

FAIR HAVEN BOROUGH COUNCIL
JULY 29, 2019

The meeting was called to order by Mayor Lucarelli at 7:00 p.m. The Flag Salute was followed by a Moment of Silent Meditation. The Sunshine Law Statement was read.

ROLL CALL

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

WORKSHOP SESSION

With regard to the Seasonal High Water matter carried from the last meeting, handouts were provided to the governing body. Historically, the Borough has had properties where residents have sump pumps in their home. It has been an unusually wet year which has brought concerns from residents. Administrator Casagrande and Engineer Gardella have met with the Construction Department and had some onsite visits. A draft ordinance was provided to Council for consideration. Engineer Gardella said the Borough had been dealing with discharge into the street would create icing in the winter and ponding/flooding in the summer. A list of addresses with issues has been compiled. A video was taken with regard to the icing conditions. Many of these are safety issues and the DPW has to salt and spend resources and time to deal with the issues. This is not just a Fair Haven problem, it is statewide. The Borough's ordinances were reviewed after the problem was defined as well as options on how to deal with the issues and enforcement. There are ordinances that make the homeowner or builder apply to discharge in the municipality's right of way. The process would be similar to street opening permits. The ordinance would handle backwash from pool overflow, sump pumps, etc. Engineer Gardella said every property is unique and there may only be a certain way to deal with it. There are pre-existing homes from the 1950s so we would send a letter and document it so if the property owner makes improvements, we look at the existing conditions and have them reroute the pipe. Councilman Peters asked how many homes in the Borough have sump pumps; 12-18. It was asked if there was gray water being discharged (showers or washing machines); that was not looked at. Not every contractor/developer is going to put in a dry well system. Councilwoman Koch asked if this would apply to proposed houses; they would be addressed in the next phase. This requirement would be added to the Street Opening ordinance as a new section. The second piece would be to amend land use regulations regarding basements and cellars.

A two-foot rule could be set where basements would start 2' above the seasonal high-water table as well as a sump pump. Test pits and soil borings would need to be taken. The Borough is receiving this information from some of the builders in town, not all of them. It sets the elevation of a basement or a slab and could determine whether the home can have a basement or just a slab. If the property owner wants a basement, they would have to go before the Zoning Board; it has worked in other municipalities. Once it is placed in an ordinance, it is irreversible. Whoever submits an application for grading review, will need an engineer to do the upfront work. A draft application for grade review was provided to the governing body for their consideration, as well. There is a checklist to be met by the applicant and the professional. Council needs to consider two ordinances; development regulations and grading plan application.

Administrator Casagrande said education for the residents is required as well. Some may be willing to make some changes. The Borough can send a letter with the information to the resident(s) it will affect. A permit is required for a sump pump and that comes from the Building Department. Engineer Gardella said it is another layer from an engineering stand point. The proposed land use ordinances would have to go to the Land Use Board for review. Engineer Gardella said the soil will dictate what needs to be done or create options. The draft ordinances presented will have to be reviewed with the Borough Attorney to see what is needed; this matter will be relisted on the August 19th agenda.

Engineer Gardella was also in attendance to provide an engineering update. A handout was provided for what would be discussed. Last year bids were held and rejected for the Fair Haven Fields Buffer Restoration project; it was readvertised, bids were received last week and a letter of recommendation for award was provided to award the bid to Down to Earth Landscaping. This project will address the clean-up from Super Storm Sandy damage that occurred at Fair Haven Fields as well as access from the streets. It will be more of a perimeter clean up (within 25' of the perimeter) and reforestation to compensate the loss. Some of the work was done a few years ago, in-house, and addressed invasive plants. The Borough received a 50% match grant.

Main upgrades were done by NJ America Water on Forman Street and Woodland Drive which included milling and paving those areas. The Borough has a bond from NJ Natural Gas; they need to come back and do some restoration on Buttonwood Drive. There will be a meeting with them regarding limits of restoration and "piggy backing" with other projects, internally.

Resolution No. 2019-144 on this evening's agenda authorizes an NJDOT Grant application; these applications are usually due in October and the deadline was changed. The Borough submitted an application for Hance Road and Cooney Terrace. We revised an old application and resubmitted it. This will tie in the two pocket park projects.

Maser Consulting submitted drawings for the waterfront park plans. This will be reviewed in the next week or two by Engineer Gardella. We have grant money for Hance Road, Grange Avenue and the Boat Launching Ramp. Administrator Casagrande will meet with the appropriate committee to review. All micro-projects have been completed. Third Street is substantially complete; signage is needed.

Battin Road funding has been received; the base map has been prepared, final design is being done to submit to the State so we can get the project out to bid. We also received funding for Harrison Avenue; it is in the early stages (curbs, sidewalks and drainage).

The landscaping project at DeNormandie has been completed. The Borough submitted the living shore line to the Littoral Society. Stone dust trails have been completed at Fair Haven Fields and McCarter Park. McCarter Pond has been treated. Administrator Casagrande said that she is not happy with the last treatment; the vendor advised that the treatment was done in high temperatures and there is a level that they can treat to. Another treatment will not be done due to the weather. There are alternates, but it comes down to funding. July has been a tough month weather wise. Fair Haven is not alone; there are many towns dealing with algae blooms.

With regard to the LAX wall, Engineer Gardella is working with the volunteers; it has been designed so far.

Grinding has been reserved for Fair Haven Fields and Schwenkers Pond. With regard to William Street access, the DPW has been "chipping away" at it. BIC Hall is up and running and being used. The new Borough facilities are being worked on.

Administrator Casagrande advised the governing body that it is time to take a look at what they want to do regarding 2019 Capital i.e. another bond ordinance. Large ticket capital involves Engineering and DPW. The governing body was given a spreadsheet showing what has been authorized. The DPW is looking to purchase a new rear packer (\$225,000). Engineering has road improvements (River Road toward Red Bank – sidewalks). Trees are not capital expenses, but the Borough may want or need to deal with Buttonwood Drive. Administrator Casagrande turned this discussion over to Engineer Gardella to answer any questions regarding road improvement. Councilwoman Sorensen asked about \$500,000 for road, sidewalk and drainage; it was not set aside, but part of the overall plan. She asked if the budget is for regular maintenance around the Borough. The west side of Fair Haven for curbs and sidewalks is part of the \$500,000. Councilman Peters said the average life span of a road is 20-25 years; the Borough looks at and prioritizes the streets. Councilwoman Koch asked if the County is repaving River Road; yes, in 2020 or 2021. She said the work should be done in conjunction with the County project. Engineer Gardella said that the Borough has plans from prior phases. Councilman Peters said River Road West is top priority. Mayor Lucarelli said that Engineer Gardella will prepare a plan for bid in Spring 2020 and will submit it to the County for a Fall 2020 project. Administrator Casagrande reviewed what projects were going to be "green lighted" for engineering to move forward with. Drainage improvements are critical. Hance Road and Grange Avenue will address two of the drainage concerns. Administrator Casagrande said she and Engineer Gardella will review what is out there, needed and plan for funding. She will have a report for the August 19th meeting with numbers and a preview will be given to the Finance Committee about Capital and Expenditures. Councilwoman Sorensen asked if what was presented for this meeting is in order; no, not in order of priority. The Mayor requested a financial analysis be done because there was about \$3 million in work mentioned.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:43 p.m. Susan O'Brien, River Road, asked if the Tax Office will be open on Friday, August 16th since the 3rd quarter tax grace period was extended until August 19th. Yes, there will be someone in the office.

Ralph Wyndrum, Cooney Terrace, said the Fair Haven Environmental Commission has been looking into drainage in town. They have walked Fourth Creek to see if anything needs to be cleaned up. Along the way, it was discovered that two pipes are delivering water into Fourth Creek from Fair Haven Road and water is coming from the side of the hill. He asked if there were any ordinance that covers this. He thought the Borough might be interested in this information.

Ruth Blaser, River Road, commented on the bonus and contract for Engineer Gardella. She said not everyone has the historical background on DPW, but the services are not as good as they used to be. There is now an Assistant Engineer and a Secretary which is a perk and bonus for the

Engineer.

There being no further comments or questions, the meeting was closed to the public at 7:47 p.m.

APPROVAL OF MINUTES

Councilwoman Koch made a motion to approve the Regular Meeting minutes of July 15, 2019, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: None

Councilwoman Koch made a motion to approve the Executive Session minutes of July 15, 2019, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: None

OLD BUSINESS

With regard to Path to Progress Recommendations, this has been carried from past meetings and will be carried again until August 19th. Councilwoman Rice said she would not be at the August 19th meeting. Councilmembers Peters and Rice will discuss and coordinate a date to meet with the Board of Education to discuss this legislation as it would affect them as well.

NEW BUSINESS

REINTRODUCTION OF ORDINANCE

1. Ordinance No. 2019-10, Reintroduction of Ordinance Banning Plastic Straws, Styrofoam and Plastic Bags

AN ORDINANCE OF THE BOROUGH OF FAIRHAVEN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, NEW SECTION ENTITLED "LIMITING USE OF SINGLE-USE PLASTIC BAGS, POLYSTYRENE FOAM CONTAINERS AND PLASTIC STRAWS BY BUSINESSES"

1.1 INTENT.

The intent of this Ordinance is to adopt regulations relating to and limiting the use of single-use plastic bags, polystyrene foam containers and plastic straws by businesses in the Borough of Fair Haven. The regulations are intended as necessary and proper steps by the Borough to address a significant global problem relating to the sale and use of single -use plastic bags, polystyrene foam containers and plastic straws; to further incentivize the use of reusable bags at businesses, and, ultimately, to protect the environment, wildlife, and the public health, welfare, and safety.

1.2 DEFINITIONS.

The following definitions apply to this Chapter:

"BUSINESS OR STORE" means any retail establishment that engages in the retail sale of goods and products. The definition includes, but is not limited to pharmacies, supermarkets, grocery stores, convenience stores, clothing stores, surf shops, dry cleaners, food marts, and food service establishments.

"COMPLIANT BAG" means recyclable paper carry-out bags and reusable bags as defined below:

A. A recyclable paper carry-out bag is a paper bag that meets all of the following minimum requirements:

- (1) It is one-hundred-percent recyclable overall and contains a minimum of 40% post-consumer recycled material;
- (2) It can be composted; and
- (3) It displays the words "recyclable" and/or "reusable" in a highly visible manner on the outside of the bag.

B. A reusable bag is a bag made of cloth or other washable fabric with handles that are specifically designed and manufactured for multiple reuse and meets all of the following additional requirements:

1. It has a minimum lifetime of 125 uses;
2. It can carry a minimum of 22 pounds;
3. It is machine washable or is made from a material that can be cleaned or disinfected;
4. It does not contain lead, cadmium, or any other heavy metal in toxic amounts, as defined by applicable state and federal standards and regulations; and
5. If made of plastic, it is a minimum of at least 2.25 mils thick

"CUSTOMER" means any person purchasing goods or services from a business or store.

"EFFECTIVE DATE" shall be defined as the date on which final adoption and publication in accordance with the law are complete.

"ENFORCEMENT DATE" shall be 180 days from the Effective Date.

"FOOD SERVICE ESTABLISHMENT" means any establishment which serves made-to-order food or beverages for dine-in, takeout, or delivery.

"OPERATOR" means the person in control of, or having the responsibility for, the operation of a business or store, which may include, but is not limited to, the owner of the business or store.

"PERSON" means any natural person, firm, corporation, partnership, or other organization or group, however organized.

"POLYSTYRENE FOAM CONTAINER" means any disposable food packaging used to provide customers with prepared food or take-out food, which contains polystyrene foam in any part of such packaging. This definition specifically exempts the following from the category of polystyrene foam containers:

1. Meat and fish trays for raw or butchered meat, including poultry, or fish that is sold from a refrigerator or similar retail appliance; or
2. Polystyrene foam food service containers used for prepackaged food that have been filled and sealed prior to receipt by the store.

"POST-CONSUMER RECYCLED MATERIAL" means a bag constructed of a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. "Post-consumer recycled material" does not include materials and byproducts generated from, and commonly reused within, an original manufacturing and fabrication process.

"PREPARED FOOD" means food or beverages which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared on the premises or facilities of the retail food vendor. Prepared food does not include raw, butchered meats, fish and/or poultry which are sold from a butcher case or similar appliance. Prepared food may be eaten either on or off premises or away from the facilities or the retail food vendor. Prepared food includes take-out food.

"PRODUCE BAG OR PRODUCT BAG" means a very thin bag without handles used exclusively to carry produce, meats, or other food items to the point of sale inside a store or, for reasons of public health and safety, to prevent such food items from coming into direct contact with other purchased items.

"RECYCLABLE" means material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of reusing the altered, incinerated, converted, or otherwise thermally destroyed solid waste generated therefrom.

"RETAIL" means the sale of goods and products for use and/or consumption.

"SINGLE-USE, PLASTIC CARRYOUT BAG" means any bag made predominantly of plastic derived from either petroleum or a biologically based source, such as corn or other plant sources, that is provided by an operator of a business or store to a customer at the point of sale. The term includes compostable and biodegradable bags but does not include reusable bags, produce bags, or product bags. This definition specifically exempts the following from the category of "single-use

plastic carry- out bag":

A. Bags provided by operators and used by consumers inside a business or store to:

1. Package bulk items, such as fruit, vegetables, nuts, grains, candies, or small hardware items;
2. Contain or wrap frozen foods, meat, or fish, whether packaged or not;
3. Contain or wrap flowers, potted plants or other items where dampness may be an issue;
4. Contain unwrapped prepared foods or bakery goods; or
5. Pharmacy prescription bags.;
- ~~1. Meat and fish trays for raw or butchered meat, including poultry, eggs, produce items or fish that is sold from a refrigerator or similar retail appliance; or~~
- ~~2. Polystyrene foam food service food containers used for prepackaged food that have been filled and sealed prior to receipt by the store.~~

B. Newspaper bags, door-hanger bags, laundry and/or dry-cleaning bags, or bags sold in packages containing multiple bags intended for use as food storage bags, garbage bags, yard waste bags, or pet waste bags.

1.3 REGULATION OF SINGLE-USE, PLASTIC CARRYOUT BAGS, POLYSTYRENE FOAM CONTAINERS AND PLASTIC STRAWS.

No business or store shall provide any single-use, plastic carryout bags, polystyrene foam containers and/or plastic straws to a customer at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting products or goods out of the business or store, except as otherwise provided in this Chapter. In addition, no business or store shall provide customers any other types of carryout bags that don't meet the definition of Compliant Bag as defined in this Chapter.

1.4 REGULATION OF COMPLIANT BAGS.

Nothing in this Chapter shall require any business or store to provide compliant bags nor restrict their ability to charge for the purchase of said items. A business or store shall not charge a fee bags of any kind provided by the customer.

1.5 ENFORCEMENT.

This Ordinance shall take effect on the Effective Date, and all Businesses and Stores must be in compliance with same by the Enforcement Date.

Any business or store found not to be in compliance with this Ordinance on the Enforcement Date, and which has not made application to the Borough Council for an extension as provided in this section, shall be in violation of this Ordinance and subject to the violations and penalties prescribed herein.

The Borough Council may, in the Borough's sole discretion, grant an extension of time for compliance with the Ordinance when a business or store makes application for an extension prior to the Enforcement Date. Upon such application, the Borough shall consider whether the business or store has made adequate good faith efforts to comply with this Ordinance by the Enforcement Date and has been unable do so for compelling reasons. The Borough may, in its sole discretion, grant an extension for not longer than 180 additional days from the Enforcement Date.

1.6 VIOLATIONS AND PENALTIES.

Each business or store violating any of the provisions of this section shall, upon conviction thereof in municipal court, be subject to a penalty of up to \$500 for a first offense, up to \$1,000 for a second offense, and up to \$2,500 for a third offense. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate, and distinct offense.

1.7 SEVERABILITY.

In the event that any clause, section, provision, paragraph, or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, the remaining provisions of the Ordinance not affected by said invalidity shall remain in full force and effect.

1.8 REVERSE PREEMPTION.

This article shall be null and void on the day that statewide legislation goes into effect incorporating either the same or substantially similar provisions as are contained in this article or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the Borough of Fair Haven. The Borough of Fair Haven Council may determine by resolution whether or not identical or substantially similar statewide legislation or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

Offered for introduction by Councilwoman Sorensen, second by Councilwoman Koch

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

CONSENT AGENDA
RESOLUTIONS

1. Resolution No. 2019-144, Approve 2020 NJDOT Grant Application – Hance Road and Cooney Terrace

NOW, THEREFORE BE IT RESOLVED that the Council of the Borough of Fair Haven formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Administrator, Engineer and Clerk are hereby authorized to submit electronic grant application identified as Improvements to Hance Road and Cooney Terrace, Phase II (**MA-2020-Improvement to Hance Road and Coone - 00700**) to the New Jersey Department of Transportation on behalf of the Borough of Fair Haven.

BE IT FURTHER RESOLVED that the Administrator and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Fair Haven and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Offered for introduction by Councilwoman Sorensen, second by Councilwoman Koch

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

2. Resolution No. 2019-145, Approve 2017 and 2018 Bonus for Director of Engineering and DPW

WHEREAS, the employment 2016-2018 contract for the Director of Engineering and Public Works provides for the consideration of a performance-based bonus at the conclusion of each calendar year at the sole discretion of the Borough Council with the input of the Borough Administrator; and

WHEREAS, Borough Council with the recommendation of the Borough Administrator has determined that a performance-based bonus for the calendar year 2017 and 2018 is warranted for the Director of Engineer and Public Works; and

WHEREAS, Borough Council has determined that an appropriate bonus is three thousand dollars (\$3,000.00) for the year 2017 and three thousand dollars (\$3,000.00) for the year 2018.

NOW, THEREFORE, BE IT RESOLVED that the Director of Engineering and Public Works is to be provided with a bonus of three thousand dollars (\$3,000.00) for each year mentioned above and the Finance Office is directed to provide said compensation in the next regularly scheduled payroll.

Offered for introduction by Councilwoman Sorensen, second by Councilwoman Koch

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

3. Resolution No. 2019-146, Authorize Execution of 2019-2021 Contract for Director of Engineering and DPW

WHEREAS, Richard Gardella currently serves as the Director of Engineering and Department of Public Works and Planning Board Engineer; and

WHEREAS, the Borough Council has agreed to enter into a three (3) year contract from 2019-2021 with Mr. Gardella as further described below.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Fair Haven,

County of Monmouth, State of New Jersey, that Mayor Lucarelli is authorized to execute an agreement with Richard Gardella for a three (3) year term as per the agreement attached as Exhibit A.

BE IT FURTHER RESOLVED that this resolution and contract become retroactive to January 1, 2019.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: None

4. Resolution No. 2019-147, Extend Grace Period for 3rd Quarter Taxes to August 19th

WHEREAS, the Tax Collector has informed the Mayor and Council that the Monmouth County Board of Taxation was delayed in forwarding necessary information for the preparation and mailing of final tax bills to the real estate taxpayers of the Borough of Fair Haven for the year 2019; and

WHEREAS, the present statute requires the imposition of a late charge if 3rd quarter 2019 taxes are not paid by the 10th of August; and

WHEREAS, it would be unfair and unreasonable to impose a penalty for a delinquent payment when the amount of the payment is unknown.

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector of the Borough of Fair Haven is hereby ordered and directed, according to Public Law 1994, Chapter 72, signed July 14, 1994, that if tax bills are not delivered or mailed at least 25 (twenty-five) calendar days prior to the standard due date, then the delinquency date for 3rd quarter 2019 taxes shall be established as the twenty-fifth (25) calendar day after the date the tax bill was delivered or mailed. The tax bills will contain the date on which interest shall start accruing.

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven are hereby extending the grace period for payment of 3rd quarter 2019 taxes to August 19, 2019.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: None

5. Resolution No. 2019-148, Appoint Joint Insurance Fund Review Committee

WHEREAS, the contract between the Garden State Municipal Joint Insurance Fund and the Borough of Fair Haven will expire on December 31, 2019; and

WHEREAS, it is necessary to solicit quotes from other insurance companies/joint insurance funds along with a renewal quote from the Garden State Municipal Joint Insurance Fund; and

WHEREAS, it would be best to form a Joint Insurance Fund Renewal Review Committee to oversee this process.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Councilmembers Peters, Koch and Rice and Municipal Clerk/Assistant Administrator, Allyson Cinquegrana be appointed to the Review Committee.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: None

6. Resolution No. 2019-149, Approve Escrow Refund to Mr. and Mrs. Donahue -151 Linden Drive

WHEREAS, Edward and Cynthia Donohue, 151 Linden Drive, Block 62, Lot 76 submitted an application to the Zoning Board for the addition of a portico to their home; and

WHEREAS, escrow money was posted by the applicant; and

WHEREAS, Mr. and Mrs. Donohue have requested the return of any unused escrow from their application be refunded; and

WHEREAS, the Zoning Board Secretary has calculated and provided, in writing, an escrow refund amount as follows:

Unused Escrow funds in the amount of \$118.20.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Chief Financial Officer will refund the unused escrow fees as noted above to Edward and Cynthia Donohue, 151 Linden Drive.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: None

7. Resolution No. 2019-150, Approve Block Party – Heights Terrace – September 28th

WHEREAS, a request was received to hold a Block Party on Heights Terrace on Saturday, September 28, 2019 from 3:00 pm to 6:00 pm with a rain date of Sunday, September 29, 2019; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on July 23, 2019.

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 Heights Terrace on Saturday, July 28, 2019 from 3:00 pm to 6:00 pm with a rain date of Sunday, September 29, 2019.

BE IT FURTHER RESOLVED that Permit No. BP 2019-04 will be issued for said event.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: None

8. Resolution No. 2019-151, Chapter 159: 2017 Recycling Tonnage 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 \$8,664.29 grant from State of New Jersey for a 2017 Recycling Tonnage 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 \$8,664.29 which items in now available as revenue from:

The State of New Jersey
NJDEP Recycling Tonnage Grant

BE IT FURTHER RESOLVED that a like sum of \$8,664.29 be and the same is hereby

appropriated under the caption of General Appropriations – Operations Excluded from CAPS:

The State of New Jersey
NJDEP Recycling Tonnage Grant

BE IT FURTHER RESOLVED that a copy of this resolution be forward to the Director of Local Government Services.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

9. Resolution No. 2019-152, Executive Session - Pending Litigation, Property Acquisition 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:

Pending Litigation

1. Yacht Works

Acquisition of Property

1. River Road

Contract Negotiations

1. ILSA - Rumson
2. Engineering Proposal – LSRP 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 Sorensen, second by Councilwoman Koch

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

10. Resolution No. 2019-153, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the July 29, 2019 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2018 CURRENT ACCOUNT	\$ 493.19
2019 CURRENT ACCOUNT	\$ 3,450,410.89
GENERAL CAPITAL	\$ 33,680.00
OTHER TRUST	\$ 13,784.75
TOTAL	\$ 3,498,368.83

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

11. Resolution No. 2019-154, Award Buffer Restoration Bid

WHEREAS, sealed bids were opened July 25, 2019 in the Borough Hall Council Chambers for the Fair Haven Fields Buffer Restoration Program; and

WHEREAS, the following bids were received:

<u>CONTRACTOR</u>	<u>LOCATION</u>	<u>AMOUNT BID</u>
1. Down to Earth Landscaping	Jackson, NJ	\$61,700.00
2. Dawson Corporation	Clarksburg, NJ	\$92,459.50

WHEREAS, Richard Gardella, PE, PP, CME, Borough Engineer and Salvatore Alfieri reviewed the submitted bids and hereby recommend that a contract award be made to Down to Earth Landscaping, Jackson, NJ, in the amount of \$61,700.00; and

WHEREAS, the Chief Financial Officer of the Borough of Fair Haven has certified that funds for the low bid are available in Capital Fund Appropriations, as attached; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that it hereby recommends award of a contract for the Fair Haven Fields Buffer Restoration Program to Down to Earth Landscaping, 705 Wright-Debow Road, Jackson, NJ

BE IT FURTHER RESOLVED, the Mayor and Clerk are hereby authorized to execute an agreement with Down to Earth Landscaping.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

Reports of Departments
June 2019
-Tax Collector

Motion to accept the report, 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 7:51 p.m. Susan O’Brien, River Road, asked if the Borough outsourced bulk pick-up; yes, it is now done by the garbage contractor. She asked if there would not be bulk pick-up in November and December; she was advised that she was correct.

Meghan Chrisner-Keefe, Beekman Place, said if the Borough has outsourced bulk pick up then DPW is overstaffed. She was advised that this is incorrect. She asked if DPW employees work overtime; yes, at times. She asked for a status on Borough facilities; Administrator Casagrande said the governing body is still contemplating the purchase of a piece of property for the Police Department, Borough Offices, Library and Community Center. As far as the DPW facility, the Mayor and Council need to OK the professionals to move forward with the final concept plans. Mrs. Chrisner-Keefe asked what the test results at DPW were for. She was advised it had to do with the building and soil samples. It was asked if the subdivision has been planned out; no. DPW will be the first project out of the gate. Administrator Casagrande said the overlay zone applies to fair share housing and there is no plan for properties left or subdivision at this time. It was asked if the County Tax Pilot Program is almost over. Councilman Peters said it is a permanent system; he serves on the committee at the County and there have been modifications made. Mrs. Chrisner-Keefe asked if the Borough is going to continue with the program. Councilman Peters said the Borough is participating in the program to make sure that we are not paying someone else’s taxes; it is key that the process is fair. She asked how Fair Haven is affected by the towns who opted out of the program. Councilman Peters said he spoke with the County Tax Assessor about how it is unpleasant because of the unfairness to those who are participating. The values are close to market price; this can be checked through Zillow. Councilman Peters said that he will continue to interact with the County on this matter. Administrator Casagrande will reach out to Matt Clark, County Tax Board Administrator, and request an updated report on the program. Mrs. Chrisner-Keefe said that she is on the Natural Area Advisory Committee and there have been discussions regarding Fourth Creek backing up; the Natural Area Committee and Environmental Commission should work together for a flowing waterway. She asked if the concept plan from M&M Realty for 626 River Road can be shared. She was advised that it is not a public record, at this time, but she can ask M&M Realty for a copy.

Application has not been made to the Planning Board. There is a timeline for it to be submitted to the courts and we would have to get that timeline from Special Counsel. Mayor Lucarelli said that the Borough does have a Fair Housing Plan and M&M is working on a concept plan for development; once that has been submitted, it will become public at that time. The Mayor said there are no ordinances that have been adopted to control the plan at this time. Mrs. Chrisner-Keefe said, as a citizen of this town, she would like more information to be shared because it is apparent that there is something in the works. Administrator Casagrande said M&M Realty is separately negotiating with the Borough on that site. The Borough met, on two occasions, with professionals, but no plan has been submitted to the Borough.

Ruth Blaser, River Road, offered with regard to the DPW and facilities restructuring plan that if there is not a plan in place, the Borough should subdivide and sell the lots in order to know where we stand with the finance portion.

Councilman Rodriguez reported that 40 Buttonwood Drive lost a tree in the storm. The resident, Mr. Seuffert, was highly complimentary to the Borough staff and Administration Office for their action. He will attend the next Shade Tree meeting with his thoughts.

Councilwoman Koch recognized the Shrewsbury River Yacht Club who was entered into both the NJ Historic Places Register and National Register of Historic Places.

Mayor Lucarelli said the Fair Haven Police Department's PBA did a great job with the annual Henne WOD last weekend. He and Councilman Rodriguez participated in this great event. The Fair Haven Fire Department and First Aid Squad were thanked for their assistance.

Administrator Casagrande said there was a recent, unexpected storm that occurred last week. She thanked and complimented the DPW, Police Department, Fire Department and First Aid for their response. She acknowledged the central office staff as well for assisting residents.

Mike McCue, William Street, said a tree fell on the Community Center slide and asked if there was a projected plan to replace the slide. Administrator Casagrande said it was taken down to see if it could be repaired.

Bob Dean, Kemp Avenue, asked about the Yacht Works legal matter. He said the Municipal Court Judge made a decision and he understood that the Borough can appeal the decision. Attorney Alfieri said the decision was just made and the governing body has not discussed it yet. The matter will be discussed this evening or at the next Council meeting. It was asked if the decision in this matter will impact the second matter. Attorney Alfieri said there is no connection at all.

There being no further comments or questions, the meeting was closed to the public at 8:11 p.m.

Council went into executive session at 8:14 p.m. and this meeting was reconvened at 9:32 p.m.

The Borough is getting ready to release its first FAQ and Administrator Casagrande asked if there were any amendments. Councilwoman Koch thought there was a committee handling the FAQs; there is, but each topic and FAQ release will be sent to the governing body for review/input since they are being made on a position of Borough facts. Everyone needs to be comfortable with the collective FAQ/fact release.

ADJOURNMENT

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

Time of Adjournment: 9:35 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk