

FAIR HAVEN BOROUGH COUNCIL
MARCH 25, 2019

The meeting was called to order by Mayor Lucarelli at 7:02 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 Banahan, Koch, Peters, Rice, Rodriguez and Sorensen. Others present: Administrator Casagrande, Attorney Alfieri, CFO Lapp and Assistant CFO Abrahamsen.

PROCLAMATIONS

Mayor Lucarelli read and presented a proclamation to Patricia Drummond for her volunteerism and preserving Fair Haven's history and Susan Whyman as an independent historian who lectures and publishes about British culture.

Mrs. Drummond thanked the governing body for the honor and said she is accepting the proclamation on behalf of all of the women who have volunteered in the Borough, especially those who were part of the garden parties.

Mrs. Whyman thanked the governing body and said that most of the chapters of her newest book were written on the dock at the end of Fair Haven Road. She donated a copy of her newest book, with a personal inscription, to the library.

PRESENTATIONS

Administrator Casagrande advised that the NJ Supreme Court has mandated the development of fair housing stock. On March 19th, the Planning Board adopted the Borough's Housing Element and Fair Share Plan. There is a resolution listed on this evening's agenda to endorse the plan. Copies of the plan are available online and in the Municipal Clerk's office. It will be amended and will have public hearings as we go along; Ordinances have procedures and notice of the amendments will be published, in accordance with law.

Fred Heyer and Susan Gruel (Planners), were in attendance. Mrs. Gruel gave a general overview of Fair Haven's Housing Element and Fair Share Plan, adopted by the Planning Board at their March 19th meeting. There is a constitutional obligation and we tried to address it and keep it intact. There are 371 affordable units required of Fair Haven. The Borough does not have to zone for all of it; a realistic development proposal would be created as there will be an unmet need. The Borough has no rehabilitation obligation. There is a plan for reuse of the DPW site with 9 to 11 single family homes being developed on half of the Allen Street site; two of them would be used as affordable housing where Habitat for Humanity or a similar organization could come in to build. The overlay zone would maintain the zoning that is in effect; those areas being a portion of the business district and the Methodist Church site with multi-family developing. There is an accessory apartment option with a \$25,000 contribution to anyone who provides it and it is deed restricted for 10 years. Affordable Housing is set aside for multi-family development approved by the Land Use Board. The Borough could establish a Housing Trust Fund to promote affordable housing.

The meeting was opened to the public for comments or questions at 7:17 p.m., Meghan Keefe, Beekman Place, asked if there is a setback for the third floor and the first floor; yes, but it has not been established at this point (we only have basic standards set). Mrs. Keefe asked why the third floor is being emphasized and not the first floor; Mrs. Gruel said there is sensitivity to height in Fair Haven and it is important to address that first. It was asked if any other location in town would allow for a district overlay; no, only River Road.

Christopher Hempstead, Willow Street, asked why the overlay is in the business district, why there was only one option and why the scope is so narrow. Mrs. Gruel said if you look at the Master Plan Re-examination, the business district is where affordable housing and age restricted units were recommended. Mr. Hempstead asked if height restriction and density were looked at; it was part of the Master Plan with a general recommendation with nothing specific that stated anything about height. Currently, the business district allows 35 feet and what is proposed is 38 feet. Councilman Peters said this would fit in with the transportation corridor (for the beaches and train stations) we have along River Road. Mr. Hempstead said the business district is the most logical place, but the density of the area is a concern. He said there was a borough facilities concept plan presentation in January at Knollwood School and this proposal is isolated to the business district with a refusal of other areas in town. He asked that the governing body review the Master Plan, the comments on the Master Plan and review the resolutions to make sure the Fair Share Housing Element Plan does not contradict anything. It was requested that this matter be brought back to the Planning Board to encompass more of the concerns that have been raised. Mrs. Gruel stated that the plan presented is well thought out with a lot of input and the Master Plan was the subject in a lot of the housing plan and transportation plan which provides significant frame work that was used as part of the basis for the business district overlay. Mr. Hempstead asked if there are more approvals needed. Mayor

Lucarelli advised that the points being raised this evening are the same as what was raised at the Planning Board Meeting and the reasons why (both rational and legal) were provided including that what was suggested is not done in a residential district, but in a business district. Mr. Hempstead said it should be considered that the business district is not the right place for this plan. He was concerned that no one on the Planning Board was given an opportunity to review the information and the working subcommittee had the opportunity of which most was done in executive session and the public is not aware of those discussions.

Mayor Lucarelli asked Administrator Casagrande to go over the timeline of events. Administrator Casagrande said that the Fair Share and Housing Element Plan is an initial plan adopted by the Planning Board done on the advice of the Borough's Special Counsel who filed a Declaratory Judgment. The matter is scheduled to be heard by the court on April 5th or 12th and will be assigned to a Court Master. This is just the beginning of the process. There will be amendments and hearings on any future actions. She reviewed a timeline of how the plan came to be and all who were involved in the process. A lot of work was put into the plan and it was adopted on March 19th by the Planning Board. There is an overlay at the Methodist Church, Ridge Road, and near the DPW; not just in the business district. It is not a final document and the action by the governing body does not lock the plan. It will take months to come up with a final plan. Attorney Alfieri said developers and other property owners may intervene in the process. There are surrounding towns that used overlays for this same process. The courts want to make sure the development is likely to go forward. Susan Gruel said that all of the component parts are there and at the same time while trying to address the vision of the Borough; it is a balancing act. Mrs. Gruel said her firm has done a number of fair share plans in other towns that are well developed. Mr. Hempstead thanked Administrator Casagrande for posting her memo on the Borough's website. He asked Mrs. Gruel, "besides the DPW and church sites, is there any other property that is vacant"? She tried to look at large, vacant sites to be considered, but there are none. Her firm and the subcommittee looked at the community and the Master Plan. There are well established residential neighborhoods which would be heavily impacted. Having an overlay in the business district was the most realistic, sensible and is consistent with the Master Plan. There is no vacant land anywhere in the Borough; overlay vs. rezone was discussed.

Tina Iglesias, Forman Street, asked if there is an approximation of the range for affordable housing. Mrs. Gruel said that affordable housing is broken into three categories: moderate income, low income and very low income. For Fair Haven purposes, a four-person household median is just under \$100,000, moderate would be \$79,369 and low \$49,605 (the figures are adjusted every year). Usually municipal employees, school teachers and single mothers occupy these units.

Ralph Wyndrum, Cooney Terrace, said the number of units (371) might bring in 1,000 people which is a 15%-16% population increase; he asked if there is thought to augment the recreational and park facilities. Mrs. Gruel said it is highly unlikely that all of the units would be constructed within 6-8 years. Municipalities have to factor in all of the checkpoints that the courts require.

Pat Drummond, Fair Haven Road, asked if the plan would include senior citizen housing. There is a cap on the affordable units. The Methodist Church site is proposed to be age restricted housing.

Diane Mevorach, Navesink Avenue, said the Borough does not have a choice who the units are given to; there is a lottery at the State level. Susan Gruel said there would be an Administrative Agent to oversee the process. Councilwoman Sorensen said the lottery would be in the municipality. Fred Heyer, Borough Planner, said that it is marketed to the general population in the region; there is no preference given.

Mike Rothenberg, Doughty Lane, asked about the Methodist Church overlay and if there would be condemnation/ eminent domain. He said residents have no intention of selling or moving from their home. He was advised that it is unlikely that the residential areas or Methodist Church would be considered. The DPW property is owned by the Borough and the Borough can sell a surplus of land when the DPW facilities are improved which will allow 9 to 11 small family lots. Two lots could be given to a non-profit such as Habitat for Humanity to build two units which would be deed restricted as affordable. The Borough does not need to acquire any properties near the DPW to allow for affordable housing. It cannot be the entire DPW site; it needs to be realistic and reasonable. The church can stay and function as a church where it currently is. There is no vacant land in Fair Haven and this would be a way of addressing an unmet need. Mrs. Gruel said that she and Mr. Heyer teach the Affordable Housing Standards at Rutgers University and it is a very complex matter. Mr. Rothenberg asked how the Borough can appeal the 371 housing-unit requirement; he was advised that it is part of the process. The 371 number is a decision that was made by the Mercer County Court. We are working under a court decision that established the formula for the number of units; it has already been litigated and the Supreme Court has said, by

court order, we have to abide by it.

Mrs. Drummond said that she was on the Planning Board quite some time ago and the board, at that time, did not do anything about the requirement. Mrs. Gruel said that it has been quite an active process and there is now a requirement that municipalities are significantly exposed if they do not adopt a housing plan. Mrs. Drummond said, at the time, it took nine months to create the plan and then nothing was done. Councilman Banahan said that the process and regulations have changed quite a bit over the years; the Borough has inventoried and looked everywhere to try to come up with a plan that has been forced on us. The Committee has analyzed this matter for quite some time and came up with the best plan for Fair Haven.

Ruth Blaser, River Road, said that it was stated that this has been worked on since 2015 and finalized into a plan. She asked if the lots on Fisk Street were sold to avoid building affordable housing. Mayor Lucarelli said the borough sold the lots on Fisk Street to help with capital cash to set aside as we work on our borough facilities plan.

Mrs. Iglesias said that legally we need a plan which is what the borough is trying to do. She asked if there is a date/deadline to have these built; no.

Ms. Mevorach asked if the overlay is to show that we are doing our due diligence; yes. She addressed Council saying that the borough was shifted into 5th gear with Sunoco who threatened fair housing to build a high rise. Administrator Casagrande said that Fair Haven filed the declaratory judgement to be protected from lawsuits. Since July 2015, we have been waiting for a number. Once the case was adjudicated in Mercer County, it was clear what the numbers would be. We filed our judgement paperwork on March 7th and have been told that there is a hearing scheduled for the beginning of April. Mrs. Mevorach asked if there was anything with Sunoco or M&M Realty threatening to build a high rise; no, it is what Special Counsel recommended. She said that the Planning Board and its professionals are wonderful and have explained the process very well and she felt the Borough is not being up front with the residents. Administrator Casagrande said that the Borough has been working on this plan since 2015. Councilman Banahan advised that nothing is “being done in the shadows”, it has been open and allowed for public comment all along. There are other towns that are in the same position as Fair Haven. Fair Haven has received countless inquiries for a copy of our plan and they are aware we were working on our plan. Fair Share Housing is for a plan and to get this matter moving. Last year, the Borough passed an eminent domain ordinance and we were in negotiations with M&M Realty and it is something that may be pursued. Mrs. Gruel said it is in the Plan (page 31) speaking to the letter from M&M Realty.

Mrs. Keefe, Forman Street, asked, “is there is anything that would preclude all fair share housing at the DPW site”? It may be negotiated for the next phase; there is nothing preventing it. The Mayor explained the process and that it is actually 1500 units; we can place two units at the DPW site and the overlays are for future development. He reiterated the time line of events and why the borough is requesting immunity from the court. Mrs. Keefe said the professionals stated that the DPW is a possibility; she was told it is a balance with 10 lots. Ms. Mevorach said that one unit would cover us and asked why there would not be two or three; she was advised there would be two affordable housing units at the DPW.

Mr. Hempstead addressed Attorney Alfieri by saying builders remedy lawsuits can be costly and very litigious and if we are going to amend ordinances we have on file, it will make our business district look like a downtown Red Bank. He asked if there is a balance for the Planning Board to support or deny the plan because it is not consistent with the Master Plan. Attorney Alfieri said no ordinance will be recommended or implemented until the court approves the ultimate plan. The Municipal Land Use Law is clear that if a municipality makes an ordinance change for an area in town, it has to be introduced and referred to the Planning Board for their review and recommendation and it would be a regular municipal zone change. As of now, there is no ordinance in place, there is a Master Plan.

Mrs. Drummond asked if the overlay was just for the west district; yes, west of Fair Haven Road.

There being no further comments or questions for this matter, the meeting was closed to the public at 8:21 p.m.

WORKSHOP SESSION

Mayor Lucarelli asked for approval of street opening applications as follows:

- Street Opening Application from NJ American Water – 21 William Street, New Service
- Street Opening Applications from NJ Natural Gas:
 - 6 William Street – New Service
 - 134 Third Street – New Service

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

A recess was taken from 8:22 p.m. until 8:28 p.m.

With regard to the 2019 budget workshop, the draft budget is put together with input from the department heads, Chief Financial Officer, Assistant Chief Financial Officer and Finance Committee and encompasses what is needed for this year. For 2019, one cent is equal to \$379,150 per home; the tax rate will decrease from 0.377 to 0.344%. The numbers will be finalized once the County approves our revaluation number. General revenues are down. A line by line budget detail description was given to the governing body. We have an upcoming bid opening for trash and recycling so the line item for that service was increased by 15%; the bids are April 25th (just before budget adoption) so we can amend the budget if the increase is not as high as anticipated. There are employee salary increases, reduction in health premiums and an \$11,080 increase in PERS and PFRS is up \$43,000 as well as legal fees. The average home in Fair Haven is worth \$843,040 this year. There is \$1,000,000 in surplus being used for this year's budget.

Councilwoman Rice asked if there is a 3.16% increase in taxes; yes. Councilman Peters explained that \$1.7 billion is Fair Haven's worth; we are not increasing our rates (the rate does not go up, what the residents pay will go up). Councilwoman Rice confirmed that it is what the value of a resident's home is not what the Council is saying it should be. Councilwoman Sorensen said the draft budget shows a \$205,000 increase from last year and suggested surplus be allocated; she was advised that there is a \$1,300,000 surplus allocation for this budget. The differences are in appropriations vs. revenues. Mayor Lucarelli said recycling costs are increasing, pension costs are increasing and litigation anticipated for Dunkin Donuts and Fair Share Housing are also included; the legal line item is increasing from \$90,000 to \$150,000. Councilman Rodriguez asked why there is no line item for prepayment of taxes; CFO Lapp said that it is non-material. Councilman Peters said the Borough has saved \$2,000,000 in trash and recycling collection since 2010; many other towns have followed suit with privatizing this service. Councilwoman Rice asked if the Storm Trust Reserve was created because of Superstorm Sandy. Administrator Casagrande explained that it used to be called Snow Trust; the money can be used for any storm. We developed the trust fund to be used for salt or a piece of equipment. CFO Lapp explained that it had a low balance until the borough received its FEMA reimbursements. We are trying to get it to a level of protection for a storm and to get it to a budget amount to replenish when it is used. The reserve is in a line item of the budget. Administrator Casagrande advised that the budget is not set in stone. The State has target dates for budget introduction and adoption; we have to introduce at our April 8th meeting and we can amend it between introduction and adoption. Councilman Peters discussed the pension system and that we are balancing our current workers and our retired workers; there is quite a shortfall in the State Pension System. He is looking at a few budget items that may be adjusted. He advised the public that the Borough is paying off its debt from 2009 which will provide relief. Administrator Casagrande advised that the Finance Committee will be meeting on the budget separately, to see if there are any adjustments that can be made prior to introduction. She acknowledged Melissa Abrahamsen, Assistant CFO who was in attendance and prepared to answer questions; she worked hard on this budget and the adjustments that have been made along the way.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 8:50 p.m. Ruth Blaser, River Road, questioned a payment on the bill list for decals and lettering for the same DPW truck. She was advised that the payment to Signs and Letters Unlimited is being charged to two separate line items (there is an amount being charged to Capital and another amount charged to the 2018 budget). She asked why and was told that is where the funding was available for the items. Mrs. Blaser asked why the Borough is paying \$350 for the Fire Chief's door repair. She was told that the Fire Chief's office door has a panic bar lock which is costly.

Meghan Keefe, Beechwood Place, asked about a payment on page 3 for reimbursement for a recorder. She asked if it could be used for other meetings; yes, it can be used for off-site meetings vs. hiring a stenographer. Administrator Casagrande said that the recorder was used at the last Planning Board Meeting and the recording is quite clear. The reimbursement is to her because the one our IT ordered from a vendor was backordered. Councilwoman Sorensen asked about storage of the recordings. Recordings can be stored for 80 days or until the minutes of the meeting are approved. Councilwoman Sorensen asked if the recordings can be posted on the website. Mrs. Keefe said that she loves the Easter Egg event and asked if the eggs can be returned to the borough for re-use. She was advised that the eggs can be disposed of. We order cases of eggs for the event that are pre-filled; it is worth the cost. Mrs. Keefe questioned the payment to Maser Consulting in the amount of \$15,000 for pocket parks. She asked what has been done to date and if there was a report for the public. Councilman Peters said the borough is redeveloping the area for better access points and we are rebuilding and improving for better access at Hance Road so there are better amenities. Administrator Casagrande said that Maser Consulting is consulting and doing the design

of the park; they are taking the original map and allocating it out. This is the next portion of completion. There are no final plans for the public to see. The cost is \$124,740 for three phases. The Mayor said that is the base contract which is a lot of money, but that is what it is going to take. She asked about the costs incurred for the Housing Element Plan; she was advised that there were a lot of volunteers involved, but the professionals involved will have to be paid. Councilman Peters said there are also DEP permits involved with the Hance Road, Grange Avenue and Battin Road projects.

Mrs. Blaser asked why a copier is being leased for the Police Department when it could be bought? She commented that the Borough is not a “good shopper”. She was advised that the copiers used are not cheap; we lease them and then buy them for \$1.00 when the lease ends.

Diane Mevorach, Navesink Avenue, questioned the traffic consultant hired for the Dunkin Donuts application. She was advised that they were chosen because our engineering consultant had a conflict. She advised that the traffic consultant is the biggest proponent and Dunkin Donuts is their biggest client. The Borough hired WSP for the transportation plan and she asked why they were not used for the Dunkin Donuts project instead of a traffic consultant.

Mrs. Keefe applauded Tina Iglesias for her hard work on raising funds for the toddler playground (Resolution No. 2019-72 is listed on the agenda which awards a contract).

There being no further comments or questions, the meeting was closed to the public at 9:07 p.m.

APPROVAL OF MINUTES

Councilman Rodriguez made a motion to approve the Executive Session minutes of February 25, 2019, second by Councilwoman Sorensen

Affirmative: Councilmembers Banahan, Koch, Peters, Rice, Rodriguez and Sorensen
Negative: None
Abstain: None
Absent: None

Councilman Rodriguez made a motion to approve the Regular Meeting minutes of March 11, 2019, second by Councilwoman Koch

Affirmative: Councilmembers Koch, Peters, Rodriguez and Sorensen
Negative: None
Abstain: Councilmembers Banahan and Rice
Absent: None

Councilman Rodriguez made a motion to approve the Executive Session minutes of March 11, 2019, second by Councilwoman Koch

Affirmative: Councilmembers Koch, Peters, Rodriguez and Sorensen
Negative: None
Abstain: Councilmembers Banahan and Rice
Absent: None

OLD BUSINESS

There was no old business brought before the governing body.

NEW BUSINESS - CONSENT AGENDA
RESOLUTIONS

1. Resolution No. 2019-68, Waive Special Duty Administrative Fee for Color Run Event

WHEREAS, Ordinance No. 2017-10 created the fee and rate schedule for Special Duty Assignments for Police Officers; and

WHEREAS, the Fair Haven Education Foundation holds a Color Run Event in November which requires Police presence; and

WHEREAS, the governing body would like to waive the administrative fee for the event in accordance with Ordinance No. 2017-10, Section B, Borough Events Officially Sanctioned by the Governing Body.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the \$20.00 administrative fee will be waived for the Fair Haven Education

Foundation event to be held on November 3, 2019.

BE IT RESOLVED that a copy of this resolution be given to the Finance Office, Police Chief and Fair Haven Education Foundation.

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

Affirmative: Councilmembers Banahan, Koch, Peters, Rice, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: None

2. Resolution No. 2019-69, Approve Sidewalk Café License – Fairwinds Deli

WHEREAS, Chapter 4-2.1 governs Sidewalk Cafes and Restaurants in the Borough of Fair Haven; and

WHEREAS, Fairwinds Deli, 798 River Road, has filed the appropriate Sidewalk Café License Application and paid the appropriate fee to the Borough Clerk; and

WHEREAS, the Police Chief has reviewed said application and submitted his approval for said permit as follows:

5 Tables and 20 chairs to accommodate 20 patrons.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Sidewalk Café Permit is hereby approved and shall be issued by the Municipal Clerk with an expiration date of December 1, 2019.

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

Affirmative: Councilmembers Banahan, Koch, Peters, Rice, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: None

3. Resolution No. 2019-70, Approve Sidewalk Café License – Lupo Pizzeria

WHEREAS, Chapter 4-2.1 governs Sidewalk Cafes and Restaurants in the Borough of Fair Haven; and

WHEREAS, Lupo Pizzeria, 757 River Road, has filed the appropriate Sidewalk Café License Application and paid the appropriate fee to the Borough Clerk; and

WHEREAS, the Police Chief has reviewed said application and submitted approval for said permit as follows:

7 Tables and 28 chairs to accommodate 28 patrons.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Sidewalk Café Permit is hereby approved and shall be issued by the Municipal Clerk with an expiration date of December 1, 2019.

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

Affirmative: Councilmembers Banahan, Koch, Peters, Rice, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: None

4. Resolution No. 2019-71, Approve Block Party – Parker Avenue (between Smith Street and Cedar Avenue)

WHEREAS, a request was received to hold a Block Party on Parker Avenue (between Cedar Avenue and Smith Street) on Saturday, June 1, 2019 from 5:30 pm to 10:00 pm with a rain date of June 2, 2019; and

WHEREAS, Police Chief Joseph McGovern reviewed the application and submitted his approval on March 11, 2019; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that approval is hereby granted for a block party to be held on Parker Avenue (between Cedar Avenue and Smith Street) on Saturday, June 1, 2019 from 5:30 pm to 10:00 pm with a rain date of June 2, 2019.

BE IT FURTHER RESOLVED that Permit No. BP 2019-01 will be issued for said event.

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

Affirmative: Councilmembers Banahan, Koch, Peters, Rice, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: None

5. Resolution No. 2019-72, Award Contract to Play & Park Structures for Toddler Playground

WHEREAS, a request was made to the Recreation Committee and governing body for a Toddler Playset at Fair Haven Fields; and

WHEREAS, the request was approved and the Toddler Playground Group raised funds to cover the cost of the playground equipment; and

WHEREAS, a Capital Item request has been made as follows through the Recreation – Community Appeals account:

Parks and Recreation

- Toddler Playset \$ 20,000.00

WHEREAS, two quotes for the capital expenditure were received and Play & Park Structures of New Jersey and New York, 920 Bayshore Avenue, West Islip, NY 11795 was 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 with a Certification of Funds executed by Colleen Lapp, Chief Financial Officer.

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

Affirmative: Councilmembers Banahan, Koch, Peters, Rice, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: None

6. Resolution No. 2019-73, Approve 2019 Non-Aligned Employee Salaries

WHEREAS, Borough Salary Ordinance No. 2017-03, provides for salary ranges for designated municipal employees; and

WHEREAS, the exact amount of each salary is to be determined by the Borough Council of the Borough of Fair Haven with the recommendation of the Borough Administrator.

NOW, THEREFORE, BE IT RESOLVED that the following non-contractual individuals shall be paid the regular base salary for the year 2019, for their services to the Borough of Fair Haven in the designated positions as follows:

EMPLOYEE	POSITION	2019
Allyson Cinquegrana	Borough Clerk	\$74,041.00
Allyson Cinquegrana	Assistant Administrator	11,389.00
Melissa Abrahamsen	Assistant CFO/Payroll Coordinator	62,120.00
Betty Ann Berube	Administrative Assistant/Registrar	38,000.00
Debbie Ozut	Tax and Finance Office Assistant	38,000.00
Gregory Hutchinson	Tax Assessor	25,000.00
Peter Lucas	Municipal Court Judge	13,915.00
Anthony Vecchio	Municipal Prosecutor	12,240.00
Darryl Breckenridge, Jr	Director of Parks and Recreation, Events and Special Project Administrator	62,500.00
Donna Powers	Librarian	49,000.00
Annette Bufano	Assistant Librarian	36,000.00
Nicolas Poruchynsky	Assistant Director of Engineering and Public Works	74,026.00

Nicolas Poruchynsky	Zoning Officer	25,884.00
Nicolas Poruchynsky	Flood Plain Manager	6,630.00
Jason Clark	Municipal Alliance Coordinator	18,000.00
Various Employees	Permanent Crossing Guard	9,160.00
Jennifer Johnson	Engineering, Zoning, Code Enforcement, Records	42,000.00
Joseph Mulé	Planning & Zoning Code Compliance	20,000.00
Judith Fuller	Engineering & Board Secretary	16.00/hour
	Public Works Laborer – Recycling	15.00/hour
Catherine Palma	Part Time Library Assistant	15.00/hour
Maria Mitterando	Part Time Library Assistant	12.00/hour
Erin Hendrickson	Part Time Police Records Clerk	15.75/hour
Bonnie Ferris	Part Time Police Records Clerk	15.75/hour
Various Employees	Part Time Crossing Guards	14.75/hour
	Special Officers – Class I	14.25/hour
	Special Officers – Class II	17.75/hour
	Police Matron	16.75/hour
	DPW Seasonal	13.00/hour

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

Affirmative: Councilmembers Banahan, Koch, Peters, Rice, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: None

7. Resolution No. 2019-74, Endorse Housing Element and Fair Share Plan

WHEREAS, On March 10, 2015, the Supreme Court transferred responsibility to review and approve housing elements and fair share plans from the Council on Affordable Housing (COAH) to designated Mount Laurel trial judges within the Superior Court; and

WHEREAS, on March 7, 2019, the Borough submitted a Declaratory Judgment Action to the New Jersey Superior Court seeking approval of its Housing Element and Fair Share Plan (HEFSP) pursuant to Mount Laurel IV; and

WHEREAS, on March 19, 2019, the Fair Haven Borough Planning Board adopted its Third Round Housing Plan Element and Fair Share Plan as being consistent with the goals and objectives of the Borough of Fair Haven Master Plan, as guiding the use of lands in the municipality in a manner which protects public health and safety and promotes the general welfare in accordance with N.J.S.A. 40:55D-28, and as achieving access to affordable housing to meet present and prospective housing needs in accordance with N.J.S.A. 52:27D-310; and

WHEREAS, COAH’s Prior Round rules at N.J.A.C. 5:91-2.2(a), requires that the Borough Council endorse the Third Round Housing Element and Fair Share Plan adopted by the Planning Board.

NOW THEREFORE, BE IT RESOLVED:

1. The Borough Council of the Borough of Fair Haven, Monmouth County, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the Planning Board on March 19, 2019.
2. That it authorizes and directs its professionals to file with the Court (i) the Housing Element and Fair Share Plan, (ii) the resolutions of the Planning Board adopting and the Borough Council endorsing the Housing Element and Fair Share Plan and (iii) any additional documents the representative deem necessary or desirable.
3. That it authorizes its professionals to seek Court approval of the Housing Element Fair Share Plan.
4. That it reserves the right to amend and/or supplement the Housing Element Fair Share Plan, should that be necessary.

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

Affirmative: Councilmembers Banahan, Koch, Peters, Rice, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: None

8. Resolution No. 2019-75, Executive Session – Acquisition of Property and Contract Negotiations

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

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

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

Personnel

1. Internal hire vs. professional service

Acquisition of Property

1. River Road

Contract Negotiations

1. Architectural Services
2. Interlocal Service Agreement with Rumson – Construction Code Services

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 Koch, second by Councilwoman Sorensen

Affirmative: Councilmembers Banahan, Koch, Peters, Rice, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: None

9. Resolution No. 2019-76, Approve Sidewalk Café License – Tavolo Pronto

WHEREAS, Chapter 4-2.1 governs Sidewalk Cafes and Restaurants in the Borough of Fair Haven; and

WHEREAS, Tavolo Pronto, 610 River Road, has filed the appropriate Sidewalk Café License Application and paid the appropriate fee to the Borough Clerk; and

WHEREAS, the Police Chief has reviewed said application and submitted approval for said permit as follows:

5 Tables and 20 chairs to accommodate 20 patrons.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Sidewalk Café Permit is hereby approved and shall be issued by the Municipal Clerk with an expiration date of December 1, 2019.

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

Affirmative: Councilmembers Banahan, Koch, Peters, Rice, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: None

10. Resolution No. 2019-77, Approve Temporary Emergency Appropriations

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 \$2,490,292.69 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			
9-01-20-130-202	Finance – Contractual Services	\$1,000.00	Needed until adoption
9-01-21-185-211	Zoning Board Contractual	\$2,000.00	Needed until adoption
9-01-26-315-235	Vehicle Maintenance – New Equip./ Repair	\$7,500.00	Needed until adoption
TOTAL		\$10,500.00	

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 Koch, second by Councilwoman Sorensen

Affirmative: Councilmembers Banahan, Koch, Peters, Rice, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: None

11. Resolution No. 2019-78, Extend Time Period to Complete Improvements for 119 Hance Road (B33, L16, 35)

WHEREAS, K.M. Hughes and the Borough entered into a Developer’s Agreement relating to the subdivision of property known as Block 33, Lots 16 and 35; and

WHEREAS, the Developer’s Agreement contained a deadline for the Developer to complete the site improvements by March 1, 2019; and

WHEREAS, the Developer has made substantial progress in the completion of the improvements and has requested a six (6) month extension to finalize the improvements; and

WHEREAS, the Borough Engineer has recommended that the requested extension be granted by the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, that K.M. Hughes is granted an extension through September 1, 2019 in which to complete the site improvements as required in the Developer’s Agreement.

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

Affirmative: Councilmembers Banahan, Koch, Peters, Rice, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: None

12. Resolution No. 2019-79, 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 25, 2019 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2018 CURRENT ACCOUNT	\$ 10,515.80
2019 CURRENT ACCOUNT	\$ 147,593.31
GENERAL CAPITAL	\$ 49,207.27
GRANT FUND	\$ 881.18
OTHER TRUST	\$ 15,679.91
TOTAL	\$ 223,877.47

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

Affirmative: Councilmembers Banahan, Koch, Peters, Rice, Rodriguez and Sorensen
Negative: None
Abstain: None
Absent: None

13. Resolution No. 2019-80, Approve 2018 Budget Transfer

WHEREAS, pursuant to N.J.S.A. 40A:4-58, appropriation transfers are allowable during the last two months of a calendar year and first three months of the current 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>
8-01-20-100-101	Administration Salaries	\$ 4,500.00
8-01-20-130-299	Finance – Miscellaneous	\$ 1,000.00
8-01-20-145-299	Tax Collection - Miscellaneous	\$ 1,000.00
8-01-23-220-227	Health Benefits – Medical	\$ 13,500.00
Total		\$ 20,000.00

<u>TO</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
8-01-20-155-211	Legal: Contractual	\$ 20,000.00
Total		\$ 20,000.00

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

Affirmative: Councilmembers Banahan, Koch, Peters, Rice, Rodriguez and Sorensen
Negative: None
Abstain: None
Absent: None

Reports of Departments
February 2019

-Tax Collector
-Planning Board and Zoning Board

Motion to accept the reports as submitted 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 9:08 p.m. Mayor Lucarelli said the Asbury Park Press had commentary on social media i.e. Google, Facebook, Instagram; he read a portion of it aloud to the public. This follows on the massacre that occurred in New Zealand; the perpetrator was “glued” to You Tube. He explained the algorithms and what it causes people to do like this person. People do not realize that they are not interacting with human beings, but algorithms. It is understood that there is a demand for social media and everything is being posted there, but the public is being manipulated.

Kim Lewis, Third Street, said that she is concerned about the sidewalks that were done on Third Street in October. She has been to Borough Hall since Halloween to express her concern and find out when the wall in front of her home would be completed and stabilized as well as the landscaping. The project stopped at her house; the wall is loose and a hazard and she is afraid someone is going to get hurt. She advised that other walls have been completed and she wants hers to be as well. Ms. Lewis said she takes pride in her property which has been ruined and she wants action.

Councilwoman Rice advised that Teen Canteen will be this Friday, there will be a Mother/Son Dance on May 10th and 11th; spaces are filling quickly. The Annual Easter Egg Hunt will take place on April 13th which is the same day as the Baseball Opening Day Parade.

There being no further comments or questions, the meeting was closed to the public at 9:18 p.m.

Council went into executive session at 9:18 p.m. and this meeting was reconvened at 10:21 p.m.

ADJOURNMENT

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

Time of Adjournment: 10:21 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk