

FAIR HAVEN BOROUGH COUNCIL
OCTOBER 22, 2018

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

ROLL CALL

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

PRESENTATIONS

Fair Haven First Aid Corp. Ex-Captain Plaques were presented. It has been a tradition for years to present a plaque to the family of a past First Aid Captain who passed away to commemorate their service. Mayor Lucarelli was contacted by Katy Frissora, 2018 First Aid Captain, who requested four plaques be presented as it has been some time since this was done. A plaque is given to the family members and a duplicate plaque is hung at First Aid.

John Haney was a two-time Captain (1984 and 1992) giving countless hours of service; he passed away June 2013. The plaque was presented to his son Jason Haney.

Lou Hartman was First Aid Captain in 1985 and a life member of the squad. He led the water rescue team for many years. His sons Wayne and Larry were also Captains and Chiefs of the Fire Department and his granddaughter, Deborah, was the first female firefighter in Fair Haven. Mr. Hartman passed away April 2014. The plaque was presented to his son Wayne who is currently Fire Chief in Red Bank.

Donny Frank was First Aid Captain in 1967 and led the dive team; he did so much for the town. He passed away January 2018; a proclamation was presented to his family at the February 6th Council meeting. The plaque was already presented to his son, Bob.

Joe Truex was a three-time Captain (2005, 2011 and 2015) and also involved on Rumson's First Aid Squad, as Captain. He taught many lessons on caring, working with police and fire, humor, teaching newbies and how to sound smart on the radio. Mayor Lucarelli said Joe was the first to welcome him as a social member to the fire department. He passed away June 2018; his wife, Ethel, accepted the plaque.

Mayor Lucarelli thanked the First Aid Squad for all that they do.

**PUBLIC HEARING – AMENDMENT TO RECREATIONAL OPEN SPACE
INVENTORY (ROSI – FISK STREET)**

Attorney Alfieri said this is a public hearing that had been noticed according to code for ROSI. The procedure followed was to publish a notice of public hearing in the Asbury Park Press 30 days prior to in conjunction with signage at the location and notifying property owners within 200' by written letter. Public notice was published a second time in the Asbury Park Press 15 days prior to this hearing and notification was also provided on the Borough's website. The hearing is required to be recorded by a court stenographer; the Borough will submit her record of the meeting to the NJDEP as well as provide our Affidavits of Publication as proof that the proper procedure was followed. Attorney Alfieri advised that those who wished to speak would be sworn in prior to their comment or question on this matter.

Administrator Casagrande was sworn in by Attorney Alfieri so she could give testimony about the application submitted to the NJDEP. Administrator Casagrande gave her credentials and explained the relief the Borough was requesting from the NJDEP. Whenever a public entity applies for and accepts money from the State, we put on record our ROSI (Recreational Open Space Inventory). Fair Haven's ROSI included the Community Center Fields on Third Street as part of our inventory when a grant was applied for years ago. When we looked at our survey and saw that Block 39, Lot 20 had the fields and also included the parking lot, police department and community center which should have never been part of the inventory. The building was a school prior to becoming the police department. We have to follow a process through the DEP to remove the building and parking lot from the ROSI. Administrator Casagrande said she contacted the NJDEP when the error was found; that it was deeded, at one time, as one block and lot. We were instructed to go through the process as explained by Attorney Alfieri and we will end up subdividing the property if we are approved to remove the buildings so one block and lot will be park land and the buildings will be another block and lot (the building and black top are being removed and the rest will be open space).

Attorney Alfieri said that the Borough will certify the process to the State. If the public submits something or speaks this evening, it will be forwarded to the DEP who plans to hear the matter in January 2019. Comments can also be sent to the DEP, in writing, directly.

At 7:16 p.m. the hearing was opened for public comments or questions. Mayor Lucarelli asked Administrator Casagrande if the NJDEP concurred with the Borough's thought that the use was inconsistent with what is included in the ROSI. Attorney Alfieri said the DEP will review the surveys of the lands from years past as part of their research. Councilwoman Koch confirmed that the tennis court and playground area will be open space and just the buildings and black top were being removed.

The Mayor asked that the public state their name and address for the record and the stenographer. Terry Simboli, Fisk Street, was sworn in by Attorney Alfieri. She asked if and when the police department/community center are removed from the ROSI, will that area be rezoned and if so, to what. Administrator Casagrande said it would remain a public property and would not be rezoned. There are no plans to sell the property. The application before the DEP is to correct what is not open space. Mrs. Simboli asked if the Borough would have to return any grant money if property is removed from the ROSI. She was advised that grant money did not purchase the property so no.

Scott Bergman, Park Avenue, was sworn in by Attorney Alfieri. He asked if the parking lot is part of the subdivision and was concerned about access to the open space off of Fisk Street. The parking lot will remain a parking lot and the fields can also be accessed from Fisk Street.

Jim Ingle, Harvard Road, was sworn in. Mr. Ingle introduced himself and stated that he is a long-time member of the Fair Haven Fields Natural Area Committee and he was here when 77 acres of land was purchased from the Lovett Family. He gave the history of the Fair Haven Fields purchase and the Borough's request for grants. The Mayor, at the time, made him Chairman of the Fair Haven Fields Committee to figure out what to do with the land. In 1987, he was appointed as Fair Haven Fields Natural Area Chairman; he gave the history of the meadow. Mr. Ingle submitted a four-page history so the Borough would have it for their records.

Mayor Lucarelli corrected the record to reflect that Mr. Ingle spoke on Fair Haven Fields which was not part of the application that this hearing was for. Mr. Ingle was told the hearing was for Community Center Fields. Councilman Marchese noted that Mr. Ingle has also been a member of the Planning Board since the 1980s.

Diane Mevorach, Navesink Avenue, was sworn in by Attorney Alfieri, and asked to clarify that the property was not supposed to be on the ROSI. She asked if it is let go from the ROSI, what will happen. She asked if the current building on the property can be fixed and work done to it while it is on the ROSI; yes. She asked if the building could be knocked down and rebuilt; not without NJDEP approval.

Councilman Rodriguez arrived at the meeting at 7:26 p.m.

Attorney Alfieri advised the public written comment can be sent to the NJDEP or Borough Clerk for the next two weeks. There will be a State hearing on our application in January 2019.

The Hearing was closed to the public at 7:27 p.m.

WORKSHOP SESSION

With regard to a Natural Area update, Administrator Casagrande said that Jim Ingle pointed out facts about 40 acres of the Natural Area earlier. He has been part of the committee for many years and was in to see Administrator Casagrande a few weeks ago to give a report on the progress at the Natural Area. She felt it was important that he give a brief report to the governing body. Mr. Ingle came forward and advised he had given a brief history of how Fair Haven Fields came to be. He thanked Nick Poruchynsky and Dave Karl for the initiative to help clean up the Natural Area. Mr. Ingle provided photos that he had shown to Administrator Casagrande so Council could see what has been done to this point. There were 30 acres that were to be made into a meadow and the meadow turned into a briar patch. The DPW showed initiative to widen the trails and by gradually mowing; the grass has moved into the briar patch creating a meadow. Photos of the meadow were provided as well as a panorama of the area. He mentioned there was a patch of bamboo which is an invasive species and over the years, with the mowing, it has become a meadow. He commended the work of the DPW stating they have done a great job. They have also done a wonderful job of laying a trail surface (tub grinder shred). Mr. Ingle requested that DPW and the governing body spend extra money and run the shred again to prevent trips and falls (it is sparse in some areas). He invited Mayor and Council to take a walk by the gate a Ridge Road to see the shred he is speaking of. Councilman Jaeger asked what could be done to shed light on the muddy areas that take some time to dry out. Mr. Ingle said the proper shoes would be needed to navigate certain areas. He reminded everyone that the 40-acre Natural Area is the headwaters to Fourth Creek.

At the October 9th Council Meeting, the governing body discussed the 2019 Council Meeting

schedule. From that discussion, the April 22nd date was moved to April 29th due to spring break. Motion to approve the schedule moved by Councilwoman Sorensen, second by Councilwoman Koch with Ayes by all present.

The Mayor asked Attorney Alfieri to speak with regard to live streaming Council Meetings. Attorney Alfieri said that nothing has been priced, but there are expenses with regard to data storage, equipment, etc. Allyson Cinquegrana, Borough Clerk, took a survey of Monmouth County Clerks and he read the results of the responses received and the majority do not video or live stream. One municipality tried it and only had 5 viewers and another town videos their meetings, but do not post them. Attorney Alfieri said that he only knows of Old Bridge and Howell who tape and televise their meetings. There is no statute on how long the video footage should be kept. Attorney Alfieri said it is probably the same as audio recording the meetings. The Clerk advised that meeting tapes can be destroyed with the state's permission 80 days after the minutes have been approved. If the meetings are live streamed through Facebook, they are responsible for storage.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:40 p.m. Ruth Blaser, River Road, said that her church live streams through Facebook. There being no further comments or questions, the meeting was closed at 7:40 p.m.

APPROVAL OF MINUTES

Councilman Marchese made a motion to approve the Regular Meeting minutes of October 9, 2018, second by Councilwoman Koch.

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

Negative: None

Abstain: Councilman Jaeger

Absent: None

Councilwoman Sorensen made a motion to approve the Executive Session minutes of October 9, 2018, second by Councilwoman Koch

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

Negative: None

Abstain: Councilman Jaeger

Absent: None

OLD BUSINESS

HEARING AND ADOPTION OF ORDINANCES

1. Ordinance No. 2018-23, Amend Capital 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

On motion of Councilwoman Sorensen, second by Councilwoman Koch with Ayes by all present, Mayor Lucarelli opened the meeting for comments or questions at 7:41 p.m.

There being none, the hearing was closed to the public at 7:41 p.m. on motion of Councilwoman Sorensen, second by Councilman Marchese with Ayes by all present.

Offered for adoption by Councilwoman Sorensen, second by Councilman Marchese

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

Negative: None

Abstain: None

Absent: None

NEW BUSINESS - CONSENT AGENDA RESOLUTIONS

1. Resolution No. 2018-195, Authorize Accrued Leave Time Release Payment – Jeffrey Jarvis

WHEREAS, Jeffrey Jarvis will be retired from the Fair Haven Police Department effective November 1, 2018 and will execute an Accrued Leave Time Release Agreement, as per the collective bargaining agreement between the Borough of Fair Haven and PBA Local 184; the section addressing Sick Leave Accrual is attached as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that a payment release for unused accrued leave time in the amount of \$19,128.63 to Jeffrey Jarvis be authorized.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

2. Resolution No. 2018-196, Amend November 13, 2018 meeting date to November 8, 2018

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 first meeting date in November was set for Tuesday, November 13, 2018 at 7:00 p.m. in the Borough Hall Council Chambers; and

WHEREAS, it has been determined by the Governing Body that the November 13th meeting date conflicts with the Annual League of Municipalities Convention and needs to be changed to Thursday, November 8, 2018 at 7:00 p.m.

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

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

3. Resolution No. 2018-197, Authorize Borough Administrator to sign a contract with Complete Security Systems for a fire alarm system at Bicentennial Hall

BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Theresa S. Casagrande is hereby authorized to execute a contract with Complete Security Systems, Inc., 94 Vanderburg Road, Marlboro, New Jersey 07746 for a fire alarm system at Bicentennial Hall, 25 Cedar Avenue in the amount of \$250 annually.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

4. Resolution No. 2018-198, 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 22, 2018 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

| | |
|----------------------|----------------------|
| 2018 CURRENT ACCOUNT | \$ 430,414.39 |
| GENERAL CAPITAL | \$ 199,225.96 |
| OTHER TRUST | \$ 1,965.58 |
| TOTAL | \$ 631,605.93 |

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: None

5. Resolution No. 2018-199, Executive Session: Acquisition of Property

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:

Acquisition of Property

1. River Road

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 Sorensen, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: None

Reports of Departments

September 2018

-Police Department

-Tax Collector

-Municipal Court

-Chief Financial Officer

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

GOOD OF THE BOROUGH

Mayor Lucarelli opened the meeting to the public for comments or questions at 7:43 p.m. Diane Mevorach, Navesink Avenue, asked if the Borough's sign ordinance has changed in the last year because the Acme sign is massive. Attorney Alfieri said that the sign ordinance has not been amended in the last year. She requested that the Borough's ordinances be posted online. The Borough Clerk advised that the Borough's Municipal Code is online through the Borough's website and advised that on the right-hand side there is a section for Municipal Code which is searchable by keyword. Ms. Mevorach asked if it has this year's ordinances listed as well. She was advised that they have not been codified, but there is a section that shows Ordinances Pending Codification that has each ordinance adopted from January to present.

A Third Street resident complimented the Borough on a good job with the Third Street sidewalks and accommodations. Prior to this project, there was no parking on one side of the street; the signage was removed during construction and not replaced. There was a lot of parking on both sides of the street this past weekend which created concern for the safety of the children. It was requested that the sign be replaced. Chief McGovern said that temporary signs can be posted until the sign can be replaced. Councilman Marchese said that it is also one of his concerns and he will follow up on it to be sure that temporary signs are put up.

Ruth Blaser, River Road, asked about the work to be done on Battin Road and if there are plans. She was advised that the project was being designed "as we speak". Mayor Lucarelli said that the project will keep the look and feel that it has now; there will not be any widening of the road. We hope to bid the project in January 2019 with construction to begin in the spring.

Terry Simboli, Fisk Street, said she lives across the street from the police department and asked if Third Street is still being blocked off during school hours; yes. She has noticed people speeding down Fisk Street due to the detour from Third Street. There is no sign on Fisk Street

showing it is an alternate through street. Mrs. Simboli was concerned with the detour because there are a lot of kids who use the playground after school. Chief McGovern will look at the concerns.

Councilman Peters asked Administrator about the teapot sitting at her table. Mayor Lucarelli said that the teapot was found when our tree contractor was doing work at DeNormandie Avenue Park. This is a nice piece of history from the Robards/Williams Family. Research shows it is from the 1850s. We will give it to our Historian.

Tracy Cole, Grange Avenue, asked Mayor and Council to address sign changes that have taken place and variances that have occurred over the years. Councilman Marchese (liaison to the Land Use Boards) said that there has not been a lot of Planning Board activity regarding signs this last year. Mayor Lucarelli said that the question Mrs. Cole has is directed to the Acme site plan matter. Councilman Marchese said that signage was a major issue; there were three meetings with various discussion regarding sign placement and what side of the entrance it should be on. It was decided to place it on the east side because Chase Bank had a sign on the west side. Councilman Marchese said that the sign does not go to the ground because of a blind spot; it was approved to be elevated so that it would be easier to see River Road traffic and to allow the public to see what businesses are in the shopping plaza. It was important to have the sign accessible for someone driving to be able to locate a business (there is case law on flexibility to be given on signs for business). Mrs. Cole said public welfare and hardship are the only two reasons for sign flexibility. She asked what technical staff reviewed the signage piece of the application. She was advised the Planning Board Engineer and the Borough Planner reviewed the application for signs. Councilman Marchese said the applicant made application to the Borough which was reviewed. There is written record of the meetings and discussion. Mrs. Cole said there is 60 square feet of channel lit signage; this exceeds what is allowable by 25% and illuminated signs are strictly prohibited. This is in a 25-mph zone. Councilman Marchese stated that multiple meetings were held. Mrs. Cole said she is not within 200' of the project so she was not notified. She asked about modifications to the sign ordinance. Attorney Alfieri said there were no ordinances adopted to modify it; a variance was given for that specific sign and location. Mrs. Cole said the sign is for all of the stores, forever, allowing very large signs to be posted. She said Fair Haven is a bike friendly town and it was a mistake that we got nothing for. Mayor and Council said we got a refurbished Acme.

Mrs. Blaser said if all of the merchants in the shopping facility are listed on the sign, why does Chase Bank have its own freestanding sign. Tracy Cole said Chase has a standard sign. Any retailer can now come in and post their sign because of the Acme sign approval. Councilman Peters said that he spoke at the NJ League of Municipalities regarding the changing foot print of retail and the fact that online shopping has become a way to go. It was stated that the Borough had nothing to do with Lairds Stationery leaving town; it was their choice. Councilman Marchese stated that we need to be a business-friendly town.

Mayor Lucarelli reminded everyone that the governing body was not the board that made the decision to approve this two years ago. There are very strong opinions about the signs and the Acme Center. The present landlord or a future landlord can come back and amend what is there and the matter can be addressed then, but until then, the approval has been given. Each sign request is reviewed by the Borough/Planning Board Engineer and if a request does not meet the standard, we can address it at that time.

Ms. Mevorach said Fair Haven is not every other place; it is a small town. She agreed with Tracy Cole's comments. The sign at the Acme is obtrusive and horrible taking up every square inch of the property and it is sad that elected officials allowed it. The Mayor corrected her statement and advised that Mayor and Council are elected officials and the Land Use Board is appointed. Mrs. Cole said that the elected officials appointed the people who are supposed to understand the laws. She asked if the Borough Planner agreed to the sign. The Planners were hired and reviewed the application. Mayor Lucarelli said the landlord does a lot of business in south Jersey and is used to 60-mph zoned highways and does not understand Fair Haven; it was a mistake.

Tracy Cole said the Borough modified the ordinances and that betrays the citizen's trust. Councilman Rodriguez said the ordinances were not modified and the variance were given. The Planning Board and Zoning Board are autonomous to make the decisions on these applications. Tracy Cole said there is a Master Plan and there is a conflict with these signs plus an environmental issue which conflicts with Master Plan. Councilman Rodriguez said those who sit on the Land Use Board(s) are residents and they are reviewing not just sign plans, but plantings, site plans, environmental impact and dealing with many aspects of the application.

The Mayor said there were site plans and other matters discussed at these meetings. Mrs. Cole and the residents are entitled to their opinion; the facts are the facts.

Councilman Rodriguez reminded the public that the location of the polling places were

changed to Church of the Nativity on Ridge Road; all voting districts vote there.

Megan Keefe asked if there was discussion on a child being hit at the corner of Fisk Street and Hayes place. She was in favor of live streaming all meetings for the public on Facebook because it would be helpful as it lives there for some time and would help those who can't make meetings.

There being no further comments or questions, the meeting was closed to the public at 8:15 p.m.

Council went into executive session at 8:21 p.m. and this meeting was reconvened at 8:36 p.m.

ADJOURNMENT

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

Time of Adjournment: 8:37 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk