

**FAIR HAVEN BOROUGH COUNCIL**  
**OCTOBER 9, 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 Koch, Marchese, Peters, Rodriguez and Sorensen. Absent: Councilman Jaeger. Others present: Administrator Casagrande and Bruce Padula, Esq., Borough Attorney's Office.

Rick Brandt, Little Silver, who is on the Board of Trustees at LunchBreak, brought postcards for the Rivalry Series Flag Football Tournament held the Friday after Thanksgiving at County Basie Field, Red Bank, to benefit LunchBreak. He had the event trophy on display. He said the Recreation Department and Schools have been great to work with. Fair Haven participated last year.

**WORKSHOP SESSION**

The first item of business was the amendment for the November 13<sup>th</sup> meeting. The Annual League of Municipalities Convention will be held the week of November 12<sup>th</sup> and there are some governing body members who will be attending. The best available date to move the meeting would be Thursday, November 8<sup>th</sup>. Councilwoman Koch advised that November 8<sup>th</sup> and 9<sup>th</sup> is Teacher's Convention so she would not be able to attend; other members could adjust their schedules. Motion to move the November 13<sup>th</sup> meeting to November 8<sup>th</sup> moved by Councilman Rodriguez, second by Councilwoman Sorensen with Ayes by all present.

Proposed 2019 Council Meeting dates were provided to the governing body. The list provided was reviewed and since the April 22<sup>nd</sup> meeting would be during spring break, it was decided to move that meeting to April 29<sup>th</sup>. This matter will be relisted on the October 22<sup>nd</sup> agenda for further discussion.

Administrator Casagrande reported that she and Engineer Gardella discussed bulk drop off/pick up for 2019 and they are looking to eliminate bulk drop off and implement a bulk pick up schedule. The thought is to provide bulk pick up on the 4<sup>th</sup> Monday of each month (excluding November, December and January) by our Department of Public Works. No bags of items will be accepted. There would not be a registration like we currently have or a fee; white good prices would have to be reviewed. We will be going out to bid for the trash and recycling contract in early 2019 and we could include the Bulk Pick Up option in the bid. The Borough Ordinances would need to be amended. Councilman Peters asked if trash and recycling had to be addressed by ordinance, if so, we will constantly be amending the ordinance each year. Mayor Lucarelli asked Administrator Casagrande if the DPW would pick up bulk quarterly or monthly; monthly for 9 months out of the year.

With regard to the new NJ Earned Sick Leave Law, the state passed a law which goes into effect on October 29, 2018 guaranteeing sick leave for part-time employees; one hour for every 30 hours worked with a maximum of 40 hours in a year (one-year accrual). Rules and Regulations of the new law were provided in the Council's packet. We will pro-rate for the balance of 2018 and a list of what is allowable will be placed in a policy.

**PUBLIC COMMENT ON AGENDA ITEMS**

Prior to the meeting being opened to the public, Mayor Lucarelli acknowledged the large audience attendance and made note of the texts, e-mail chains and Facebook posts regarding a new Borough Hall/Police Department and DPW facility. He went on to explain that the Borough's Police Department is a retrofitted school house from 1970 and is now mold infested, does not meet building or Department of Justice codes, is not suitable to process criminals and does not meet the Police Department needs. The department has 13 officers, one being a female who share a locker room and have to flip a sign noting the locker room is use by a male or female officer. With regard to our DPW facility, it was built in 1972 as an interim "stop gap" measure. The building is in disrepair, the roof leaks and the exhaust of the vehicles has nowhere to go. The use of the building has changed. We currently have 9 employees including our Mechanic plus an Engineer and Assistant Engineer. Approximately 18 months ago the Borough began to investigate options for the buildings. The thought/plan is to shrink the DPW building down and subdivide the back of the property into lots and sell them to offset the cost of a new building. The costs to retrofit the police department were explained which would still leave the building with the same wiring and mold situation. Heyer and Gruel were hired as Borough Planners and Eli Goldstein was hired as Borough Architect. Concept plans were provided for Council's consideration. There was an idea to place Borough Hall and the Police Department in one building at the Sunoco property. An ordinance was introduced at the September 24<sup>th</sup> meeting and is listed on the agenda this evening for hearing and adoption to enable the Borough to enter into negotiations to purchase the Sunoco property and if we cannot purchase the

property, we can take the property through condemnation. Once the property is acquired, the police department with a sally port would be on the 1<sup>st</sup> floor, borough administrative offices to include engineering and the zoning office on the second floor and the third floor would be the Council Chambers/general meeting room. The site would have 42 parking spaces sufficient to serve the facility purposes. The DPW facility would be reduced in size and the parks facility maintenance vehicles and equipment would be put at a facility built at Fair Haven Fields. The current Borough Hall would remain a Library and a Recreation/Community Center as it is in walking distance to Sickles School.

In the 1980s, the DEP had all municipalities put their lands on the ROSI (Recreation Open Space Inventory). Some residents within 200 feet of the PD/Community Center were noticed regarding an amendment application the Borough submitted to the DEP to remove the parking lot, basketball and tennis courts as they do not belong on the ROSI. The Borough is not sure what will be done with the PD/Community Center building. There will be debt rolling off in 2020 and debt service of the bond will come out to a net neutral payment for the tax payers.

Our facilities are dated and need replacement; new facilities are the best course of action going forward.

The meeting was opened to the public for comments or questions at 7:20 p.m. Diane Mevorach, Navesink Avenue, asked if the bulk pick up change for 2019 is being done because of the new DPW facility plan. She was advised that it was not, bulk trash has been discussed in the past and it is best for our DPW or solid waste/recycling contractor to come and collect the items. She asked if the residents will get to vote on this change; no, the governing body makes the decision, but will accept public input on it. She asked that the Borough's Nixle system be used to convey the ideas and thoughts of the governing body to the residents. Ms. Mevorach asked that the Borough take \$1.5 million to fix the current police department as we are not a crime ridden town where we need to be concerned with transporting and having prisoners in the building. She asked if the new DPW facility would be placed in the nature area at Fair Haven Fields and did not see the need as the Borough will probably consolidate services. Mayor Lucarelli advised that the DPW facility cannot be put on Green Acres land, but we can build a parks facility. Fair Haven has changed quite a bit over the years and we are trying to move industrial use out of the residential area; the State will allow storage of parks vehicles in an area near the gardens and will allow a building as a parks maintenance facility. We also want to get the police department out to River Road and away from the residential area. The Borough does not foresee any municipalities consolidating their police departments as there is no tax dollar savings. Ms. Mevorach asked if dispatch will be brought back if there is a new PD/Borough Hall; no. She asked about the nature area being disturbed with the backing of trucks (exhaust and warning alarms on the trucks). Administrator Casagrande said there are trucks and lawn mowers there now.

Rachel Stellar, River Road, confirmed that there is no bulk drop off scheduled for November, December and January and no bulk will be handled those months. She was advised that she is correct, there is no bulk drop off for the next three months. Mayor Lucarelli said the Borough could send out Survey Monkey with regard to the matter to get a feel for the idea. She was advised that the DPW employees are not given overtime, they receive comp time when they work a bulk drop off. She asked what would be in the building at Fair Haven Fields; pick-up trucks, lawn mowers, rakes for the ballfields, goals/nets for sports, field lining equipment and whatever is needed to maintain the fields.

Mrs. Bailey, Fisk Street, said she was in favor of bulk pick up at her home as it is hard for seniors to bring their items to bulk drop off at the DPW yard.

Neil Tiratto, River Road, asked if there were architectural drawings for the new police department; no, not at this point. A general floor plan study was done to be sure that all would fit within the building envelope. The Borough has asked for drawings to be created; once they are, they will be given to the Planning Board and shown at a public meeting. Mr. Tiratto asked if there was a general time line and cost for the project; we are not sure of the cost until the drawings are done. We went out for architect proposals requesting a guestimate of what they thought might be the cost and Eli Goldstein's firm was the lowest. Councilman Peters said that the Atlantic Highlands municipal building was one of Mr. Goldstein's projects. We will be discussing the style of building, as well. The Borough is looking to sell land to help offset the costs of these projects. There will be housing behind the DPW building which will bring more tax rolls and the Borough has a AA+ bond rating so we will do what we can to defray costs.

Jennifer Spitz, William Street, asked if the parks facility building would be near the cell tower or closer to Ridge Road; The Mayor said that utilities would have to be brought in from McCarter Avenue, not Ridge Road. The building would be closer to the property line of the

church and restrooms could be provided on the Ridge Road side of the building. She asked what vehicles would remain at the Allen Street site; the salt dome, fuel tanks for Borough vehicles, the loaders, mason dumps, the recycling center and the mechanic's shop/garage. Mrs. Spitz asked if the brush grinding facility would be moved. Mayor Lucarelli said that he and Councilwoman Sorensen are attending the annual NJ League of Municipalities Conference in November where he has requested a meeting with the NJDEP to discuss the brush grinding facility. We have been denied by the NJDEP in the past, but we will try again. If we were to be granted approval, we would also have to go to the County and seek their permission. Mrs. Spitz asked if there was anything she and/or her neighbors could do to help with the meeting (provide information such as letter, pictures, etc). Mayor Lucarelli said that they have information and pictures that will be presented for consideration.

Melanie Landers, Lewis Lane, said that there is lack of communication regarding the eminent domain piece for a new municipal building/police department. Mayor Lucarelli said there is a home near the Sunoco station and when we were looking into the land, we weighed all of our options. The appraiser triggered a letter to the that homeowner because of the study which is part of the process. The Mayor assured the public that the Borough is not taking anyone's home. He explained the process if we cannot reach an agreement with Sunoco. As far as communication goes, it would be inappropriate for the Borough to come out and state our reason without having control of the property. Ms. Landers said there are no drawings to view so she is trying to visualize what it would look like since the maximum building height in Fair Haven is 35 feet. Mayor Lucarelli said that the property is on a corner lot with Boynton and Boynton next door, there is a home on one side and the Fire Department is across the street from the lot; the architect will create a plan that will match the size and scale of the surrounding buildings.

Carolyn Ferguson, Colonial Court, said she sat through the Planning Board meetings when Investors Bank was before the board for the Sunoco site. She asked if the Borough will seek variances for a new Borough building and asked if there would be an entry way facing River Road. The public was advised that the Planning Board did not "sandbag" the bank's application; we did not even consider the property as a municipal site at that time (2015/2016). Investors Bank has a branded building that would not fit in with Fair Haven. Mrs. Ferguson was advised that there would be an entrance on River Road and on Cedar Avenue and that the Borough is exempt from variances. We do not anticipate a need.

Susan O'Brien, River Road, asked if a traffic light will be installed at the intersection of River Road and Cedar Avenue because it is a terrible intersection. Mayor Lucarelli stated that it is hard to obtain a traffic light as River Road is a county road. Once the building is constructed and we can provide the need, we will have a traffic study done. Ms. O'Brien said that there will be site issues if the building is going to be built near the roadway. She also said she is concerned about eminent domain being used as she is against it.

Audrey Henne, Oaklawn Road, said there are vines taking over properties near the fields and it needs to be controlled. She said that the Shade Tree and Natural Area are working on cud zoo eradication for quite some time. She was advised that the Borough has a tree service come in to address the cud zoo once we are alerted by the Natural Area Advisory Committee that it has become unmanageable. Mrs. Henne said that there are multiple vines that need to be addressed in the back of the properties near the fields. Councilwoman Sorensen said that she would discuss the concern with the Natural Area Committee.

Mark Olsen, Cambridge Avenue, voiced his concern about the proposed maintenance building at Fair Haven Fields for DPW equipment and asked exactly where it would be. Mayor Lucarelli said that it would be between where the garden plots end near the Christ Methodist Church property line.

The public was advised that both projects evolved separately, but simultaneously. Councilman Peters said that the more roof lines you have, the poorer the planning and the fix for the buildings is depleted. Our borough buildings are from the 1970s and 1980s and are in need of being addressed. This would be a big move, but we have gone with minimal costs and it may be time to make a strategic investment. We always look at funding mechanisms and the best approach. It seems like a lot, but we have this need for the future. The current DPW building and Police building are fully utilized. We hope that the new buildings being considered will last 35 years or more.

Ms. Stellar said that she understood about the facilities (DPW, Borough Hall and the Police Department) and asked if the Sunoco building would be for both the Borough Hall offices and the Police Department; yes. The DPW facility would be shrunk in size, but not eliminated on Allen Street. She asked what would be done with the police building. She has young children and was concerned with the schools and work that they may look to have done even if it

is not related to these projects. She was advised that the Borough is separate from the Board of Education (60% of the tax bill) and resident would have to attend their meetings for information. The Borough portion of the tax bill is 21%. Mayor Lucarelli said that he spoke with Board of Education Presidents, in the past, to do synergy with buildings i.e. early learning child center at Fisk Street, but it is not feasible. With regard to the number of facilities in the Borough, it makes good sense to consolidate. We are looking to expand the library and community center for the children to be able to utilize and to really serve the public and will free up the parking for this property. We are hoping to receive some grant monies to renovate the library.

It was asked if the Borough would be selling any buildings. Once the DPW building is built in its new location (closer to Third Street), we estimate there will be ten (10) lots to be subdivided. If the police building were sold, it could be subdivided into three (3) lots; it has not been determined what would be done with the police property.

Brian Rice, Maple Avenue, asked the governing body if it would be fair to say that we would be bringing our town to the Rumson and Atlantic Highlands building standards. He asked if something could be done for Board of Education offices. A feasibility study was conducted and it was thought that Board of Education offices would not be feasible at any of the Borough's locations. We are sure there would be 10 saleable lots at DPW. The Mayor said the Borough has outsourced just about every service such as the court to Rumson Borough, CFO and Tax Collection services to Middletown, building department services to Rumson, etc.; a savings, thanks to Administrator Casagrande. Services are still being delivered. Another plus is when you have a small operation, there are people that can perform other people's jobs.

Nancy Incremona, Spruce Drive, asked if there was a timeline for when this will all to take place. She questioned if the community center at the police building was mold infested; no, just the police department.

Mr. Rice asked if there was a time frame such as the beginning of next year to move forward. Mayor Lucarelli said the Borough needs to acquire the land first, have the plans drawn up and approved and break ground; hope for the first quarter of 2019.

Jen Halcrow, Fair Haven Road, asked if the tennis courts and the playground on Fisk Street will be affected by the plans. They are on the Borough's ROSI. We share services with the school for maintenance and we share services with Rumson for their DPW to handle our catch basins. Rumson used to handle our parks maintenance, but the person retired so we brought it back in house.

Ms. Mevorach asked if all of this work is brought to the voters for their vote. She does not want a maintenance facility building in the nature area and did not feel it would be the best us to have DPW there. Mayor Lucarelli said that everyone has their ideas and plans; the Borough will make the plans available in the Library and on our website. Ms. Mevorach asked about notifying the public about these types of projects through the Nixle system. Administrator Casagrande said that the Nixle system is used for emergencies; if we post projects and the like on Nixle, the public will not pay attention if there were a true emergency. We place information on the Borough's website, Facebook page, front electronic sign, via e-blast and in the Focus newsletter. You can sign up for notifications through the Borough's website; if you need assistance, you can reach out to Betty Ann in Administration and she will help set you up. Everyone is encouraged to sign up. Public information is big these days. Fair Haven is a small town and employees wear a lot of hats and do their best to get the information out to the public.

Administrator Casagrande said that the Borough does not have conceptual plans, we only had site engineering done. Once we have acquired the property, we will pay for conceptual plans and we will hold public meetings on the project(s).

Christopher Schumann, Locust Avenue, asked what the Sunoco property is going to cost to purchase. Mayor Lucarelli said for the structure, there are no numbers. As far as the land, the Borough cannot pay more than the appraised value. The Mayor has a dozen calls out to the property owner and the Borough's legal counsel has unanswered letters.

Ruth Blaser, River Road, said she has lived in town a long time and felt that the Borough would be creating a problem with once a month pick up; the prior DPW employees were local and knew what was going on in town. She said the Borough has its own Engineer and Assistant Engineer that are well paid instead of an outside company. We have outsourced our trash and recycling pick up and the contractor is not paying attention to the Borough or its residents; we need our own employees for this service. She said our police department is inaccessible before 9:30 am and after 2:30 pm for emergencies. Also, the residents used to be able to get woodchips from DPW. Mayor Lucarelli said that we do offer mulch and chips that are worthy; most of the

chips are not quality. Mrs. Blaser said the DPW is for administration, not the residents. She said there are many people in town whose homes are in foreclosure. She asked if a fire truck would be able to reach a three-story building, if needed. She noted that Sea Bright is constructing a new building because their building was damaged during Superstorm Sandy. Mrs. Blaser asked why meetings cannot be run on Facebook.

Councilman Peters provided numbers for privatizing trash (worker's compensation coverage, equipment costs, the workers). Fair Haven has saved between \$200,000 and \$250,000 per year with outsourcing its trash. The Borough was paying T&M Associates (Borough Engineers) approximately \$400,000 and that was with projects that did not have grant money. Our in-house engineers have brought in quite a few grants for projects and engineering costs are less.

Mark Landers, Lewis Lane, asked about the Sunoco property and a time frame for having a concept plan, passing an ordinance to acquire the property and proceed with the building plan. He felt that having a concept plan drawn in October and breaking ground the first quarter of 2019 was aggressive. He asked that comments be opened for what the people feel. He also asked if the Borough could purchase the property and not build on it if it is taken through condemnation.

Carolyn Ferguson said that she is a volunteer with the Fair Haven Fields Natural Area Advisory Committee and she would like to meet about the proposed field maintenance facility. She said she likes the bulk drop off procedure because of its convenience. Mayor Lucarelli said there are problems with traffic in the surrounding neighborhood, trucks filling up and having to close the drop off early which meant people were being turned away, the man hours and safety are also a concern. The DPW yard is not meant to be a transfer station. The Borough is always looking at services to be delivered for the taxes paid. We plan on handling bulk in-house by collecting it once a month and making it an alternate in the upcoming trash and recycling collection bid specification. Councilman Rodriguez said that bulk pick-up will mean trash will be limited; one man's trash is another man's treasure.

Mr. Rice asked about liquidating properties if there is a shared service; yes, but it is difficult to consolidate departments. He asked if there were any bonds that could be paid off. Councilman Peters said there are many financial mechanisms to prevent a spike in taxes. Mr. Rice said he is a member of the Environmental Commission and has been trying to educate the public regarding dog waste and cleaning up after your pets. Violators should be reported to the police department. Dog waste and/or dog waste bags not disposed of properly wind up in our river; he provided statistics regarding dog waste and pollution in our water. The Mayor said Brian Rice is a true leader and has gotten the Navesink cleaned up and done a lot to improve the Borough.

Katy Frissora, Lexington Avenue, suggested that something be posted on Facebook about how government works. She requested a nice visual about what the timeline will be for the building(s). She said that many people are not sure what the purpose for tonight was. Also, having more graphics than letter would be helpful.

Derek DeBree asked if Maser Engineering was hired to perform an environmental assessment to be sure that the land behind DPW meets residential standards. He asked if lots would be offered through public bid; yes, either through a developer or sold individually. There could be a special development zone created. A new DPW facility would be closer to Third Street and would look like the housing in the neighborhood. Mr. DeBree asked if the Borough tried to negotiate with the Methodist Church for their property; we have numerous times.

Ms. Mevorach asked if the property behind the DPW would be designated senior housing so there would be no additional kids attending our schools; yes. The Mayor said the governing body is aware and knows that there is need for senior housing in town. There are seniors who would love to be able to stay in town but cannot afford home maintenance and taxes. Some would like to sell their homes to their children. Councilman Marchese said that when the plan comes before the Planning Board, it would be important to attend those meetings. It was suggested that the public check the agendas, on line, to see what would be discussed. Ms. Mevorach does not feel that the Borough's website is user friendly.

Josh Halpern, Buttonwood Drive, asked for clarification on the comment about creating senior housing so seniors can stay in town and then selling their home to their children; he said seniors selling their homes to their family, would bring in more children who would attend our schools.

It was noted that there are big plans for facilities, which does not happen often. There is

an ordinance to purchase the property and plans to break ground in 2019. The governing body was asked to keep the public “in the loop” so everyone is aware and knows what to expect. Mayor Lucarelli said that the architect will provide a timeline of events when a plan is set. Administrator Casagrande said there is a process to everything, but government projects take time. The DPW project will break ground first not the Borough building.

Tina Stanley, Forman Street, said that if a professional is being hired to handle the project, there will be amendments to the renderings which will cost time. She asked that there be public input on what is wanted and needed so the architect can incorporate the public’s thoughts into the plan. She was advised that the professionals hired specialize in these types of projects such as designing a police department and there are state department approvals that will be required especially with the police department. We will provide meetings as informational sessions. The Mayor said at the end of the day we need new buildings.

Mr. DeBree said that he is protective of the Natural Area and is concerned about the facility to be constructed there. He is also concerned about the size of the municipal building on River Road and violation of our code and the precedent it may set with it. He was advised that there are numerous structures in town that have three floors (commercial and residential).

Mrs. Henne said with regard to the issue regarding the vines, she wants Shade Tree considered in the process for vine removal. She was advised that Councilman Rodriguez is the liaison to Shade Tree and he will relay the request.

Mrs. Ferguson asked if Borough Hall was going to be three stories, would it have an elevator; yes.

There being no further comments or questions, the meeting was closed to the public at 8:47 p.m.

**APPROVAL OF MINUTES**

Councilman Rodriguez made a motion to approve the Regular Meeting minutes of September 24, 2018, second by Councilwoman Sorensen

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

Councilman Rodriguez made a motion to approve the Executive Session minutes of September 24, 2018, second by Councilwoman Koch

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

**OLD BUSINESS**

With regard to 20 Gillespie, LLC, Administrator Casagrande advised that the driveways were installed on both sides of the property. There will no longer be a Planning Board application and no need to call the bond. Councilman Marchese said that calling the bond seems to have brought urgency to the driveways being installed as agreed to and in accordance to the approval given.

**HEARING AND ADOPTION OF ORDINANCES**

1. Ordinance No. 2018-22, Authorize Eminent Domain

**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.**

On motion of Councilman Peters, second by Councilman Marchese with Ayes by all present, Mayor Lucarelli opened the meeting for comments or questions at 8:48 p.m.

There being none, the Hearing was closed to the public at 8:48 p.m. on motion of Councilwoman Koch, second by Councilman Peters with Ayes by all present.

Offered for adoption by Councilman Peters, second by Councilman Marchese

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

**NEW BUSINESS -CONSENT AGENDA**  
**INTRODUCTION OF ORDINANCE**

1. Ordinance No 2018-23, Amend Bond Ordinance No. 2018-21

**BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE  
NUMBER 2018-21 (WHICH PROVIDES FOR VARIOUS 2018 CAPITAL  
IMPROVEMENTS AND THE ACQUISITION AND THE PAYMENT OF THE  
PURCHASE PRICE(S) OF REAL PROPERTIES LOCATED ON RIVER ROAD)  
HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE  
BOROUGH OF FAIR HAVEN, IN THE COUNTY OF MONMOUTH, STATE OF NEW  
JERSEY, ON SEPTEMBER 24, 2018, TO AMEND THE DESCRIPTION SET FORTH  
THEREIN, TO INCREASE THE APPROPRIATION THEREIN BY \$390,000 (TO  
INCLUDE A \$350,000 GRANT EXPECTED TO BE RECEIVED FROM THE NEW  
JERSEY DEPARTMENT OF TRANSPORTATION) AND TO INCREASE THE  
AUTHORIZATION OF BONDS OR NOTES BY \$390,000**

**BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF  
THE BOROUGH OF FAIR HAVEN, IN THE COUNTY OF MONMOUTH, STATE OF  
NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS  
FOLLOWS:**

**SECTION 1.** The Bond Ordinance of the Borough of Fair Haven, in the County of Monmouth, State of New Jersey (the "Borough") heretofore finally adopted on September 24, 2018, numbered 2018-21 and entitled, "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", (the "Original Ordinance"), is hereby amended and supplemented to the extent and with the effect as follows:

**SECTION 2.** Section 3(a) is hereby amended and supplemented to amend the description set forth therein, as follows:

<u>"Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(v) <b><u>Improvements to Battin Road</u></b> , Various Roadway Improvements to Battin Road, Which Improvements Shall Include, But Not Be Limited To, As Applicable, Excavation, Milling, Paving, Reconstruction And Boxing Out And Resurfacing Or Full Depth Pavement Replacement, And Where Necessary, The Sealing Of Pavement Cracks, The Repairing And/Or Installation Of Curbs, Sidewalks And Driveway Aprons, Installation Of Curb Ramps In Compliance With ADA, Resetting Utility Castings And Valve Boxes, Drainage Work, Roadway Painting, Landscaping And Aesthetic Improvements; And Also Including Traffic Control.	\$390,000 (Including The Grant, As Defined In Section 3 Herein)	\$390,000	\$0 (No Down Payment Required Due To The Grant)	15 years"

**SECTION 3.** For the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, there is hereby appropriated the additional sum of \$390,000 (to include grant funds of \$350,000 expected to be received from the New Jersey Department of Transportation (the “Grant”)). Pursuant to N.J.S.A. 40A:2-11(c), as amended and supplemented, no down payment is required for the bonds or notes associated with the project set forth in Section 3(a)(v) since such project is being funded by the Grant. The total appropriation of the Original Ordinance, as amended and supplemented hereby, is increased by \$390,000 from \$3,218,750 and equal to \$3,608,750.

**SECTION 4. (a)** In order to finance the cost of the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, and until the Grant has been received, additional negotiable bonds or notes of the Borough in the amount of \$390,000 are hereby authorized to be issued by the Borough in accordance with the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the “Local Bond Law”), such that the total authorization of negotiable bonds or notes to be issued for the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, is increased by \$390,000 from \$3,057,812 and equal to \$3,447,812.

**(b)** The estimated maximum amount of bonds or notes to be issued for the improvement or purpose set forth in Section 3 the Original Ordinance, as amended and supplemented hereby, is equal to \$3,447,812.

**(c)** The estimated cost of the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, is equal to \$3,608,750.

**SECTION 5.** In the event the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity make a contribution or grant in aid to the Borough, including the Grant, for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Monmouth and/or a private equity, including the Grant, shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

**SECTION 6.** The Capital Budget of the Borough is hereby amended, as necessary, to conform with the provisions of this amendatory and supplemental bond ordinance and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs (the “Director of the Division of Local Government Services”), will be on file in the office of the Clerk and will be available for public inspection.

**SECTION 7.** The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this amendatory and supplemental bond ordinance by \$390,000 and the said obligations authorized herein will be within all debt limitations prescribed by law.

**SECTION 8.** Section 7(b) of the Original Ordinance is hereby amended to read, “The average period of usefulness of said improvement or purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of said bonds authorized by this bond ordinance, is 29.43 years.”

**SECTION 9.** For the improvements or purposes set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, the additional sum of \$15,000 is hereby included for the items of expense listed in and permitted under N.J.S.A. 40A:2-20, making the total amount for such items of expense \$258,750, such total amount being included in the estimated cost indicated herein for the improvements or purposes set forth in the Original Ordinance, as amended and supplemented hereby.

**SECTION 10.** The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by the Original Ordinance, as amended and supplemented hereby. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as



to rate or amount.

**SECTION 11.** The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 3 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of the Original Ordinance, as amended and supplemented hereby. This Section 10 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

**SECTION 12.** The Borough Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Borough Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**SECTION 13.** The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Code, of the interest on all bonds and notes issued under the Original Ordinance, as amended and supplemented hereby.

**SECTION 14.** Except as expressly amended and supplemented hereby, the Original Ordinance shall remain in full force and effect.

**SECTION 15.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Administrator Casagrande said this ordinance amendment adds the NJDOT grant for the Battin Road Project.

Offered for introduction by Councilman Peters, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: Councilman Jaeger

**RESOLUTIONS**

1. Resolution No. 2018-187, Amend November 26<sup>th</sup> Council Meeting time and location

**WHEREAS**, Resolution No. 2018-12 adopted by the Governing Body at the January 2, 2018 Reorganization Meeting set the meeting dates of the Fair Haven Governing Body for the year 2018; and

**WHEREAS**, the meeting dates for November were set for November 13, 2018 and November 26, 2018 at 7:00 p.m. in the Borough Hall Council Chambers; and

**WHEREAS**, it has been determined by the Governing Body that the meeting time and location for the November 26, 2018 meeting will be changed to 1:00 p.m. at Knollwood School, All Purpose Room, to allow the students to see government in action as well as our seniors who cannot attend evening meetings.

**NOW THEREFORE BE IT RESOLVED** that the Annual Notice is amended as referenced in this resolution.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilman Jaeger

2. Resolution No. 2018-188, Approve Nixle Contract for three years

**BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Theresa S. Casagrande, Borough Administrator, is hereby authorized to execute a contract with Everbridge for the Nixle 360 Emergency Notification System, attached as Exhibit A.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

3. Resolution No. 2018-189, Authorize NJDOT Grant Application for Improvements to Harrison Avenue

**NOW, THEREFORE BE IT RESOLVED** that the Council of the Borough of Fair Haven formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that the Borough Engineer and Borough Clerk are hereby authorized to submit an electronic grant application identified as [MA-2019-Improvements to Harrison Avenue-00639](#) to the New Jersey Department of Transportation on behalf of the Borough of Fair Haven identified as follows:

Improvements to Harrison Avenue

**BE IT FURTHER RESOLVED** that the Administrator and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Fair Haven and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

4. Resolution No. 2018-190, Approve Fire Department Application for Social Membership – Russel J. Mancino

**BE IT RESOLVED** by the Borough Council of the Borough of Fair Haven that Russel John Mancino, 25 Parker Avenue, Fair Haven, NJ having been duly accepted as a social member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

5. Resolution No. 2018-191, Award Proposal to Rysers Landscaping for trail upgrades at Fair Haven Fields and McCarter Park

**WHEREAS**, Ordinance No. 2017-07 was adopted on July 10, 2017 and provides for the acquisition of various equipment, infrastructure improvements and improvements to public buildings, grounds and parks; and

**WHEREAS**, Capital Item requests have been made as follows:

**Department of Parks and Recreation**

- Upgrades to the stone dust trails at Fair Haven Fields and McCarter Park \$11,100.00

**Total \$11,100.00**

**WHEREAS**, two quotes were received for this capital project and Ryser’s Lawn & Tree Service, 145 White Road, Little Silver, NJ were the lowest quote.

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

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilman Jaeger

6. Resolution No. 2018-192, Executive Session-Acquisition of Property, Pending Litigation and Contract Negotiations.

**WHEREAS**, the Open Public Meetings, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist; and

**WHEREAS**, the Governing Body may wish to discuss the following matters:

**Pending Litigation**

1. Yacht Works

**Acquisition of Property**

1. River Road

**Contract Negotiations**

1. PBA Contract

**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 Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilman Jaeger

7. Resolution No. 2018-193, Award Architect Proposal for DPW and Park Maintenance Facility Buildings

**WHEREAS**, a proposal dated August 31, 2018 and revised on September 21, 2018 was received from Eliot Goldstein of The Goldstein Partnership, Borough Architect, for professional services related to a Public Works Building and Parks Maintenance Facility Building in the amount not to exceed \$198,500; and

**WHEREAS**, a copy of the proposal which includes the breakdown of fees, is attached to this resolution as Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven, that the proposal from The Goldstein Partnership be accepted and awarded for a Public Works Building and Park Maintenance Facility Building and the Mayor is authorized to execute said proposal.

**BE IT FURTHER RESOLVED THAT** the total amount for the architectural design for these projects shall not exceed \$198,500.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilman Jaeger

8. Resolution No. 2018-194, Payment of Vouchers

**BE IT RESOLVED** by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the October 9, 2018 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2017 CURRENT ACCOUNT	\$	1,065.00
2018 CURRENT ACCOUNT	\$	59,751.11
GENERAL CAPITAL	\$	13,295.21
PAYROLL AGENCY	\$	13,624.05
OTHER TRUST	\$	821.67
DOG TRUST	\$	2.40
<b>TOTAL</b>	<b>\$</b>	<b>88,559.44</b>

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilman Jaeger

**Reports of Departments**

**September 2018**

-Municipal Clerk

-Dog Report

-Planning Board and Zoning Board

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

**GOOD OF THE BOROUGH**

Mayor Lucarelli opened the meeting to the public for comments or questions at 8:51 p.m. Councilwoman Koch asked that the residents make sure that their houses are well numbered to help assist if there is an emergency at their home.

Councilman Peters congratulated the Environmental Commission on achieving bronze status through Sustainable New Jersey. He thanked them and the Borough staff for their hard work to obtain this achievement. The Environmental Commission would like to get to Silver status.

Councilwoman Sorensen read a letter from Police Chief McGovern to the governing body which commended Police Lieutenant Townshend for his response to a house fire that could have had a worse outcome if he did not handle the call as quickly and efficiently as he did.

Ruth Blaser, River Road, asked who looks at the height and placement of the scarecrows that were posted, as well as, oars for rowing. Mayor Lucarelli said that the scarecrows have grown over the years, but they are tradition. The rowing oars that were hung did not look the way they were presented and we may not renew their application/request next year. Mrs. Blaser felt the scarecrows should be narrower than they are. Councilwoman Sorensen said that the scarecrows have been hung for the past 18 years and there are about 150 of them now; it would be cost prohibitive to change them.

There being no further comments or questions, the meeting was closed to the public at 8:54 p.m.

Council went into executive session at 9:00 p.m. and this meeting was reconvened at 9:15 p.m.

**ADJOURNMENT**

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

Time of Adjournment: 9:15 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR  
Borough Clerk