

**FAIR HAVEN BOROUGH COUNCIL**  
**MAY 26, 2020**

Due to the Coronavirus Pandemic and the need for social distancing, this meeting was broadcasted through the Zoom Webinar Program to allow for the public to access and participate in this meeting.

The meeting was called to order by Mayor Lucarelli at 7:02 p.m. The Flag Salute was followed by a Moment of Silent Meditation. The following Sunshine Law Statement was read.

**IN ACCORDANCE WITH THE PROVISIONS OF THE OPEN PUBLIC MEETINGS ACT, PUBLIC MEETINGS MAY BE HELD IN PERSON OR BY MEANS OF COMMUNICATION EQUIPMENT TO INCLUDE STREAMING SERVICES AND OTHER ONLINE MEETING PLATFORMS (NJSA 10:4-8(b)).**

**DUE TO THE COVID-19 SITUATION, THE BOROUGH OF FAIR HAVEN'S MUNICIPAL FACILITIES ARE CLOSED TO THE PUBLIC. THIS MEETING IS BEING PRESENTED THROUGH THE ZOOM MEETING PLATFORM AND BEING BROADCAST FROM BOROUGH HALL, 748 RIVER ROAD, FAIR HAVEN, NJ. PUBLIC PARTICIPATION FOR THIS COUNCIL MEETING OF MAY 26, 2020 IS AVAILABLE BY CALL IN PHONE NUMBER OR THROUGH WEB CONFERENCE (ZOOM). MEMBERS OF THE PUBLIC WILL BE ON MUTE UNTIL PUBLIC QUESTIONS/COMMENT TIME, WHICH WILL BE ANNOUNCED. AT THAT TIME THE PUBLIC HAS THE OPPORTUNITY TO QUESTION/COMMENT BY PHONE OR THROUGH ZOOM BY THE "RAISE HAND" BUTTON AND WILL BE CALLED ON AT THE APPROPRIATE TIME.**

**NOTICE OF THIS MEETING WAS INCLUDED IN A SCHEDULE OF MEETINGS SENT TO THE ASBURY PARK PRESS, THE TWO RIVER TIMES, THE HUB AND THE STAR LEDGER ON JANUARY 9, 2020 POSTED ON THE BOROUGH WEBSITE, THE BULLETIN BOARD IN THE MUNICIPAL BUILDING AND HAS REMAINED CONTINUOUSLY POSTED AS REQUIRED UNDER THE STATUTE.**

**ROLL CALL**

On Roll Call the following were present via Zoom remote access: Mayor Lucarelli, Councilmembers Banahan, Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen. Others present: Administrator Casagrande, Chief McGovern, Attorney Alfieri, Borough Planner Susan Gruel, Fair Share Housing Committee members Todd Lehder and Michael Borneo.

**PROCLAMATION**

Mayor Lucarelli read a proclamation thanking those on the frontlines. Copies will be sent to the Police Department, Fire Department, First Aid and DPW.

The Mayor said that Fair Haven has had 25 cases (eight that are active; the most recent case is a frontline worker, a nurse). COVID-19 is real.

**WORKSHOP SESSION**

A request was received from Holy Cross and Rumson Country Day to display 8<sup>th</sup> grade graduation lawn signs in town (approximately 20 signs). Motion to approve the request moved by Councilwoman Koch, second by Councilwoman Sorensen with Ayes by all present.

A request was received from for a Rumson-Fair Haven Regional High School Class of 2020 banner to be displayed from May 30<sup>th</sup> until June 20<sup>th</sup>. Motion to approve the request moved by Councilwoman Sorensen, second by Councilwoman Chrisner-Keefe with Ayes by all present.

The next order of business discussed was the Fair Share Housing Settlement Timeline and Ordinance Overview. Mayor Lucarelli acknowledged the Borough's Planner, Susan Gruel, and Fair Share Housing Committee members, Todd Lehder and Mike Borneo. Council was provided a memo from Mike Edwards, Esq. (Fair Share Housing Counsel) regarding a settlement hearing that was held on May 20<sup>th</sup>. Based on the hearing, the Borough has been given a tight timeline by the court to have an ordinance in place. The Borough's professionals and the Fair Share Housing Committee felt the governing body should be given an overview this evening of the timeline and the ordinances needed to move forward in the process; the governing body's input is needed tonight in order to finalize the M&M ordinance for introduction on June 8<sup>th</sup>. Administrator Casagrande turned the meeting over to Susan Gruel stating that the Borough Clerk would be sharing her screen with the documents that are referenced in the presentation.

Councilman Rodriguez asked to make a statement before the presentation was given. He said, for the education of the public, that there is only one ordinance to be considered, but there are many that need to be written. There are prescriptive timeframes, and this is the first step of a long journey in order to implement the Fair Share Housing Plan. This is not a rush job; we are complying

with the court's deadlines. There will be many opportunities for many ordinances where the public will hear and share their thoughts.

Susan Gruel said that the Fairness Hearing was held on May 20<sup>th</sup> which is the first in two steps within the court. First, the court has to determine whether the settlement agreements with M&M and Fair Share are fair and reasonable and protect the interests of low and moderate income households. The court determined that yes, both agreements did, in fact, do that, which is a huge positive for the Borough. Once that has been determined, the courts provide a timeframe usually 120 days for the municipality to act on the ordinances and resolutions to effectuate the settlement agreement and housing plan. The court determined that the compliance hearing date is scheduled for October 23<sup>rd</sup> and the Borough has to file that information 30 days prior to the hearing. From now until the end of September there is a lot that has to be done. There will be subsequent time for the public to see the ordinances and comment as they would any other ordinance. The one fast tracked ordinance is the M&M ordinance which has to be introduced by the end of June (not adopted as first thought). A listed timeline was provided with some dates so the governing body could see what is required in the next 120 days. The Memorandum of Agreement with Habitat for Humanity must be executed in conjunction with the adoption of the M&M ordinance.

The next step is to address the M&M zoning. A comparison chart showed the existing zoning in B1 and the proposed bulk standard in the Affordable Housing Zone. There was a concept plan that was attached to the settlement agreement. A 10-foot offset is required on the 3<sup>rd</sup> floor. The subcommittee reviewed the current ordinance and standards and made some suggestions; the Clerk displayed the document showing the Proposed Site Plan Standards/Design Guidelines. Sections to be amended and considered were reviewed. There are standard recommendations (signs, fences/walls, buffering and landscaping, streetlights and parking) and other handouts reviewed. Front facades, tandem parking, outside seating is recommended and ways to break up long facades were reviewed. The governing body was asked if they had any questions or thoughts that they would like to share as this process begins. Mrs. Gruel stated that the Fair Share Housing Subcommittee has been great, and her firm will continue to work with them to refine the ordinance prior to the Council getting a full ordinance.

Mayor Lucarelli asked Todd Lehder and Mike Borneo if they had any comments or questions. Todd Lehder said that Heyer Gruel's lists should be given to Rich Gardella, Borough Engineer, since he reviews site plans and is most familiar. He asked Mrs. Gruel why the setback reference of 13 feet wasn't changed to 16 feet in the Cedar Avenue area and Habitable Floor Area Ratio (HFAR) was not referenced. He would like to discuss, with the Committee, the outdoor seating idea because it is a really tight space; not enough space for tables. Mrs. Gruel said that a patio or outdoor seating would be most appropriate at the corner piece of the property, but they will look at it. Mr. Lehder said the trees on the east side of the property need to be protected and the Borough Engineer should review the drainage issues as well.

With no other comments or questions, the Mayor said that concludes this discussion. There is a lot of work ahead of us. He thanked the Fair Share Housing Committee and Susan Gruel.

### **PUBLIC COMMENT ON AGENDA ITEMS**

The meeting was opened to the public for comments or questions at 7:31 p.m. Tracy Cole, Grange Avenue, asked if the Borough has the right to visit the bulk standards for the initial overlay district in the Affordable Housing plan. Susan Gruel said that they have not completed the bulk standards in the overlay zone of which there are few. There is a density and the area but in terms of setback, they have not gotten into that level of detail; it will happen within the Committee. The M&M ordinance is being fast tracked for June. The overlay ordinances will be put together between now and August; nothing has been framed out yet. There are certain height and density standards, but no other detail standards. Mrs. Cole asked if the Borough has some flexibility to decide; yes, as long as it does not conflict or limit the Affordable Housing standards and the court settlement agreement. Todd Lehder said the Committee is really backing into the bulk standards; what we have is a legal obligation to provide a realistic opportunity for Affordable Housing. The exercise that the Committee has gone through with the M&M site is to take the direction that was taken for the Affordable Housing Plan to soften the increase in ridge height (increase ridge height from 35 feet to 38 feet), to make a third floor feasible (soften it by pushing the third story back) and recognizing that there may be issues with parking. There was a desire to keep commercial on the first floor to maintain the commercial character of the downtown area. To start the process, we are looking at it with M&M because we know the setbacks since it has been part of the discussion. The Borough and its professionals have to then look at this, which is a harder job, because we have to look at the balance of the business district as to how this will work, interchangeably, in order to permit the density that the court has approved. We will carefully work toward it so we can gain without creating density that could substantially change the character of the business district. Mrs. Cole said she understood and knows that it is a lot work and thanked the Committee for the work they are doing.

Jillian Hoagland, Hendrickson Place, asked about density and if the Committee has looked at a traffic plan. What will be done with the “WHM area” when the 8-10 homes are built in the DPW area and the two-family home near the brush area as far as the influx of cars with presumably 2 cars per homes in such a small area? Susan Gruel said that the traffic plan is normally done during the site plan approval. What we are talking about, specifically for affordable housing, is the two-family Habitat for Humanity site. Mrs. Hoagland said that the Borough and Committee cannot look at this piece meal; the whole area is influx. She has expressed her concern about the two family for Habitat being built, plus the DPW and brush site remaining in the same area; this plan should not be looked at “in a silo”, it must be looked at holistically; it is difficult to understand because the Borough has not disclosed what the plan will be or look like. Mrs. Gruel said, speaking as the Borough’s Planner and Affordable Housing Planner, that the plan was very clear, more so than most municipalities; the Borough, subcommittee and the Council were very sensitive to the character of the neighborhoods and where to place affordable housing without overwhelming the area. Mrs. Hoagland restated that the plan needs to be looked at holistically when speaking about 8-10 homes with an additional 16-20 cars, plus the DPW trucks, plus the brush grinding site. It seems the Borough was up against something and just found areas without any thought or looking at it at 360 degrees. She understood that there are deadlines and the ramifications of not dealing with it, but it’s concerning that no one is speaking to what is going to happen at the DPW; this small area is going to be inundated with this all simultaneously. Mr. Lehder said that the accommodation of affordable housing is being viewed by everyone who has been involved as an adjustment to the existing zoning laws and every piece of property has certain guidelines that it is permitted to do, as a matter of right. The areas that are currently undeveloped or underutilized can be developed and comply with the Borough’s ordinances which may negatively impact/affect traffic but are part of an overall design for Fair Haven that has been in place for decades. So, as we evaluate building a two-family home on a single family lot and evaluating 14 units on the Sunoco site, the analysis that was done and is still being done is comparing how changes to accommodate the affordable housing (which we have to do as a matter of course) can be viewed as what is currently permitted. Mrs. Hoagland said she understood, but the area is also dealing with housing on Allen Street. Administrator Casagrande said that there has not been any decision for houses on Allen, at this time. The governing body as part of its facilities plan looked at the possible sale of lots to offset the costs, but the decision has not been made. Mrs. Hoagland said that it is being entertained which is a massive influx of homes, cars, and 18-wheelers in a small area; she implored the Borough to not drown the area and look to the future. Councilwoman Chrisner-Keefe thanked Mrs. Hoagland for her comments/feedback. She said that she was not on Council when Fair Share Housing became a concern in early 2019 and other matters had to be slowed down or put to the side to address this matter because it had to be made a priority and focus. Decisions are being made one at a time because you cannot make one decision without looking at how it affects surrounding neighborhoods and the Borough as a whole. The governing body has been taking each of the elements for this plan very seriously. It is understood that there is a concern about the brush grinding facility and that it goes back a number of years. There are questions about what is going to happen to address our needs at the DPW site, what will happen with the property, if lots will be sold off or not and if residential units will be constructed or not. Mrs. Hoagland understood and asked if there was a way to go back and look at everything that is currently in the “WHM area” before any final decisions are made. It all seems a little “slap shot” to her and the community. Mayor Lucarelli thanked Mrs. Hoagland for her comments and said that he took exception to her binding together the Sunoco site, DPW, Affordable Housing and bush site. The brush site will be addressed later in this meeting. Her representation of how the Borough is evolving with affordable housing is unfair. Instead of saying that it is being looked at in silos, it should be thought of as building blocks as each piece is put into place and consideration is given for all of the other pieces. Mrs. Hoagland asked if an additional 16 cars in the neighborhood/span of one street is not a public safety hazard to the Borough? Everything the Borough has done has been done with professionals, land use attorneys, planners and a tremendous amount of talent from the Planning Board. Mrs. Hoagland said that she is not just representing herself, but her neighborhood.

Councilwoman Chrisner-Keefe asked Susan Gruel to clarify the documents, shared earlier and provided to the governing body, and if some relate to the entire affordable housing zone and other documents relate only to the M&M site. No, the intent is only to address the M&M zone, at this point. Potentially some of the standards that we come up through the M&M zone exercise, may be appropriate to incorporate for some of the overly standards, as well. At this time, we are focused on what the M&M site is (both bulk standards and other standards that are in the existing ordinance). Councilwoman Chrisner-Keefe asked if the requirements of the court are strictly related to that. The requirements of the court are to ‘fast track’ the zoning ordinance standards for the M&M site prior to having to address the overlay sites, mostly in the B-1 zone, that will be part of the next phase of what we have to do.

Diane Mevorach, Navesink Avenue, said that with regard to the M&M parcel, she is still strong willed at it being like the neighbor house and not having commercial space at the bottom. It should look like a house with a front porch. It is important because the business to the right across Cedar Street looks like a house. To have commercial, especially in this day and age, might be

less. Todd Lehder said there was a planning issue when working on our housing plan, very early on, where there were many points of view (allowances, economic impact of residential vs. commercial being different and need to have a uniformed standard across the area in order for it to work). The M&M project is the first project that we are working through that will start from our goals and involves implementation on an actual piece of property, with limitations including issues relating to what we have at this moment over a period of months and trying to get the setbacks to where they can be accepted for balance, how to deal with the third story setback, how to deal with parking, entrance and exit and the front of Cedar. Mr. Lehder has spoken with people who have a preference for residential on the first floor and in his opinion, having commercial on the first floor is important because the building starts the downtown business district (the former Sunoco site) and will continue the commercial feel. He spoke with Mrs. Mevorach about this and what is envisioned will work. The question is what happens then as there is a commercial property across the street (corner Cedar and River Road), there is a two-family residence next door and a commercial property next to that home. It comes down to decisions as to what we want; it was felt we need to move forward with first floor commercial. Mrs. Mevorach said that she values Mr. Lehder's opinion and everything he has done for Fair Haven because he is of very sound mind. There are many "what ifs" and she asked the Council to consider the possibility of making the property look like the house to the left with a front porch. Mr. Lehder said that the settlement agreement with the courts shows retail on the first floor as agreed to with the developer which was approved by the Superior Court. Mrs. Mevorach asked the Borough to go back to court and change it. Mr. Lehder said we do not know the aesthetics yet, but we can work with the developer on that, we do not know how it will look with a third story and its setbacks and need to figure that out, however, commercial limits the number of residential units and how many will be affordable. We will try to preserve the residential character feel for commercial which is important. The overlay zone will set the standard for people and developers to meet and come before the Planning Board and Zoning Board for deviations. The property to the rear will have the same requirement of first floor commercial. If they develop a plan that shows first floor residential and it makes more sense, then the board can evaluate that on a case by case basis, but the default would be first floor commercial. Mrs. Mevorach asked if it would be because of a commercial overlay zone. No, it is like that because of the values that were negotiated and decided upon, given our options. Mrs. Mevorach asked if retail is more profitable for a landlord. Mr. Lehder said it is important to have so we do not lose it; COVID-19 aside, there have been changes in retail. Those towns that do not have retail want it because it makes it a destination for people to come to town. Apartments are easier to spec, build and rent; retail is a little trickier as far as the small business we would like in town.

There being no further comments or questions, the meeting was closed to the public at 8:02 p.m.

#### **APPROVAL OF MINUTES**

Councilwoman Sorensen made a motion to approve the Regular Meeting minutes of May 11, 2020, second by Councilwoman Koch.

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen

Negative: None

Abstain: Councilman Banahan

Absent: None

Councilwoman Sorensen made a motion to approve the Executive Session minutes of May 11, 2020, second by Councilwoman Koch.

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen

Negative: None

Abstain: Councilman Banahan

Absent: None

#### **NEW BUSINESS**

Mayor Lucarelli said that he has been on many conference calls with other Mayors and the Governor's office regarding getting small businesses and economy going and it has become apparent that the best way to get the economy going is for the people to do it. It will be upon each local government on how to best establish getting the economy going for our local businesses. He has asked Councilwoman Sorensen to interface with the Fair Haven Business Association along with Councilwoman Koch as a representative of the Planning Board and Zoning Board to establish and refine their COVID-19 plan. We could grant temporary waivers where parking spaces are given up to help facilitate outdoor dining and sidewalk shopping. He thanked the Councilwomen for stepping forward and working with him and the businesses. We need plans in place so when the Governor moves to the next phase and opens the economy in New Jersey, we are prepared and ready to move forward.

The next new business matter is the brush site as Mrs. Hoagland mentioned earlier. The Mayor has met with local Engineers, County officials, DEP officials and other state officials to incrementally change/alter the brush site operations to minimize the impact on the surrounding neighborhoods who have been affected. There are some residents who purchased their homes not realizing the brush site was there which is unfortunate. The brush site and grinding has been going on for over 40 years. There are a few plans that have been put together and he has asked Councilman Rodriguez to head a committee to look at alternatives to relocate the site somewhere within the Fair Haven Fields area, if possible, and/or to find other ways to reroute traffic. He thanked Councilman Rodriguez for stepping forward on this matter. The Mayor addressed the neighbors near the brush site stating that the brush site operations have been going on for a long time. He spoke with Mayors going back 30 years who said that they did not receive complaints with regard to the health of the site. The site is licensed and inspected by the DEP and the County. New Jersey has the most highly regulated environmental communities of the world. If there were any health issues or concerns, the DEP would have alerted us to it. It is a Class B recycling facility and we are doing what we can to mitigate the impact on the neighborhood.

### **Council Committee Reports**

**Finance** - Councilman Banahan said this is the night for introduction and approval of the 2020 Budget. There has been quite a bit more work by everyone than has been in past years partly because of concerns with the health crisis.

**Personnel** - Councilwoman Chrisner-Keefe advised that the Personnel Committee has not met since the last meeting. There is the appointment of two part-time, seasonal DPW employees under resolutions this evening; this is a stop measure to help during the green times of the year, but we need to hire a full-time employee for year-round employment.

**Planning & Zoning** - Councilwoman Koch said that the Land Use Boards finished their old business for the month of May. There is a Zoning Board meeting next Thursday (3 pieces of business to be looked at) and a Planning Board meeting on June 16<sup>th</sup> (one order of business). As for Fair Share Housing, there was a presentation/overview of the timeline and what needs to be done moving forward. The Restaurant Ordinance Committee is scheduled to meet this Wednesday or next Wednesday to work on the public presentation for a future meeting.

**Police, Fire & OEM** - Councilman McCue said there are four active Coronavirus cases in the Borough; we have had a total of 22. We are doing well which is a testament to our residents. Mayor Lucarelli said according to the County, we have had 25 cases. The Mayor thanked Chief McGovern as Emergency Management Coordinator for all that he has done in working with the Monmouth County Regional Health Commission #1. He thanked the residents for being conscientious when they are out and social distancing (this shows in our numbers).

**Engineering, DPW and Borough Facilities** - Councilman Rodriguez said bulk pick up will resume in June (Zones 1 and 2 on the 1<sup>st</sup> and Zones 3 and 4 on the 8<sup>th</sup>) and twice a week trash pick up began on May 15<sup>th</sup>. With regard to brush removal from streets and the brush site, we are with the community and have listened to the residents. He thanked the Mayor for reaching out to the contractor and discussing other ideas and the concept of a committee. Many walked the site to see what is there and to try to further delay the brush grinding and removal. A lot of issues were weighed, and many residents were concerned with a fire starting at the site. We did not start today until it could be discussed in a public forum. The long-term approach is to evaluate and put together an ad-hoc committee and try to meet during the summer. We understand that it is already a stressful time and now we are adding trucks to the street. The pandemic which has now caused residents to work from home and children to learn virtually is out of our control and there is a need to clean up the brush site. He asked that the residents work with us to come up with a good resolution.

Councilman Rodriguez reminded the residents that the grace period for 2<sup>nd</sup> quarter tax payments is Monday, June 1<sup>st</sup>. After that date, interest accrues back to May 1<sup>st</sup> when taxes were due.

**Parks and Recreation and Communications** - Councilwoman Sorensen said with regards to communication, there has been a lot information provided through Constant Contact, the website and Facebook page. The Borough will continue to keep the residents informed and encouraged those who have not signed up for alerts to do so. She said Betty Ann Berube has been a Rockstar through this entire pandemic and has put out blasts and information from her, the Mayor, Administrator, Clerk, etc., at a moment's notice. She thanked her.

This Thursday will be the last "Thank You Thursday" which will begin at 7:00 pm. This is to thank all of the people on the front lines. The virtual Memorial Day ceremony is on the website and everyone was encouraged to watch it. She thanked both DJ and Tyler Breckenridge for putting the ceremony together and broadcasting it. She thanked Tom Billy who, at 3 pm on Memorial Day, went to Memorial Park and played Taps for "Taps Across America". It was amazing.

The Recreation Committee will be meeting, virtually, on Zoom in the beginning of June (date to be determined) to discuss summer camps and whether they will take place. An alert will be sent to everyone; the date for camp may be changed based on state guidelines.

**CONSENT AGENDA**  
**RESOLUTIONS**

1. Resolution No. 2020-97, Introduction of 2020 Municipal Budget. The Mayor said this was being pulled to be voted on separately.

He asked for a vote on Resolution Nos. 2020-98 through 2020-104.

2. Resolution No. 2020-98, Release Maintenance Bond – David Carr – River Road and Glen Place

**WHEREAS**, Resolution No. 2018-115, adopted May 14, 2018, released the Performance Guarantees and accepted a Maintenance Bond for a Minor Subdivision for Block 12.1, Lots 9, 10, 20 and 21 (River Road and Glen Place), Fair Haven, NJ; and

**WHEREAS**, Mr. Carr agreed to have the Borough hold \$16,612.74 from the Performance Guarantees he posted as his two-year maintenance bond.

**WHEREAS**, the Borough Engineer has recommended the release of the Maintenance Bond.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Fair Haven, that the Maintenance Bond in the amount of \$16,612.74 for Block 12.1, Lots 9, 10, 20 and 21 is hereby released and the Finance Department is authorized to process said refund.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen  
Negative: None  
Abstain: None  
Absent: None

3. Resolution No. 2020-99, Amend Annual Notice for June 22, 2020 Council Meeting to be held on June 23, 2020

**WHEREAS**, Resolution No. 2020-13 adopted by the Governing Body at the January 6, 2020 Reorganization Meeting set the meeting dates of the Fair Haven Governing Body for the year 2020; and

**WHEREAS**, the meeting dates for June were set for June 8, 2020 and June 22, 2020 at 7:00 p.m. in the Borough Hall Council Chambers; and

**WHEREAS**, it has been determined by the Governing Body that the meeting date of June 22, 2020 needs to be changed to Tuesday, June 23, 2020 at 7:00 p.m. via the Zoom Platform to accommodate for the appropriate statutory timeframe (28 days from date of introduction) to hold the hearing and adoption of the 2020 Municipal Budget.

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

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen  
Negative: None  
Abstain: None  
Absent: None

4. Resolution No. 2020-100, Executive Session – Pending Litigation

**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

**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, Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen  
Negative: None

Abstain: None

Absent: None

5. Resolution No. 2020-101, Appoint two part-time Seasonal DPW Employees

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

**WHEREAS**, Richard Gardella, Director of Engineering and Public Works reviewed the applications submitted and submitted his recommendation for Joseph McGovern, Jr. and Timothy Leonard be appointed as part-time Seasonal Laborers with hours not to exceed the number of hours required to be considered full time; and

**WHEREAS**, the rate of pay for this position is \$13.25 per hour.

**NOW, THEREFORE, BE IT RESOLVED** that the appointments of Joseph McGovern, Jr. and Timothy Leonard as part-time Seasonal Laborers are hereby confirmed.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen  
Negative: None

Abstain: None

Absent: None

6. Resolution No. 2020-102, Authorize Mayor and Clerk to Execute the Municipal Coronavirus Relief Fund Program Reimbursement Agreement with Monmouth County

**BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven, that the attached agreement entitled "**MUNICIPAL CORONAVIRUS RELIEF FUND PROGRAM REIMBURSEMENT AGREEMENT**" be executed by the Mayor and Municipal Clerk in accordance with the provisions of law and forwarded to the County of Monmouth.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen  
Negative: None

Abstain: None

Absent: None

7. Resolution No. 2020-103, Approve Temporary Emergency Appropriations

**WHEREAS**, emergent conditions have arisen with respect to the payment of bills in a number of accounts and no adequate provision has been made in a Year 2020 temporary budget for the aforesaid purposes; and

**WHEREAS**, NJSA 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned; and

**WHEREAS**, the total temporary emergency resolutions adopted in the year 2020 for the Borough pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total \$4,723,575.29 for the Current Fund.

**NOW, THEREFORE, BE IT RESOLVED** that not less than two-thirds of all members of the Borough Council of the Borough of Fair Haven, New Jersey affirmatively concurring in accordance with the provisions of NJSA 40A:4-20:

1. An emergency temporary appropriation shall be and the same is hereby made for the following purposes:

Account Number	Description	Amount	Reason
<b>Current Account</b>			
0-01-20-100-101	Administration Salaries	\$35,000.00	Add to Temp Budget
0-01-20-120-101	Municipal Clerk Salaries	\$20,000.00	Add to Temp Budget
0-01-20-130-101	Finance Salaries	\$16,000.00	Add to Temp Budget
0-01-20-145-101	Tax Collection Salaries	\$11,000.00	Add to Temp Budget
0-01-20-150-101	Tax Assessment Salaries	\$8,000.00	Add to Temp Budget
0-01-20-150-211	Tax Assessment Contractual	\$3,500.00	Add to Temp Budget
0-01-20-155-211	Legal Expenses	\$10,000.00	Add to Temp Budget
0-01-20-165-101	Engineering Salaries	\$40,000.00	Add to Temp Budget
0-01-20-186-101	Zoning Officer Salaries	\$8,000.00	Add to Temp Budget
0-01-22-209-101	Code Enforcement Salaries	\$6,000.00	Add to Temp Budget
0-01-23-220-227	Health Benefits Expenses	\$350,000.00	Add to Temp Budget
0-01-23-222-227	Health Benefit Waiver Expenses	\$6,000.00	Add to Temp Budget
0-01-25-240-101	Police Salaries	\$250,000.00	Add to Temp Budget
0-01-25-265-276	Fire Hydrants	\$15,000.00	Add to Temp Budget
0-01-26-290-101	Streets & Roads Salaries	\$60,000.00	Add to Temp Budget
0-01-26-290-208	Streets & Roads Expenses	\$10,000.00	Add to Temp Budget
0-01-26-305-202	Solid Waste Expenses	\$150,000.00	Add to Temp Budget
0-01-26-307-101	Recycling Salaries	\$2,500.00	Add to Temp Budget
0-01-26-307-270	Recycling Expenses	\$8,000.00	Add to Temp Budget
0-01-26-310-204	Building and Grounds Expenses	\$30,000.00	Add to Temp Budget
0-01-26-315-101	Vehicle Maintenance Salaries	\$10,000.00	Add to Temp Budget
0-01-26-315-235	Vehicle Maintenance Expenses	\$20,000.00	Add to Temp Budget
0-01-27-330-211	Board of Health Expenses	\$25,000.00	Add to Temp Budget
0-01-28-370-101	Recreation Salaries	\$16,000.00	Add to Temp Budget
0-01-29-390-101	Library Salaries	\$34,000.00	Add to Temp Budget
0-01-31-430-276	Electric Utility Expenses	\$8,000.00	Add to Temp Budget
0-01-31-435-276	Street Lighting Utility Expenses	\$8,000.00	Add to Temp Budget
0-01-31-440-276	Telephone Utility Expenses	\$8,000.00	Add to Temp Budget
0-01-31-445-276	Water Utility Expenses	\$6,000.00	Add to Temp Budget
0-01-31-446-276	Gas Utility Expenses	\$6,000.00	Add to Temp Budget
<b>TOTAL</b>		<b>\$1,180,000.00</b>	

2. That said emergency temporary appropriations will be provided for in the 2020 budget under the appropriate titles.

3. That one certified copy of this resolution will be filed with the Director of Local Government Services.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: None

8. Resolution No. 2020-104, Payment of Vouchers

**BE IT RESOLVED** by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the May 26, 2020 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2020 CURRENT ACCOUNT	\$ 1,065,562.50
2019 CURRENT ACCOUNT	\$ 687.23
GENERAL CAPITAL	\$ 38,779.50
OTHER TRUST	\$ 2,859.48
<b>TOTAL</b>	<b>\$ 1,107,888.71</b>

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Banahan, Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: None

**2020 BUDGET INTRODUCTION**

1. Resolution No. 2020-97, Introduction of 2020 Municipal Budget

**BE IT RESOLVED**, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the calendar year 2020.

**BE IT FURTHER RESOLVED** that said Budget be published in the June 1, 2020 issue of the Asbury Park Press.

**BE IT FURTHER RESOLVED**, that the governing body does hereby approve the following as the Budget for the Calendar Year 2020.

Offered for adoption by Councilman Banahan, second by Councilwoman Koch

Councilwoman Chrisner-Keefe thanked the Finance Committee and the professionals for all of their time and hard work balancing the needs of the community and intentions of Council; they have done a great job. She has spent a lot of time discussing her concerns with Finance, the Council and professionals because this is her first time dealing with the municipal budget and there is a lot to understand. She thanked the Borough Clerk for assisting with providing documents or having the appropriate person provide additional documents to help her understand the budget. She said that there is a need to have a budget in place due to State timelines. The budget before the governing body is to introduce and approve it. Councilwoman Chrisner-Keefe said that she has concerns with areas of spending in the budget. We have a pandemic where prior governing body action with prior budgets could not have contemplated or predicted. We need to be conservative and prudent while spending taxpayer money. We have many existing needs and our budget needs to reflect the current challenges we are facing; now is not the time to spend more than we can contemplate and should not overcommit financially in areas of the budget. This budget shows a home with an assessed value of \$862,000 will see a municipal portion taxes increase of \$315. She does not agree with the word "approval" as part of the vote to introduce. We should reduce some of the spending through the Capital Improvement Fund which is proposed to increase from \$215,000 last year to \$950,000 this year; she understands the reasons, but is looking for a downward move before the hearing and adoption take place; she would like to amend the budget between now and the hearing on June 23<sup>rd</sup>. She would like to meet with the Finance Committee and professionals for an opportunity to reduce appropriations. We need to listen and understand all point especially with the pandemic environment and the unknown future. She hopes to be able to change her vote to a yes when it is time to adopt.

Administrator Casagrande said in order to change the budget, once introduced, we would have to do a budget amendment. On May 11<sup>th</sup>, it was said that there is an awful amount of work that has gone into this year's budget and we have to look at all of the capital needs including road projects not just facilities and equipment. There has been no decision made on what the governing body will do for 2020, 2021 and 2022 as far as capital projects. The approach has been thought out and thought out well. The Capital Improvement Fund in the budget is a combination of holding the line steady between what was budgeted last year for debt service and capital and what is needed now for debt service and capital. Debt service is down this year so that money was put into the Capital Improvement Fund to offset the need to increase debt service going forward. There are capital needs that are going to need to be funded; this plan has been worked on over the last few years to hold debt service steady which is the intent of this budget. No one wants to see an increase in taxes, but this is an unusual year (appropriations are up \$171,000 over last year). We do not have a spending problem in Fair Haven. We did cut appropriations this year and if we cut any more from this budget, we are going to have to cut services or personnel. A major contributor to our fund balance surplus, which is a revenue in every year's budget, is the Cancellation of Appropriations of Reserves. The CFO, for this current budget, on December 31, 2021 will cancel those reserves (anything not spent from this budget). Every governing body member (both new and older members) has spent a lot of time on this budget asking a lot of questions and looking at a lot of moving parts. This budget reflects all the considerations including COVID. We look at the last few year's budgets and to the future budgets when planning (not just a moment in time). It was made clear to the governing body and the public that in order to have no tax increase, we would have to cut \$692,380 from the budget which is challenging for this budget.

Councilman Banahan addressed Councilwoman Chrisner-Keefe stating that he was puzzled because he, other governing body members and past Finance Chairman Jonathan Peters spent time with her reviewing the budget process and history of Borough finance. This is a bare bones budget as it is and \$314 is a nominal tax increase. Councilwoman Chrisner-Keefe said it is a significant increase for the local level and the Capital Improvement Fund was created with certain intents and ideas in mind which will impact residents in a time of recession. She said that she appreciates everyone taking the time with their explanations, but we should take more time for amendments. Councilman Banahan said that we should have made amendments at the last Council meeting workshop. We can still make amendments, but her concerns should have been addressed on May 11<sup>th</sup>. Councilman Rodriguez asked Councilman Banahan about the number of road projects are part of the Capital Improvement Fund; there are four road projects and if we hold off, it is going to catch

up to us in the future creating larger increases in budgets to come. Councilwoman Chrisner-Keefe said that she did express her concerns at the May 11<sup>th</sup> meeting (five days after receiving the budget documents). She requested capital projects be prioritized. Administrator Casagrande gave the amendment parameters such as amending by the June 8<sup>th</sup> or June 23<sup>rd</sup> meeting. The adoption could be postponed, as well. She would need to discuss the process/timing with CFO Lapp. She explained pay as you go capital, debt service, etc.

Councilman Rodriguez said that the “elephant in the room” is whether we want to cut personnel or services which is a bulk of the budget costs. Capital Improvement Fund is 10% of the budget and the other 90% of the budget is where cuts would have to be made (brush pick up, Police Officers, DPW Workers, Administrative staff); which is not suggested because we are not currently in a situation where we would need to do that. Real Estate sales this May have gone up 2% from last May during this unpredictable time. Property values remain strong. We look back, but we also need to look forward. We need to be careful about capital and the funding choices because there are costs involved that can create larger issues for future budgets. Trash and Recycling costs increased significantly, and tonnage costs are beyond our control. The River Road Project for the west side of town costs money and are much needed; these are not easy decisions. We have guidelines and timelines through the State, and we need a budget so that we can calculate tax bills for Quarter 3 which will be upon us quickly. He asked Councilwoman Chrisner-Keefe to share any ideas she may have. Councilwoman Chrisner-Keefe said one area is Capital Improvement Fund; we should not be looking at capital acquisitions and increasing debt service by taking on new debt; we should pay for projects with cash on hand. She would like to continue the conversation with the Mayor and Councilmembers Banahan and Rodriguez and anyone else involved with the budget.

Councilwoman Sorensen asked what spending needs to be controlled because there is no excess spending in this year’s budget. Appropriations have been cut besides solid waste/recycling and the salary increases that were recommended by the Personnel Committee. She said that the Mayor, Councilmembers Banahan and Rodriguez, Administrator Casagrande, CFO Lapp and previous Councilman, Jon Peters, have done an exceptional job. She has sat on several Councils over the years and the budget has been flat and/or decreased because Finance and Administration have done a lot and the best for Fair Haven. Some of the comments that have been made are insulting to the Finance Committee and their hard work. While she understood some of the points made, the Borough has “kicked the can” on capital improvements for roads and facilities for decades. A lot has been cut from this year’s budget already. Councilwoman Sorensen said that she does not want an increase for the taxpayers either, but there comes a time where there is a need to increase to provide the services expected. The timeframe that the budget was received is the same as it has been in year’s past. Councilwoman Chrisner-Keefe felt that there were mischaracterizations/misrepresentations made and asked to reply.

Mayor Lucarelli stated that Councilwoman Chrisner-Keefe voiced her questions and concerns at the May 11<sup>th</sup> meeting and this meeting. The governing body has to worry about future surplus and avoiding future increases for the taxpayers. The Borough’s facilities are in a bad state and dilapidated. Through the years, the Finance Committee and Borough professionals have looked at many options through the years. At this point, it would irresponsible to go back and cut more from this budget. He said it is his 9<sup>th</sup> year as Mayor and taxes have been held flat. We need to look at the budget holistically and not just one item in the budget. New buildings for the DPW and Police Department are needed and possibly a new Borough Hall. He agreed that the budget is a difficult document to understand and it takes a few years to grasp.

Affirmative: Councilmembers Banahan, Koch, McCue, Rodriguez and Sorensen  
 Negative: Councilwoman Chrisner-Keefe  
 Abstain: None  
 Absent: None

**Reports of Departments**  
**April 2020**  
 -Municipal Court

Motion to accept the report as submitted moved by Councilman McCue, second by Councilwoman Sorensen with Ayes by all present.

**GOOD OF THE BOROUGH**

Mayor Lucarelli opened the meeting to the public for comments or questions at 9:01 p.m. Laura Kuras, William Street, said that she moved to Fair Haven in 2004 and there has been a change in profile and use of the brush grinding site where a grind took place one time per year and has increased since Superstorm Sandy in 2012. She was advised that the Borough replaced employees through Interlocal Service Agreements as retirements occurred. We have cut back Rumson’s use of our brush site and have police officers at the brush site and on the streets surrounding the brush area

during the grind to escort the trucks and keep the residents safe. The ILSA we have benefits us in many ways, financially. It is not a simple matter and is expensive. As reported earlier, we are going to look at the site and try to address the concerns of the neighborhood and Borough residents.

Tracy Cole, Grange Avenue, asked Councilman Rodriguez about his statement regarding facilities. Councilman Rodriguez said that we have run down municipal facilities and we need to bring them “up to snuff” and regulation compliant. The DPW, Police Department and Community Center are beyond their useful life. We need to find what is required and anticipate the costs which means spending what we need to. We have plans to replace the current DPW facility. He said that he has taken over former Councilman Eric Jaeger’s chairmanship for facilities and will do his best to liaise in this area. Mrs. Cole asked if the police department would be first and the priority. Councilman Rodriguez said the DPW and police department employee’s health and wellness is paramount. Mrs. Cole said that the public’s input is important for these decisions, as well. She has strong concerns regarding trip generators and traffic calming in town as we have few for west end commercial properties. We have a viable business district now and she felt that the Borough should speak with someone who understands business districts before acting on and amending ordinances.

Diane Mevorach, Navesink Avenue, said that she has elderly neighbors that need access to Borough information including tax deadlines and what is happening in the Borough and asked Councilman Rodriguez how they can get information/notifications if they do not own a computer or have a cell phone. Administrator Casagrande said that residents can reach out to Borough Hall for information and the employees will assist them. Residents can find information on the Borough’s website, Facebook page, weekly Constant Contact newsletter, FOCUS newsletter or they can call Borough Hall. The Borough Clerk said that residents who do not own or have access to a computer or cell phone can also have a family member sign up for the alerts through the website and pass along the information to their family member. Mrs. Mevorach said that she also asked Councilman Rodriguez about having the library bookshelf moved to the vestibule so residents can access the books. Councilman Rodriguez said that he did relay her concern and made the request at the May 11<sup>th</sup> meeting. She was advised that the bookshelf cannot be moved because of its size and that it would not fit in the vestibule. Also, during this COVID pandemic, there are health concerns with the ability for COVID to be spread. Administrator Casagrande said that our library is following the lead of the County library and their COVID protocols. The librarians are starting to come back to work and will sign books out to its patrons and leave them in the vestibule for pick up.

Tracy Cole commented on a housekeeping item with regard to the Zoom instructions and the link being included on the agenda so the public who seem to have issues can log in easier. She was advised it would be taken under advisement.

There being no further comments or questions, the meeting was closed to the public at 9:22 p.m.

It was announced that the executive session portion would take place via telephone conference and no formal action would be taken.

Council went into executive session at 9:27 p.m. and this meeting was reconvened at 10:41 p.m.

#### **ADJOURNMENT**

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

Time of Adjournment: 10:41 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR  
Borough Clerk