

FAIR HAVEN BOROUGH COUNCIL
FEBRUARY 24, 2020

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 Chrisner-Keefe, Koch, McCue, Rodriguez (via telephone) and Sorensen. Absent: Councilman Banahan. Others present: Administrator Casagrande and Salvatore J. Alfieri, Jr., Esq., Borough Attorney's Office.

WORKSHOP SESSION

A request to hold the annual Girls On The Run event on Sunday, June 7th with a 9 a.m. start time and lawn signs was received. Motion to approve moved by Councilwoman Sorensen, second by Councilwoman Koch with Ayes by all present.

With regard to the Bench Dedication Program, Councilwomen Sorensen and Koch and DJ Breckenridge, Director of Parks and Recreation, have looked at several locations for benches to be located. Forms will be available shortly. It is the same program as last year for benches to be replaced or new benches in different locations throughout the Borough. The dedication funds will help offset the cost to the Borough.

DJ Breckenridge, Director of Parks and Recreation and Special Events Coordinator, introduced himself to the public and gave a Parks and Recreation Program update and overview of programs held throughout the year. He said the Borough tries to do as many camps and community events as we are able to and he is always open to recommendations. There were 25 events held last year and 30 different camp offerings. When he first became the Director of Parks and Recreation, there was \$2,500 in revenue and it has increased significantly over the years. There were a lot of facility upgrades done such as the two water stations at Fair Haven Fields which helps with our green initiative and the Community Center Walking Trail which assists with park connectivity. The Recreation Department assisted 40 groups over the year (police department, Girls on the Run, Rugby, Men's Basketball, Fair Haven Seniors, etc.). The Father/Daughter Dance will take place this weekend (it is the most popular event held, over two days, for grades 1-5) and the Mother/Son Dance will be held in March. The Recreation e-blasts give as much information as we can to the public. Jennifer Spitz, William Street, asked if Recreation has ever considered switching the Father/Daughter or Mother/Son Dances to "Someone Special" since there may not be the appropriate gender parent or a single parent household to allow for an older sibling, grandparent to attend and the child could still participate. Mr. Breckenridge said the Recreation Committee did discuss different titles for the event, but could not find the perfect solution so the flyers for the event specify that it is an inclusive event and another family member could attend. Councilwoman Sorensen said that there have been Uncles, Grandfathers and older brothers who have attended the Father/Daughter Dance event and Aunts, Grandmothers, sisters who have attended the Mother/Son event. Mrs. Spitz said it is also about the child. Councilwoman Chrisner-Keefe gave the suggestion of doing it with a grade or two grades combined and calling it something like the "Small and Tall Ball" for child and adult; it is done in other towns. Susan O'Brien said that she suggested it be done by grade last year (it would not be more than 4 events and would encompass everyone). Mr. Breckenridge showed a short video of the camps/programs and parks/facility improvements over the past year and narrated what the public was seeing. Councilwoman Koch suggested putting the video on the website.

With regard to ethics training for the governing body, it was discussed at the February 12th Council meeting and dates were supposed to be brought forward. Our Joint Insurance Fund said that the video is approximately 45 minutes long and needs to be viewed before May. This training can be done either before or after a Council meeting. The next few Council meeting dates were given to the governing body and the consensus was to hold the training on April 6th (time to be determined).

Administrator Casagrande gave an overview of the Borough Facilities Project. There has been discussion for the past two years as well and consideration of various properties in the Borough as well as possible renovation of Borough facilities. This overview ties into Ordinance No. 2020-02 listed on this evening's agenda for introduction. For this meeting, the Mayor and Council requested she give a cost analysis/synopsis of debt impact (a hard copy was available to the public) with regard to the purchase of 623 River Road. Administrator Casagrande read from her handout. The building at 623 River Road would house the Police Department, Borough Hall and Council Chambers and the current Borough Hall would be a Library and Community Center. The term of the bond would be for 30 years. It would be budget neutral debt service. She advised that round one of the State's Library Grant will not be considered because our project is too far down the road, but we will look at round two, when the time comes, for a possible application submission. The sale of borough owned properties will help offset the cost (bringing in \$4 million to pay down the debt). Mayor and Council really concentrated on funding this in a budget neutral fashion (the increases and decreases over the next 30 years were shown on the last page of the handout).

Councilwoman Chrisner-Keefe asked if page 3 of the handout was addressing the estimated tax increase on a home. Administrator Casagrande said that it showed the current debt, not any other anticipated debt. The Borough passes a Capital Improvement Fund Ordinance each year in the amount of \$215,000. Councilwoman Chrisner-Keefe said that it does not account for the 2% increase in the budget. She was advised that debt service is one line in the budget (current and future debt service numbers were in the handout). Councilwoman Koch asked about new construction vs. renovation. The option to restore 623 River Road has not been made yet because we do not have a detailed building plan. Since the Borough is looking to buy the property, there will be more detail to make a decision on whether to renovate or build a new building. There are tough standards such as the building being earthquake proof/storm resistant, handicap accessible and other requirements. Councilwoman Chrisner-Keefe asked if there were overage contingencies included; yes, there is a multiplier (DPW has more site work involved so there is a higher multiplier with the project, but the police department, borough hall and library projects would have a lower multiplier. There is remediation work at the DPW which was already reported to the DEP. Councilwoman Sorensen asked if the worse-case scenario was presented; yes, as far as funding and bond rates. In 2016, the Borough paid down the DeNormandie property (passive park) with grant monies.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:37p.m. Ralph Wyndrum, Cooney Terrace, said that the businesses at 623 River Road are of great use to the residents in town; they are currently scrambling to find other locations. He said that Mayor and Council or a Council liaison should help them relocate to some place in Fair Haven. He said the Boynton and Boynton building is supposed to be going for sale. Councilman Rodriguez said that he fielded a call, earlier today, from a renter at 623 River Road and they understand the Borough's position and want to work with the Borough regarding what Dr. Wyndrum was talking about; we are open to working with the businesses. There is no "drop dead" date and this will be an orderly and helpful situation. Mayor Lucarelli said the borough does not extend real estate services as we are not licensed to do so. The ordinance listed on the agenda is for introduction with a hearing and adoption date of March 9th. If the ordinance is adopted, there will be 60 days for a contract, then there are plans and the bidding process, etc. The shovel won't be in the ground until this time next year or possibly later. It is difficult to pinpoint a date for the businesses to relocate (estimated 6-12 months, probably closer to 12 months). The construction of the facility is a need, not a want. The Mayor explained that the building that the police department is currently in was converted from a schoolhouse in the 1970s and fails State codes and the requirements of the Department of Justice. We have outgrown the current Borough Hall which is 50 years old (renovated in the 1990s). The Borough also needs to contemplate Fair Share Housing; 370 units are required but cannot be met. Overlay zones have been established. The Borough has been working on a Borough-facilities plan through five governing bodies; this is not our first choice. At the recommendation of the Borough's professionals, it is optimal and best to have the Borough facilities near the fire department.

Josh Lord, Brookside Farm Road, said that Council is looking to increase costs by double our debt which is going to affect the Borough's rating. Mayor Lucarelli stated that the Borough can handle more debt without upsetting the rating agencies. Mr. Lord said that he has a hard time understanding how the taxpayers will benefit from this. The benefit for the public is they haven't had to pay for a new facility in almost 40 years. Currently, in the police department, officers are sharing facilities between men and women where they have to flip a sign delineating whether there is a male or female in the locker room. The offices in Borough Hall are very small; there are three people working out of the Engineering Office and the Recreation Director's office is very small. A bulk of our manpower who have retired are being handled through interlocal service agreements (Court, Tax and CFO offices are in other municipalities) to help save money. Councilman McCue asked Chief McGovern if there have been any renovations made to the police department or if there have been upgrades (carpet, paint). The Chief advised that there have not been any renovations or upgrades since 1985; the carpets were replaced approximately 10 years ago.

Bill Folker, Lewis Point Road, said there needs to be a lot of thought and consideration for this building. The Borough may be mandated to do additional shared services. Administrator Casagrande advised that the library and community center are heavily utilized with programming; children are being turned away because programs are at maximum capacity. Borough Hall is used for school evacuations and drills. This building just as a library and community center would work beautifully. Mr. Folker suggested repurposing the police department because we may be sharing services in the future for police or we may not need a police department due to consolidation in 20 years.

Bea Sena, Lake Avenue, said this is a new site from the last one discussed at the January 2019 facilities presentation and asked if there was a new Architect RFP for this project. She was advised that the Architect, Eli Goldstein, was already reappointed for 2020. Demolition costs are and are not included depending on the scenario. Mrs. Sena confirmed that \$3.4 million is the

purchase price and asked what will happen with the current police department building. She was advised that a future Mayor and Council will determine what will happen (repurpose or demolish and sell the lots).

Jen Portman, owner of Synergy Hot Yoga, said that the businesses have been committed to this town and heard about this plan over the weekend and are outraged. Businesses are being forced out of the building and probably out of town. She said Synergy has 5,000 members who utilize the facility. Her business moved once already to the current location and she changed the space to fit her business. Ms. Portman stated that a town is judged by the small local businesses and she hoped this goes to a vote so the residents can have a say for what they want in town.

Heather Zappala, Live Well Physical Therapy, said that there have been rumors and businesses chose to stay; her business gets a lot of recommendations, but she heard about the plan from a customer who read about it in the Red Bank Green. The businesses at 623 River Road are scrambling to find another location; they need parking and to be handicap accessible. Mayor Lucarelli apologized, on behalf of the governing body for how the businesses found about this. He said there are spaces available in the Borough and there is time, the businesses are not being rushed out or displaced tomorrow. There will be a hearing and final vote at the March 9th meeting. The Borough will do what it can to help a business move to another location in town. The Mayor said that he is empathetic as he is in the shopping center industry.

Jessica Patel, Fair Haven Road, said that there was talk on the street about rebuilding the police department by knocking down the current building. She asked that something be published from the presentation given in January 2019 to make a comparison. Mrs. Patel said that she had never seen anything this detailed. She was advised that a new police department, if that is the plan, does not belong in a residential neighborhood, but on a main thoroughfare like River Road. The governing body looked at renovating the police department for \$3 million and relied on our Planner and Architect who said the best solution, using taxpayer money, is to have it located on a main road. Administrator Casagrande said the Fisk Street property does not have a lot of land there, parking is deficient between the police vehicles, officer's personal cars, visitors, etc. and this is problematic. We are land locked in Fair Haven. The other option looked at was Fair Haven Fields, however, there are DEP restrictions. Land has value and can be sold. The DPW facility will be moved forward (closer to Third Street) and there will be lots that could be sold.

Kathy Sullivan, Lake Avenue, said that she is aware that the schools are looking to consolidate to one Superintendent and other services are being consolidated so it would not be advantageous to do this now because the Borough is changing. The peninsula area will look very different. She suggested consolidating recreation programs, police departments and other buildings. Mayor Lucarelli said that he was the Police Commissioner when he joined Council ten years ago and the governing body at that time was looking to consolidate the police departments in the area and there may not be a place for this type of change. The property we are looking at is optimal for this type of change.

Councilman Banahan arrived at 8:03 p.m.

Susan O'Brien, River Road, said she came across her property taxes from 20 years ago and her bill has doubled so she cannot imagine what taxes will be in 30 years. She agreed that the police department does need to be replaced and the community center is an insult to the residents (it used to be the DPW). Schools will be consolidating in the near future. She suggested consolidating the Fair Haven, Rumson and Little Silver police departments to Ridge Road; we should take the lead on this and be ahead of what is to come. The Mayor said that property on Ridge Road was considered and the property owners were not interested. Also, a relocation to Ridge Road would require people to get in their car to do Borough business; River Road is more accessible.

It was stated that Fair Haven is spending an enormous amount of money with unknowns out there and that crime is not a huge issue in Fair Haven. It was felt that the Borough is taking a vibrant business building for an expensive Borough facility that is not needed. Mayor Lucarelli said Fair Haven is safe because of our small police department which is why people choose to move here. Fair Haven does two things very well which is education and protection.

Ruth Blaser, River Road, said that people who own the building, now, purchased it three years ago for \$3 million and asked how this location came about. Councilwoman Sorensen said that the property owner approached the Borough to purchase the building. Mrs. Blaser said that there will be a lot of work that will need to be done because the building is not handicap. She suggested the Borough sell the DPW lots now to reduce what will need to be borrowed. Administrator Casagrande said that the lots cannot be sold now because the DPW has to be pulled forward in order to be built to create the space.

Councilman Rodriguez had to disconnect from the meeting at 8:10 p.m.

Will Heller, River Road, asked if the Borough does not get the property, how many affordable units it will get, 30? He said if the property owner were to sell to a developer, who built units, it would bring in 60 kids which increases the tax rate. Mayor Lucarelli said that Mr. Heller gave an inaccurate statement; the type of apartments that would be built do not have “children coming with them”. Mr. Heller asked if we would risk a Builder’s Remedy lawsuit; no, it is in the overlay zone.

Mr. Wyndrum said that the topic is an afterthought – the Library – which he uses a lot. He advised he has not found certain books he is interested in, in our library, they have to request from the County or other communities. He said that he normally has to wait a week for the book he needs. He felt that the library is not focused on the adult population and requested that the concept plan be enlarged to have a research area and that the books that they do not have be ordered/incorporated into their selection. Funding for the library is needed

Carolyn Ferguson, Colonial Court, asked if there is a timeline that could be shared with the businesses of the building and if the Borough will then become a landlord for a few months; yes. She said that the Borough is exempt from the land use laws and asked that the project comply with the laws as far as scale and design just as the businesses have to adhere to.

Tracy Cole, Grange Avenue, said she was concerned with size and cost and asked what the total square footage would be in terms of facilities being added. Administrator Casagrande said that the footprint is 5,000 square feet plus a second level and possible use of the basement so it would be 15,000 square feet total. Mrs. Cole said that she is really uncomfortable spending \$44 million for these facilities plus the taxpayers will still be paying for this plan while the school projects are going on. The Mayor said that it will be a net gain in square footage for Borough facilities; the Administrator will report back with the appropriate square footage numbers. Mrs. Cole said she feels that the building will be too big and too expensive, and it makes her uncomfortable. The building is inconsistent with what Fair Haven is about and a lot of people feel the same way.

Mrs. Blaser said that the census for Fair Haven’s population has decreased and has gone down over the years. She stated that Administration has been doubled to do the job; when one person retires, there are three people to replace them. She was advised that when people have retired, we have entered into Interlocal Service Agreements (court, tax, CFO, building department).

Mrs. Sullivan suggested that the police department have underground parking and the Borough buy the property next to the police department. A third story could also be added to the current Borough Hall. These options would be more comfortable to the public.

Mayor Lucarelli explained that Ordinance No. 2020-02 is an introduction to purchase the 623 River Road property. If adopted, we will then go to a building plan. If we can use the building as it is now, we will. If it does not appear to be suitable for public type use, a new building will be similar in size and mass. There will be plenty of meetings and renderings. The Mayor asked that the public be patient with the Borough as we journey through the process.

Ms. Portman said the concern is not the size of the building, it is that the small businesses in town are being forced to leave Fair Haven. Mayor Lucarelli said that any commercial business has to understand that they can be displaced by any landlord, at any time.

Councilman Banahan stated that the owner of 623 River Road came to the Borough asking us to purchase it because he felt it would be an appropriate fit as a municipal building, so it is the owner displacing the businesses that are there. He asked Ms. Portman if she believed the police department is appropriate where it currently is. She said that she has no problem with where the police department is.

It was stated that the Borough seems to be purchasing the property no matter what and asked if it was a done deal. Councilwoman Chrisner-Keefe said that it is not done until the Council votes. The Mayor stated that tonight was the introduction of the ordinance and March 9th would be the hearing and adoption; if adopted, it is a done deal. He stated that the Mayor and Council vote on the ordinance, not the public. It was asked if the public would vote on the debt issue; no, the Borough would have to pass a Bond Ordinance in the future.

Patty Scanlon, Maple Place, asked prior to Carl Reiss coming to the Borough, where was the Borough looking. She said that 623 River Road is the heartbeat of Fair Haven and the governing body is upsetting the seniors and displacing everyone which is not fair. She asked that the governing body consider all options and asked if alternates could be done to the current buildings. Everyone should work together to find a solution. Mayor Lucarelli advised that this has been a five-

year journey and the current governing body is not part of the evolution that brought us here. Mrs. Scanlon said that the businesses at 623 River Road are a family and the Borough needs to think about the heartbeat of Fair Haven and come to an agreement that works for everyone. Ms. Portman said there is nothing in Fair Haven that can accommodate a lot of the businesses from 623 River Road.

Steve Scanlon, Maple Avenue, landscaper and photographer asked Chief McGovern what the hardships are to work on Fisk Street and asked the governing body what is difficult about the buildings; he asked that each member answer him. He said Fair Haven is going to lose its charm. Mayor Lucarelli said the Department of Justice fails us for 85 or more points that we are supposed to be able to pass; we do not have a modern police facility. The current Borough Hall has planning that has increased tremendously in the last 10 years; we have had a \$400 million increase in assessed value. There is no place for meetings, no room for employees in offices, especially the Engineering Department. Employees are working on top of one another. Administrator Casagrande said that each Borough facility is antiquated and limited by space and parking as well as lacking technological advancements. There are requirements by the State on what is needed for our police department, the DPW and Borough Hall. The Borough has worked hard to attain and maintain good service. We will have everything we currently have with a more modern building to serve the needs of the public for a long time.

Jennifer Spitz, William Street, said that the presentation held on January 10, 2019 at Knollwood School had what is being discussed tonight. Administrator Casagrande said that it may be on our new website, but if it is not, we will bring it forward for the public.

Mrs. Sena said Ordinance No. 2020-02 is only being introduced tonight and at the next meeting it could be made final. She requested a Borough meeting between now and March 9th for Council and others who could not be here tonight; similar to what was held last January. She was advised that the Borough is working on a presentation for the next meeting.

Mrs. Cole seconded Mrs. Sena's comment and asked what the rush is. She said the Borough is asking the taxpayers to pay \$43 million in debt. Administrator Casagrande said the numbers presented encumbers everything, not just the municipal facilities. The new debt would be \$13 million for the facilities. Mrs. Cole said there will be overruns in the cost when the construction starts. She said that the public is at this evening's meeting to state that they do not want a big building that replaces what the Borough currently has and loves. Mrs. Cole said it is in the Borough's best interest to take its time because the public is not on board. She was advised that the \$43 million-dollar debt is being spread over 30 years. The underwriters are looking at the total debt we are carrying.

There was discussion on debt service. Mayor Lucarelli said the total face value of notes is \$12 million. The Borough is aware that what is done now will impact future governing bodies. A lot has changed in standards and building codes and we have to bring subpar, antiquated facilities into the 21st century. The Borough is looking at the numbers constantly and the options. The Mayor said that we picked the Architect we have because of his low change orders, the concept drawings and his designs; he has done various municipal buildings and complexes.

The governing body was told that it is fatal to the project to have a meeting in two weeks with a presentation and then voting on the ordinance at the next meeting. This information was thrown on the public and the taxpayers need to be given a voice. The public was told that the governing body will take the comments under advisement. The ordinance will be introduced tonight with a hearing and adoption date set for March 9th which can be carried, if necessary. This has been a long journey that has taken years to come to this point. The Borough will work with everyone on this to see where we are going. The facility projects are not going to change the character of the Borough. The Mayor apologized to the businesses who may be displaced. Administrator Casagrande said the Borough has great communication out there and we will include the information presented tonight on the website, Facebook page and Constant Contact.

Mrs. Cole said that more information needs to be given in order to understand. She asked that a meeting be planned for the public to show up and try to understand.

Mrs. O'Brien said that the governing body may need a larger venue for the March 9th meeting.

Councilwoman Chrisner-Keefe made a motion to move the agenda to allow for introduction of the ordinances and allow for the Mayor and Council to comment.

There being no further comments or questions from the public, the meeting was closed to the public at 8:52 p.m.

The Mayor said that Councilwoman Chrisner-Keefe made a motion and asked if there was a second for that motion. There being none, the motion failed.

APPROVAL OF MINUTES

Councilwoman Sorensen made a motion to approve the Regular Meeting minutes of February 12, 2020, second by Councilwoman Koch.

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

Councilwoman Sorensen made a motion to approve the Executive Session minutes of February 12, 2020, second by Councilwoman Koch.

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

OLD BUSINESS

There was no old business brought before the governing body.

NEW BUSINESS

COUNCIL COMMITTEE REPORTS

Council Committee reports were given as follows:

Finance - Councilman Banahan did not have a report.

Personnel - Councilwoman Chrisner-Keefe advised that the Personnel Committee met this evening and will meet again soon.

Planning & Zoning - Councilwoman Koch reported that both Boards are fully functioning and reorganized last month. The Zoning Board carried over an application from last year and there was one application of approval. The Planning Board has two out of three approved cases. The Restaurant Committee met and summarized the survey results. Mayor Lucarelli thanked the Restaurant Committee for all of their work and doing an interspection with the survey. Administrator Casagrande said that prior to the committee’s recommendation to the Mayor and Council, there will be another meeting.

Police, Fire & OEM - Councilman McCue said in addition to Councilwoman Sorensen’s comments at the last meeting, half of the officers have been trained on the body worn cameras. With regard to automated plate readers, we were given two and will have two more added. There was an active threat drill held on February 10th with six other police departments; the locations are alternated each time. When there are school trips, our officers have accompanied the children on the trips and will continue to do so. With regard to calls in January, the First Aid answered 12 calls, the Fire Department answered two calls and the Police Department answered 723 calls.

Engineering, DPW and Borough Facilities - Councilman Rodriguez was absent.

Parks and Recreation and Communications - Councilwoman Sorensen said that DJ Breckenridge, Parks and Recreation Director, gave a presentation with a thorough update. The Father/Daughter Dance is being held this weekend. With regard to communications, the new website has gone live. Betty Ann Berube did a phenomenal job in working with Civic Plus for the website transition. The Borough Administrator, Borough Clerk and other Communication Committee members did a lot of editing. The public was encouraged to reach out. She said that the Borough is also looking for other committees in town to create a community events calendar for the public. All were invited to the Business Association Meet and Greet next week, March 4th, at Bicentennial Hall; the Foundation of Fair Haven is sponsoring the event.

Mayor Lucarelli provided his cell phone number to the public if they have any comments or questions, they should reach out. His business cards were also available at the front of the room.

INTRODUCTION OF ORDINANCES

- 1. Ordinance No. 2020-01, Index Rate (COLA) Ordinance

2020 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Borough Council of the Borough of Fair Haven in the County of Monmouth finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$67,979.30 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, Borough Council of the Borough of Fair Haven hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Fair Haven, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Borough of Fair Haven shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$237,927.55 and that the CY 2020 municipal budget for the Borough of Fair Haven be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years, and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance, as introduced, be filed with the Director of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days of such adoption.

Offered for introduction by Councilwoman Sorensen, second by Councilwoman Koch

Councilwoman Chrisner-Keefe had a question on how this operates. A general explanation on the CAP and how it functions was given. Administrator Casagrande advised that this ordinance is for the appropriation CAP. There are two CAPS in New Jersey; the Levy CAP (amount raised by taxation) and the Appropriations CAP (inside and outside the CAP per State and this changes year to year). The law allows the Borough to increase the budget CAP by 3.5%. We bank any unused money to the next year; we have never had to use this (the last time it was used was in 2011). We pass this ordinance as an insurance policy if the State includes something that we have not budgeted for. We can carry over for two years. Administrator Casagrande said that she and the CFO recommend this ordinance, jointly, to control our own budget and where appropriations go. Councilwoman Chrisner-Keefe asked Administrator Casagrande if the increase of \$237,000 could be used this year or in subsequent years. She was advised that the Borough is banking what it can use within the CAP. The Levy CAP sunsets in three years and appropriations sunset every two years.

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

- 2. Ordinance No. 2020-02, Authorize Purchase of 623 River Road

ORDINANCE AUTHORIZING THE BOROUGH OF FAIR HAVEN TO ACQUIRE THE PREMISES KNOWN AS 623 RIVER ROAD, BLOCK 25, LOT 10, IN THE BOROUGH OF FAIR HAVEN, MONMOUTH COUNTY, NEW JERSEY, PURSUANT TO N.J.S.A. 40A:12-1 ET SEQ.

WHEREAS, the Borough of Fair Haven has identified that certain real property

as Block 25, Lot 10 on the Tax Map of the Borough of Fair Haven, commonly known as 623 River Road in the Borough of Fair Haven (the "Property"), as being appropriate for and needed for a public purpose, to wit, the construction of a municipal building to potentially house the Borough's police department, municipal offices and council chambers; and

WHEREAS, the Borough has negotiated an Agreement for Sale and Purchase of Real Estate to acquire title to the Property listed above with the record title owner of the Property; and

WHEREAS, the Borough has determined that acquisition of the Property, the compensation to be paid for the Property and all matters incidental thereto and arising therefrom will be pursued as provided by N.J.S.A. 40A:12-1 et seq.; and

WHEREAS, the Borough of Fair Haven has determined that the property is for use of public purpose; and

WHEREAS, the public purpose for said property is for a municipal building.

NOW THEREFORE BE IT ORDAINED by the Borough of Fair Haven that the Borough of Fair Haven has determined that the property designated as Block 25, Lot 10, on the tax map of the Borough of Fair Haven and commonly known as 623 River Road, in the Borough of Fair Haven, would be an appropriate site for the public purposes of constructing a municipal building to potentially house the Borough's police department, municipal offices and council chambers; and

BE IT FURTHER ORDAINED by the Borough of Fair Haven that the Borough of Fair Haven hereby authorizes the acquisition of the Property designated hereinabove through agreement with the record title owner in accordance with the authority conferred by N.J.S.A. 40A:12-1, et seq.; and

BE IT FURTHER ORDAINED by the Borough of Fair Haven that the Borough of Fair Haven is hereby authorized to retain any and all professionals, including but not limited to appraiser(s), professional planners, engineers, environmental consultants and attorneys to effectuate the Borough's acquisition of the Property for the purposes expressed hereinabove.

Offered for introduction by Councilwoman Sorensen, second by Councilwoman Koch

Councilwoman Chrisner-Keefe said that the public heard a lot tonight. There has been contemplation on borough facilities for a long time and the purchase price for this property is \$3.4 million; she asked how we arrived at this location. Councilman Banahan said that there was an offer from the property owner, and we met with him. The property was appraised, and the offer was discussed and made. There are formulas to come to the offer and we are well within the range for the highest and best use for this building. Councilwoman Chrisner-Keefe said it seems if this ordinance is passed to purchase the property, it will allow us to negotiate the contract and no one will "steal the deal" from us; there will be a risk if we wait to introduce past the next Council Meeting. With the prospect of replacing the current police department, it was asked what the expense would be. Councilman Banahan said that a detailed study has not been done. Administrator Casagrande said it would be the same cost analysis for a new police department as well as calculating the square footage, doing site work and factoring in the Community Center. She said that she has an estimate from the original architect firm which is a few years old. Mayor Lucarelli said that given the size of the current police department, it does not allow for adequate parking. Councilwoman Chrisner-Keefe asked about demolition vs. renovation and the prospect of using the existing structure. We can rework the mechanicals and would have to replace some. The cost differential is \$600,000 to retrofit and add on. There would be 20 years to amortize it. Councilwoman Chrisner-Keefe asked what the tax income from 623 River Road is; \$44,000. It was asked if anyone had any idea of the additional overhead cost. Administrator Casagrande said that we would be moving two major facilities to under one roof and there is a formula that would need to be calculated.

Councilman McCue said that he is an educator by trade. He said that he and Councilwoman Chrisner-Keefe have not been here long and were skeptical. He has a new position regarding this matter after he did a walk through and inspection of the Department of Public Works and Police Department; this is a need, not a want. He acknowledged that the public wants to understand why there is a need for a new Borough facility and we will get the information out to the public so that everyone can understand and base their decision off of the evidence. Administrator Casagrande said that she will have the information posted on the website, included in next week's Constant Contact, on our Facebook page and the front sign. Councilman McCue said that the public seems to like the police department at its current location and the small town feel which is hard to find.

Councilwoman Chrisner-Keefe asked how long the governing body has been contemplating

the purchase of 623 River Road; about 8 months. She asked if the ordinance is being introduced to “fish or cut bait” on this matter.

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

Negative: None

Abstain: None

Absent: Councilman Rodriguez

Hearing and adoption for both of the ordinances will be at the March 9, 2020 meeting.

CONSENT AGENDA
RESOLUTIONS

1. Resolution No. 2020-64, Express Support for Additional Funding for the Shore Protection Fund

WHEREAS, the State of New Jersey maintains the Shore Protection Fund, which was established in 1992; and

WHEREAS, the Shore Protection Fund provides important funding that allows the State and Municipalities to engage in cost-share partnerships with the U.S. Army Corps of Engineers on shore protection projects including beach restoration and maintenance; and

WHEREAS, the Shore Protection Fund is funded by State Realty Transfer Fee revenues, and is currently capped at \$25 million, an amount that was last adjusted in 1999; and

WHEREAS, following the devastating effects of Superstorm Sandy, it has become evident that the current funding to the Shore Protection Fund is inadequate for allowing the State and Municipalities to fund necessary recovery projects; and

WHEREAS, pending before the Legislature are bills A-639 and S-1071, which would increase the cap on funding to the Shore Protection Fund to \$50 million; and

WHEREAS, the Borough Council believes this proposed increase to the Shore Protection Fund is essential to protecting the shoreline of the Borough of Fair Haven and that of every other Shore Community compromising the Jersey Shore.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, in the County of Monmouth, State of New Jersey, that it hereby expresses its support for an increase in funding to the Shore Protection Fund from \$25 million to \$50 million, as provided in the bills pending before the New Jersey Legislature as A-639 and S-1071.

BE IT FURTHER RESOLVED that a certified copy of this resolution be transmitted to Governor Phil Murphy, Senate President Steve Sweeney, Assembly Speaker Craig Coughlin, Senator Declan O’Scanlon, Assemblywoman Serena DiMaso and Assemblyman Gerry Scharfenberger.

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: Councilman Rodriguez

2. Resolution No. 2020-65, Approve Professional Service Agreement with Vallee Surveying, Inc. as Surveyor

WHEREAS, the Borough of Fair Haven has a need to retain professional services pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Borough Administrator has determined and certified that the value of surveying services and base map preparation may exceed \$17,500 for the year 2020; and

WHEREAS, a contract proposal for said professional service has been received by the Borough; and

WHEREAS, said professional has completed and submitted a Business Entity Disclosure Certification, which certifies that said professional has not made any reportable contributions to a political or candidate committee in the previous one year, and that the contract will prohibit said professional from making any reportable contributions throughout the term of the contract; and

WHEREAS, funds for these purposes will be appropriated in the 2020 Municipal Budget;

and

WHEREAS, said professional is duly appointed by the Borough Council of the Borough of Fair Haven pursuant to N.J.S.A. 40A:11-5.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that the Mayor and Municipal Clerk are hereby authorized to execute a contract with the following:

- Vallee Surveying, Inc. (Surveying and Base Map Preparation)

BE IT FURTHER RESOLVED that contract for said service and the Business Disclosure Entity Certification and Determination of Value are on file with the Borough Clerk and available for public inspection; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the following:

1. Vallee Surveying, Inc.
2. Chief Financial Officer
3. Borough Administrator

BE IT FURTHER RESOLVED that a copy of this resolution shall be published in the Asbury Park Press as required by law within ten (10) days of its passage.

It was stated that the survey cost is high. The amount of \$17,500 falls under Pay to Play. The Borough does not always appoint a Surveyor; the last time an appointment was made was 2016. Vallee Surveying has been updating our tax maps and they are familiar with the town. The Borough went through the non-fair and open process. Vallee Surveying will submit costs for the projects. They will do a base map before each road project. Councilman McCue asked if there was a list of what we want them to do. They will be assisting with Battin Road, sidewalks along River Road and the Hance/Cooney project. Councilwoman Chrisner-Keefe asked if there was any reason why we cannot choose a surveyor for each project. She was advised that we would have to solicit quotes for each project which is time consuming. She asked why it could not be a fair and open process. All of our professionals were chosen through the non-fair and open process. Administrator Casagrande said that this company knows Fair Haven and the Borough Engineer feels that they do good work. We do not necessarily have to use them, but it secures the service. We have held the line in what we have in the past. Mayor Lucarelli said that once you get a surveyor with a good rate, you want to stay with them because of familiarity and quality of work.

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: Councilman Rodriguez

3. Resolution No. 2020-66, Approve 3rd and Final Extension of Time to Complete Improvements for 119 Hance Road (Block 33, Lots 16 and 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 a second extension by Resolution No. 2019-195 until March 1, 2020; and

WHEREAS, the Developer has advised that he requires an additional extension to finalize the improvements; and

WHEREAS, the Borough Engineer has reviewed and recommended that the request for a third 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 third and final extension through June 30, 2020 in which to complete the site improvements as required in the Developer's Agreement.

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

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

4. Resolution No. 2020-67, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the February 24, 2020 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2019 CURRENT ACCOUNT	\$	177,340.48
2020 CURRENT ACCOUNT	\$	30,394.55
GENERAL CAPITAL	\$	48,342.12
OTHER TRUST	\$	3,015.26
TOTAL	\$	259,092.41

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

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

5. Resolution No. 2020-68, Approve Planning Board Escrow Refund to M&M Realty Partners for 626 River Road

WHEREAS, M&M Realty Partners at Fair Haven, LLC, 626 River Road, Block 31, Lot 01 submitted an application to the Planning Board for a Major Site Plan; and

WHEREAS, escrow money was posted by the applicant; and

WHEREAS, a request for the return of any unused escrow from their application has been received; and

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

Unused Escrow funds in the amount of \$338.26; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Chief Financial Officer will refund the unused Planning Board escrow fees to M&M Realty Partners at Fair Haven, LLC., 2901 Hamilton Boulevard, South Plainfield, New Jersey 07080.

Offered for adoption by Councilwoman Koch, second by Councilwoman Sorensen

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

Reports of Departments

September 2019

-Chief Financial Officer

October 2019

-Chief Financial Officer

November 2019

-Chief Financial Officer

December 2019

-Chief Financial Officer

January 2020

-Municipal Court

-Chief Financial Officer

Motion to accept the reports as submitted moved by Councilwoman Koch, 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 9:31 p.m. Steve Gardella owner of the building that houses Lupo Pizza, River Road Books, Flair Cleaners, etc. said that about eight years ago is when the streetscape project on River Road occurred and trees were planted. Those trees are now buckling the sidewalks and causing a trip hazard. He approached the Shade Tree Commission and DPW and they cannot help. Mayor Lucarelli said that the trees can be 36 inches from a property and they can be maintained. Mr. Gardella said that he has an insurance inspection coming and they will want him to fix the sidewalk. He said the trees are not deep rooting. He is fearful of a lawsuit. The Mayor said that he will speak with Engineer Gardella about Mr. Gardella's concerns.

Ruth Blaser, River Road, said that she attended a Planning Board meeting and the applicant, River Road property, wanted a circular driveway and was denied. She felt the board is overstepping its bounds because River Road is a main roadway. She requested the driveway ordinance be rescinded. Mrs. Blaser was advised that the Planning Board is a different body with its own set of regulations; they are separate from us. River Road is a county road and the County limits the number of curb cuts. Mrs. Blaser said the sidewalks in front of her home are causing flooding to her property.

Derek DeBree thanked DJ Breckenridge, Parks and Recreation Director, for the amazing job he does by keeping the residents and businesses informed.

Councilman McCue reported on behalf of Councilman Rodriguez regarding the trees on Buttonwood Drive. The numbers that have been painted on the trees correspond to a health assessment of the tree and the results will be given in a few weeks.

Mrs. Blaser said that 623 River Road is assessed at \$2.8 million and the Borough would be paying \$3.4 million which does not seem right.

There being no further comments or questions, the meeting was closed to the public at 9:38 p.m.

ADJOURNMENT

Motion to adjourn moved by Councilwoman Sorensen, second by Councilwoman Chrisner-Keefe with Ayes by all present.

Time of Adjournment: 9:38 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk