

FAIR HAVEN BOROUGH COUNCIL
JUNE 14, 2021

The meeting was called to order by Mayor Lucarelli at 7:00 p.m. The Flag Salute was led by Police Chief McGovern, 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 JUNE 14, 2021, 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 WHICH WAS ADOPTED BY RESOLUTION NO. 2021-13 AND SENT TO THE ASBURY PARK PRESS, THE TWO RIVER TIMES, THE HUB AND THE STAR LEDGER ON JANUARY 7, 2021 POSTED ON THE BOROUGH WEBSITE, THE BULLETIN BOARD IN THE MUNICIPAL BUILDING AND HAS REMAINED CONTINUOUSLY POSTED AS REQUIRED UNDER THE STATUTE.

WITH ADEQUATE NOTICE HAVING BEEN GIVEN, THE BOROUGH CLERK IS DIRECTED TO INCLUDE THIS STATEMENT IN THE MINUTES OF THIS MEETING.

ROLL CALL

On Roll Call the following were present: Councilmembers Chrisner-Keefe, Koch, McCabe, McCue, Neff and Rodriguez. Others present: Administrator Casagrande, Attorney Cannon, Engineer Gardella, CFO Lapp and Police Chief McGovern.

PUBLIC HEARING

NJDEP GREEN ACRES PROGRAM APPLICATION – FAIR HAVEN ROAD

Administrator Casagrande gave an introduction of Bill Kastning, Monmouth Conservation Foundation. The governing body is in the preliminary stages to purchase a piece of property (21 Fair Haven Road) which is adjacent to the municipal dock. The Borough is working with Monmouth Conservation Foundation for grant opportunities to assist with the purchase of the property. In 2017, an appraisal was obtained for the property so it will have to be updated. An application for NJDEP Green Acres funding is due no later than July 15, 2021. Mr. Kastning was in attendance to answer any questions or concerns the governing body or public may have had.

Councilwoman Chrisner-Keefe asked Administrator Casagrande if the seller is aware of the process the Borough is going through and if they are willing to wait. Both Administrator Casagrande and William Kastning had a conversation with the seller (it is an estate property) and she is aware of the Borough's interest. Councilwoman Chrisner-Keefe asked if the property owner is considering other options. Mr. Kastning said that he just spoke with the Executrix who is the sole heir; she is in no hurry to sell it. She is aware of the process and has received other interest but wants to sell to the Borough. It was asked if a Green Acres Grant is awarded to the Borough and the property deal does not go through, can we decline the grant award? Yes, there is no obligation. Administrator Casagrande explained the \$2 million figure stated in the resolution on the agenda to be considered by the governing body; it was an educated guess. Councilwoman Chrisner-Keefe asked if there are other grant fund opportunities for the \$1.5 million balance in the resolution; yes, the Monmouth Conservation Foundation will assist.

Councilwoman McCabe asked about the real estate market and if prices of land and homes should be taken into consideration as well as the timing. Mr. Kastning stated the value of property is a requirement of Green Acres; we need 2 appraisals of the property. Once the appraisals are completed and received, they are sent to Green Acres for review and a decision as to which one is better than the other or an average of them and they will provide a response to the Borough. A decision is then made to approach the Executrix with an offer; if it is accepted, we would go to contract, but it does not bind us. There needs to be an intention on what to do with the property so that everyone understands the purpose and it was asked if it should be done now or when applying for the grant? Administrator Casagrande explained that this hearing is for the grant portion and allows the public to speak before we move forward. Attorney Cannon explained the need for a resolution for the grant process, the contract involved and the need for an ordinance for the acquisition of land. There will be three advertised hearings throughout this process.

Mayor Lucarelli explained the process and gave the example of the acquisition of property for DeNormandie Park that started with Mayor Halfacre. At that time, the Borough applied for a Green Acres grant and then applied for a Blue Acres Grant (he explained that Green Acres is less restrictive with what can be done with the property where Blue Acres is a lot stricter in its use). The State encourages municipalities to acquire property (when it can). This property is valuable as it is near the town dock and there is a lot of history at the end of Fair Haven Road (it used to be where the Albertina docked). It is a nice fit and a great piece of property to acquire on behalf of the public. Councilwoman McCabe verified that this is an intention to acquire waterfront property, not a requirement.

The hearing was opened to the public at 7:17 pm.

Tracy Cole, Grange Avenue, thanked Bill Kastning for joining Fair Haven this evening. She stated Councilwoman McCabe had a question regarding intent and asked about the community engagement piece. Mrs. Cole felt the Borough is still perfecting the process and there is an initial engagement piece that needs to happen with two Councilpersons and the Engineer or Administrator meeting with the residents in the immediate neighborhood. There needs to be a conversation because it is a park with a grant that involves a lot of money. Mrs. Cole asked what type of park it will be; a passive park? recreational park? There needs to be an extra step of engagement before any formal action by the governing body to make a good idea, a great idea.

Sean Bailey, Riverlawn Drive, expressed thanks for bringing this matter to the public's attention. He felt it is a great idea as the property has been in disrepair for quite some time and the idea of a public space adjacent to the dock is good. The residents would love to explore options for what the property could be. He supports this great idea and looks forward to being part of it.

Judy Fuller, Elmwood Lane, gave history of the property. It was for sale when Mrs. Kern was Mayor (1980s/1990) and the Borough considered purchasing it but did not. Mrs. Fuller was happy to see that the Borough is approaching it. She asked if the property is in the floodplain zone; yes, a small portion of it is in the V Zone. It was asked if this would affect what is buildable on the lot; yes, it does impact what can be on the property, to some degree. Mrs. Fuller said that this is a great idea and she is glad Council is looking at it.

There being no further comments or questions, the hearing was closed to the public at 7:23 p.m. Mayor Lucarelli thanked Mr. Kastning for joining the meeting.

WORKSHOP SESSION

Mayor Lucarelli advised that a tree appeal application from Navesink Home Building, 182 Oxford Avenue, was carried from the last meeting to be considered this evening. Bill Brooks, Borough Forrester, revised his response to the appeal. Motion to approve the tree appeal moved by Councilman Rodriguez, second by Councilwoman Koch with Ayes by all present.

The next matter that was discussed was the new Municipal Cannabis Regulations. The Mayor said the clock is ticking on how we handle cannabis regulations. Attorney Cannon stated everyone received the memo on the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act which we will refer to as "the new cannabis act" for short. A referendum was passed in November 2020 by the voters of New Jersey and on February 21, 2021, Governor Murphy signed legislation legalizing a form of marijuana called "cannabis". It will be sold and delivered beginning in November 2022. By August 2021, any municipality can do one of three things: 1) opt out of the act and not have cannabis businesses in town, 2) allow as many or few licenses as it desires for each class of cannabis business in town via land use ordinance and police powers and regulations or 3) do nothing, and the State law will control the commercial zones in the Borough. Attorney Cannon recommended one of the first two because doing nothing means no parameters. Decisive action needs to be made by August 21st to prohibit them, if the Borough chooses. Councilman Rodriguez advised the Borough brought forth an ordinance in 2018 to prohibit recreational dispensaries; he asked if the Borough would we need to do anything if we addressed this three years ago? Attorney Cannon advised that any prior ordinances must be reenacted in order to be viable because they are not enforceable or active. The Mayor said in 2018 we allowed for medicinal use and we have prohibition of smoking anything in public buildings and parks; he asked if we need to reset that as well? Yes. Attorney Cannon said there are police powers to enact laws and no open partaking on the public streets and sidewalks; we will need to amend the open container and consumption ordinances.

Councilman Rodriguez said a few years ago he and Councilman Marchese worked together to pass the ordinance to have prohibited uses unless medicinal. What we enacted in 2018 is what the Borough wanted at the time. He was in favor of re-enacting what we have since the legislation is now in place.

Councilwoman Koch advised that Attorney Cannon gave three choices and recommended against taking no action. She asked how we move forward; do we reset the clock and reintroduce what was

acted on three years ago by the consensus of Council? The Mayor stated in his discussions with Attorney Cannon, we should allow a medicinal dispensary in our Borough, but a strict ordinance against public consumption. This is new to society and society needs to evolve a little to understand how this is going to be viewed. Attorney Cannon should come forth with the most restrictive ordinance allowed for Fair Haven and we can always adjust in the future. Councilwoman Koch asked if we allow a medicinal storefront or go through another means such as a drug store, a pharmacy or a store with a pharmacy. Attorney Cannon advised the rules are currently being written at the State level. The Borough Clerk provided him with the previous ordinances and we need to update those to segregate out certain guidelines. This is hard to guide as an attorney to make decisions and have things in place by November 2022 without the full legislation written out. He needed direction on what Council would like done as we have deadlines.

Councilwoman Neff said that Councilman Rodriguez stated that the ordinance adopted allowed a pharmacy to handle distribution which we currently do not have. She has difficulty with a stand-alone store. Also, our ordinances do not allow smoking in our parks. Councilman Rodriguez said that Fair Haven was trying to get ahead of the referendum of the State. The Council, at the time, contemplated in getting involved with pharmacies vs. stand alone, and now there is more information. Councilman Rodriguez asked Attorney Cannon if we have enough information to get what we want and can handle with the definitions coming forward. Attorney Cannon said there is medical cannabis guidelines which has four separate definitions. The ordinances adopted a few years ago were broad; the Borough can be more restrictive. Mayor Lucarelli said this will be a decent process and we will come up with restrictive guidelines which can be amended as we go. Attorney Cannon said this matter and the ordinances will need to be reconsidered again in five years, per the Act.

Councilwoman Chrisner-Keefe asked Attorney Cannon once we make a determination of ordinances to be put into place, if we are restrictive with the classes and then decide to be less restrictive with one, do we have to wait the five years to change or can we loosen it within the five years? If the ordinance is very restrictive and want to reduce the restrictions, it can be done, but there are objectors that can challenge the land use ordinance. As long as we take action, then we can tweak it within the five-year period; if it is less restrictive, not more restrictive. After the five years, we can address it, but those already in town doing this business would be grandfathered.

Regarding Willow Street, Mayor Lucarelli advised that he had conversations with Superintendent McNeil and the contractor who is building at the schools, and they are requesting permission to close Willow Street from the easterly property line to Fair Haven Road to allow them to expedite the construction of the Pre-K facility. The contractor needs the road to lay down and store materials. The street closing would be from June 21st until late August, early September with a cul-de-sac at the east end of Willow; this will allow the school construction to finish on time. Administrator Casagrande advised that we have recreation camp at McCarter Park that needs to be accommodated and there will be the Willow Street road reconstruction that may interfere if permission is given to close the street. The Mayor advised that the contractor is aware of our project and the need to accommodate. Councilman Rodriguez asked if there is an alternative? We can advise that they keep it open which makes getting the materials in for school more difficult and will delay the project. Councilwoman Chrisner-Keefe asked how many children are dropped off and picked up for camp? Chief McGovern was asked if there is limited parking available, how do emergency vehicles access the area, if needed. Chief McGovern said that he has not walked the area where they want to close the road, but he and the Mayor spoke about this. The road would be blocked off on the east side to the property line and then make it no parking in front of the houses. From Fair Haven Road, we can leave the road open to halfway down to the school with signage for local/residential parking and access. Mayor Lucarelli asked that the Chief and DJ sit down with Super-intendent McNeil and the contractor to come up with the best plan. Chief McGovern said the contractor should not need the entire street; he will talk to them. Councilwoman McCabe asked if Recreation should move camp to Fair Haven Fields or across from Knollwood School for the safety of everyone and to avoid nails in car tires. Councilwoman Neff said drop off could be at Oak Place or Knights of Columbus and walking over to the park. Administrator Casagrande said DJ Breckenridge is coordinating with the Recreation liaisons and Committee for summer camp and the best options. Chief McGovern needs to speak with the contractor to decide on the amount of space. It is important for school to start on time, but safety first. Mayor Lucarelli, Chief McGovern and Engineer Gardella will meet with the Board of Education to work out the details. Councilman Rodriguez said whatever can be done to get the kids to school on time, we should do. Councilwoman Koch said 75 children are registered for camp at McCarter Park (1-3 grade) so there will be more traffic at the site with parent drop off.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 7:55 p.m. There being none, the meeting was closed to the public at 7:55 p.m.

APPROVAL OF MINUTES

Councilman Rodriguez made a motion to approve the Regular Meeting minutes of May 24, 2021, second by Councilwoman Koch

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

Negative: None
 Abstain: Councilwoman McCabe
 Absent: None

Councilman Rodriguez made a motion to approve the Executive Session minutes of May 24, 2021, second by Councilwoman Koch

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

OLD BUSINESS

HEARING ON 2021 MUNICIPAL BUDGET

The meeting was opened to the governing body at 7:56 p.m. for comments or questions on the 2021 Municipal Budget introduced at the May 10th Council Meeting. Councilman Rodriguez asked Councilwoman Neff to speak as Finance Chairperson. Administrator Casagrande and CFO Lapp were in attendance to answer any questions. Councilwoman Neff said the Finance Committee and Borough worked hard on this budget. There are a lot of things coming up for the Borough with facilities and we have cut as much as we could so we should move forward with the budget as is. The Finance Committee is comfortable with the budget that was introduced and they are looking to improve the budget process in the future. This budget is a good one and addresses the issues and needs of the Borough.

Councilwoman Chrisner-Keefe confirmed with Councilwoman Neff that the figures for this year and dollar amount increase from last year was roughly 5%? Yes. In 2020, the increase was 10%; we are down from last year. Councilwoman Neff said that we are catching up with maintenance and other costs; it is important to keep the budget down, but we don't want issues to accumulate so we overcompensate in the future. The Finance Committee is looking to be more stable and to continue to be as stable as we can. This year's budget was trimmed substantially from the beginning of the process which was a 14% increase. Mayor Lucarelli thanked the Finance Committee for all of their hard work, and they will work with each department to get the view for down the road to help with the future budget process.

Councilwoman McCabe thanked Administrator Casagrande for reviewing the budget line by line with her as the newest Councilperson. She will abstain from voting because she is new to this. She will need further information regarding personnel salaries, bonuses, compensation as she has a great deal of experience in human resources. Councilwoman Chrisner-Keefe advised that as liaison to personnel, she can assist with bringing Councilwoman McCabe up to speed. In past years, increases were 1-2% and retaining value is important; the Borough cannot lose employees, so adjustments were made to retain our valuable staff. There have been unanimous votes on the salaries by the Council when it was time to vote. Councilwoman Neff said that catching up was required; in the past, the Borough did not do enough, and it is important staff is recognized.

Councilman McCue said when we introduced this budget, there was a concern for salaries and Councilwomen Chrisner-Keefe and Koch explained the salary needs of our personnel. He felt the Borough needs to start looking into the shared service agreements we have; the trend in the past was cost savings. Fair Haven's budget for shared services with Rumson is up \$215,000, our shared service with the Board of Education for custodial services is up 10%. We need to re-evaluate and reconsider shared services and start looking in-house.

Councilman Rodriguez said he joined the Finance Committee, recently, and he is excited to be part of it; the Committee will commence on enhancing the review process with various departments, boards, commissions, etc. and revamping the approach. CFO Lapp advised the governing body that the only change, since budget introduction is Councilwoman McCabe's name and term were added to the cover sheet.

At 8:09 p.m. the hearing on the budget was opened to the public for comments or questions. Ruth Blaser, River Road, followed up on Councilwoman Chrisner-Keefe's comments on employee costs stating the Asbury Park Press ran an article on salaries. Fair Haven is paying its staff as handsomely as Middletown; it is out of whack for the town's size and those that live here. She said that she can recognize three policemen on our force and felt the officers need to walk the streets and make themselves known and seen. Mayor Lucarelli said that Senator Vin Gopal said Fair Haven is the most efficiently run municipality in Monmouth County. There being no further comments or questions, the hearing was closed to the public at 8:11 p.m.

NEW BUSINESS

Council Committee Reports

Finance - Councilwoman Neff advised that she had nothing else to report; the budget has been

discussed.

Personnel - Councilwoman Chrisner-Keefe had nothing to report.

Planning & Zoning - Councilwoman Koch advised that the Planning Board is meeting on June 15th and the Zoning Board will next meet on July 8th. There will be no extra Zoning Board meeting this week due to lack of an agenda.

Parks and Recreation and Communications - Councilwoman Koch reported that there will be 150 attendees at this summer's Rec N Crew camp.

Police, Fire & OEM - Councilman McCue read a letter of support for Animal Control Services from Fair Haven's PBA. Henry Perez, Animal Control Officer, has serviced us for years and is respected by everyone. Eliminating the position by Red Bank is not good. He asked that Administrator Casagrande speak to it. She said the Borough has an ILSA with Red Bank for Animal Control Services and we have not been given official word or read anything about eliminating the position. She said that she gave Mayor and Council a heads up that Red Bank is considering giving us notice on our annual agreement, but she is not sure what direction they are taking. The Borough Clerk advised that our ILSA expired with Red Bank on December 31, 2020; at the beginning of this year, we extended the contract with Red Bank until December 31, 2021.

The Fire Department has decided that the fair is on for this year; they are trying to catch up in preparation for it. There will not be seafood available for dine in or take out. They will be following State guidelines for social distancing. Councilman McCue thanked the members for their annual decorating of the gravesites, all over the state, of former department members and veterans of our military.

With regard to COVID numbers, there are currently two active Fair Haven cases. The health emergency has ended so there will no longer be updates. Chief McGovern said the reports ended when Governor Murphy announced that he was loosening restrictions and that the State was opening up. The numbers are now private because we are out of the pandemic. It was suggested everyone get vaccinated, if they can.

Engineering, DPW and Borough Facilities - Councilman Rodriguez welcomed Councilwoman McCabe to the Council and suggested splitting the duties on the department topics that he covers. Bicentennial Hall was discussed by the Facilities Committee and the upgrades are expensive. They will do what is needed to protect the Historic Registry status and make the space as useable as possible.

Engineer Gardella and Architect Goldstein are putting the final touches on the plans to go to bid for the DPW and Police Department facilities.

Engineer Gardella spoke about a possible NJDOT grant application. We have to submit our grant application for FY 2022 NJDOT (Transportation Trust Fund) funds. In the past three years we have received \$850,000 in NJDOT funding. Last year we applied for Third Street, Phase II and were successful. An alternate project could be Fair Haven Road. The DOT looks favorably on projects that tie into each other. Phase I of Fair Haven Road would be River Road to McCarter Avenue (curbs and sidewalks on the west side and drainage which ties into Fourth Creek); milling and paving as well. Another project could be Forman Street from Cedar Avenue to Hance Avenue which is the same as what Fair Haven Road would be. Fair Haven Road would be best because NJAW just finished their project. For the future, Phase II could be Fair Haven Road from McCarter Avenue to Ridge Road (the County would need to be involved as Ridge is their road). Timing is that the grant application is due July 1st (done electronically). A resolution of support would need to be listed on the June 28th Council agenda. We will apply for \$500,000 based on cost estimate. Councilwoman Neff asked if the sidewalks on Fair Haven Road would be wider; Engineer Gardella said the sidewalks that were put in near McCarter Park to the pond are 5' in width. There are older properties, and we need to look at right of ways. Councilwoman Neff asked about sidewalk for the opposite side of the street (east side or keep it to one side) since the sidewalk is heavily used by bikers and walkers. Engineer Gardella said that he would need to look at our Active Transportation Plan and see how and where this all falls. Councilwoman Chrisner-Keefe asked Engineer Gardella if this project is different from Safe Routes to Schools due in October? Yes, this is the NJDOT application for municipalities (Transportation Trust Fund); we have been successful with this grant (not matching). It was asked if this money could be used anywhere that we need reconstruction or improvement. Engineer Gardella said they look highly for more thru streets vs. cul-de-sacs. Councilwoman Chrisner-Keefe said grants are important, but they don't always address all initiatives in the Borough. Engineer Gardella and Administrator Casagrande are working on 5-year Capital Plan which will give better guidance. There are streets that need better ADA access, sidewalks, curbs, outfalls, etc. He is developing cost estimates for these areas/sites with his liaisons to present to the full governing body. The DPW maintains a list of potholes in town and there needs

to be a plan for how we make more permanent repairs. Administrator Casagrande asked Council for direction for the resolution and if they agree to applying for Fair Haven Road? Councilman Rodriguez said Engineer Gardella presented the road projects a few meetings back and this was the next project on the list. Ridge and River are county roads and addressed by the county. The consensus of Council was to submit a grant application for Fair Haven Road, Phase I Reconstruction.

CONSENT AGENDA
RESOLUTIONS

1. Resolution No. 2021-155, Approve adoption of 2021 Municipal Budget

See fully copy of resolution attached to these minutes.

Councilwoman Koch made a statement by thanking the Finance Committee for their hard work and the hours put in. The budget could have been trimmed. She is voting no on this budget on behalf of the hard-working families.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

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

2. Resolution No. 2021-153, Approve Temporary Emergency Appropriation (Reductions)

WHEREAS, emergent conditions had arisen with respect to the payment of bills in a number of accounts and no adequate provision has been made in a Year 2021 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 2021 for the Borough pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total **\$4,370,292.98** 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
Current Account			
1-01-20-130-202	Finance Contractual Services	-\$2,600.00	Reduce Temp Budget
1-01-31-446-276	Natural Gas Utilities	-\$12,000.00	Reduce Temp Budget
1-01-41-700-202	Recycling Tonnage Grant	-\$11,183.40	Reduce Temp Budget
1-01-43-492-204	Rumson ISLA Other Contractual Services	-\$15,000.00	Reduce Temp Budget
TOTAL		-\$40,783.40	

2. That said emergency temporary appropriations will be adjusted for in the 2021 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 Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCabe, McCue, Neff and Rodriguez
 Negative: None
 Abstain: None
 Absent: None

3. Resolution No. 2021-154, Approve Self Examination of the Budget

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the **Borough of Fair Haven** has been declared eligible to participate in the program by the Division of Local Government Services and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2020 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the **Borough of Fair Haven** that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCabe, McCue, Neff and Rodriguez

Negative: None

Abstain: None

Absent: None

4. Resolution No. 2021-156, Authorize 2nd Quarter Tax Overpayment Refund - 129 Kemp Avenue

WHEREAS, the Tax Collector, has provided a request for a tax overpayment refund for 2nd Quarter 2021 due to duplicate payment and advises that the following property owners qualify for a refund as follows:

<u>Owner</u>	<u>Address</u>	<u>Block</u>	<u>Lot</u>	<u>Refund</u>
Heather and Scott Boyle	129 Kemp Avenue	69	7	\$4,084.55

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Tax Collector and Chief Financial Officer are hereby authorized to pay said refunds in the amounts listed above.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCabe, McCue, Neff and Rodriguez

Negative: None

Abstain: None
Absent: None

5. Resolution No. 2021-157, Approve Block Party for Parker Avenue (between Smith and Cedar) – September 18th

WHEREAS, a request was received to hold a Block Party on Parker Avenue on Saturday, September 18, 2021 from 5:30 pm to 10:00 pm with a rain date of Sunday, September 19th; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on June 3, 2021; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that approval is hereby granted for a block party to be held on Parker Avenue on Saturday, September 18, 2021 from 5:30 pm to 10:00 pm with a rain date of Sunday, September 19th.

BE IT FURTHER RESOLVED that Permit No. BP 2021-03 will be issued for said event and that attendees with comply with the Governor’s order regarding social gatherings.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCabe, McCue, Neff and Rodriguez
Negative: None
Abstain: None
Absent: None

6. Resolution No. 2021-158, Approve the 41st Annual Red Bank Crop Hunger Walk - October 17th

WHEREAS, a request was received to hold a Block Party on Parker Avenue on Saturday, September 18, 2021 from 5:30 pm to 10:00 pm with a rain date of Sunday, September 19th; and

WHEREAS, Police Chief McGovern reviewed the application and submitted his approval on June 3, 2021; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that approval is hereby granted for a block party to be held on Parker Avenue on Saturday, September 18, 2021 from 5:30 pm to 10:00 pm with a rain date of Sunday, September 19th.

BE IT FURTHER RESOLVED that Permit No. BP 2021-03 will be issued for said event and that attendees with comply with the Governor’s order regarding social gatherings.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCabe, McCue, Neff and Rodriguez
Negative: None
Abstain: None
Absent: None

7. Resolution No. 2021-159, Approve 2021/2022 Liquor License Renewal for Shrewsbury River Yacht Club

WHEREAS, an application for renewal of a club license has been made to the Mayor and Council of the Borough of Fair Haven; and

WHEREAS, the Borough Clerk certifies that the requisite fee has been paid and a Tax Clearance Certificate is on file in her office.

NOW, THEREFORE, BE IT RESOLVED that a club liquor license be issued by the Borough of Fair Haven and the appropriate officer of the Borough of Fair Haven is authorized to issue and sign the same in the name of the Borough of Fair Haven for the period commencing July 1, 2021 and ending June 30, 2022 upon application filed by:

1313-31-006-001 Shrewsbury River Yacht Club

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCabe, McCue, Neff and Rodriguez
Negative: None
Abstain: None

Absent: None

8. Resolution No. 2021-160, Approve 2021/2022 Liquor License Renewal for Knights of Columbus

WHEREAS, an application for renewal of a club license has been made to the Mayor and Council of the Borough of Fair Haven; and

WHEREAS, the Borough Clerk certifies that the requisite fee has been paid and a Tax Clearance Certificate is on file in her office.

NOW, THEREFORE, BE IT RESOLVED that a club liquor license be issued by the Borough of Fair Haven and the appropriate officer of the Borough of Fair Haven is authorized to issue and sign the same in the name of the Borough of Fair Haven for the period commencing July 1, 2021 and ending June 30, 2022 upon application filed by:

1313-31-005-001 Columbus Club of Red Bank

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCabe, McCue, Neff and Rodriguez

Negative: None

Abstain: None

Absent: None

9. Resolution No. 2021-161, Approve 2021/2022 Liquor License Renewal for Little Silver Liquors (The Cellar)

WHEREAS, an application for renewal of a plenary retail distribution license has been made to the Mayor and Council of the Borough of Fair Haven; and

WHEREAS, the Borough Clerk certifies that the requisite fee has been paid and a tax clearance certificate is on file in her office.

NOW, THEREFORE, BE IT RESOLVED that a plenary retail distribution license be issued by the Borough of Fair Haven and the appropriate officer of the Borough of Fair Haven is authorized to issue and sign the same in the name of the Borough of Fair Haven for the period commencing July 1, 2021 and ending June 30, 2022 upon application filed by:

1313-44-001-007 Little Silver Liquors, Inc.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCabe, McCue, Neff and Rodriguez

Negative: None

Abstain: None

Absent: None

10. Resolution No. 2021-162, Authorize Grant Application for NJDEP Green Acres Grant

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition, development and stewardship of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Fair Haven desires to further the public interest by obtaining funding in the amount of \$500,000 in the form of a \$500,000 matching grant and, if available, a \$0.00 loan from the State to fund the following project(s): Acquisition of a parcel of property known as 21 Fair Haven Road , Block 47, Lot 1 in the Borough of Fair Haven for the purposes of creating a waterfront park at a cost not to exceed \$2,000,000;

NOW, THEREFORE, the governing body/board resolves that Theresa S. Casagrande or the successor to the office of Business Administrator is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above-named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules,

regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY the Mayor and Council of the Borough of Fair Haven

1. That the Business Administrator of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Acquisition of the Spagnuolo Property, 21 Fair Haven Road for the purposes of creating a waterfront park;
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$1,500,000;
3. That, in the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCabe, McCue, Neff and Rodriguez
 Negative: None
 Abstain: None
 Absent: None

11. Resolution No. 2021-163, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the June 14, 2021 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2020 CURRENT ACCOUNT	\$ 256.75
2021 CURRENT ACCOUNT	\$1,509,208.01
GENERAL CAPITAL	\$ 29,659.86
PAYROLL AGENCY	\$ 13,714.38
OTHER TRUST	\$ 9,713.70
DOG TRUST	\$ 16.20
TOTAL	\$1,562,568.90

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCabe, McCue, Neff and Rodriguez
 Negative: None
 Abstain: None
 Absent: None

Reports of Departments

May 2021

- Municipal Clerk
- Dog License
- Tax Collector
- Municipal Court

- Budget Status

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

GOOD OF THE BOROUGH

Mayor Lucarelli opened the meeting to the public for comments or questions at 8:37 p.m. Carolyn Ferguson, Colonial Court, commented on Fair Haven Road curbing. As Chairperson of the Fair Haven Fields Natural Area Advisory Committee, she said the Committee is eager to see curbing on the west side of Fair Haven Road for the next road project. Water comes down Buttonwood Drive into the Natural Area (pine forest area with the trails) and there is a lot of erosion there and a tripping hazard because of the weeds. Redirecting the water into the storm drains will help the situation.

Councilwoman Koch said the NJDEP recognizes and conducts a big tree hunt every year. One of our residents, Wendy Murphy, submitted an application and completed the necessary process

for a Tulip tree at DeNormandie Park. It is being entered in their registry and the NJDEP recognized the tree as being a minimum of 150 years old and the largest. Superintendent of Schools, Sean McNeil, was selected and recognized as Superintendent of the Year for Monmouth County. This is a great honor for him. She thanked all who attended/participated in the Memorial Day ceremony and recognizing our veterans.

Marti Egger, Hance Road, asked Engineer Gardella about the timing of the Hance Road Phase II Project and where the Borough is in the process; the public would like to give some thoughts. Mayor Lucarelli said there will be a meeting with Engineer Gardella and Councilman McCue. Engineer Gardella said this project was an FY 2020 NJDOT Municipal Aid selection that needs to be awarded by November this year. The surveyor is out doing base mapping and surveying; we hope to have mapping by the end of the month. The project will be overlaid, on the map, after the information is received to show the tie into the pocket park and Grange Avenue. Mrs. Egger said that the Borough does not need the information to meet with the public. Engineer Gardella said the information is needed to show the layout and identify the property lines and what would be included; it is better to have the data for the conversation to come up with options. This is an NJDOT grant and the grant award was based on a scope of work. Councilman Rodriguez asked Engineer Gardella if there will be access to the parks with the only option of sidewalks or are there other things to cordon off a bike lane and walking lane. Engineer Gardella will look at alternate linkages to the parks for safety and accessibility and that it ties in together appropriately. Councilwoman McCabe asked Engineer Gardella if the grant has to marry to the pocket park project or can the grant be used elsewhere for something similar? The NJDOT grants are specific to a roadway for a defined project; we would need to forfeit the grant if the money is not being used as requested. Mayor Lucarelli said we can lose the grant if we do not award by November. Councilman McCue followed up to Councilman Rodriguez's question and asked if the grant is tied to sidewalks as Tracy Cole and the Green Team shared alternatives. Also, our Green Team has gold status for Safe Routes to Schools. It was asked if there are other options to consider. Engineer Gardella said that we can look at other options; the application is "old school" where you check boxes for the project. Early on concept plan that we look at and submit for a project; there are alternative methods to achieve some of it. We are a Complete Streets municipality and need to be conscience of vehicles, pedestrians and bicycles. He is a licensed Engineer and it is his responsibility to hit all the marks; he and Nick Poruchynsky can start working AutoCAD for the options once the maps are received. Councilwoman Neff clarified that if we do not move forward, as planned, we forfeit the grant, and the project is not done. Engineer Gardella explained the process of application, specifications, and submittal for NJDOT to comment. In 2020 we received a \$350,000 grant for Hance and Cooney (the largest we have ever received) because it is Phase II of the project for Hance Road. Engineer Gardella explained the linkage to the pocket park. Administrator Casagrande advised the Borough passed the bond ordinance authorization based on the project scope and grant amount awarded; we would not be able to award the project or a bid without a different bond ordinance authorization if we were to forfeit the grant.

Tracy Cole, Grange Avenue, appreciated the conversation on this project. There are many people that share the same feeling/concern. She understood the pedestrian safety and safe access for everyone and felt the Borough should offer more than one way to pedestrianize a street. Mrs. Cole said that the Borough does not need a map to have a conversation; it is important to meet and discuss. The neighborhood has made the request for a meeting. Mayor Lucarelli said the governing body understands the opposition to the sidewalks; we are tied to a grant. We would like to see the design through to discuss; we want all of the information on the table and then have a discussion and hear from the public. Mrs. Cole asked if there would be a separate public hearing on the project? No, it will be discussed during our July 12th or 26th meeting. The governing body is looking to meet in person for the June 28th meeting, forward. Mrs. Cole requested a site meeting before the July meeting. The Mayor said that it can be with a few residents, Engineer Gardella and two Councilmembers. Councilman Rodriguez said that Councilwoman McCabe lives in the area and could help in corralling the group and discussion. Councilwoman McCabe is willing to take a lead on this. She recognized the importance of grants and the guidelines but felt the Borough should not drive decisions based on receiving grants. They are great, but we should think of different approaches to these projects. Administrator Casagrande reminded everyone that the NJDOT did not approach Fair Haven for this grant, we submitted for a grant a few years ago. Councilwoman Neff is willing to hear from the community, but we need to consider the entire Borough, not just the immediate area. Sidewalks make neighborhoods more friendly, people tend to walk more and they create more of a community and a connection. Administrator Casagrande advised that she and Engineer Gardella have been doing this a long time and sidewalks, while scary, are always appreciated and well received by the residents.

Ruth Blaser, River Road, noted that the former Assistant CFO had her credentials and education upgraded and was reimbursed for tolls and gas by Fair Haven and has now left for another opportunity. She proposed the Borough does not pay for the education of the employees unless the outcome is specifically used for a Fair Haven specific issue; the Borough's employees are paid well

and can afford the classes. She noted that every meeting the Borough has ordinances and there are too many; they need to be reviewed and rules and regulations made as simple and straight forward for everyone to understand. She stated that we should not use the last company that managed to lose our ordinances; the work should be done by the governing body. The Borough Clerk corrected Mrs. Blaser and stated that we no longer use the codification company that she referenced; they were from 2002 and our current codification company has not lost information or done anything incorrectly. Mayor Lucarelli said there is a lot of misinformation out there about lost ordinances; ordinances were taken out of code by prior governing bodies voting for them to be revoked.

Mrs. Cole said that everyone wants the same thing (safe streets) and seems to be on the same page. She suggested everyone take a look at page 60 of the Active Transportation Plan.

There being no further comments or questions, the meeting was closed to the public at 9:07 p.m.

ADJOURNMENT

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

Time of Adjournment: 9:07 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk