

FAIR HAVEN BOROUGH COUNCIL
SEPTEMBER 23, 2019

The meeting was called to order by Council President Peters at 7:04 p.m. The Sunshine Law Statement was read and the Flag Salute was followed by a Moment of Silent Meditation.

ROLL CALL

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

PROCLAMATIONS

Council President Peters called the recipients of the Random Acts of Beauty Award forward and read the proclamation aloud. Copies of the proclamation were distributed as follows:

The Mazzucca Residence, 175 Buttonwood Drive
The Maloney Residence, 29 Dogwood Lane
The Yaccarino Residence, 24 DeNormandie Avenue
The Wotten Residence, 61 Hance Road (unable to attend this evening's meeting so it will be mailed)

Garden Plots

Cyndi Skove

Business

Lotus Way/By George Baby, 825 River Road

Attorney Alfieri arrived at 7:06 p.m.

Council President Peters read a proclamation thanking and recognizing the Garden Club for the work that they do.

WORKSHOP SESSION

Council President Peters said there was a tree appeal from 88 Parker Avenue. A letter of support from the neighbor on Jackson Street was included as well as photos. There will be replacement trees planted; the property owner will work with the Borough's Forrester regarding type of trees and location. Motion to approve the tree appeal moved by Councilwoman Koch, second by Councilman Rodriguez with Ayes by all present.

Two dates (Tuesday, November 12th or Monday, December 16th) were provided to the Borough by the Fair Haven Board of Education to hold the Annual Marchese Council Meeting at Knollwood School. After brief discussion, a motion to approve that the November 12th meeting will be held at Knollwood School beginning at 1:30 p.m., moved by Councilwoman Koch, second by Councilwoman Rice with Ayes by all present.

The Borough Clerk said at the September 9th Council Meeting, the governing body approved a request from John Carras to display lawn signs in town advertising R+FH Kindness Week (October 7th-14th). He spoke with the Mayor about placing a banner at the entrance to Fair Haven and was given an OK. Motion to approve the additional request moved by Councilman Banahan, second by Councilwoman Koch with Ayes by all present. A resolution will be listed on the next agenda.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:11 p.m. Susan O'Brien, River Road, asked if there were any River Road residents being appointed to the River Road Bike and Pedestrian Safety Committee (Resolution No. 2019-192). Council President Peters said he was not sure and would follow up with the Mayor. The resolution can always be amended if he chooses.

Ruth Blaser, River Road, asked that the resolutions be reviewed line by line instead of voted on as a whole. Council President Peters asked if there was a particular resolution she was concerned about. The Borough Clerk advised that Resolution No. 2019-196 (Executive Session) had two more items added to it this afternoon (under Pending Litigation and Contract Negotiations was added).

Jennifer Spitz, William Street, stated that she saw the resolution awarding the brush grinding, transportation and disposal contract. Council President Peters said that the contract is needed to chip what is existing at the site. Mrs. Spitz asked if there was a time adjustment in the bid; no, the contract is the same as in the past. Council President Peters asked if she preferred a longer day with less hours being worked or less days with more hours being worked. Mrs. Spitz said that her concern is for the kid's safety and the noise, debris and trucks that the residents have to deal with when the operation is in effect. She, personally, would like the work to be done in a shorter amount of time (longer day). She reported that Down to Earth Landscaping is dumping at our brush site from the Fair Haven Fields Buffer Restoration Project and there is a lot of material at the site; they should have to take the debris with them.

Mrs. O'Brien asked if there are police officers in the area during brush grinding; yes, they are there during the operation and escort the trucks through the neighborhood. She said it is important to ensure the children's safety.

There being no further comments or questions, the meeting was closed to the public at 7:21 p.m.

APPROVAL OF MINUTES

Councilman Rodriguez made a motion to approve the Regular Meeting minutes of September 9, 2019, second by Councilwoman Rice

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

Negative: None

Abstain: None

Absent: Councilwoman Sorensen

Councilman Rodriguez made a motion to approve the Executive Session minutes of September 9, 2019, second by Councilwoman Rice

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

Negative: None

Abstain: None

Absent: Councilwoman Sorensen

OLD BUSINESS

Path to Progress. Council President Peters said that a draft letter will be sent to the Fair Haven Board of Education and governing body to review and with ideas. He asked that this matter be relisted on the October 15th agenda.

NEW BUSINESS - CONSENT AGENDA RESOLUTIONS

1. Resolution No. 2019-190, Amend Resolution No. 2019-184, Awarding Public Relations Contract

WHEREAS, the Borough of Fair Haven has determined that a Public Relations firm would be beneficial to the residents and businesses in Fair Haven as well as the greater community; and

WHEREAS, there are many Borough projects that will commence in the near future and it is important to communicate to public through news releases, social media postings, information sessions, etc.; and

WHEREAS, proposals were solicited and received; and

WHEREAS, a resolution appointing a Public Relations firm was adopted on September 9, 2019; and

WHEREAS, such services constitute a professional service exempt from public bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, this Resolution is adopted to amend the prior Resolution to award the Contract as a Professional Service Contract as opposed to Extraordinary Service Contract; and

WHEREAS, the Borough Administrator and Communications Committee have reviewed the proposals and determined that Laura Bishop Communications, LLC with an office at 1111 The Woods, Cherry Hill, New Jersey 08003; and

WHEREAS, this contract being awarded will be reviewed for reappointment beginning January 1, 2020 for one year.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that it hereby awards a contract for Public Relations Services to Laura Bishop Communications, LLC.

Offered for adoption by Councilwoman Rice, second by Councilman Banahan

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

Negative: None

Abstain: None

Absent: Councilwoman Sorensen

2. Resolution No. 2019-191, Amend Resolution No. 2019-186 to add Restaurant Ordinance Review Committee Appointments

WHEREAS, Resolution No. 2019-186 appointed a Restaurant Ordinance Review Committee as follows:

Mayor Lucarelli
Councilwoman Elizabeth Koch
Councilman James Banahan
Carolyn Ferguson, Fair Haven Business Association
Gary Leasor, Business Owner

Borough Professionals

Theresa S. Casagrande, Borough Administrator
Richard Gardella, Director of Engineering
Nicolas Poruchynsky, Assistant Director of Engineering
Heyer Gruel Associates, Borough Planner; and

WHEREAS, there has been a request for additional members to be appointed to the Committee and the Mayor has advised that the following persons be added to the Restaurant Ordinance Review Committee:

Todd Lehder
Michael Nitka
Leigh Ricker
Daniel Busch

Borough Professional

Michael Irene, Esq., Land Use Counsel

BE IT RESOLVED that the Borough Attorney and Special Counsel for Fair Share Housing will be consulted, as needed.

Offered for adoption by Councilwoman Rice, second by Councilman Banahan

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

3. Resolution No. 2019-192, Appointments to the River Road Bike and Pedestrian Safety Committee

WHEREAS, there is a need to appoint members to the River Road Bike and Pedestrian Safety Committee for the Borough of Fair Haven.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the following persons be appointed to the River Road Bike and Pedestrian Safety Committee:

Mayor Lucarelli
Gail O'Reilly
John McCormack
Corporal John Waltz
Richard Gardella, Director of Engineering and Public Works
Nicolas Poruchynsky, Assistant Director of Engineering and Public Works

Offered for adoption by Councilwoman Rice, second by Councilman Banahan

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

4. Resolution No. 2019-193, Approve 3rd Quarter Tax Overpayment Refund - 123 Lake Avenue

WHEREAS, Debra Marchetti, Tax Collector, has provided a request for a tax overpayment refund for 3rd quarter of 2019 and advises that the following property owners qualify for a refund as follows:

<u>Owner</u>	<u>Address</u>	<u>Block</u>	<u>Lot</u>	<u>Refund</u>
Todd and Joanna Lehder	123 Lake Avenue	6	7	\$3,710.67

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Tax Collector and Chief Financial Officer are hereby authorized to pay said refunds in the amounts listed above to Ansell, Grimm and Aaron, 1500 Lawrence Avenue, CN 7807, Ocean, New Jersey 07712.

Offered for adoption by Councilwoman Rice, second by Councilman Banahan

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

Negative: None
Abstain: None
Absent: Councilwoman Sorensen

5. Resolution No. 2019-194, Approve Block Party on Poplar Avenue - October 19th, 3 pm – 11 pm

WHEREAS, a request was received to hold a Block Party on Poplar Avenue on Saturday, October 19, 2019 from 3 pm to 11 pm with a raindate of Sunday, October 20, 2019; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on September 16, 2019; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that approval is hereby granted for a block party to be held on Poplar Avenue on Saturday, October 19, 2019 from 3 pm to 11 pm with a raindate of Sunday, October 20, 2019.

BE IT FURTHER RESOLVED that Permit No. BP 2019-13 will be issued for said event.

Offered for adoption by Councilwoman Rice, second by Councilman Banahan

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

6. Resolution No. 2019-195, Approve 2nd Extension of Time to Complete Improvements for 119 Hance Road (B33, L16/35)

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

WHEREAS, the Developer's Agreement contained a deadline for the Developer to complete the site improvements by March 1, 2019 which was extended to September 1, 2019 by Resolution No. 2019-78; and

WHEREAS, the Developer requires an additional six (6) month extension to finalize the improvements; and

WHEREAS, the Borough Engineer has reviewed and recommended that the request for a second extension be granted by the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, that K.M. Hughes is granted a second extension through March 1, 2020 in which to complete the site improvements as required in the Developer's Agreement.

Offered for adoption by Councilwoman Rice, second by Councilman Banahan

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

7. Resolution No. 2019-196, Executive Session – Pending Litigation and Acquisition of Property

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

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

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

Pending Litigation

1. Yacht Works
2. Reger vs. Fair Haven Zoning Board

Acquisition of Property

1. River Road

Contract Negotiations

1. Architect 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 Councilwoman Rice, second by Councilman Banahan

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

Negative: None

Abstain: None

Absent: Councilwoman Sorensen

8. Resolution No. 2019-197, Award Contract for Brush Grinding, Transportation and Disposal-Mazza Mulch, Inc.

WHEREAS, the Borough of Fair Haven received bids for Brush Grinding, Transportation and Disposal and publicly opened them on September 18, 2019 as advertised; and

WHEREAS, the Borough received bids from five (5) bidders in response to bid specifications prepared by the Borough Engineer; and

	<i>Bidder</i>	<i>Base Bid Amount</i>	<i>Option 1 Amount</i>	<i>Option 2 Amount</i>	<i>Option 3 Amount</i>	<i>Base Bid + Options 1, 2, 3 Amount</i>
1.	Mazza Mulch, Inc., Tinton Falls, NJ	\$18,200.00	\$18,200.00	\$18,200.00	\$18,200.00	\$72,800.00
2.	Britton Industries, Inc., Lawrenceville, NJ	\$23,750.00	\$23,750.00	\$23,750.00	\$23,750.00	\$95,000.00
3.	Nature’s Choice Corporation, Middlesex, NJ	\$47,150.00	\$47,150.00	\$47,150.00	\$47,150.00	\$188,600.00
4.	Wild Heart Industries, Hillsborough, NJ	\$72,500.00	\$72,500.00	\$72,500.00	\$72,500.00	\$290,000.00
5.	Seminole Construction, West Creek, NJ	\$75,000.00	\$75,000.00	\$75,000.00	\$75,000.00	\$300,000.00

WHEREAS, the bidders were as follows:

WHEREAS, the Borough Engineer and Borough Attorney have reviewed the above bids and have determined that the bid conforms to the specifications and that Mazza Mulch, Inc. was the lowest bidder and recommends the Brush, Grinding, Transportation and Disposal bid be awarded accordingly for the Base Bid, Options #1, #2 and #3 for a total amount of \$72,800.

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 Brush Grinding, Transportation and Disposal bid be awarded to Mazza Mulch, Inc., Tinton Falls, NJ pursuant to the bid specifications.

BE IT FURTHER RESOLVED that the Borough Administrator is authorized to enter into contract with Mazza Mulch, Inc. for the purposes of completing Brush Grinding, Transportation and Disposal.

Offered for adoption by Councilwoman Rice, second by Councilman Banahan

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

Negative: None

Abstain: None

Absent: Councilwoman Sorensen

9. Resolution No. 2019-198, Approve Refund of fee for Tree Removal Permit – Lyman Spalding

WHEREAS, a tree removal permit for 58 Oaklawn Drive was approved by the Borough’s Forrester; and

WHEREAS, a permit fee in the amount of \$25.00 was charged and paid for by Mr. Lyman Spalding on behalf of his neighbor in order to remove the tree; and

WHEREAS, the tree was diseased so a fee should not have been charged for removal.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that a refund in the amount of \$25.00 should be given to:

Lyman Spalding
66 Oaklawn Drive
Fair Haven, NJ 07704

Offered for adoption by Councilwoman Rice, second by Councilman Banahan

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

10. Resolution No. 2019-199, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the September 23, 2019 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2018 CURRENT ACCOUNT	\$ 113.82
2019 CURRENT ACCOUNT	\$ 195,762.59
GENERAL CAPITAL	\$ 9,076.35
OTHER TRUST	\$ 6,832.05
DOG TRUST	\$ 1,295.02
TOTAL	\$ 213,079.83

Offered for adoption by Councilwoman Rice, second by Councilman Banahan

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

Reports of Departments
2018 Year End
-Zoning Board of Adjustment

August 2019
-Police Department
-Tax Collector

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

GOOD OF THE BOROUGH

Council President Peters opened the meeting to the public for comments or questions at 7:22 p.m. Mark Galligan, Pine Cove Road, said that he is having a house built at 108 Park Lane and there is a tree that needs to be removed. He thought the matter was going to be listed on this agenda according to Bill Brooks, Borough Forrester. The Borough Clerk reviewed the series of events tied to the application and that there has not been any formal action on the tree removal application. If the application is denied, then a letter will be typed, sent and he can appeal the decision. The process was explained regarding denials.

Mayor Lucarelli arrived at 7:26 p.m.

Ruth Blaser, River Road, asked about the status of the ILSA with Rumson from the last meeting. She was advised that no action was taken. She asked if the Borough is getting back the services compared to what we give. Administrator Casagrande advised that interlocal service agreements are not service for service. Councilman Peters said we pay cash for services we receive.

Councilman Rodriguez reminded everyone to vote at tomorrow's (9/24) Special School Referendum Election being held at Knollwood School from 2:00-8:00 p.m.

Councilwoman Rice said that Fall Enrichment started this week. There are other recreation events happening, as well (9/28 Camp Out with a movie and music, Tinkergarten, fall after school programs, etc.).

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

Council went into executive session at 7:34 p.m. and this meeting was reconvened at 8:50 p.m.

ADJOURNMENT

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

Time of Adjournment: 8:50 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk