

FAIR HAVEN BOROUGH COUNCIL
DECEMBER 17, 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 Rodriguez. Absent: Councilwoman Sorensen. Others present: Administrator Casagrande and Attorney Alfieri.

PRESENTATIONS

Mayor Lucarelli read a proclamation for outgoing Councilman Robert Marchese (served three terms for a total of nine years), and outgoing Councilman Eric Jaeger (served an unexpired term plus two full terms for a total of seven years), for their service on the governing body.

WORKSHOP SESSION

With regard to a tree removal appeal from Petcon Builders, 30 Katherine Street, Mayor Lucarelli said that Bill Brooks, Borough Arborist, submitted a memo in response to Petcon's appeal letter. Liz and TJ Slavin, Katherine Street, submitted a letter to the governing body with regard to this matter outlining the trees to be removed and their concerns; he read the letter aloud. The Mayor said that he asked Bill Brooks to attend this evening's meeting since he handles the approvals and denials of tree removal requests. Mr. and Mrs. David Dooling, Katherine Street, were in attendance and submitted a letter, as well, which the Mayor read. He said when someone purchases a property, they are entitled to do what they would like as long as it is within the parameters of the Borough's code. Unfortunately, tree roots can become compromised when construction comes into play. Bill Brooks said that he went to the property twice and Petcon Builders' application was denied because the trees to be removed would exceed 20% of the trees on the property. He explained that the proposed construction would impinge the tree roots and he explained the feeder root system of trees and how they grow which can cause the tree to be compromised. He said after construction, if the trees were not protected through the duration of the project, they can decline over time and put homes at risk. In this situation, the trees are old, there is necrotic rot and the roots are also compromised. If an application with construction plans were approved by the Land Use Board, he did not have any input regarding trees. Someone cannot knowingly create a hazardous situation. Mr. Brooks said during Sandy, two trees on Katherine Street fell (one on a home). Unfortunately, a lot of trees through town are declining. Petcon Builders (Mr. Tsakiris) will be asked to plant oak trees and significant specimen trees, post construction.

Councilman Marchese asked if the applicant was in the audience. He was not. If an applicant has a tree appeal application, they should attend the meeting in case any questions come up during discussion. The Mayor suggested tabling the matter so that the applicant can attend. Councilwoman Koch said she went to the site and there are nine trees that are clustered; six of them were marked. Councilman Peters said, based on information, there is approximately 124 feet, in diameter, trees being removed.

Motion to table this request until January 28, 2019 with the applicant providing a site plan showing the trees requested to be removed and where the new home will be moved by Councilman Peters, second by Councilman Jaeger with Ayes by all present.

Mr. Dooling said contractors and residents are building larger houses on the lands and stressing the trees while doing so. He asked that Mayor and Council consider the zoning laws that are driving this construction. He was advised that the size of homes drive the market. Councilman Peters said that he has been on Council for 15 years and the lot coverage numbers have not been changed. We need to keep in mind that a lot of our trees are maturing/growing each day. In Fair Haven, every tree gets its day in court.

Mrs. Dooling said the house that is being built is going to be over 4,000 square feet. She was advised that the R-10 zone only allows a 3,200 square foot building. The house that will be constructed conforms with the Borough's zoning laws so Board approval was not required.

The next workshop item was a street opening application from 49 Gillespie Avenue to move their driveway from Clay Street to Gillespie Avenue. It is listed on the agenda because the winter moratorium began in November. The Assistant Borough Engineer reviewed the request and approved it. Motion to approve moved by Councilman Peters, second by Councilwoman Koch with Ayes by all present.

A tree removal appeal from 68 Forman Street was received. There is only one tree on the property and it is in decline. Two replacement trees will be planted. Motion to approve moved by Councilman Jaeger, second by Councilman Peters with Ayes by all present.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:28 p.m. Susan O'Brien, River Road, said there are two bill lists listed. She asked when the Council will be voting on the bills as it was not listed on the agenda. She asked which one was valid. She was advised that the resolution was listed for Council approval after executive session and there are two bill lists because one has the payment for purchase of the Sunoco property and the other does not.

Ruth Blaser, River Road, said that an in-house Engineer is not saving us money because he has an Assistant Engineer and an Administrative Assistant. She asked why the Borough is hiring more people and creating more titles. She said the Borough is overstaffed.

Will Heller, River Road, said that he has been reading the Borough minutes, posted on line, and there has not been anything regarding the Sunoco Service Station. He was advised that we are reducing the size of the DPW property and looking to purchase the Sunoco property. Mr. Heller said there is an April 15, 2025 sign off date for remedial action to be completed at Sunoco. He asked, "why the Borough is going to interfere with remediation of the property"? Mayor Lucarelli said we would not be interfering at all. As per State Statute, we have no responsibility for remediation, Sunoco does and there is no further remediation required, at this time. As per our Environmental Engineer, it will be six years before contaminants are deemed complete; this is not a concern to acquire the property. Mr. Heller asked if the Borough's Appraiser was aware that the site was contaminated; yes. Any purchaser of the property would not be responsible for it. He said the Borough should be monitoring the facility, so the employees are not ill. It was asked if the spill was gasoline; yes. He asked if the building would be monitored on behalf of the employees; no. Mr. Heller was advised that the concerns he had mentioned were not a concern of Maser Consulting.

Ruth Blaser stated that Jennifer Johnson was being appointed full-time and asked if Judy Fuller is leaving; no. She asked if Mrs. Johnson would be receiving a raise; yes, she is currently part-time moving to full-time and her salary will be offset by construction revenue (we handle engineering and zoning in-house). She asked about the Interlocal Service Agreements with Rumson, Middletown and Little Silver and if anything has changed. Mayor Lucarelli said that all of the Interlocal Service Agreements are dependent on the employee to perform the task so every year our ILSAs change or are modified a little.

There being no further comments or questions from the public, the meeting was closed to the public at 7:39 p.m.

APPROVAL OF MINUTES

Councilman Rodriguez made a motion to approve the Regular Meeting minutes of November 26, 2018, second by Councilwoman Koch

Affirmative: Councilmembers Jaeger, Koch, Marchese and Rodriguez

Negative: None

Abstain: Councilman Peters

Absent: Councilwoman Sorensen

Councilwoman Koch made a motion to approve the Executive Session minutes of November 26, 2018, second by Councilman Jaeger

Affirmative: Councilmembers Jaeger, Koch, and Marchese

Negative: None

Abstain: Councilmembers Peters and Rodriguez

Absent: Councilwoman Sorensen

OLD BUSINESS

There was no old business brought before the governing body.

**NEW BUSINESS - CONSENT AGENDA
RESOLUTIONS**

1. Resolution No. 2018-217, Approve Person to Person Liquor License Transfer – The Cellar

WHEREAS, an application has been filed for a Person to Person Transfer of Plenary Retail Distribution License 1313-44-001-006, heretofore issued to The Cellar Inc. for premises located at 594 River Road, Fair Haven, New Jersey; and

WHEREAS, the submitted application is complete in all respects, the transfer fees have been paid and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed, and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Fair Haven, does hereby approve, effective December 18, 2018 the transfer of the aforesaid Plenary Retail Distribution License 1313-44-001-006 to Little Silver Liquors, Inc. d/b/a The Cellar and does hereby direct the Borough Clerk/ABC Board Secretary to endorse the license certificate to the new ownership as follows: "This License, subject to all its terms and conditions, is hereby transferred to Little Silver Liquors, Inc. effective January 22, 2019."

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Sorensen

2. Resolution No. 2018-218, Set 2019 Council Reorganization Meeting as January 7, 2019

BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Annual Reorganization Meeting will be held on Monday, January 7, 2019 at 7:00 p.m. in the Council Chambers, 748 River Road.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Sorensen

3. Resolution No. 2018-219, Accept Performance Guarantees from Oceanside Builders, Inc.-129 Hance Road

WHEREAS, K. Shaw Construction obtained minor subdivision approval from the Fair Haven Planning Board pursuant to a Resolution adopted by the Planning Board on May 8, 2018; and

WHEREAS, the Planning Board Engineer prepared a bond estimate for this minor subdivision by way of letter dated September 21, 2018 which is annexed hereto; and

WHEREAS, on November 1, 2018, K. Shaw Construction posted a Tax Map Revision Fee in the amount of \$300; and

WHEREAS, Oceanside Builders, Inc. has acquired the property and posted performance guarantees in compliance with the bond estimate including additional fees as follows:

Check No. 4912 in the amount of \$10,500.00 (120% cash deposit)

Check No. 4912 in the amount of \$ 500.00 (5% of the engineering inspection fees)

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, that the aforementioned performance guarantees are accepted by the Borough in order to secure performance by the property owner of a minor subdivision to effectuate the terms and conditions of the subdivision approval.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Sorensen

4. Resolution No. 2018-220, Executive Session – Personnel, Property Acquisition and Contract Negotiations

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

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

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

Personnel

- 1. Non-Aligned Employee Salaries
- 2. DPW Staffing

Acquisition of Property

- 1. River Road

Contract Negotiations

- 1. PBA Contract
- 2. Monmouth County Conservation Foundation

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 Jaeger, Koch, Marchese, Peters and Rodriguez

Negative: None

Abstain: None

Absent: Councilwoman Sorensen

- 5. Resolution No. 2018-221, Approve Capital Purchase Authorizations: Fire Department, Police Department and Public Works Department

WHEREAS, Ordinance Nos. 2012-12, 2015-12 and 2016-12 were adopted by the governing body and provide 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:

Fire Department

- Fire Equipment Upgrades \$ 7,301.82

Police Department

- Portable Message Board Sign \$16,275.00

Public Works Department

- Stainless Steel Hopper Salt Spreader \$15,308.81

TOTAL \$38,885.63

WHEREAS, the Fire Department received a quote for their capital expenditure from Fire and Safety Service, 200 Ryan Street, South Plainfield, NJ 07080; and

WHEREAS, the Police Department received two quotes for their capital expenditure and TSS Traffic Safety Service, 601 Hadley Road, South Plainfield, NJ 07080 was the lowest quote; and

WHEREAS, the Public Works Department received two quotes for their capital expenditure and Trius inc, 5049 Industrial Road, Farmingdale, NJ 07727 was the lowest quote and had NJ State Co-op Pricing #65MCESCCPS (Class 8 Truck Bid ESCNJ 17/18-30).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the above capital item expenditures are hereby approved, and a Certification of Funds executed by Colleen Lapp, Chief Financial Officer.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Sorensen

6. Resolution No. 2018-222, Authorize Borough Engineer to re-bid the Fair Haven Fields Buffer Restoration Project

WHEREAS, the Borough of Fair Haven was awarded a Monmouth County Open Space Grant for buffer restoration at Fair Haven Fields; and

WHEREAS, on April 5, 2018, the Borough received bids for the Fair Haven Fields Buffer Restoration Project and Resolution No. 2018-95 rejected said bids as they exceeded the Borough Engineer's estimate and the total grant and borough funds for said project; and

WHEREAS, the Borough Engineer has revised the plans for said project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that authorization is given to the Borough Administrator and Borough Engineer to readvertise for receipt of bids to implement the Fair Haven Fields Buffer Restoration Project.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Sorensen

7. Resolution No. 2018-223, Award Proposal to Maser Consulting for Grange Avenue and Hance Avenue Pocket Parks and Battin Road Boat Ramp Improvements

WHEREAS, a proposal dated August 2, 2018 was received from Maser Consulting, P.A. for the Grange Avenue and Hance Road Pocket Park Improvements and Battin Road Boat Ramp Improvement Projects; and

WHEREAS, Maser Consulting, PA.'s non-fair and open paperwork was submitted at the beginning of the year; and

WHEREAS, the proposal states that the total cost for Phases 1, 2 and 3, broken down as follows, shall not exceed a total of \$124,700:

Phase 1.0 Engineering Design Services - \$94,000

Phase 2.0 Grange Avenue and Hance Road Permitting Services - \$4,600

Phase 3.0 Battin Road Permitting Services

3.1 Waterfront Development Permit Application - \$6,900

3.2 Characterization of Dredge Material - \$16,000

3.3 US Army Corps of Engineers Permit Application - \$3,200

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, that the proposal received from Maser Consulting, P.A be accepted and awarded for the Phases 1-3 at a cost not to exceed \$124,700 and the Mayor is authorized to execute said proposal.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Sorensen

8. Resolution No. 2018-224, Appoint Jennifer Johnson full-time Administrative and Procurement Coordinator for the Planning, Zoning and Engineering Departments

BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, that Jennifer Johnson is hereby appointed as full-time Administrative and Procurement Coordinator for the Planning, Zoning and Engineering Departments at an annual salary of \$42,000, pro-rated, from the start date of January 14, 2019 and in accordance with the terms in the Offer Letter attached hereto.

BE IT FURTHER RESOLVED, that the appointment of Mrs. Johnson as full-time Administrative and Procurement Coordinator for the Planning, Zoning and Engineering Departments will be effective January 14, 2019.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Sorensen

9. Resolution No. 2018-225, Authorize CFO to cancel Unexpended Balances for 2018

WHEREAS, the following Current Fund 2018 budget appropriations balances remain unexpended; and

WHEREAS, it is necessary to formally cancel some balances so that the unexpended balances may be credited to Surplus;

Account Number	Description	Amount
Current Fund		
8-01-45-25-299	Debt Service - Note Principal	75,953.00
8-01-44-900-299	Capital Improvement Fund	210,000.00
	TOTAL	\$285,953.00

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven that the following unexpended balances be canceled and that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Sorensen

10. Resolution No. 2018-226, Approve 2018 Municipal Budget Transfers

WHEREAS, pursuant to N.J.S.A. 40A:4-58, appropriation transfers are allowable during the last two months of a fiscal year; and

WHEREAS, it is deemed necessary that said transfers be done through various accounts.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven, County of Monmouth and State of New Jersey that the following transfers are made in the 2018 budget appropriations:

<u>FROM</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
8-01-20-165-101	Engineering Salaries	\$ 3,500.00
8-01-21-180-101	Planning Board Salaries	\$ 250.00
8-01-21-185-101	Zoning Board Salaries	\$ 250.00
8-01-21-186-101	Zoning Officer Salary	\$ 500.00
8-01-23-210-228	Insurance – General Liability	\$ 800.00
8-01-23-220-227	Health Benefits: Medical	\$ 6,000.00
8-01-23-220-231	Health Benefits: Medicare Reimb.	\$ 2,000.00
8-01-23-222-227	Waiver - Medical	\$ 2,500.00
8-01-25-256-263	Fire Police Supplies	\$ 400.00
8-01-25-258-235	Water Rescue: New Equipment	\$ 2,000.00
8-01-26-290-101	Streets and Roads Salaries	\$ 2,000.00
8-01-26-307-101	Recycling Salaries	\$ 2,500.00
8-01-26-310-204	Bldgs & Grounds Repairs	\$ 7,500.00
8-01-28-370-340	Recreation Park Supplies	\$ 1,000.00
8-01-28-375-240	Parks Supplies/Field Maintenance	\$ 2,500.00
8-01-31-435-276	Utilities: Streets and Lighting	\$ 7,500.00
Total		\$ 41,200.00

<u>FROM</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
8-01-20-165-101	Engineering Salaries	\$ 3,500.00
8-01-21-180-101	Planning Board Salaries	\$ 250.00
<u>TO</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
8-01-31-430-276	Utilities: Electricity	\$ 9,000.00
8-01-36-472-299	Social Security Miscellaneous	\$ 7,000.00
8-01-43-490-101	Municipal Court Salaries	\$ 200.00
8-01-21-180-211	Planning Board Contractual	\$25,000.00
Total		\$41,200.00

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

11. Resolution No 2018-227, Approve Fire Department Affiliate Membership, Aidan Antonelli (First Aid)

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that Aidan Antonelli, 100 Coleman Place, Red Bank, NJ having been duly accepted as an affiliate member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department/First Aid.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

12. Resolution No 2018-228, Approve Fire Department Affiliate Membership, Carol M. Conk (Auxiliary)

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that Carol M. Conk, 92 Patterson Avenue, Shrewsbury, NJ having been duly accepted as an affiliate member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department/Auxiliary.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

13. Resolution No. 2018-229, Authorize Borough Professionals to Execute NJDEP Applications for 28 Dogwood Lane to reconstruct a bulkhead

WHEREAS, the Owner of property known as 28 Dogwood Lane, Block 72, Lot 6 is applying to the NJDEP for the reconstruction of an existing bulkhead along McCarter Pond; and

WHEREAS, the application with the NJDEP for the reconstruction requires the Borough to sign the NJDEP applications and Consents; and

WHEREAS, the Borough Engineer has reviewed the NJDEP application material and has approved of same.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, authorizes the Mayor or Borough Engineer to execute the aforementioned NJDEP application and Consents.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

14. Resolution No. 2018-230, Authorize Capital Purchase – DPW Dump Truck

WHEREAS, there is a need for a 2019 International Dump Truck for the Department of Public Works; and

WHEREAS, funds have been authorized for the purchase of a Dump Truck in Ordinance 2018-21; and

WHEREAS, the Borough Administrator and Borough Engineer are jointly recommending a Capital Item purchase authorization, as follows:

DEPARTMENT OF PUBLIC WORKS

International Dump Truck and Accessories

TOTAL NOT TO EXCEED

\$175,000.00

WHEREAS, the dump truck will be purchased through an approved State Contract Vendor, as verified by the Borough's Qualified Purchasing Agent (QPA); and

WHEREAS, the accessories will be purchased through an approved State Contract Vendor, or through the quote process, as verified by the Borough's QPA.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that this Capital Item Expenditure is hereby approved and will be charged to Capital Account C-04-55-709-001 where funds have been certified by the Chief Financial Officer.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilwoman Sorensen

Reports of Departments

October 2018

-CFO Investment Report (includes November figures)

November 2018

-Municipal Clerk

-Dog License

-Tax Collector

-Police Department

-Municipal Court

-Planning Board and Zoning Board

Motion to accept the reports, as submitted, moved by Councilman Jaeger, second by Councilwoman Koch 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. Meghan Keefe, Beechwood Place, asked if there was an outcome for the Yacht Works matter. Attorney Alfieri said that the court has adjourned the matter indefinitely; everything is on hold for the Summary Judgement motion. She asked if the dump truck to be purchased is replacing another one; yes. She asked if the matter of 626 River Road has been settled; no, it is still being discussed in executive session. Mrs. Keefe said that she was surprised by Mr. Heller's comments earlier regarding contamination when she was told there were no issues or contamination at the property. She said, "it is important for everyone to understand that there are significant issues and the property is compromised and it is important for Maser Consulting and the Borough to do their due diligence". The property needs to be safe for everyone. Mayor Lucarelli asked Mrs. Keefe, "What leads you to believe that Mayor and Council are going to spend tax dollars or put the employees at risk"? "What leads her to believe that the matter is not going to be discussed further"? He said that she is operating in a realm of speculation. The Borough is following the statutes of the State of New Jersey and following all rules and regulations that govern the process; we are being as transparent as we are allowed to be. Councilman Jaeger said Mrs. Keefe is accusing the governing body of lying. Any liability at the property falls on Sunoco; we are not concerned about the property and there are attorneys that are handling the contract negotiations and any liability. Mrs. Keefe said there was an environmental study done and there is a concern. There was a report done and there is an environ-

mental case with the NJDEP. The Borough will have a Phase I environmental study of its own done and when the report is received, it will be made public. It was asked if the Borough has the right of refusal if there is an issue. Administrator Casagrande said the contract will be decided when all of the information has been received. Councilman Marchese said there were numerous meetings where this matter was discussed and has been documented in the minutes as Mr. Heller said earlier. Mrs. Keefe said, as a constituent, she has been following the matter and it is her job to make sure Mayor and Council are going down the right road and doing its due-diligence on the taxpayer's behalf. Councilman Peters said he appreciated her question(s) and the Borough is making sure it is a good asset to acquire; there are pluses and minuses to it. If everything is in order, the Borough has cash that it will use to pay for the property and the governing body wants to make sure that it gets full and fair value.

Josh Halpern, Buttonwood Drive, thanked the Borough for the stop sign at the intersection of Spruce and Buttonwood. He said he has no problem with large homes being built in town because this helps keep our taxes low. Mr. Halpern said that he likes the way the curbs and sidewalks were done; he was not pleased that they began the project after school started and asked if there could be something placed in the bid specifications moving forward. His son has not ridden his bike to school all year because of the project. He requested thought be given when plans are approved and there will be truck traffic allowed in the neighborhoods. Mayor Lucarelli said the noise ordinance allows construction to begin at 8:00 a.m. until dusk. If a project is taking place on a public road, we leave it to the police department to address hazards. This year we have had 14 knock-down permits in town as opposed to 30+ in past years. Administrator Casagrande advised that we have had double police coverage during the project to ensure the safety of everyone and to help the project move along and have spent a significant amount in salaries for the police for this project alone. Mr. Halpern said if the project was done during the summer, we could avoid some of the hazards with children coming and going to school. Administrator Casagrande said the thought process was the opposite because during school, we know that the children are not on the street during a six-hour time frame where during the summer, children are out playing and running around at all different times.

Scott Gerbman, Park Avenue, said that with regard to the contamination at the Sunoco property, he works in the field and asked that the governing body make sure the Borough is protected when the contract to purchase is written. Benzene is an air concern with regard to toxicity. He also asked that the Mayor communicate with the constituents because they don't have the experience that he has with this type of matter. Mr. Gerbman asked what the process was to purchase the property; he understood that there is a Master Plan that recommends certain items be addressed. Council will be going into Executive Session to discuss this matter and he asked what happens next. The public was advised that on January 10, 2019 there will be a presentation on the concept plans for DPW. We may acquire the Sunoco property in anticipation of moving forward; we have done this in the past with property and if the Borough decides not to go through, we can always sell (similar to the Masonic Temple property). The Mayor stated that our police department is beyond function and has other issues and the DPW building is in an advanced state of deterioration so there is no debate that we need new facilities. Council is looking to do this in the best manner for the Borough. The Library and Community Center will be in this current Borough Hall building, the footprint of the DPW would be reduced at its current location and the police department needs to be in an acceptable facility, approved by the Department of Corrections. Mayor Lucarelli stated, "this is the best time to look at a complete realignment of Borough facilities especially with debt rolling off". We have other services that are being handled through Interlocal Service agreements. Mr. Gerbman asked if there were other options presented other than a new facility. Administrator Casagrande said the governing body and its professionals will show the histories of the buildings and have concept plans for public input to be shown at the January 10, 2019 special meeting. It was asked if the Borough would be making a decision on whether the property will be purchased after executive session. Councilman Rodriguez said that the location of the police department is best practices and it is better to have the police department located on a main artery in town to respond to calls instead of the location that is currently in a residential neighborhood. To have a community center where there is a jail is dangerous. The current police department was repurposed from an old school house. The mold has been remediated, but it not a long-term solution. Mr. Gerbman said that he is not disputing the need for the building, but the cost to do it. He asked that the building maintain the Borough's character and be as cost neutral as possible. He also requested that taxes be reduced; less is better. Mayor Lucarelli stated that all real estate taxes are going up; we had six years where municipal taxes were not raised at all. Taxes will be going up due to pension, health care, schools, state taxes, etc. Councilman Peters said that we are 96% local pay. The Borough is required to have a Clerk, Tax Collector, Tax Assessor and Chief Financial Officer, but there is little the Borough needs to provide. The governing body is always discussing services and costs. There is a new SALT program being suggested by the State; we get very little from them, so we run a tight ship.

Mrs. Blaser said that she does not see that homes that are being constructed as a benefit to

Borough or its seniors; someone is picking up the per student fee. She suggested that the square footage allowed for a property be capped. She was advised that the Borough has had zoning laws in effect that were established in the 1960s. The current market is driving the size of homes and they fall within the zoning regulations.

Carol Williams, Fair Haven resident, stated that there can be two property owners who buy individual lots as opposed to one person buying one large lot; homes are being built and they are not selling. Mrs. Blaser said once the homes are there, they are there. Councilman Peters said that this is a State of New Jersey problem, not just Fair Haven. New Jersey does not have a cap like California. The Mayor said that taxes are capped for seniors 65+ in age through senior freeze. Councilman Peters said that we are living with rules from the State that he does not like, but he has to work within the parameters that are given. Mrs. Blaser said that the property on DeNormandie Avenue is not a positive purchase. She was advised that it has been part of our Master Plan for years and this property falls within the plan as a waterfront park.

Mrs. Keefe said the sidewalks look great. She questioned Resolution No. 2018-231 on the agenda regarding the possible purchase of the Sunoco property. She was advised that M&M Realty is the current contract purchaser who has had a deal with Sunoco to purchase it for years. Councilman Peters said that since M&M has a contract to purchase, we cannot deal with Sunoco directly. Administrator Casagrande said the appraiser and our professionals are looking into everything and negotiating in the best interest of the Borough and its taxpayers. She said that she is in constant contact with the professionals since Mayor and Council only meet twice a month. The resolution was listed on this evening's agenda, so we are not disingenuous and so the public is aware of what may be considered. The Borough cannot pay more than what the property is appraised for, by law. Ms. Keefe asked if the appraisal is online; no, but the information can be requested through the OPRA process. It was asked, if the resolution is adopted, when the closing will be; it is not known at this time. There is no final contract draft, but it will be available when it has been executed.

Mrs. Blaser said that the price of the property was not \$1.7 million; she was advised that the Borough would be paying the appraised value provided by the Borough's Appraiser. Mrs. Keefe asked what the contract price between M&M and Sunoco was; she was advised that it is immaterial to our purchase because we would be purchasing at the appraised value and not going through condemnation. The figure between M&M and Sunoco is from years ago; we are dealing with current time and our appraisal.

Councilwoman Koch reported that voting is open for the Holiday Decoration contest (12/17-12/20); all homes that have been nominated are listed on the Borough website and Facebook page. The Foundation of Fair Haven is providing the prizes to the winners.

Councilman Rodriguez said it has been an honor to serve on Council with Councilmembers Marchese and Jaeger; he learned a lot. Councilman Marchese stated that it has been an honor to serve.

Mike McCue, William Street, said that for the Toys for Tots collection, there were over 300 individual items received. With regard to the Sunoco property, shared services and remediation is important. He said that he is happy to hear that this has not been rushed and understands everything has been taken into consideration including working on interest rates. It is important that due diligence be taken by the Borough representatives. He was advised that the need for new facilities has had years of discussion and not been rushed; the governing body is doing its best.

There being no further comments or questions, the meeting was closed to the public at 8:30 p.m. The public was advised that action would be taken after executive session.

Council went into executive session at 8:37 p.m. and this meeting was reconvened at 9:45 p.m.

RESOLUTIONS

15. Approve Purchase of 626 River Road (Block 31, Lot 1) and authorize Mayor to execute closing documents. This resolution was not adopted.
16. Resolution No. 2018-231, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the December 17, 2018 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2017 CURRENT ACCOUNT	\$ 5,763.11
2018 CURRENT ACCOUNT	\$ 141,891.73
GENERAL CAPITAL	\$ 145,449.04
GRANT FUND	\$ 167.76
PAYROLL AGENCY	\$ 12,682.60
OTHER TRUST	\$ 50,458.69

TOTAL \$ 356,412.93

Offered for adoption by Councilman Peters, second by Councilman Jaeger

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

Negative: None

Abstain: None

Absent: Councilwoman Sorensen

ADJOURNMENT

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

Time of Adjournment: 9:47 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk