

**FAIR HAVEN BOROUGH COUNCIL**  
**JUNE 10, 2019**

The meeting was called to order by Mayor Lucarelli at 7:04 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 and Sorensen. Absent: Councilman Rodriguez. Others present: Administrator Casagrande and Attorney Alfieri.

**PROCLAMATION**

Mayor Lucarelli asked Tina Iglesias-Stanley to come forward. He read the proclamation acknowledging her fundraising efforts for the new Toddler Playground equipment at Fair Haven Fields.

**WORKSHOP SESSION**

Lawn sign request from WhatsUP to benefit the Children's Hospital at Monmouth Medical. The signs will be displayed from July 1<sup>st</sup> to July 29<sup>th</sup>. Motion to approve moved by Councilwoman Sorensen, second by Councilwoman Koch with Ayes by all present.

Lawn sign request from RFH Rowing advertising their September 21<sup>st</sup> boat race. The signs will be displayed from September 13<sup>th</sup> to September 21<sup>st</sup>. The design of the sign has been changed this year. Motion to approve no more than 100 lawn signs moved by Councilman Peters, second by Councilwoman Sorensen with Ayes by all present.

With regard to McCarter Pond, Administrator Casagrande said the pond has been treated a few times per year. An initial review of the state and level of organics was done and 5" of organics was lost in the pond since last year. A treatment was done last Friday and we will continue to treat it.

With regard to the Community Center Fields, we received Quiet Title approval which is the finalization to the ROSI approval. The subdivision of the property will go to the Planning Board to peel off the ROSI portion. The final judgment from the courts gave us a clear title for time and memorium.

A proposed tow truck fee ordinance amendment was provided to the governing body. Chief McGovern made the request to increase the fees to be charged by our licensed tow truck operators. These fees have not been increased since the ordinance went into effect in 2008. Chief McGovern said we have three tow truck companies and they have advised the current rates are under what they should be. The Garden State Towing Association has fees and that is what we used. The ordinance will be listed on the June 24<sup>th</sup> agenda for introduction.

The governing body received information from Senator O'Scanlon requesting support of the State's Path to Progress Recommendations (NJ Economic and Fiscal Policy Workgroup). A resolution would be needed. Councilman Peters said that before any action is taken, more information is needed on this program because it is pretty involved with a lot of components. The Borough Clerk was asked to contact Senator O'Scanlon's office for the full report.

A draft ordinance for the banning of plastic straws, Styrofoam and plastic bags was provided to the governing body in their packets. This has been discussed by the Environmental Commission and recommended for adoption. There will soon be a State ban on these materials. The ordinance will be listed for introduction on the June 24<sup>th</sup> agenda.

Draft amendments to our Land Use Code pertaining to restaurant use were provided in the Council packets (definitions as well as permitted and prohibited uses). Attorney Alfieri advised that the Planner submitted a memo that was discussed at the May 28<sup>th</sup> Council meeting. The passing of these two ordinances would be Step #1 of the process by removing ambiguity and cleaning up the definitions. Step #2 would be handled by a subcommittee (soon to be formed). Attorney Alfieri has reached out to Fred Heyer, Borough Planner, regarding Step #2. The two ordinances will be listed for introduction on the June 24<sup>th</sup> agenda and will then be submitted to the Planning Board for their review and recommendation.

**PUBLIC COMMENT ON AGENDA ITEMS**

The meeting was opened to the public for comments or questions at 7:18 p.m. Chris Hempstead, Willow Street, said that he did not review the minutes from the May 28<sup>th</sup> Council meeting because they have not been posted on the website. He was advised that they are not posted on the website until they are approved by Council.

Tracy Cole, Grange Avenue, asked about the ambiguity language to be cleaned up.

Attorney Alfieri said the categories in the current ordinance are very similar. She asked for a copy of the draft ordinances and was advised to contact the Clerk for a copy of the draft ordinances. She was advised that the Moskowitz definitions are what was incorporated into the ordinance. She questioned the process being done in phases. Attorney Alfieri read from the Planner's memo.

Meghan Chrisner-Keefe, Beechwood Place, asked who was on the subcommittee; it has not been formed as of this date.

There being no further comments or questions, the meeting was closed to the public at 7:22 p.m.

**APPROVAL OF MINUTES**

Councilwoman Sorensen made a motion to approve the Regular Meeting minutes of May 28, 2019, second by Councilwoman Koch.

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

Negative: None

Abstain: None

Absent: Councilman Rodriguez

Councilwoman Sorensen made a motion to approve the Executive Session minutes of May 28, 2019, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilman Rodriguez

**OLD BUSINESS**

There was no old business brought before the governing body.

**NEW BUSINESS**

**INTRODUCTION OF ORDINANCES**

1. Ordinance No. 2019-06, General Capital Ordinance

**AN ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS EQUIPMENT, INFRASTRUCTURE IMPROVEMENTS AND IMPROVEMENTS TO PUBLIC BUILDINGS AND GROUNDS AND APPROPRIATING THE SUM OF \$215,000.00 THEREFORE, AUTHORIZED IN AND BY THE BOROUGH OF FAIR HAVEN, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

**WHEREAS**, the Borough of Fair Haven, in the County of Monmouth, New Jersey has determined to acquire various equipment, make improvements to infrastructure and public buildings and grounds; and

**WHEREAS**, the Borough of Fair Haven has \$215,000.00 in the Capital Improvement Fund.

**NOW THEREFORE, BE IT ORDAINED** and enacted by the Mayor and Council of the Borough of Fair Haven, County of Monmouth, New Jersey, that:

**SECTION 1.** The purchase and/or procurement of services described in Section 2 of this ordinance is hereby authorized as a General Capital authorization to be undertaken in and by the Borough of Fair Haven, County of Monmouth, New Jersey.

**SECTION 2.** The acquisitions and improvements hereby authorized to be undertaken consist of:

- a. Any capital equipment, so determined as to be necessary
- b. Roadway and Infrastructure Improvements, so determined as to be necessary
- c. Buildings and Grounds Improvements, so determined as to be necessary
- d. Information technology hardware and software, so determined to be necessary

together with all items necessary, incidental or appurtenant thereto.

**SECTION 3.** The 2019 General Capital Budget of the Borough of Fair Haven is hereby amended to conform to the provisions of this ordinance.

**SECTION 4.** All ordinances or parts of ordinances inconsistent with the terms of this ordinance be and the same are hereby repealed to the extent of their inconsistency

**SECTION 5.** This ordinance shall take effect 10 days after the first publication thereof after final adoption, as provided by law.

Offered for introduction by Councilwoman Sorensen, second by Councilwoman Rice

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

Negative: None

Abstain: None

Absent: Councilman Rodriguez

**CONSENT AGENDA**  
**RESOLUTIONS**

1. Resolution No. 2019-117, Executive Session – Personnel, 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

2. Internal Hire vs. Professional Service

**Acquisition of Property**

1. River Road

**Contract Negotiations**

1. Engineering Consulting Services

2. Interlocal Service Agreement with Middletown

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

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

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilman Rodriguez

2. Resolution No. 2019-118, Approve Chapter 159: Sustainable New Jersey Grant

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such items of revenue in the Budget of the County or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount; and

**WHEREAS**, the Borough of Fair Haven has received a \$10,00.00 grant from the State of New Jersey for a Sustainable New Jersey Grant and wishes to amend its 2019 budget to include this amount as revenue; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Haven, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2019 in the amount of \$10,000.00 which items in now available as revenue from:

The State of New Jersey  
Sustainable New Jersey Grant

**BE IT FURTHER RESOLVED** that a like sum of \$10,000.00 be and the same is hereby appropriated under the caption of General Appropriations – Operations Excluded from CAPS:

The State of New Jersey  
Sustainable New Jersey Grant

**BE IT FURTHER RESOLVED** that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

3. Resolution No. 2019-119, Approve Chapter 159: Clean Communities Grant

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such items of revenue in the Budget of the County or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount; and

**WHEREAS**, the Borough of Fair Haven has received a \$12,306.73 grant from State of New Jersey for a Clean Communities Grant and wishes to amend its 2019 budget to include this amount as revenue; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Haven, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2019 in the amount of \$12,306.73 which items in now available as revenue from:

The State of New Jersey  
Clean Communities Grant

**BE IT FURTHER RESOLVED** that a like sum of \$12,306.73 be and the same is hereby appropriated under the caption of General Appropriations – Operations Excluded from CAPS:

The State of New Jersey  
Clean Communities Grant

**BE IT FURTHER RESOLVED** that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

4. Resolution No. 2019-120, Payment of Vouchers

**BE IT RESOLVED** by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the June 10, 2019 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2018 CURRENT ACCOUNT	\$	97.05
2019 CURRENT ACCOUNT	\$	274,065.77
GENERAL CAPITAL	\$	28,391.00
PAYROLL AGENCY	\$	13,258.08
OTHER TRUST	\$	865.50
DOG TRUST	\$	7.20

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

- Municipal Clerk
- Dog License
- Police Department
- Planning Board and Zoning Board

Bob Donnelly, William Street, asked if the brush site will be moved or if the idea is off of the table. Some of his neighbors thought that the site was going to be moved. He was advised that it is off the table as of now. The thought was to move the Class B facility to the Natural Area and trade off, however, input from the Fair Haven Fields Natural Area Committee is that it will not be considered. They will not consider changing the Natural Area which is west of the church driveway for any reason including a brush grinding facility. Mr. Donnelly asked if the neighbors can meet with the Committee. He was advised that the Natural Area Committee is an advisory committee and the governing body heeds their advice. The Committee is strong in their beliefs. If they did give their approval, the Borough would then have to go to the County, the State and then the Federal Government for final sign off to move the brush facility. Council-

woman Sorensen advised the public that Mayor Lucarelli has met with several groups and been unsuccessful. The Mayor advised that the Borough has reduced the amount of brush taken in. The brush site has been in its current location for decades and it is recognized that the neighborhood around it has changed. Unfortunately, the Borough does not see any way to move the facility except to close it down and trying to find an alternate way to remove and process brush. What the Borough does now is much greener than having to run it out to another facility such as Tinton Falls; we are doing it in the most efficient manner. If we close our brush facility, we would incur more expenses (additional staff, equipment, maintenance of equipment, etc).

Engineer Gardella said that the brush site is inspected as a Class B facility as classified by the County and DEP. Monmouth County inspects our facility. Administrator Casagrande said, "to the Mayor's point, the Borough, has made adjustments and reduced the grinding time as well as how often it is done" (only two times a year). She suggested the neighbors work with the County on an alternate site. Mayor Lucarelli advised that he tried to have a facility placed at Fort Monmouth and was denied.

Jennifer Spitz, William Street, played a recording she had of the grinding process that took place last week, so the governing body can hear what occurs all day long. She said that her house shakes and felt it is unfair to resident's health or lives. The molding in her home is separating due to the grinding process. Her children cannot use the yard when the grinding takes place and they cannot bike to school either. She asked if the Borough can bring brush someplace else or relocate the facility. The Mayor advised that he had looked into relocating the facility and it cannot be done. Mrs. Spitz said that she has offered to help and do the leg work she just needs guidance from her elected officials, not a run around. Mayor Lucarelli said that he has reached out and spoken with all he could reach out to. Mrs. Spitz said that she had no notification from the Borough when she moved in that the area was a brush site. She said that she researched the area and did not know what it was until the brush process started. Councilman Peters said there are challenges with everything we have i.e. cell tower site, brush site, DPW facility. The Mayor has reached out to everyone he could think of at the County and State and provided alternates and has been turned down. Anything that could be done would be a financial burden to the taxpayers.

Laura Kuras, William Street, said that last year she submitted a report with the health concerns/effects regarding mulch and had not received feedback on the health risks. She asked for a status.

Susan O'Brien, River Road, asked if the Borough was still accepting Rumson's brush; yes, six months out of the year. She recommended the Borough back out of handling Rumson's brush to help our residents, regardless of the revenue it generates. Mayor Lucarelli said that there are numerous ILSAs with Rumson. Mrs. O'Brien said if there is no brush from Rumson, it will reduce the need and time to process brush and give the neighborhood some relief.

Mrs. Spitz asked what the six months are that Rumson is supposed to come in to town with brush. Administrator Casagrande said the same schedule as Fair Haven (April, May, June, July, September and October). Mrs. Spitz said they are coming more than that and reported the gate was unlocked all weekend; this will be looked into.

Mr. Hempstead asked what time the grinding is taking place. The truck arrived at 7:00 a.m. before the school kids start riding their bikes. The police department monitored them arriving at 7:00 p.m. and an officer escorted them through the street when the trucks were full. He was advised the Borough is exempt from the noise ordinance. He asked that the governing body seriously consider the recommendation given to eliminate Rumson's brush to provide relief to the neighborhood and eliminating Rumson's brush can be justified as an environmental concern for environmental reasons. He said since there is no progress on the police building that money should be used to find a solution. Mr. Hempstead said the governing body should be prudent for the residents not the employees. Councilman Peters asked the residents to look at the Borough's record as Council has to be deliberative for all of the residents; there is no easy solution.

Mayor Lucarelli said the Borough would be expanding the carbon footprint if we eliminated the brush facility because we would have to purchase trucks to haul the brush and hire additional staff. We would be running trucks constantly to remove brush from town. In 2014, when the residents raised a concern, he looked into moving the site or an alternate means.

Mr. Donnelly said that a year ago the residents in the area of the brush site thought there was a solution. He asked who the Natural Area Committee was; the Mayor introduced Dr. and Mrs. Ferguson and Meghan Chrisner-Keefe who were in the audience. He asked what right they had to deny it. Mayor Lucarelli said that he cannot make a decision to change something that the

Natural Area Advisory Committee members are not in favor of.

Laline Neff, Environmental Commission member, introduced her daughter, Sophia, who went door to door in the Borough collecting signatures to have plastic straws, plastic bags and Styrofoam banned at businesses in town. The signed petition was submitted to the Borough Clerk for Mayor and Council's review. Sophia said that she would like plastics and Styrofoam banned because it takes thousands of years for it to break down. Councilman Peters asked Attorney Alfieri what would happen next. Attorney Alfieri said the draft ordinance discussed tonight will be introduced at the June 24<sup>th</sup> meeting and adopted at a meeting in July.

Mrs. Cole said that she and residents would like to prohibit drive in and drive through restaurants which is what the petition she submitted earlier is for. They would like to protect our local and independent businesses because fast food uses will syphon off local mom and pop establishments in the Borough. She advised that the petition she submitted was prepared and circulated by other residents; she just signed it.

Diane Mevorach, Navesink Avenue, mentioned with regard to Fair Share Housing that there would be businesses on the bottom floor with apartments above them at the Sunoco site or another location on River Road. She said that Allentown, NJ is a quaint town and Fair Haven should follow their lead. There could be a quaint house with a porch and then build 2 ½ stories up allowing for housing without businesses.

There being no further comments or questions, the meeting was closed to the public at 8:10 p.m.

Council went into executive session at 8:13 p.m. and this meeting was reconvened at 9:40 p.m.

#### **ADJOURNMENT**

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

Time of Adjournment: 9:41 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR  
Borough Clerk