

FAIR HAVEN BOROUGH COUNCIL
APRIL 29, 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 Sunshine Law Statement was read.

ROLL CALL

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

PROCLAMATIONS

Mayor Lucarelli read a proclamation for National Bike Safety Month (May) and National Police Officer's Week (May 12-18).

Councilman Rodriguez arrived at 7:05 p.m.

WORKSHOP SESSION

A tree removal appeal was received from 71 Maple Avenue. Bill Brooks, Borough Forrester, submitted a memo to Council advising of his findings and recommendation. Motion to approve moved by Councilwoman Sorensen, second by Councilwoman Rice with Ayes by all present.

Request from Fair Haven PTA for lawn signs on private property through town: 8th grade graduation. Motion to approve moved by Councilwoman Sorensen, second by Councilwoman Rice with Ayes by all present.

Request from Youth Rugby to post lawn signs advertising registration until May 25th. They must take down all of their signs through town (not done in the past). Motion to approve moved by Councilwoman Sorensen, second by Councilwoman Koch with Ayes by all present.

A draft copy of the COMCAST Cable Franchise Renewal ordinance was provided for Council's review. They are offering a \$5,500 grant. The Council agreed with the terms and conditions provided by COMCAST. Councilwoman Sorensen asked about a free drop for the schools and our library; Administrator Casagrande will inquire. Motion to list the ordinance for introduction moved by Councilwoman Sorensen, second by Councilwoman Koch with Ayes by all present.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:14 p.m. Susan O'Brien, River Road, questioned the bill list payment to Richard Venino, Esq. in the amount of \$22,000 and what it was for. Administrator Casagrande explained that the Borough did not have clear title for the Community Center Fields so we had to hire Special Title Counsel. Attorney Alfieri said that a lawsuit was also filed that needed to be defended; the defendant withdrew contesting the matter.

There being no further comments or questions, the meeting was closed to the public at 7:15 p.m.

APPROVAL OF MINUTES

Councilwoman Sorensen made a motion to approve the Regular Meeting minutes of April 8, 2019, second by Councilwoman Koch

Affirmative: Councilmembers Koch and Rice

Negative: None

Abstain: Councilmembers Rodriguez and Sorensen

Absent: Councilmembers Banahan and Peters

Councilwoman Rice made a motion to approve the Executive Session minutes of April 8, 2019, second by Councilwoman Koch

Affirmative: Councilmembers Koch, Rice and Rodriguez

Negative: None

Abstain: Councilwoman Sorensen

Absent: Councilmembers Banahan and Peters

OLD BUSINESS

There was no old business brought before the governing body.

NEW BUSINESS

INTRODUCTION OF ORDINANCES

1. Ordinance No. 2019-04, Amend Salary Ordinance

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF MONMOUTH SETTING THE SALARY RANGES OF OFFICERS, EMPLOYEES AND ADMINISTRATIVE AND EXEMPT MEMBER OF THE BOROUGH OF FAIR HAVEN

BE IT ORDAINED by the Council of the Borough of Fair Haven, in the County of Monmouth, in the State of New Jersey that the purpose of this Ordinance is to amend Ordinance 2017-03 to alter and reflect current salary ranges paid within the Borough, as last revised and passed April 10, 2017.

NOTE: Additions are in **bold italics with underlines**, deletions are shown as ~~**strikeovers in bold italics**~~.

SECTION 1. ADMINISTRATIVE OFFICE AND EMPLOYEES

<u>TITLE</u>	<u>MINIMUM - MAXIMUM</u>	
Borough Administrator	\$40,000.00 - 147,000.00	<u>\$50,000.00-150,000.00</u>
Assistant Borough Administrator	\$ 500.00 - 25,000.00	
Borough Clerk	\$20,000.00 - 75,000.00	<u>\$40,000.00- 90,000.00</u>
Deputy Borough Clerk	\$ 2,000.00 - 5,000.00	
Chief Financial Officer	\$20,000.00 - 40,000.00*	
Assistant Chief Financial Officer	\$25,000.00 - 65,000.00	
Payroll Coordinator	\$ 3,500.00 - 7,500.00	
Tax Collector	\$35,000.00 - 60,000.00*	
Tax Search Officer	\$ 1,000.00 - 3,500.00*	
Municipal Court Administrator	\$ 5,000.00 - 25,000.00*	
Tax Assessor	\$ 15,000.00 - 30,000.00	
Administrative Assistant	\$ 18,000.00 - 40,000.00	<u>\$45,000.00</u>
Registrar	\$ 2,000.00 - 4,000.00	
Librarian	\$ 22,000.00 - 50,000.00	<u>\$30,000.00-55,000.00</u>
Assistant Librarian	\$ 20,000.00 - 35,000.00	<u>\$40,000.00</u>
Municipal Judge	\$ 10,000.00 - 20,000.00	
Municipal Prosecutor	\$ 7,500.00 - 20,000.00	
Parks and Recreation Director	\$ 15,000.00 - 60,000.00	<u>\$30,000.00-65,000.00</u>
Chief of Police	\$ 75,000.00 147,000.00	<u>\$150,000.00</u>
Police Officer	\$ 30,000.00 125,000.00	<u>\$135,000.00</u>
Code Enforcement Officer	\$ 10,000.00 - 20,000.00	<u>\$25,000.00</u>
Zoning Officer	\$ 10,000.00 - 30,000.00	
Construction Official	\$ 20,000.00 - 45,000.00*	
Fire Sub-Code Officer	\$ 4,000.00 - 15,000.00*	
Fire Prevention Officer	\$ 4,000.00 - 8,000.00*	
Plumbing Inspector	\$ 3,000.00 - 15,000.00*	
Electrical Inspector	\$ 5,000.00 - 15,000.00*	
School Crossing Guard (<u>permanent</u>)	\$ 5,000.00 - 10,000.00	<u>\$ 12,000.00</u>
Director of Engineering/Director of Public Works	\$ 80,000.00 130,000.00	<u>\$140,000.00</u>
Assistant Director of Engineering & Public Works	\$ 50,000.00 - 80,000.00	
Public Works Foreman	\$ 50,000.00 - 80,000.00	
Buildings, Grounds and Parks Foreman	\$ 2,000.00 - 3,000.00	<u>\$5,000.00</u>
Streets and Sanitation Foreman	\$ 2,000.00 - 3,000.00	<u>\$5,000.00</u>
Mechanic	\$ 45,000.00 - 80,000.00	
Public Works Laborer	\$ 27,500.00 - 72,500.00	<u>\$75,000.00</u>
Municipal Alliance Coordinator	\$ 5,000.00 - 20,000.00	
Recycling Coordinator	\$ 500.00 - 2,500.00	
Performance Based Merit Bonus	\$ 0.00 - 10,000.00	

HOURLY RANGES

Receptionist/Secretary	\$10.00 - 15.00 per hour	
Assistant Parks and Recreation Director	\$14.00 - 18.00 per hour	
Police Records Clerk	\$10.00 - 18.00 per hour	
Special Officer Class I	\$10.00 - 17.00 per hour	<u>\$20.00/hour</u>
Special Officer Class II	\$13.00 - 18.00 per hour	<u>\$20.00/hour</u>
School Crossing Guard (<u>substitute</u>)	\$ 9.00 - 17.00 per hour	
Public Works Laborer	\$ 9.00- 15.00 per hour	<u>\$20.00/hour</u>
Planning Board Secretary	\$ 8.00 - 18.00 per hour	<u>\$20.00/hour</u>
Zoning Board Secretary	\$8.00 - 18.00 per hour	<u>\$20.00/hour</u>
Code Enforcement Officer	\$12.00 - 18.00 per hour	
Deputy Court Administrator/Violations Clerk	\$13.00 - 18.00 per hour*	
Library Assistant	\$10.00 - 17.00 per hour	<u>\$20.00/hour</u>

Clean Communities Worker	\$ 9.00 - 15.00 per hour
Summer Camp Counselors	\$10.00 - 20.00 per hour
Tennis Camp Instructors	\$14.00 - 18.00 per hour

BE IT FURTHER ORDAINED that specific salaries and bonuses within the ranges will be set by a negotiated contract or in an annual salary resolution adopted by the governing body.

*Services provided through an Interlocal Service Agreement (positions are currently vacant)

Offered for introduction by Councilwoman Rice, second by Councilwoman Koch

Affirmative: Councilmembers Koch, Rice, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Banahan and Peters

CONSENT AGENDA
RESOLUTIONS

1. Resolution No. 2019-92, Certification of Compliance with Federal Civil Rights Requirements

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Fair Haven, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Koch, Rice, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Banahan and Peters

2. Resolution No. 2019-93, Authorize Administrator to execute subdivision application, Fisk Street (Block 39, Lot 20)

WHEREAS, the Borough is the owner of property known as Block 39, Lot 20 for which the State of New Jersey has granted an amendment to the Borough ROSI to remove a portion of the property; and

WHEREAS, a subdivision is required to separate the property into two (2) lots, one (1) within the ROSI and one (1) outside of same.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, that the Business Administrator is authorized to execute any and all applications required for the subdivision of the aforementioned property.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Koch, Rice, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Banahan and Peters

3. Resolution No. 2019-94, Executive Session: Personnel, Litigation, 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. DPW Staffing

Litigation

1. Housing Element and Fair Share Plan

Possible Litigation

1. Right of Way Determination for Pocket Parks

Pending Litigation

1. Yacht Works

Acquisition of Property

1. River Road

Contract Negotiations

1. Public Relations Firm RFQ
2. Tax Collector Position
3. Solid Waste and Recycling Contract

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

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

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Koch, Rice, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Banahan and Peters

4. Resolution No. 2019-95, Appoint Permanent School Crossing Guard – Brian Allison

WHEREAS, a vacancy exists in the Fair Haven Police Department for the position of permanent 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 Permanent School Crossing Guard with an annual salary of \$9,160.00 effective April 30, 2019.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Koch, Rice, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Banahan and Peters

5. Resolution No. 2019-96, Appoint Part-time DPW Summer Laborers – Liam Stephens and Jonathan Bevacqua

WHEREAS, there is a need for part-time Seasonal Public Works Laborers; and

WHEREAS, Richard Gardella, Director of Engineering and Public Works reviewed the applications submitted and submitted his recommendation for Jonathan Bevacqua and Liam

Stephens be appointed as part-time Seasonal Laborers with hours not to exceed the number of hours required to be considered full time; and

WHEREAS, the rate of pay for this position is \$13.00 per hour.

NOW, THEREFORE, BE IT RESOLVED that the appointments of Jonathan Bevacqua and Liam Stephens as part-time Seasonal Laborers are hereby confirmed. The start date for Jonathan Bevacqua will be June 19, 2019 and Liam Stephens will start June 24, 2019.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

6. Resolution No. 2019-97, Approve Police Department Capital Purchase – Live Scan Fingerprint Machine

WHEREAS, there is a need to update the Borough’s current fingerprint system as it is outdated and no longer serviceable; and

WHEREAS, funds have been authorized for the purchase of a Live Scan Fingerprint Machine in the 2019 Capital Budget; and

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

POLICE DEPARTMENT
IDEMIA Live Scan Fingerprint Machine

TOTAL NOT TO EXCEED **\$12,166.00**

WHEREAS, the IDEMIA Live Scan Fingerprint will be purchased through an approved State Contract Vendor (Idemia 5515 East La Palma Avenue, Suite 100, Anaheim, CA 92807: State Contract T3083) as verified by the Borough’s Qualified Purchasing Agent (QPA).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that this Capital Item Expenditure is hereby approved and will be charged to Capital Account C-04-56-971-000 where funds have been certified by the Chief Financial Officer.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

7. Resolution No. 2019-98, Waive ABC Municipal Codes for Fair Haven Day

WHEREAS, the Borough of Fair Haven will be holding a picnic for Fair Haven Day on June 15, 2019 (rain date June 16, 2019); and

WHEREAS, Borough Code 3-19.1 “prohibits open consumption of any alcoholic beverages on public property within the Borough unless authorized by the Governing Body, or on private property without consent of the owner of the property or the person, over the age of twenty-one (21) years, in possession or control of the property” and Borough Code 9-1.22 “prohibits alcoholic beverages while in a public park, open space, sanctuary, or recreation area and all persons shall conduct themselves in a proper and orderly manner and, in particular, no person shall bring alcoholic beverages, drink same at any time nor shall any person be under the influence of intoxicating liquor”; and

WHEREAS, the picnic will take place at Fair Haven Fields and will include the provision of alcoholic beverage requiring that the above-mentioned codes be waived for alcohol purchased through the Foundation of Fair Haven as no outside alcohol will be permitted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Borough Codes 3-19.1 and 9-1.22 be waived on June 15, 2019 (rain date of June 16,

2019) between the hours of 4:00 p.m. and 10:00 p.m. for Fair Haven Day and codes be waived for alcohol purchased through the Foundation of Fair Haven as no outside alcohol will be permitted.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

8. Resolution No. 2019-99, Establish Personnel for Fair Haven Day Event

WHEREAS, the Mayor and Council of the Borough of Fair Haven that the Borough Administrator is authorized to allocate Borough resources, including Borough Personnel and budgeted funds, to successfully carry out the Fair Haven Day event on June 15, 2019.

BE IT FURTHER RESOLVED that Police personnel will receive the Special Duty Rate of \$50.00 per hour as per Ordinance 2017-10.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

9. Resolution No. 2019-100, Approve Temporary Appropriation

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 \$3,046,892.69 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			
9-01-43-490-101	Municipal Court Salaries	\$ 2,000.00	Need until adoption
9-01-20-130-202	Finance Contractual	\$ 500.00	Need until adoption
9-01-27-330-211	Bd of Health Contractual	\$10,000.00	Need until adoption
9-01-43-491-202	ILSA Finance	\$ 500.00	Need until adoption
9-01-20-158-211	Legal Services Contractual	\$20,000.00	Need until adoption
TOTAL		\$ 33,000.00	

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 Rodriguez, second by Councilwoman Koch

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

10. Resolution No. 2019-101, 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 29, 2019 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2018 CURRENT ACCOUNT	\$ 105,335.48
2019 CURRENT ACCOUNT	\$ 1,350,645.39
GENERAL CAPITAL	\$ 35,934.50
GRANT FUND	\$ 846.57
OTHER TRUST	\$ 2,435.88
DOG TRUST	\$ 369.40
TOTAL	\$ 1,495,567.22

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Koch, Rice, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilmembers Banahan and Peters

Reports of Departments

March 2019

-Tax Collector

-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 7:18 p.m. Tracy Cole, Grange Avenue, introduced herself and said nothing pending before the Zoning Board will be mentioned. There are new developments that she would like to speak about such as concerns involving fast food establishments in Fair Haven which deserves thoughtful discussion and attention. Some things have emerged and she was advised to bring it to the Mayor and Council’s attention. She said it is no one’s fault, but information missing has been noted. There was a law on the books that prohibited fast food establishments since 1973; she read a section from that code aloud and said it explains why there are no fast food restaurants in Fair Haven. Mrs. Cole said she has scoured the ordinance books for amendments and supplements and stated that in the 2002 codified code book, the language addressing fast food has vanished. She said there will be more fast food applications submitted to the Borough in the future. She was not sure missing language would have been discovered until an application was received. It was requested that the Borough “push pause” and get the laws in order because it is not the right thing for Fair Haven; this matter needs attention and the code book to be proper. Councilwoman Sorensen asked Attorney Alfieri how this could have been missing from the code book. Attorney Alfieri said that it is possible that it could have been missed or it may have been conscientiously dropped. The ordinance can be put back on the books by adopting a new ordinance. Mrs. Cole said that she looked hard at all of the ordinances from 1968 to 2019 and could not locate anything. The Mayor said that steps will be made to review the restaurant language in our ordinance book and address it as needed. Mrs. Cole said there are currently four storefront vacancies in the Acme Shopping Plaza. On May 2nd the determination of jurisdiction for an application is before the Zoning Board and if it goes through then there will be two more applications for fast food establishments submitted on May 3rd. Councilman Rodriguez asked Administrator Casagrande how long is the response to the Zoning Board? Once a land use ordinance is introduced or amended, it is sent to the Planning Board and they have 45 days to reply with comments. Attorney Alfieri said there is a completed application to the board and the ordinance cannot amended until the application has been acted on. There can be an ordinance amendment once the matter has been reviewed by the Planner and the Board; all existing uses are protected. Councilman Rodriguez stated that surrounding municipalities have ordinances that may cover us. Attorney Alfieri said there could be an ordinance created stating that all restaurant applications must go to the Zoning Board, but that is a policy decision to be made by the Mayor and Council. Councilman Rodriguez suggested Shrewsbury and Little Silver’s ordinances be looked at for consideration. The Mayor said a broader discussion with the business community for solutions is needed. Mrs. Cole said she appreciated the rights of business owners, but the residents have rights too. The Mayor reiterated that we needed to hear from the broader community such as the businesses. He acknowledged Mrs. Cole’s comments and said the Borough will review and speak with the Planner. Administrator Casagrande explained the ordinance introduction and adoption process (time frames, etc). Councilwoman Sorensen said she would like the Planner to look at this

Councilwoman Koch said that the 1963 and 1978 code language is quite clear about fast food.

Susan O'Brien, River Road, stated that there were a lot of problems with the 2002 codification. She said that she has information dating back to 1998.

Gail O'Reilly, Hance Road, said that she is a Licensed Planner and was appointed by Mayor Lucarelli to serve on the Bike and Pedestrian Committee. The concern is not about food, but the number of trips. She said that the Borough has No. 1 Chinese, Booskerdoo, Tavolo Pronto, etc in town and it is the Borough's obligation to handle public safety. She gave a synopsis on how the traffic light at the intersection of River Road and Hance Road came to be; children would go home for lunch and no one knew who went home for lunch and who stayed at school. We have safe routes to schools and the Borough Engineer addressed traffic calming on River Road. Fair Haven now has a Complete Streets plan because of Mayor Lucarelli. There is a safety issue with the application before the Land Use Board and time is of the essence. She said the governing body needs to put something on the record this evening that we need more safety, not more traffic in Fair Haven.

Bill Folker, Lewis Point Road, said that the Borough's code has four categories addressing restaurants and the public should review the categories.

Bea Sena, Lake Avenue, said she presented her concerns about this matter at the last Council meeting and she is happy and aggravated with the 2002 ordinance. She and Wendy Jones, also in attendance, were on Council when the 2002 codification was done and they both objected to its approval. She stated that no one in the current Administration is responsible for that code book. She read from the July 15, 2002 minutes where it stated that Schedule C was missing from the Land Use chapter and Ms. Jones addressed the Borough Attorney on missing sections in the proposed 2002 codification. She advised what was sent out to the company was coming back and would be amended. Bruce Hilling who was the Administrator and the Clerk at the time was to put the appropriate sections into the Code Book. The firm who did the code was from Seattle, Washington and never included the missing sections. A law is being ignored that disappeared from 2002. There should be a temporary moratorium to examine this matter, so the appropriate laws are in place. She said the Borough does not need further litigation.

Christopher Cole, Grange Avenue, reiterated why he and his family moved to Fair Haven (because of the Borough's location and safety thanks to the police department. He addressed Councilman Rodriguez's comment about Shrewsbury's Ordinance and how a business must go before the board. He said that he has been in business in Shrewsbury for quite some time and their ordinance works well. Mr. Cole said that he has visited the properties within 200' of his shopping plaza to make sure the neighbors are aware of what is going on and address any concerns and questions they may have. It is important to do as a good business/property owner. Shrewsbury's governing body has oversight of the applications.

Diane Mevorach, Navesink Avenue, said she did not understand how Fair Haven would have a responsibility to the business owners. There should be a concern for the residents first and then the businesses. A lot of people have showed up with their questions and voiced their concerns about a land use application that is being considered. On another note, she provided a flyer that she felt should be sent to the residents explaining bulk pick up and what can and cannot be put out and how it should be separated at the curb. Administrator Casagrande explained the separation of bulk items i.e. electronics must be in a separate pile from appliances or other bulk items such as furniture as they go to different entities. She was advised that the information is also on the Borough's website, in the calendar, in the Borough's newsletter, etc. Betty Ann Berube, Administrative Assistant and Allyson Cinquegrana, Borough Clerk answer questions constantly regarding bulk and brush and leaf pick-ups and procedures. Administrator Casagrande said a gentle reminder regarding the process will be sent to the residents. Councilwomen Sorensen and Rice are on the Communications Committee and there will be a Constant Contact release going out next week that will have information and links to help guide the public. Councilman Rodriguez advised that the bulk pick-up information was in the November/December 2018 and January/February 2019 Focus newsletters. Mayor Lucarelli addressed Ms. Mevorach's comment about why the Borough would be concerned about the businesses in town. It is for all businesses in town (smaller businesses and major shopping centers). If there is a decision to change a law or laws, it may or may not affect everyone in the Borough; the public's concerns were heard by the governing body and we will consider and research what may or may not need to be amended.

Rachel Stellar, Fair Haven Road, asked what Constant Contact is. It is another way to get information out to the public regarding agendas, bulk pick up information, leaf and brush pick up, etc. Councilwoman Rice said that the schools, businesses and committees will be allowed to submit something for consideration such as events, meetings, etc. Ms. Stellar said that there is an application before the Zoning Board at their May 2nd meeting. She was advised that there is not anything the governing body can do to impact a pending application. Mrs. Stellar asked if some-

thing could be done after the Zoning Board meeting for future applications; yes. She was advised that there are two requests for interpretation on the Zoning Board's May 2nd agenda.

Meghan Chrisner-Keefe, Beechwood Place, said the public's concern is that no one is sure of what our own town laws are. She asked if the Borough can pull back the application before the board until it can be clear. Attorney Alfieri said that we have to follow what is on the books. You cannot go back to 20 year ago and say something was missed. Mrs. Chrisner-Keefe asked, "doesn't the Borough have an obligation to investigate"? Administrator Casagrande said the Borough cannot make a public statement without doing its research and consulting with the appropriate professionals. Making an off the cuff statement in public is not good practice. Everyone's points have been noted. Mrs. Chrisner-Keefe said this matter is important and the laws need to be known so all governing bodies can do their jobs. Councilwoman Sorensen was asked if she was going to announce the Natural Area clean up taking place on Sunday. There will be a volunteer day on Sunday to clean up the Natural Area and whoever attends should bring tools. Mrs. Chrisner-Keefe questioned the Public Relations contract listed on the executive session resolution; she was advised that there is no contract. There will be discussion on whether the Borough will move forward with the matter; we are looking into public relations to get a clear message out consistently before it blows up on social media. Mrs. Chrisner-Keefe suggested that the residents be asked what is being miscommunicated, so it can be addressed. Mayor Lucarelli advised that the Borough does know its laws and there are excellent professionals that read and interpret them; there are times when you do not know there is a problem until something comes up and it is discovered. With regard to the Communications Committee, it was asked if the Council meetings and audio recordings could be streamed and if the Borough had the capability to do so or post the recordings on line. Administrator Casagrande said that the Borough can look at it for a podcast. If there is a new borough facility, it will have that capability (we are looking into it). It was asked if there was an update on the Borough's facilities. She was advised that the Borough's Facilities Committee (the Mayor, Councilmembers Rodriguez and Sorensen, Engineer Gardella and Administrator Casagrande) met with the Borough's Architect to discuss the DPW site; it is only an active mode project (everything else is on hold). Mrs. Chrisner-Keefe said there is a concern with student and public safety in our busy downtown area especially with four vacant locations at the Acme. She noted Dunkin Donuts is a high-volume business. Also, a proposed new housing structure at the Sunoco and Borough facilities in that area will cause congestion. She asked that it be kept in mind, so we are not overburdened. Mayor Lucarelli said the Borough has a great Planner addressing the laws and the Borough's requirements; ordinances will be drafted to better communicate a guideline and address safe circulation for pedestrians. The governing body was asked to look at it as a whole, not in a vacuum. Councilman Rodriguez complemented what the Mayor said and as a member of the Facilities Committee and Fair Share Housing Committee, the Borough is taking its time and being guided by the courts. It is not the case of the Borough jamming things through. Councilwoman Sorensen said nothing happens in a vacuum and there are Borough employees and professionals that make sure everything takes place correctly.

Liz MacNeil, Third Street, volunteered to put the meetings on line. Administrator Casagrande said there are municipalities that put up a podcast and it is costly. The audio may not be compatible; the Borough has professionals that can look at this and address. She said part of the charm of Fair Haven is that it is small; we do not have a cast of thousands to do this. The public can and have OPRA requested recordings and minutes of the meeting are posted.

Gail O'Reilly said that the governing body heard genuine concern from the public regarding fast food and traffic safety as well as losing information through codification. She said there is exposure until an ordinance is adopted correcting it. She asked the Borough Attorney to give a statement from Mayor and Council to ensure there will be no further action or applications until the ordinances are straightened out. Attorney Alfieri said that the governing body would have to direct him to prepare a draft ordinance for discussion, if they choose. Mrs. O'Reilly asked the Mayor and Council to consider action tonight. Mayor Lucarelli said he understands what she is trying to do, but he would like to consult with Todd Lehder, Planning Board and Zoning Board Chairman. She asked that the governing body establish its intent so that nothing will be lost and there will not be risk of other applications coming in. There is an obligation to take action and a statement of intent is needed. Mayor Lucarelli said the intent is that he will meet with the Chairman of Land Use as well as the Borough's Planner. Councilwoman Sorensen said that this matter will be discussed with the appropriate people and then brought forward for discussion and a possible ordinance introduction at a future date. The Mayor said that the professionals will be advised that there has been a request to increase control with a right to be arbitrary and capricious by giving greater control to the Land Use Board by making the applications a conditional use. Attorney Alfieri said the matter will be researched and something will be created for discussion by the governing body at the May 13th meeting.

Ruth Blaser, River Road, said that she has attended more Council meetings than anyone and she recalls the 2002 codification and it was to be fixed prior to its adoption. She said there should be

a moratorium on this matter instead of foot dragging.

Mrs. Cole asked if there was a reason why there cannot be a moratorium. If deemed permitted, there is nothing on the books. She said the governing body's job is to give Nick Poruchynsky, Zoning Officer, the proper tools and it is not fair that he currently does not have that. She stated that she put a lot of hours into researching the matter. Mrs. Cole said she sensed reticence and she was not sure why there needs to be long talks. She provided Attorney Alfieri with the section of the ordinance missing and asked why there would need to be another ordinance. Attorney Alfieri said that he would review the matter and have something for the next meeting.

Councilman Rodriguez left the meeting at 8:34 p.m.

Mrs. Mevorach said something can be done this evening to protect the residents and now the Mayor and Council wants to research and discuss it. She asked what happens if something comes forward in the form of an application for a restaurant. Attorney Alfieri said he will look into the ordinance that seems to have been dropped to see if it is still in effect or not and how to address it.

Mrs. Chrisner-Keefe stated that the minutes will show the concern brought by the public and that the Mayor and Council were put on notice.

Mrs. Blaser suggested broadcasting meetings like Sea Bright does and said the Borough should call them to find out how they do it. Administrator Casagrande said the Communications Committee is looking into it. Mrs. Blaser said that after 1960, Fair Haven's population has not fluctuated by more than 300 people and there are a large number of employees retained; she asked that the employee's abilities be reviewed, and adjustments made because the Borough does not need so many employees.

Councilman Rodriguez returned to the meeting at 8:45 p.m.

Mrs. Cole clarified with the Borough Attorney on what he is going to advise the Zoning Officer to do if an application for a restaurant is received and if he will be advised that it needs to be held until the research is done.

There being no further comments or questions, the meeting was closed to the public at 8:40 p.m.

Council went into executive session at 8:45 p.m. and this meeting was reconvened at 10:20 p.m.

ADJOURNMENT

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

Time of Adjournment: 10:20 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk