

FAIR HAVEN BOROUGH COUNCIL
APRIL 8, 2019

The meeting was called to order by Mayor Lucarelli at 7:03 p.m. The Flag Salute was followed by a Moment of Silent Meditation. The Mayor asked that the families of William Baarck, Two Rivers Water Reclamation Authority representative, who passed away on April 1st and Sondra Krueger, mother of nine children raised in Fair Haven, who passed on April 6th be kept in everyone's thoughts. The Sunshine Law Statement was read.

ROLL CALL

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

PROCLAMATIONS

Mayor Lucarelli read each of the proclamations aloud for the following April events:

- Local Government Week (April 8th-12th)
- Arbor Day (April 26, 2019)
- Child Abuse Prevention and Awareness Month

PRESENTATION

DJ Breckenridge, Director of Parks and Recreation and Special Events Coordinator, provided a handout to the governing body which breaks down the various recreation programs offered in town. He thanked Mayor and Council for their support as the parks and recreation are important to everyone in Fair Haven. Baseball has banners at Fair Haven Fields #4 which takes in thousands of dollars each year and they give back to the Borough. They pay for the port-o-john that is at the fields throughout the year, they have a shed at the Community Center Fields which they allow our DPW to store the equipment for the fields in.

There are 25-30 special events that occur throughout the year (concerts, movies, father/daughter dance, now a mother/son dance as opposed to a brunch). There are 40 camps with 1,200 participants each year. The Easter Egg Hunt will take place this weekend at 9:00 a.m. and the Baseball/Softball parade will immediately follow. There are over 170 mothers and sons signed up for the new Mother/Son Dance which is for grades 1st through 5th. Summer events will be starting soon (camps, concerts, yoga nights). Bicentennial Hall was opened last Wednesday (April 3rd); it will be open for low-impact community events. He passed around pictures showing the before and after renovation of the building taken by Engineer Gardella. The Borough is close to breaking ground for DeNormandie Park; the goal is to open in the summer as a passive park (there will be a ribbon cutting; a date has not been set yet). The bench dedication program started last year, and the plan is to roll it out this year. The toddler playground will be installed on May 14th thanks to the fundraising efforts of Tina Iglesias-Stanley who raised \$20,000 for the equipment and a grand opening will be held on Fair Haven Day, June 15th. DJ said he welcomes any program ideas and asked that they be submitted to him for the Recreation Committee to consider. Recreation posts through 7 different mediums (Borough website, Twitter, Instagram, Facebook, Focus Newsletter, front sign and firehouse sign).

WORKSHOP SESSION

Mayor Lucarelli asked for an approval of a tree removal appeal for 51 Woodland Drive. Motion to approve moved by Councilman Banahan, second by Councilwoman Koch with Ayes by all present.

Mayor Luarelli asked for an approval of a tree removal appeal for 151 Linden Drive. Motion to approve moved by Councilman Banahan, second by Councilwoman Koch with Ayes by all present.

Girls on the Run has made a request to hold their annual event on June 2nd. They requested approval to place 20 signs throughout the Borough advertising the event two weeks in advance. Lauren Porter asked if they could be exempt from hand delivering notices to the residents on the streets affected by the event since it has occurred on the same date (1st Sunday in June) and time for the past few years. Chief McGovern said some sort of notification must be given even if it is through the Borough website, Facebook, e-blast, etc. The Borough Clerk suggested the Borough's FOCUS newsletter (May/June edition) to alert residents. Motion to approve the event and signs moved by Councilman Peters, second by Councilwoman Koch with Ayes by all present.

The Foundation of Fair Haven submitted a request to post the Fair Haven Day Firework signs from May 10th until June 22nd. Approximately 125 signs will be posted. Motion to approve moved by Councilman Peters, second by Councilwoman Koch with Ayes by all present.

A request was received from the Fair Haven Business Association to display a banner (April 28 to May 11th) at the entrance to Fair Haven advertising the Mother's Day Melange. Motion to approve the request moved by Councilman Peters, second by Councilwoman Rice with Ayes by all present.

There was a draft salary ordinance in Council's meeting packet. Protocol is to set salary ranges (minimum to maximum) for the various positions in the Borough so that we only have to amend the ordinance every few years. The actual salaries are set by an annual salary resolution or bargaining unit contracts, individual contract and non-aligned percentages. With no objections, the ordinance will be introduced at the April 29th meeting.

With regard to the 2019 budget overview, the Mayor thanked everyone for their hard work. Administrator Casagrande advised that the budget will be introduced tonight and that Mayor Lucarelli was a big help with the budget process. She said the budget was revised over several Finance Committee meetings. With this budget, there will be a lower increase of average assessed homes. A synopsis was given; \$179,358 = 1 penny, the tax rate will decrease from 0.377 to 0.369. There is a bid opening scheduled for April 25th regarding the solid waste and recycling contract. The line item was increased by 15% in anticipation of the result; we can amend the budget based on the bids received prior to the hearing and adoption scheduled for May 13th. There is a significant increase in pension costs. The 2019 assessment of the average home is \$843,040.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:30 p.m. There being no comments or questions, the meeting was closed to the public at 7:30 p.m.

APPROVAL OF MINUTES

Councilwoman Koch made a motion to approve the Regular Meeting minutes of March 25, 2019, second by Councilman Peters

Affirmative: Councilmembers Banahan, Koch, Peters and Rice

Negative: None

Abstain: None

Absent: Councilmembers Rodriguez and Sorensen

Councilwoman Koch made a motion to approve the Executive Session minutes of March 25, 2019, second by Councilman Peters

Affirmative: Councilmembers Banahan, Koch, Peters and Rice

Negative: None

Abstain: None

Absent: Councilmembers Rodriguez and Sorensen

OLD BUSINESS

There was no old business brought before the governing body.

NEW BUSINESS-CONSENT AGENDA RESOLUTIONS

1. Resolution No. 2019-81, Approve 39th Annual Red Bank Crop Hunger Walk: October 20th

WHEREAS, the annual Red Bank Area Crop Walk for the Hungry helps to make a difference in the lives of people here at home through fourteen local partner programs and around the world in eighty countries by raising money and peanut butter for food pantries; and

WHEREAS, the Annual Red Bank Area Crop Walk for the Hungry has been serving those in need for many years; and

WHEREAS, the Annual Red Bank Area Crop Walk for the Hungry has requested permission to conduct their 39th Annual walk through Fair Haven between the hours of 2:00 pm and 3:00 pm on Sunday, October 20, 2019; and

WHEREAS, Fair Haven Police Chief Joseph McGovern, has advised, in writing, his approval for this event.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven that the request to permit the 38th Annual Red Bank Area Crop Walk for the Hungry in the Borough of Fair Haven is hereby approved to be held on Sunday, October 20, 2019 between the hours of 2:00 pm and 3:00 pm.

Offered for adoption by Councilman Peters, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters and Rice

Negative: None

Abstain: None

Absent: Councilmembers Rodriguez and Sorensen

2. Resolution No. 2019-82, Introduction of 2019 Municipal Budget

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the calendar year 2019.

BE IT FURTHER RESOLVED that said Budget be published in the Asbury Park Press in the issue of April 15, 2019.

BE IT FURTHER RESOLVED, that the governing body does hereby approve the following as the Budget for the Calendar Year 2019.

Offered for adoption by Councilman Peters, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters and Rice

Negative: None

Abstain: None

Absent: Councilmembers Rodriguez and Sorensen

3. Resolution No. 2019-83, Appointment to Navesink River Municipalities Committee – Jessie Murray

BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Jessie Murray is hereby appointed to represent Fair Haven on the Navesink River Municipalities Committee for the year 2019.

Offered for adoption by Councilman Peters, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters and Rice

Negative: None

Abstain: None

Absent: Councilmembers Rodriguez and Sorensen

4. Resolution No. 2019-84, Appointment of Special Law Enforcement Officers, Class I

WHEREAS, a request was made by Police Chief Joseph McGovern to appoint various individuals to the position of Special Law Enforcement Officers Class I, effective April 9, 2019; and

WHEREAS, Joseph McGovern, Fair Haven Police Chief, has recommended that the following individuals are appointed as a Special Law Enforcement Officer, Class I:

Charles Graziano

Cameron Lewis

Britaney Gonzalez

Christopher Appezzato

WHEREAS, the rate of pay for this position is \$14.25 per hour.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the above-named individuals be appointed to the position of Special Law Enforcement Officer Class I.

Offered for adoption by Councilman Peters, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters and Rice

Negative: None

Abstain: None

Absent: Councilmembers Rodriguez and Sorensen

5. Resolution No. 2019-85, Appointment of part-time School Crossing Guard – Brian Allison

WHEREAS, a vacancy exists in the Fair Haven Police Department for the position of part-time School Crossing Guard; and

WHEREAS, Chief Joseph McGovern has recommended the vacancy be filled by Brian Allison who meets all of the required qualifications.

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that Brian Allison is hereby appointed as a part-time School Crossing Guard with an hourly salary of \$14.75

effective April 9, 2019.

Offered for adoption by Councilman Peters, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters and Rice

Negative: None

Abstain: None

Absent: Councilmembers Rodriguez and Sorensen

6. Resolution No. 2019-86, Executive Session – Pending Litigation and Acquisition of Property

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

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

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

Pending Litigation

1. Yacht Works

Acquisition of Property

1. River Road

WHEREAS, minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW THEREFORE BE IT RESOLVED that the public be excluded from this meeting.

Offered for adoption by Councilman Peters, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters and Rice

Negative: None

Abstain: None

Absent: Councilmembers Rodriguez and Sorensen

7. Resolution No. 2019-87, Approve Sidewalk Café License - Umbertos

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

WHEREAS, Umberto's Pizzeria, 583 River Road, has filed the appropriate Sidewalk Café License Application and paid the appropriate fee to the Borough Clerk; and

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

3 Tables and 12 chairs to accommodate 12 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 Councilman Peters, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters and Rice

Negative: None

Abstain: None

Absent: Councilmembers Rodriguez and Sorensen

8. Resolution No. 2019-88, Appoint Two Rivers Water Reclamation Representative – Brian Rice

WHEREAS, William Baarck, Fair Haven's representative on the Two Rivers Water Reclamation Authority, passed away on April 1, 2019; and

WHEREAS, there is a need to fill the vacancy left by Mr. Baarck which will expire on January 31, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair

Haven that Brian Rice will be appointed to fill the vacancy as Fair Haven’s representative to the Two Rivers Water Reclamation Authority.

BE IT FURTHER RESOLVED that this appointment will expire on January 31, 2020.

Offered for adoption by Councilman Peters, second by Councilwoman Koch

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

9. Resolution No. 2019-89, Approve Temporary Emergency Appropriation

WHEREAS, emergent conditions have arisen with respect to the payment of bills in a number of 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 \$3,013,892.69 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			
9-01-20-100-101	Admin Salaries	\$ 30,000.00	Needed until adoption
9-01-20-120-101	Municipal Clerk Salaries	\$ 12,000.00	Needed until adoption
9-01-20-130-101	Finance Salaries	\$ 9,250.00	Needed until adoption
9-01-20-145-101	Tax Collection Salaries	\$ 7,000.00	Needed until adoption
9-01-20-150-101	Tax Assessment Salaries	\$ 4,500.00	Needed until adoption
9-01-20-165-101	Engineering Salaries	\$ 35,000.00	Needed until adoption
9-01-21-180-101	Planning Bd. Salaries	\$ 500.00	Needed until adoption
9-01-21-185-101	Zoning Bd. Salaries	\$ 500.00	Needed until adoption
9-01-21-186-101	Zoning Officer Salaries	\$ 5,000.00	Needed until adoption
9-01-22-209-101	Code Enforcement Salaries	\$ 9,750.00	Needed until adoption
9-01-23-220-227	Health Benefits – Medical	\$ 65,000.00	Needed until adoption
9-01-25-240-101	Police Salaries	\$182,000.00	Needed until adoption
9-01-25-265-276	Fire Dept. Fire Hydrants	\$ 4,500.00	Needed until adoption
9-01-25-275-201	Municipal Prosecutor Contractual	\$ 2,500.00	Needed until adoption
9-01-26-290-101	Streets & Roads Salaries	\$ 66,500.00	Needed until adoption
9-01-26-290-208	Streets & Roads Chemicals	\$ 5,000.00	Needed until adoption
9-01-26-305-202	Solid Waste Contractual	\$ 20,000.00	Needed until adoption
9-01-26-315-101	Vehicle Maintenance Salaries	\$ 10,000.00	Needed until adoption
9-01-28-370-101	Recreation Salaries	\$ 11,100.00	Needed until adoption
9-01-28-370-301	Recreation Egg Hunt	\$ 1,000.00	Needed until adoption
9-01-29-390-101	Library Salaries	\$ 17,500.00	Needed until adoption
9-01-36-472-299	Social Security Miscellaneous	\$ 25,000.00	Needed until adoption
TOTAL		\$523,600.00	

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 Councilman Peters, second by Councilwoman Koch

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

10. Resolution No. 2019-90, Approve Fire Department Membership from Social to Regular Member – Jeff Huey

WHEREAS, Resolution No. 2018-77 approved Jeffrey T. Huey, 6 Dogwood Lane, Fair Haven, NJ, as a Social Member of the Fair Haven Volunteer Fire Company; and

WHEREAS, Mr. Huey recently submitted an application to become a regular member and was accepted.

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that Jeffrey Huey, being accepted as a regular member of the Fair Haven Volunteer Fire Co., and is hereby appointed to the Fair Haven Fire Department.

Offered for adoption by Councilman Peters, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters and Rice

Negative: None

Abstain: None

Absent: Councilmembers Rodriguez and Sorensen

11. Resolution No. 2019-91, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the April 8, 2019 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2018 CURRENT ACCOUNT	\$ 3,499.85
2019 CURRENT ACCOUNT	\$ 2,775,919.85
GENERAL CAPITAL	\$ 37,646.54
GRANT FUND	\$ 299.00
PAYROLL AGENCY	\$ 13,236.74
OTHER TRUST	\$ 14,846.18
DOG TRUST	\$ 7.20
TOTAL	\$ 2,845,455.36

Offered for adoption by Councilman Peters, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Peters and Rice

Negative: None

Abstain: None

Absent: Councilmembers Rodriguez and Sorensen

Reports of Departments

March 2019

-Municipal Clerk

-Dog License

-Planning Board and Zoning Board

-Police Department

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

GOOD OF THE BOROUGH

Mayor Lucarelli opened the meeting to the public for comments or questions at 7:31 p.m. Susan O'Brien, River Road, asked about the meeting being held at the Community Center on April 9th. Council, Administrator Casagrande and Clerk Cinquegrana were not aware of a meeting being held. Meghan Chrisner-Keefe said there is a Democratic event to discuss environmental issues; all are invited to attend.

Bea Sena, Lake Avenue, said there have been many meetings and questions regarding the Municipal Land Use Law. She asked when the last time the code was reviewed and codified. Attorney Alfieri advised that the Master Plan was updated a year or so ago. We will be putting the recommendations into an ordinance form; the Borough's Planners are working on it. The Master Plan is periodically updated with sections of the ordinance being "tweaked" annually, as necessary. Mrs. Sena asked if there is any plan to have Mayor and Council look at the laws to be sure they are clear, and in a form intended to direct an applicant to the proper venue? Administrator Casagrande said the governing body reviews the Land Use Code on an ongoing basis. There are also subcommittees that

review matters. When the Master Plan was adopted, the Borough brought in a pedestrian and transportation professional. We are now working on the Fair Share Housing Plan and we are working with the Planner on the HFAR. There have been a lot of land use ordinances revised over the last several years and there are more on the horizon; it takes time. We are currently reviewing the number of zones we have; there are a lot for a small town. The Municipal Land Use Law is set by State Statute which we cannot supercede. A few years ago, the Borough hired a Planner as a consultant to assist with the Master Plan Re-examination process and we now have a new firm who is assisting the Borough with land use matters and Fair Share Housing. Attorney Alfieri said every year, the governing body receives an annual report that has recommendations which are reviewed and acted on, if needed. Mrs. Sena said at the April 5th Zoning Board Meeting, Chairman Todd Lehder advised the public that it is up to the governing body to review and amend Borough ordinances. Councilman Banahan asked Mrs. Sena if she concerned about the venue. She was concerned about who would hear and make a decision on the application, the Planning Board or the Zoning Board? Attorney Alfieri said the Municipal Land Use Law establishes which Board the matter would go to and the Zoning Officer makes the decision based on the law. Mrs. Sena asked if there were checks and balances for the Zoning Officer's decision. Administrator Casagrande advised that the Zoning Officer is capable of making the decision and he has professionals that he can turn to for guidance, if needed. Attorney Alfieri said there is ambiguity in any land use ordinance in any municipality. Mrs. Sena said the language discussed at the Zoning Board meeting is very confusing.

Councilwoman Rice said that there is a clean up of the Fair Haven Natural Area on May 5th; volunteers are needed (there are two shifts established). Anyone interested should bring their own gloves and tools to help.

Kim Smith, Browns Lane, is a Pickleball Ambassador. This is the fourth year that the Borough will have Pickleball and many are taking advantage of the sport. She thanked the governing body for lining two more courts. She said it is her understanding that the Borough is planning to put a Pickleball court on each tennis court and requested two courts on one tennis court. Portable nets would be set up and taken down to be stored in a chest. It is common for big groups to show up and having two courts in one area would be helpful. Mrs. Smith said she spoke with DJ Breckenridge and the sport may be open to kids beginning in June. Administrator Casagrande said that the request was considered, discussed with the Recreation Committee and the schools when the tennis courts were being installed and it was agreed to stripe four out of five courts. Administrator Casagrande said she is familiar with the sport and we can look into additional Pickleball courts in the future if the sport grows in popularity. There is a possibility that the Borough can look into an Open Space Grant for the Community Center fields to create courts solely for Pickleball; we need to strike a balance. Mrs. Smith said it is a loud sport and could be a problem if it were relocated to the Community Center area. She asked if she should speak to the Recreation Committee and the high school. DJ advised that he gave the high school the options and they prefer that the courts remain the way they were created. The courts were paid for by the Borough and Rumson-Fair Haven Regional High School and are for the general public.

Mrs. O'Brien followed up on Bea Sena's comments and asked if the Mayor and Council have read the Municipal Land Use Law. Councilwoman Koch said that she has read it and attended several workshops. Councilman Peters said there are tons of specifics in the law, but a bulk of it has not changed; the current Mayor and Council have made the municipal code tighter since his tenure. Mrs. O'Brien said she was not referring to the specific zones, but the document itself; it is a mess and needs major tweaking. Councilman Banahan said that he has spent countless hours as a Land Use Board member and the Municipal Land Use Law comes from somewhere else; the Borough's code is our interpretation of the law. As far as venue, it is easy to establish based on what someone wants to do. He said that Todd Lehder made a statement at the last Zoning Board meeting, it was not meant as an admonishment. Some applications have tested the Borough's code and a lot of what has come up had not been envisioned. Many houses that exist today are based on the ordinance; no one thought that people would build the size houses that are being built today. Unfortunately, the Borough cannot read the code and envision how it will be tested; this is happening on a case by case basis. Mayor Lucarelli said that the Borough's hired land use professionals do not have the same opinion as Mrs. O'Brien has. Administrator Casagrande stated that Todd Lehder holds a seat on both land use boards and he has been part of the subcommittees formed; he is valued in the process.

Meghan Chrisner-Keefe asked if there is protocol to review the ordinances on a regular basis. Attorney Alfieri said that the Master Plan is reviewed every 10 years. A review or amendment is done if the land use board asks for Council to look into something and take action.

Liz MacNeill, Third Street, stated that Todd Lehder was clear and specific in his comments at the Zoning Board meeting. The intensity of use needs to be clarified to the governing body. She said it seems that the issue is a lack of information between the ordinances and the Master Plan. Councilman Peters said that the Borough is always reviewing the ordinances that are in place and land use amendments must be done very carefully. Past ideas have been heard and the governing body has

made adjustments to the speed limits on certain streets and in certain areas and we have created the bike and pedestrian plan; we are ahead of the game with a number of things and we will continue to review our codes/laws.

Mrs. Sena said that she understands the Borough has to be careful, but the Zoning Board meeting discussion came down to punctuation in the ordinance. Mayor Lucarelli said that there are objectors to an application who requested the matter be referred to the Zoning Board for an interpretation because they do not want it interpreted the way that it was. The code, at the time of adoption and codification, was clear. There are a group of residents that do not want a Dunkin Donuts in town and hired attorneys to oppose the application which could drag the matter out for years until decided at the local level. Either way (approved or denied), it is going to be appealed to the Superior Court and possibly Appellate Court. The Dunkin Donuts application is a Category 2. Mrs. MacNeill said there was four hours of testimony regarding one page in the code book and no decision was made. Councilwoman Koch said that the confusion at the Zoning Board meeting was whether there are 3 or 4 categories within the code. Councilman Peters said the Planning Board or Zoning Board should bring the concern on intensity of use to Mayor and Council's attention.

Ruth Blaser, River Road, said Mayor and Council's job is to maintain the character of the town and go with what the people want. Every single ordinance should have clear and concise language in order for decisions to be made. She said with regard to borough facilities, the matter had been discussed and the plans have now changed or been amended. She requested the Bond Ordinance for \$17 million be rescinded. Mayor Lucarelli corrected Mrs. Blaser stating that it is the governing body's job to preserve property rights, not to agree with what the residents want. Our professionals guide us on what needs to be changed. The facility plans have not gone away and we are moving forward as presented; the Fair Share Housing Plan temporarily interrupted the process. The bond ordinance is not for \$17 million. Mrs. Blaser said, "it should not be cart blanche and the governing body has betrayed our hand by just spending money".

Mrs. Chrisner-Keefe said there is an appeal process in the Borough's land use code and was surprised by the Mayor and Council's tone regarding the Dunkin Donuts matter. The appeal process is to make sure decisions are not made in a vacuum. The objectors are not trying to drag the matter out, they are asking for language clarification from the Board. She felt the governing body should look at the ordinances. Attorney Alfieri said that the governing body will consider any recommendation the Land Use Board makes.

Councilman Rodriguez arrived at the meeting at 8:08 p.m.

Councilman Banahan said that the Dunkin Donuts application is being challenged because it does not meet with someone's taste. He was told the discussion at the Zoning Board meeting came down to the words "is" or "as" in the code. There is great risk to the municipality because there will be money involved to defend any type of lawsuit. This matter has become an impingement on property rights. Mrs. Chrisner-Keefe said there is an appeal process in place for the public if they feel the Zoning Officer's decision is not correct or for a Land Use Board decision. The Mayor said that no one is trying to step on anyone's right to appeal. Councilman Peters said there is a range of opinions at the dais this evening and the residents will be able to speak/have their say in front of the appropriate board. The governing body is trying to avoid the controversy and letting due process run its course. Attorney Alfieri said that the borough code cannot zone users but can address zone uses. It was stated that there is a big misconception by one of the objectors. Councilman Peters said there are a lot of things that people do not like or agree with. We have to allow it if it conforms with the regulations.

Mrs. Sena said everyone on the dais has the Borough's best interest at heart. She said she is a problem solver and does not like controversy. The language is what it is. She is looking into the future of the next applicant and felt there should be crystal clear language to avoid controversy or any lawsuits. Administrator Casagrande advised that, for the record, there has been \$75,000 allocated to planning in this year's budget.

We cannot tell the Acme owner who he can rent a storefront to as long as it is in compliance with our code. No one knows what is going to happen with the application, so we need to wait for a decision to be made.

There being no further comments or questions, the meeting was closed to the public at 8:18 p.m.

Council went into executive session at 8:20 p.m. and this meeting was reconvened at 8:45 p.m.

ADJOURNMENT

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

Time of Adjournment: 8:45 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk