

FAIR HAVEN BOROUGH COUNCIL
MARCH 11, 2019

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, Peters, Rodriguez and Sorensen. Absent: Councilmembers Banahan and Rice. Others present: Administrator Casagrande and Attorney Alfieri.

PRESENTATIONS/PUBLIC HEARING

-COMCAST Cable Franchise Renewal. Robert Clifton, Senior Director of Government Affairs, was in attendance. The Borough received the renewal application in December and a public hearing on the renewal is required. The current agreement expires in September 2019 (there is a process for renewal and obtaining BPU approval). BPU grants the permit once municipal consent is given. Mr. Clifton said COMCAST has never been denied approval. The process began three years ago with a 626 letter. The application was submitted to the Borough in December, the hearing is being held this evening and a consent ordinance or a denial resolution will be needed 30 days after the close of the hearing. The ordinance would be for a simple Right of Way to continue to run service in the municipal Right of Way; any cable company can use the Right of Way by going through the same process. The second option for renewal is to go statewide and bypass the municipalities; COMCAST does not take this approach. Rates are outside the purview for renewal as well as channel line-up. Councilman Peters asked for a written document. Mr. Clifton will send the draft ordinance for review. There is an opportunity for a one-time technology grant based on the number of subscribers and the years of contract. Attorney Alfieri said that there were to be two notices in the newspaper, the first one was 45 days in advance of this meeting. He has the Affidavits of Publication from the Asbury Park Press as proof. The technology grant would be through negotiations. Mr. Clifton said he would send the grant offer with the ordinance in the next week. He said that Fair Haven has just under 500 subscribers; all other residents receive their cable through Verizon FIOS.

The hearing was opened to the public at 7:09 p.m. Gudrun Koletzki-Bailey, Fisk Street, had a concern about cost and channel line-up, especially for the basic package. Mr. Clifton provided his business card to her and asked that she call and give her suggestions on what channels she would like to have; all suggestions are kept and addressed as the opportunity presents itself. COMCAST shows what the signals can get. Mrs. Bailey said she would like to receive public access government channels and a German channel.

There being no further comments or questions, the hearing was closed to the public at 7:11 p.m.

WORKSHOP SESSION

The Fair Haven Education Foundation has made a request to hold the Color Run Event on Sunday, November 3rd this year. Kelly McCann, President, said there were 702 runners at last years event (they were approved for 800 participants) and the event raised \$23,000. The Recreation Committee gave their support for this year's event at their last meeting. Chief McGovern said that there were no issues in the past. Councilman Peters suggested increasing the participant count this year to 1,000. Councilwoman Sorensen asked if the Administration Fee for special duty could be forgiven. Language in the Special Duty Rate ordinance will be reviewed.

Motion to approve the event date and 1,000 participants moved by Councilwoman Sorensen, second by Councilman Peters with Ayes by all present.

A street opening application from NJ American Water Company was received and approved for Forman Street for a main installation. Administrator Casagrande explained that this was approved after the water company met with our engineering staff last week. It was somewhat emergent as the water company thought the subcontractor submitted the paperwork last May. Administrator Casagrande said the approval letter was included in the Council's packet and she read it aloud. Councilman Peters asked if we should think about curbs and sidewalks in that area with this project and Colonial Court.

Street Opening applications from NJ Natural Gas Company as follows:

- 21 William Street for new service
- 27 William Street for new service
- 129 Hance Road for new service

Motion to approve moved by Councilman Rodriguez, second by Councilwoman Koch with Ayes by all present.

A tree removal appeal was received from 79 Kemp Avenue. Bill Brooks, Borough Forrester and Mr. David Goldsmith, property owner, were in attendance. Mayor Lucarelli said he is familiar with the property and the tree because the house is at the end of his street; the tree is a hazard. Mr. Goldsmith stated that he received a letter from his insurance carrier advising that they will not renew his policy unless the tree is taken down; the tree is very close to the home. Councilman Rodriguez asked that there be some sort of replacement plan. Mr. Goldsmith will comply with the \$25 permit fee and the restoration requirement; based on the ordinance, a 4" diameter at breast height tree would need to be planted, however due to the size of the property, he will plant two, 2 1/2" diameter trees on the property and donate a 4" tree to one of the Borough parks. There was brief discussion on a time frame for when the removal and replacement should be done. The work should be completed by the end of the year. Motion to approve the appeal moved by Councilman Rodriguez, second by Councilwoman Sorensen with Ayes by all present.

With regard to a 2019 Municipal Budget update, Administrator Casagrande advised that she met with the Mayor, Councilman Peters, Councilman Banahan, CFO Lapp and Assistant CFO Abrahamsen regarding the budget. There will be revisions to line items. A budget workshop will take place at the March 25th Council meeting with a plan to introduce the budget on April 8th.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:24 p.m. Tina Iglesias-Stanley, Forman Street, asked about the work being done on Forman Street by NJ American Water. She said the work started at 7:50 a.m. and no one knew of the work being done. She called several Borough offices and NJ American Water for a status of the project; she was advised that the work would be completed by 4:00 p.m. each day. She received a NJ American Water Company Project notice at 2:00 p.m. this afternoon. There needs to be better communication from the contractor to the Borough and its residents. She thought there was a noise ordinance in place. Mrs. Iglesias-Stanley said that water access for her home is in the neighbor's driveway apron and her meter is in the basement of her house; this is very inconvenient especially since her neighbors just installed a new driveway apron. Chief McGovern said that there was a meeting last week with the Borough's Engineers and representatives from NJ American Water and they were told that they needed to notice the residents by the end of last week; they dropped the ball. They said that they left telephone voice messages for the residents affected. Utilities are exempt from the noise ordinance. The resident will have water service while the work is being done and the meter will be replaced when the resident is home. Councilman Peters said NJ American Water could have done a better job with notification and if the employee hours exceed their bargaining contract, they could have paid overtime.

Susan O'Brien said that the River Road residents were not notified by NJ American Water of the project they currently have on River Road. She was advised that the Borough posted information on the website and e-blasted that work would commence on River Road from Lake Avenue to Buena Vista Avenue. It is a County project.

There being no further comments or questions, the meeting was closed to the public at 7:32 p.m.

APPROVAL OF MINUTES

Councilwoman Sorensen made a motion to approve the Regular Meeting minutes of February 25, 2019, second by Councilwoman Koch

Affirmative: Councilmembers Koch, Peters, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Banahan and Rice

The Executive Session minutes of February 25, 2019 were tabled for discussion.

OLD BUSINESS

HEARING AND ADOPTION OF ORDINANCES

1. Ordinance No. 2019-03, Index Rate Ordinance

**2019 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

On motion of Councilwoman Sorensen, second by Councilman Peters with Ayes by all present, Mayor Lucarelli opened the meeting for comments or questions at 7:33 p.m.

Administrator Casagrande read a statement regarding the purpose of this ordinance.

Ruth Blaser, River Road, asked if this needs to be done every year; yes, it is in accordance with the State Budget Law. The money, if not used, banks for two years and then lapses.

Meghan Chrisner-Keefe, Beechwood Place, asked if the ordinance authorizes an increase of 3.5% or up to 3.5%. She was advised that is an overall 3.5% inside the budget CAP.

Mrs. Blaser asked if there was an adjusted pension for employees; we are up to Tier 5 in the State System.

Mrs. Chrisner-Keefe said that it states two succeeding years. We will bank this year with the option to use in the 2019 and 2020 budget; there is always a buffer every two years; we try to avoid using it. Councilman Peters said it is a way to avoid risk; we do our best to keep it at 2%. Fair Haven kept it at no increase for seven years in a row. The pension costs have increased to 11.5%.

There being no further comments or questions, the Hearing was closed to the public at 7:40 p.m. on motion of Councilwoman Sorensen, second by Councilman Rodriguez with Ayes by all present.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Koch, Peters, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Banahan and Rice

NEW BUSINESS - CONSENT AGENDA
RESOLUTIONS

1. Resolution No. 2019-60, Authorize Renewal of the Franchise Agreement with NJ Natural Gas Company

WHEREAS, New Jersey Natural Gas Company has heretofore been granted a franchise and consent to lay, maintain and operate gas facilities in the Borough of Fair Haven; and

WHEREAS, New Jersey Natural Gas Company is desirous of obtaining a franchise and consent of the municipality to continue serving the municipality.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Fair Haven hereby consents and authorizes New Jersey Natural Gas Company to lay, maintain and operate for a period of fifty (50) years from the date hereof, its conductors, mains and pipes together with all appurtenances thereto, in, under and over all the public streets, alleys, squares and public places in the Borough of Fair Haven for the purpose of conducting, transmitting and distributing gas or any mixture of gases of various types, including natural gas, upon the following terms and conditions and rules, regulations and ordinances of the Borough of Fair Haven:

1. That New Jersey Natural Gas Company shall agree that, in all cases in which street openings or excavations are made for the purpose of aforesaid, the pavement and surface of the streets, alleys, squares or roadways shall be restored to the same condition as existed prior to the opening thereof, and as required by Municipal Ordinances; and
2. That New Jersey Natural Gas Company shall conduct the work or the laying or maintaining of gas pipes therein in a careful and prudent manner; and
3. That New Jersey Natural Gas Company shall safeguard the public interest in continuous and uninterrupted service at and after the expiration of the term of the grant; and
4. That New Jersey Natural Gas Company shall maintain its property in good order throughout the full term of the grant; and
5. That New Jersey Natural Gas Company shall continuously afford safe, adequate and proper service at just and reasonable rates.

BE IT FURTHER RESOLVED, that this franchise consent, upon approval of the Board of Public Utilities of the State of New Jersey, shall supersede the Resolution granted by the Borough of Fair Haven on March 24, 1969; and

BE IT FURTHER RESOLVED, that New Jersey Natural Gas Company shall file with the clerk of this municipality within sixty (60) days from the date hereof, its acceptance of the terms and provisions of the franchise consent herein granted and its agreement to be bound by the terms and provisions thereof; and

BE IT FURTHER RESOLVED, that this resolution shall not become effective unless and until it is approved by the Board of Public Utilities of the State of New Jersey.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Koch, Peters, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Banahan and Rice

2. Resolution No. 2019-61, Extend Solid Waste/Recycling Contract with Suburban Disposal until June 30, 2019

WHEREAS, the Borough of Fair Haven and Suburban Disposal have entered into a contract for solid waste and recycling; and

WHEREAS, in order to ensure the safe and efficient transition of solid waste and recycling services to the Borough residents and to protect the health, safety and welfare of the residents, the existing contract with Suburban Disposal is extended until June 30, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, that the Mayor is authorized to execute the attached Amendment to Contract with Suburban Disposal.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Koch, Peters, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Banahan and Rice

3. Resolution No. 2019-62, Executive Session – Personnel, Acquisition of Property and Possible Litigation

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

Acquisition of Property

1. River Road

Possible Litigation

1. COAH Requirements

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 Koch, Peters, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Banahan and Rice

4. Resolution No. 2019-63, Approve Amendment to the Interlocal Service Agreement with Middletown for Tax, CFO and QPA

WHEREAS, the Borough of Fair Haven, in the County of Monmouth, State of New Jersey has determined that it would be beneficial for the Borough of Fair Haven to enter into an Interlocal Services Agreement with the Township of Middletown; and

WHEREAS, the Administrations, with the help of the Chief Financial Officer for both municipalities, have identified a number of areas where working together through Shared Services will result in positive outcomes for both municipalities; and

WHEREAS, the Borough of Fair Haven and Township of Middletown have agreed, in principle, that the Interlocal Services Agreement will include the following services:

- Chief Financial Officer
- Tax Collector
- Qualified Purchasing Agent
- General Financial/Administrative Services

WHEREAS, the municipalities have agreed to amend and revise the current Interlocal Services Agreement until December 31, 2019 or its extension expiration

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Mayor and Municipal Clerk are hereby authorized and directed to sign the revised Interlocal Services Agreement between the Borough of Fair Haven and the Township of Middletown for the services listed above, in a form as approved by the Borough Attorney and Administrator; and

BE IT FURTHER RESOLVED that the Municipal Clerk shall forward a certified true copy of this Resolution to Middletown's Municipal Clerk.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Koch, Peters, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Banahan and Rice

5. Resolution No. 2019-64, Approve Fire Department Membership Application-Daniel Maloney

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that Daniel Maloney, 125 Princeton Road, Fair Haven, NJ having been duly accepted as a regular member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Koch, Peters, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Banahan and Rice

6. Resolution No. 2019-65, Amend Temporary Budget

WHEREAS, emergent conditions have arisen with respect to the payment of bills in a number accounts and no adequate provision has been made in a Year 2019 temporary budget for the aforesaid purposes; and

WHEREAS, NJSA 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned; and

WHEREAS, the total temporary emergency resolutions adopted in the year 2019 for the Borough pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total \$2,479,792.69 for the Current Fund.

NOW, THEREFORE, BE IT RESOLVED that not less than two-thirds of all members of the Borough Council of the Borough of Fair Haven, New Jersey affirmatively concurring in accordance with the provisions of NJSA 40A:4-20:

1. An emergency temporary appropriation shall be and the same is hereby made for the

following purposes:

Account Number	Description	Amount	Reason
Current Account			
9-01-25-265-276	Fire Dept. – Fire Hydrants	\$ 6,000.00	Needed until adoption
9-01-26-315-235	Vehicle Maintenance – New Equip. Repair	\$ 5,000.00	Needed until adoption
9-01-31-446-276	Natural Gas Utilities	\$ 8,000.00	Needed until adoption
9-01-36-471-299	PERS Miscellaneous	\$153,997.00	Needed until adoption
9-01-36-475-299	PFRS Miscellaneous	\$404,192.00	Needed until adoption
9-01-43-490-299	Municipal Court – Miscellaneous	\$ 60.00	Needed until adoption
TOTAL		\$577,249.00	

2. That said emergency temporary appropriations will be provided for in the 2019 budget under the appropriate titles.

3. That one certified copy of this resolution will be filed with the Director of Local Government Services.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Koch, Peters, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Banahan and Rice

7. Resolution No 2019-66, Approve Execution of Joint Purchasing System Agreement with the City of Long Branch

WHEREAS, N.J.S.A. 40A:11-11(10) authorizes contracting units to establish a Joint Purchasing System and to enter into a Joint Purchasing Agreement for its administration; and

WHEREAS the City of Long Branch, hereinafter referred to as the “Lead Agency” has offered voluntary participation in a Joint Purchasing System for the provision and performance of goods and services; and

WHEREAS, on March 11, 2019, the governing body of the Borough of Fair Haven, County of Monmouth and State of New Jersey duly considered participation in a Joint Purchasing System for the provision and performance of goods for Police Department Equipment for Training Purposes, including but not limited to Simunitions Equipment.

WHEREAS, the following towns will participate: City of Long Branch, Borough of Allenhurst, Borough of Deal, Borough of Eatontown, Borough of Fair Haven, Borough of Little Silver, Borough of Monmouth Beach, Township of Ocean, Borough of Oceanport, Borough of Rumson, Borough of Sea Bright, Borough of Shrewsbury, Borough of West Long Branch and the Monmouth University Police Department.

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This Resolution shall be known and may be cited as the Joint Purchasing Resolution of the Borough of Fair Haven.

AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40A:11-10* the Mayor of the Borough of Fair Haven is hereby authorized to enter into a Joint Purchasing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (*N.J.S.A. 40A:11-1 et seq.*) and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

Councilwoman Sorensen felt this was a great idea. Chief McGovern spoke a little on the reasoning. It started as an active shooter training program with the various participating

municipalities. There will be monthly training in each cooperating municipality so that everyone is familiar with the locations (schools, municipal buildings, etc) and officers in each town.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Koch, Peters, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Banahan and Rice

8. Resolution No. 2019-67, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the March 11, 2019 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2018 CURRENT ACCOUNT	\$ 3,843.23
2019 CURRENT ACCOUNT	\$ 3,241,352.05
GENERAL CAPITAL	\$ 13,741.52
GRANT FUND	\$ 13,177.11
OTHER TRUST	\$ 85,885.56
DOG TRUST	\$ 1,928.82

TOTAL \$ 3,559,928.29

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Koch, Peters, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Banahan and Rice

Reports of Departments

2018 Year End

-Tax Collector

February 2019

-Municipal Clerk

-Dog License

-Municipal Court

Motion to accept the reports as submitted moved by Councilwoman Sorensen, 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 7:45 p.m. Ruth Blaser, River Road, said with regard to R-5 zoning regulations, she thought all set-backs applied no matter where it is in town. There are two houses going up on Hance Road that do not seem to conform and were not addressed at a Zoning Board meeting. Bill Folker, Planning Board member, advised that the subdivision came before the board as compliant and did not require zoning approval as no variances were required. Mrs. Blaser asked, “When will the Borough step in on set-backs”? Mayor Lucarelli said that the Borough has its Master Plan Re-examination in place and asked her if she is saying that what is taking place on Hance Road is going beyond the Master Plan regulations.

Tina Iglesias-Stanley, Forman Street, explained the history of the property Mrs. Blaser referenced and that it was subdivided. Mr. Folker said that a variance was not required. There is an established grade and it is consistent with the zoning ordinances. Revising the Borough’s Zoning Ordinance is a major undertaking. Attorney Alfieri said there has to be 25 feet from the property line to the front of the house. Meghan Chrisner-Keefe asked if there could be a mis-build. We can have our Zoning Officer go out and measure from the property line to the front of the home; Fair Haven is good at follow-up and making sure the approved plans are followed.

Councilwoman Sorensen reported that the Rutgers Coaching Course will take place on March 27th, Teen Canteen will take place on March 29th (volunteers are needed), adult work-out classes have been taking place on Saturdays, spring sports sign-ups will begin in April and Snapology will begin on April 7th. Tai Chi is returning. All sign ups can be found on the Recreation website. There will be a Mother/Son dance instead of a brunch on May 10th and 11th.

William Folker, Lewis Point Road, asked if a date has been established for shredding. The Borough Clerk advised that a Shred Day has been chosen and it will be Saturday, June 22nd from 9:00 am until 1:00 pm (or until the truck has been filled) at Fair Haven Fields. More information will be released via the Borough's website, Facebook page, etc. as the date approaches.

Councilwoman Koch said she and Joe Perrotto worked on the Wall of Honor at Knollwood School. There is a new frame and plaque for Jamie Riley. We have another graduate who will join the wall. She thanked the Foundation of Fair Haven for their sizeable contribution for the frames and the project.

Ms. Chrisner-Keefe asked that the rules for public participation on the agenda be edited to "he or she" not just he.

Councilman Rodriguez said with regard to the Natural Area, Operation Legacy would like to come on April 28th.

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

Council went into executive session at 8:02 p.m. and this meeting was reconvened at 8:53 p.m.

ADJOURNMENT

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

Time of Adjournment: 8:53 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk