buffer was in place. Construction Code falls under the State's building regulations that have to be abided by. We still hold their bond and will not release it until we are satisfied that they have complied with all that they promised to get done. Councilman Marchese stated that he was surprised by the height of the Hempstead's property and he wished he looked at their property before the last Planning Board meeting and he is not sure if the buffer will provide total relief. The bond can be called, if need be. Mr. Hempstead said the other issue is the vehicles and equipment at the site being started or put into place around 5:30 a.m. for an 8:00 a.m. start. Councilman Peters said that it sounds like there is a project management problem and the contractor should be spoken to.

Ruth Blaser, River Road, said the Borough's electronic sign states that residents should not put their brush near or on a storm sewer and she asked that the message include no brush in marked parking spaces on River Road. The Borough Clerk advised her that there was a separate slide on the electronic sign stating just what she requested.

There being no further comments or questions, the meeting was closed to the public at 7:57 p.m.

Council went into executive session at 8:03 p.m. and this meeting was reconvened at 8:40 p.m.

INTRODUCTION OF ORDINANCES

1. Ordinance No. 2018-22, Authorize Eminent Domain – 626 River Road

ORDINANCE AUTHORIZING THE BOROUGH OF FAIR HAVEN TO ACQUIRE BY AGREEMENT OR VIA EMINENT DOMAIN, IF NECESSARY, THE PREMISES KNOWN AS 626 RIVER ROAD, BLOCK 31, LOT 1, IN THE BOROUGH OF FAIR HAVEN, MONMOUTH COUNTY, NEW JERSEY, PURSUANT TO N.J.S.A. 20:3-1 OR N.J.S.A. 40A:12A-1 ET SEQ.

WHEREAS, the Borough of Fair Haven has identified that certain real property designated as Block 31, Lot 1 on the Tax Map of the Borough of Fair Haven, commonly known as 626 River Road in the Borough of Fair Haven (the “Property”), as being appropriate for and needed for a public purpose, to wit, the construction of a municipal building to house the Borough’s police department, municipal offices and council chambers; and

WHEREAS, the Borough of Fair Haven has not been able to effectively communicate with the record owner of the Property; and

WHEREAS, if the Borough is unable to acquire title or possession of the Property listed above by agreement with the record title owner of the Property, the Borough wishes to acquire the Property through its power of eminent domain; and

WHEREAS, the Borough has determined that acquisition of the Property, the compensation to be paid for the Property and all matters incidental thereto and arising therefrom will be pursued as provided by N.J.S.A. 20:3-1 et seq.; and

WHEREAS, the Borough of Fair Haven recognizes that pursuant to the within ordinance, prior to any eminent domain proceeding being filed that the Borough of Fair Haven must enter in bona fide negotiations with the prospective condemnee which negotiations shall include an offer in writing by the Borough of Fair Haven to Sunoco Retail, LLC, holding the title of record to the Property to be condemned; and

WHEREAS, the Borough of Fair Haven understands that prior to any such negotiations taking place the Borough of Fair Haven shall appraise said Property and the title owner shall be given an opportunity to accompany the appraiser during inspection of the Property; and

WHEREAS, the Borough of Fair Haven has determined that the property is for use of public purpose; and

WHEREAS, the public purpose for said property is for a municipal building.

NOW THEREFORE BE IT ORDAINED by the Borough of Fair Haven that the Borough of Fair Haven has determined that the property designated as Block 31, Lot 1, on the tax map of the Borough of Fair Haven and commonly known as 626 River Road, in the Borough of Fair Haven, would be an appropriate site for the public purposes of constructing a municipal building to house the Borough’s police department, municipal offices and council chambers; and

BE IT FURTHER ORDAINED by the Borough of Fair Haven that the Borough of Fair Haven hereby authorizes the acquisition of the Property designated hereinabove through agreement with the record title owner or, if an agreement cannot be reached, by condemnation through its powers of eminent domain, in accordance with the authority conferred by N.J.S.A. 40A:12-1, et seq., and in compliance with the provisions of N.J.S.A. 20:3-1, et seq.; and

BE IT FURTHER ORDAINED by the Borough of Fair Haven that the Borough of Fair Haven is hereby authorized to retain any and all professionals, including but not limited to appraiser(s), professional planners, engineers, environmental consultants and attorneys to effectuate the Borough’s acquisition of the Property for the purposes expressed hereinabove.

Offered for introduction by Councilman Jaeger, second by Councilman Marchese

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

Abstain: None

Absent: None

ADJOURNMENT

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

Time of Adjournment: 8:43 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk