

FAIR HAVEN BOROUGH COUNCIL
TUESDAY, OCTOBER 15, 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, Rice, Rodriguez and Sorensen. Absent: Councilman Peters. Others present: Administrator Casagrande, Engineer Gardella and Attorney Alfieri.

WORKSHOP SESSION

Mayor Lucarelli said there was a tree removal appeal submitted for 108 Park Lane. Motion to approve moved by Councilwoman Sorensen, second by Councilwoman Koch with Ayes by all present.

A tree removal appeal was received for 4 Hendrickson Place. Motion to approve moved by Councilman Rodriguez, second by Councilwoman Rice with Ayes by all present.

Request from Fair Haven Business Association to post lawn signs as follows:

- a. Small Business Saturday, November 30th (21 signs): November 22nd-December 1st
- b. Holiday Stroll & Tree Lighting, December 6th (28 signs) November 29th-December 8th

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

The Chief Financial Officer submitted a Bond Sale report from the Borough's October 3rd bond sale for \$8,558,000. The successful bidder is Roosevelt & Cross, Inc. Motion to accept the report moved by Councilwoman Sorensen, second by Councilwoman Koch with Ayes by all present.

With regard to a proposed ordinance creating a Technical and Design Review Committee, it would set up a committee and subcommittees to review applications to allow the Borough professionals to work with applicant's professionals. Attorney Alfieri said Doug Kovats, Esq., Planning Board Attorney, provided the information for this process that has been discussed for years; it will streamline the public hearing process. The ordinance should be introduced and provided to the Planning Board.

Attorney Alfieri said the governing body discussed, a few meetings ago, creating an ordinance for sump pump discharges; a sample ordinance was provided to be considered for codification in our ordinance book. A separate proposed ordinance to include fees pertaining to drains and sump pumps would coincide with the sump pump discharge ordinance.

Attorney Alfieri will work with Engineer Gardella to decide what ordinance section a proposed ordinance for construction of basements and cellars would be included in. There is no reference in the Borough's building code.

The Borough Clerk advised that anything pertaining to Land Use would need to be introduced at the next meeting in order to meet the date for adoption at the end of the year.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:07 p.m. There being no comments or questions, the meeting was closed to the public at 7:07 p.m.

APPROVAL OF MINUTES

Councilman Banahan made a motion to approve the Regular Meeting minutes of September 23, 2019, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Rice and Rodriguez

Negative: None

Abstain: Councilwoman Sorensen

Absent: Councilman Peters

Councilman Banahan made a motion to approve the Executive Session minutes of September 23, 2019, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Koch, Rice and Rodriguez

Negative: None

Abstain: Councilwoman Sorensen

Absent: Councilman Peters

OLD BUSINESS

With regard to Path to Progress, the Mayor thanked the Board of Education (some members in attendance) and Councilmembers Peters and Rice for meeting and creating a letter that will be sent to the State regarding this matter. It should be done as a resolution. Administrator Casagrande said she will forward the draft letter, finalized this morning, to the entire governing body for their review.

NEW BUSINESS - CONSENT AGENDA
RESOLUTIONS

1. Resolution No. 2019-200, Approve November 12th Meeting Location and Time Change

WHEREAS, Resolution No. 2019-12 adopted by the Governing Body at the January 7, 2019 Reorganization Meeting set the meeting dates of the Fair Haven Governing Body for the year 2019; and

WHEREAS, the meeting dates for November were set for November 12, 2019 and November 26, 2018 at 7:00 p.m. in the Borough Hall Council Chambers; and

WHEREAS, it has been determined by the Governing Body that the meeting time and location for the November 12, 2019 meeting will be changed to 1:30 p.m. at Knollwood School, All Purpose Room, to allow the students to see government in action as well as our seniors who cannot attend evening meetings.

NOW THEREFORE BE IT RESOLVED that the Annual Notice is amended as referenced in this resolution.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilman Peters

2. Resolution No. 2019-201, Accept 2018 Municipal Audit

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2017 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date

fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

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.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilman Peters

3. Resolution No. 2019-202, Approve Street Opening Escrow Refund - 65 Laurel Drive, replace curbing

WHEREAS, Ordinance No. 2007-31 created the Street Excavation Ordinance which requires a cash repair deposit be posted to serve as security for the inspection, repair and performance of work necessary to put the street in as good a condition as it was prior to the excavation if the permittee fails to make the necessary repairs or to complete the proper refilling of the opening and the excavation work performed in accordance with the excavation permit; and

WHEREAS, the Director of Engineering and Public Works has completed an inspection of the street opening (Permit No. 2019-39 approved on September 12, 2019) for 65 Laurel Drive done by Beechwood Landscape Architecture and Construction, LLC, 2 Kappy Court, Suite F, Southampton, New Jersey 08088 for replacement of damaged concrete curbing; and

WHEREAS, the Assistant Director of Engineering and Public Works has recommended that the cash repair deposit posted by Beechwood Landscape Architecture and Construction, LLC be returned in the amount of \$75.00.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the foregoing cash deposit return is hereby approved and the Chief Financial Officer/Assistant Chief Financial Officer and Borough Clerk are hereby authorized to pay said refund to Beechwood Landscape Architecture and Construction, LLC.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilman Peters

4. Resolution No. 2019-203, Approve Block Party - Dartmouth Avenue - October 19th, 5-10 pm

WHEREAS, a request was received to hold a Block Party on Dartmouth Avenue on Saturday, October 19, 2019 from 5 pm to 10 pm with a rain date of Sunday, October 20, 2019; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on October 2, 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 Dartmouth Avenue on Saturday, October 19, 2019 from 5 pm to 10 pm with a rain date of Sunday, October 20, 2019.

BE IT FURTHER RESOLVED that Permit No. BP 2019-14 will be issued for said event.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilman Peters

5. Resolution No. 2019-204, Refund Cash Repair Bond to NJ Natural Gas Company/SAFE Replacement Project

WHEREAS, Ordinance No. 2007-31 created the Street Excavation Ordinance which requires a cash repair deposit be posted to serve as security for the inspection, repair and performance of work necessary to put the street in as good a condition as it was prior to the excavation if the permittee fails to make the necessary repairs or to complete the proper refilling of the opening and the excavation work performed in accordance with the excavation permit; and

WHEREAS, the Director of Engineering and DPW has completed an inspection of the SAFE Replacement Project that was approved by the Mayor and Council at their February 24, 2014 meeting; and

WHEREAS, the Director of Engineering and DPW has recommended that Travelers Bond No. 106049866 in the amount of \$10,000 posted by New Jersey Natural Gas be returned.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the foregoing bond be returned to New Jersey Natural Gas for the completion of the SAFE Replacement Project.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilman Peters

6. Resolution No. 2019-205, Executive Session – Personnel, 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:

Personnel

1. Police Chief
2. Planning Board and Zoning Board Secretary Position
3. Borough Clerk

Pending Litigation

1. Yacht Works

Acquisition of Property

1. River Road
2. Fair Haven Road

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

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

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: Councilman Peters

7. Resolution No. 2019-206, First and Final Change Order - Fair Haven Fields Buffer Restoration Project

WHEREAS, Resolution No. 2019-154 awarded a contract for the Fair Haven Fields Buffer Restoration Project to Down to Earth Landscaping, Inc., Jackson, NJ 08527 in an amount not to exceed \$61,700; and

WHEREAS, the attached First and Final Change Order details additional amendments to the contract resulting in a revised contract amount of \$73,400.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven that Change Order #1 - Final to the Fair Haven Fields Buffer Restoration Project will result in a final contract amount of \$73,400 between the Borough of Fair Haven and Down to Earth Landscaping Company, Inc.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

8. Resolution No. 2019-207, Appoint Special Officer, Class II – Amanda C. White

WHEREAS, a request was made by Police Chief Joseph McGovern to appoint a Special Law Enforcement Officers Class II, effective October 16, 2019; and

WHEREAS, Joseph McGovern, Fair Haven Police Chief, has recommended that Amanda C. White be appointed as a Special Law Enforcement Officer, Class II.

WHEREAS, the rate of pay for this position is \$17.75 per hour.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Amanda C. White be appointed to the position of Special Class II Officer.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

9. Resolution No 2019-208, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the October 15, 2019 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2018 CURRENT ACCOUNT	\$	1,369.76
2019 CURRENT ACCOUNT	\$	123,834.55
GENERAL CAPITAL	\$	59,380.44
GRANT FUND	\$	756.43
PAYROLL AGENCY	\$	12,729.96
OTHER TRUST	\$	15,250.76
TOTAL	\$	213,321.90

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

Reports of Departments

July 2019

-Chief Financial Officer

August 2019

-Chief Financial Officer

September 2019

-Municipal Clerk

-Dog License

-Planning Board and Zoning Board

-Tax Collector

-Municipal Court

-Police Department

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 7:11 p.m. Councilwoman Sorensen advised that Saturday, October 27th will be a volunteer clean up day at the Fair Haven Fields Natural Area. More volunteers are needed. DPW will assist as well.

Councilwoman Rice advised the Annual Halloween Egg Hunt will be held at Sportsman Field on October 20th with the parade to follow at 10:45 a.m. (Hance Road to River Road to the firehouse).

Councilwoman Koch thanked Administrator Casagrande, Councilwoman Sorensen and DJ Breckenridge for the beautiful park opening today and all of their hard work. Administrator Casagrande said many others contributed as well. Councilwoman Sorensen invited everyone to go down to the Williams, Albert and Robards Park at the end of DeNormandie Avenue; it is a beautiful place and the benches that were installed look great. Mayor Lucarelli said the park would not have been possible without former Mayor Michael Halfacre's vision.

Kelly Notine, Hendrickson Place, said she was glad to see the pedestrian safety e-mail that went out today. She asked for restrictions to be put in place for the grinding operation (similar to Third Street) on Hendrickson Place. She requested all work to begin after 8:00 a.m. Mrs. Notine had some questions regarding the delivery of brush to the site and suggested procedures be reviewed. She asked if the safety training of the Fair Haven DPW staff also pertained to Rumson's DPW employees. On behalf of Jennifer Spitz, who could not attend tonight's meeting, she asked if the residents would be involved in the review of brush and leaf delivery; Administrator Casagrande advised that it is for DPW to review, not the public, including site maintenance. Councilman Rodriguez said, as Chairman of the Department of Public Works, he will speak with Jen Spitz. Mrs. Notine noted that the Borough Administrator and Police Chief are familiar with the brush site and procedures. She was concerned with the trucks that were idling during the last round of brush grinding and asked that Rumson be made to follow our procedures, as well.

Mike McCue, William Street, said the last Council meeting was very short, but at that meeting Mazza Recycling was awarded the brush contract to grind and take away the chips. He asked when the Borough will be looking at the Rumson Interlocal Service Agreement again; he was advised it will be on an agenda when we do. He asked that grass clippings not be brought to us by Rumson; he was advised that they do not bring grass clippings. He asked if street sweepings are brought to us; no, street sweeping is done through a private company and they dump them elsewhere. Engineer Gardella said that all of the sweepings are contained in a dump truck and brought to a facility; there is nothing brought to the brush site. Administrator Casagrande advised that reports are filed with the DEP for the brush site and we never receive Rumson's sweepings.

Meghan Chrisner-Keefe, Beechwood Place, said that resident separate brush from grass and it is picked up separately. She was advised that Fair Haven does not take grass clipping; residents separate brush and leaves for pick up. We are not sure what Rumson allows their residents to do with their grass clippings, but it does not come to Fair Haven. Ms. Chrisner-Keefe agreed with Mrs. Notine's comments regarding town safety.

Mayor Lucarelli advised that the Borough's streets are safe; our workers are trained through the Borough's Joint Insurance Fund and our Risk Managers. He stated that a friend of his, involved in the biking community and an advocate for streets to be paved, will be training the Borough's employees as well. CDL drivers are required to know the rules and regulations of the trucks and how to maneuver in the streets. Councilman Banahan gave the regulations for CDL drivers and what is required. CDL drivers do take the regulations seriously. The Joint Insurance Fund is a self-preservation organization and want lower claims. Councilman Banahan said he raised his daughter in Fair Haven and she rode her bike, now has her driver's license and motorcycle license and was taught the proper way to operate all of those things. Children these days text on their phones while riding their bike; they need to be more mindful of their surroundings. The Third Street program is great, but everyone needs to realize that Third Street is not truly closed to traffic because residents still come in and out of their driveways.

Mrs. Chrisner-Keefe said it is important to hold the kids accountable, but it is important for everyone to be more cognizant we need to keep the trucks off of the streets during school kids coming and going to school.

Shaline Broderick, Spruce Drive, said that she is interested in bike safety and just moved to the Borough from Ohio. She said everyone rides their bikes and in the three months that she has

lived here, there has been four kids hurt on bikes. She said parents need to “tail their kids” and educate their children and everyone’s children on how to ride a bike properly and to stay to the right. There are cars that drive too fast on our streets. Mrs. Broderick said that she has written to the Board of Education because there is a lot that can be done as a community. Kids do need to be more aware and moms and dads should be more involved. She said there should be a bike test with a “mock license” for the kids. There are simple, effective and inexpensive programs to be instituted including a task force to meet with the residents, DPW, Board of Education and Police Department to discuss the issues.

Mayor Lucarelli said the schools are looking to reinstitute the bike rodeo for the spring. Biking has been part of the culture in Fair Haven for a long time. Unfortunately, it has gotten out of control where the kids look like they are taking over the street (riding 4-5 across); they should be riding single file or no more than two side by side. He appreciated the public’s input.

Councilwoman Rice invited Mrs. Broderick to the next Recreation Committee meeting to discuss what she said about the bike licensing program.

Tracy Cole, Grange Avenue, said that she liked what Mrs. Broderick has brought forward. She said Fair Haven has done a great job with walking and bike safety and agreed that a task force should be formed with a bike lane so children can follow it. She suggested temporary chalk or tape lines for kids to take ownership. Mrs. Cole said this is something she looks for as a resident which is the safety of everyone and there is more that can be done. It is the governing body’s role to initiate something.

Danielle, Jones, Hillside Place, said it is not reasonable to have the trucks (trash, DPW, Contractors) out early in the morning and all of the responsibility should not be put on the kids. Councilman Rodriguez said the responsibility is on everyone, not just kids. The Borough is coming up with new ideas with the Police Department and our employees.

There being no further comments or questions, the meeting was closed to the public at 7:40 p.m.

Council went into executive session at 7:49 p.m. and this meeting was reconvened at 8:47 p.m.

ADJOURNMENT

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

Time of Adjournment: 8:47 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk