

FAIR HAVEN BOROUGH COUNCIL
AUGUST 16, 2021

The meeting was called to order by Mayor Lucarelli at 7:04 p.m. The Flag Salute was followed by a Moment of Silent Meditation. The Mayor asked for the people living out west dealing with the fires be kept in everyone's thoughts as well as the people in Haiti and those in turmoil in Kabul. The Sunshine Law Statement was read and included that this meeting was being broadcast via Facebook Live simultaneously with the in-person meeting.

ROLL CALL

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

PUBLIC HEARING – MONMOUTH COUNTY OPEN SPACE GRANT

Administrator Casagrande explained that the Borough is applying for a Monmouth County Open Space Grant for the possible acquisition of 21 Fair Haven Road which is the property adjacent to the Municipal Dock; she explained the grant application to be submitted. The Borough has already submitted a Green Acres grant application for this property and we are awaiting a response which we will most likely receive in the fall. For the Monmouth County Open Space Grant, we are requesting the amount of \$250,000. We need two appraisals for the property. Purchase orders were cut for Gagliano Appraisal and Realty Appraisal (one was for \$2,200 and the other for \$2,500). The appraisals should be received in the next couple of weeks and will be forwarded to Green Acres and Monmouth County. Applying for this grant, does not compel the Borough to purchase the property.

Councilwoman Chrisner-Keefe said Resolution No. 2021-196 which authorizes the Monmouth County Open Space Grant application shows a total cost to be projected in the amount of \$2 million and asked if this number is based on the estimate provided by the Monmouth Conservation Foundation; yes, they felt this was a fair estimate to submit for the grant. The amount could be above or below which is why we need an appraised value for the property.

The hearing was opened to the public for comments or questions at 7:06 p.m.

Tracy Cole, Grange Avenue, asked whose idea it was to acquire this property. Councilman Rodriguez advised that the property owner's estate approached the Borough a few months back. We approached the property owner a few years ago and there was no interest to sell. Mrs. Cole asked if the property will be used for a passive park; yes. She was concerned with how people will be using the park and that the access to the park will have an impact on the surrounding neighborhood. Mrs. Cole asked if anyone spoke with the residents in the vicinity of the park; Councilman Rodriguez said he spoke with a few residents. The thought is that 21 Fair Haven Road could be the same type of park as the Williams, Albert and Robards Park which provides water access and is fairly well regarded in the community. Mrs. Cole stated that she is concerned for the residents of Fair Haven as far as access and an open invitation to the general public, outside of Fair Haven. She is an advocate for open space but does not know that Fair Haven, due to its small size and limited infrastructure capacity, can hold the broad public outside our own boundaries. There were questions such as the capacity to host the broad public, what activities, how do we manage the public and use of the property including how we can manage who is going to be there and for how long. Mrs. Cole stated, currently, there are issues at the dock which she noted will be discussed later in the agenda. She was also concerned for the cost of maintaining the park and asked that the governing body prioritize and take care of what we already have before taking on new space.

Councilwoman Chrisner-Keefe thanked Mrs. Cole for raising the maintenance cost question. It is a concern to maintain our Open Space and costs are a critical consideration. She said the Borough is applying to see what we may receive in order to make an informed decision. It would be great to have this property for our summer concerts on the dock. If we don't acquire the property, someone else will and it would be unknown what would be developed there or if it would be retained as residential. Councilwoman Chrisner-Keefe said that it will be interesting what the property appraisals come back as and to see if it would be worth acquiring the property.

Tracy Cole said there is a tipping point with inviting the public and we may not be able to host as many people like Red Bank (a regional center) does at their events. She asked who will clean up the area, dispose of the trash, etc.

Councilwoman McCabe said all are valid points. She understood, in some conversations she has had, that this lot would create Borough land ownership on both sides of Yacht Works' property (DeNormandie and Fair Haven Road). It is important to look at things holistically to make decisions as far as maintenance and prioritizing projects.

Councilwoman Neff said that the point of having this property is an environment where land is available to the public. There is also the topic of the dock on the agenda, this evening to discuss

some concerns. We do not have final costs yet for the acquisition, but we do have open land in town near the water. This location is unique because of our dock at the end of Fair Haven Road. It will be important to manage it along with our other properties.

Beth Goodes, Fair Haven Road, had concerns for her family and neighborhood as far as safety because this property is adjacent to her property. If the Borough were to extend the public access, it would be at her back door. She spoke with a Councilmember about this as far as options for safety. Ms. Goodes asked what her role is as far as how the park will be created. Councilman Rodriguez said the Council and Committee would weigh the concerns of Ms. Goode when designing and maintaining the park (similar to what was done for the DPW and Police Department facilities). There will be discussions and input with the residents. She asked about the delineation of the current property; the hearing notice advertised it with two lots. She asked if the property was subdivided years ago. Engineer Gardella said they are delineated as two separate lots which pertain to: 1) the lot where the house is (upland) and 2) the riparian/tidelands grant.

Peter Gotch, Fair Haven Road, asked how much authority the Borough has on the municipal dock and controlling what happens? He said the public has been chased away numerous times by non-residents who claimed to have aggressive dogs. He asked if the dock can be made non-fishing and non-crabbing. Attorney Cannon spoke to the area and how regulations can be created and enforced (i.e. no dock access after dusk) and other rules so the Borough has control. We cannot discriminate so the rules apply to everyone (residents and non-residents) like our codes that regulate hours in our parks and what is permissible and non-permissible. Mr. Gotch asked if we are awarded and accept Green Acres funding, would we have jurisdiction of the property? Attorney Cannon said if funds are accepted, the property must be open to the general public, but we can make reasonable restrictions on use and activities via Borough Code i.e. we can close the dock at a certain time and we can restrict activities such as fishing, crabbing, etc.

There being no further comments or questions, the hearing was closed to the public at 7:25 p.m.

WORKSHOP SESSION

Mayor Lucarelli asked Administrator Casagrande to give an update on the brush site. She advised that she included, for the Council's agenda packet, a copy of the Brush Committee's April memo where the third bullet point addresses the grinding process. Engineer Gardella and Assistant Engineer Poruchynsky received quotes from Mazza Mulch and a verbal quote from Atlantic Tree Service. Mazza gave a quote of \$5.50/cubic yard; this is up slightly from our past process, and they could not accommodate with smaller trucks as they only have 100-yard trucks. They can start when we need them, and it will take 5 days total. Atlantic Tree Service quoted \$5.00/cubic yard, will use 60-yard trucks and will work with the school schedule; the process would take two weeks with the smaller truck to grind and haul away the product. They can start between September 15th and October 15th and do an additional grind for mulch, if we so choose. Two quotes were received as requested by the Brush Committee. We hope to start in September, so the site is not overtaxed.

Councilman Rodriguez reiterated for the residents watching via Facebook Live the difference in the size of the trucks being 60-yard trucks vs. 100-yard trucks; the smaller truck will extend the process due to the amount that it can hold and number of trips it will have to make. Atlantic Tree can accommodate working around school hours, however, the number of trucks going in and out will increase. He said that he would like safer streets for everyone, even if it takes a little longer. We are doing less grinding since we are taking in 70% less debris with the cancellation of the agreement with Rumson. Councilwoman Neff agreed as the size of the trucks used last time were not conducive to the area (street and homes). Councilman Rodriguez said it should be noted that service is 50 cents cheaper per cubic yard with the Atlantic Tree quote. Councilwoman Chrisner-Keefe said that it is worth seeing how smaller and more frequent truck traffic will affect the neighborhood (for better or worse). School starts on September 13th, and she would like the students to get familiar with attending school before the trucks come to the Borough. Councilman Rodriguez said there were discussions on closing one side of the street for the operation so everyone knows where the trucks and lane of travel will be during the grind process. Temporary signs will be put up for no parking on one side of the street. Councilwoman McCabe asked if it was Councilman Rodriguez, Councilwoman Koch and residents who made up the Brush Committee. Councilman Rodriguez said that he and Councilwoman Koch along with a member from each of the Borough's six districts were on the Committee. He stated that he reached out to those impacted by the brush site, so they were aware this discussion was taking place tonight. Councilwoman McCabe asked if the Committee took into consideration the resident's input for making this recommendation; yes, and both Councilman Rodriguez and Councilwoman Koch were aligned in their recommendation to Council. Administrator Casagrande reviewed this matter with Councilwoman Koch last week and she was in favor of the smaller truck. It was asked if we received any emails from the public about this? No. The consensus was to have Atlantic Tree do the work beginning in late September. Mayor Lucarelli said the only risk is if a substantial storm comes through and it creates a lot of brush; we would have to seek an alternate storage location. Administrator Casagrande will issue a purchase order for the work.

With regard to a Hance Road update, Administrator Casagrande e-mailed Marti Egger, Hance Road, and residents who asked about this matter being listed on the agenda. Last week she met with the Engineering and Public Works Subcommittee of the governing body which consists of Councilmembers McCue and McCabe and the Mayor to discuss and review various DPW and Engineering matters which included Hance Road. The Borough is going to host a Zoom meeting for the residents; a letter will go out to the residents on Hance Road and Cooney Terrace for a meeting after Labor Day. There will be a possible meeting on September 9th at 1:00 p.m. where Engineer Gardella will have options for the governing body to consider; the date is subject to change in order to accommodate the subcommittee and/or governing body. Councilman Rodriguez asked that it be advertised as a public meeting so the entire governing body can attend on September 9th as a Workshop meeting via Zoom. The time was discussed and most felt it unfair to hold the meeting in the middle of the day because people work. There was further discussion about a different date and the best day to meet. Most felt that having a Zoom meeting was OK, but we also need a meeting, in-person, so everyone can see the area and what is all involved. It was suggested that Council look at the area on Hance to make an informed decision. Councilman Rodriguez said the project will complete Hance Road from River Road to the Navesink River. The right of way varies along the road (some sections are wider than others). Mayor Lucarelli suggested a meeting on Wednesday, September 8th or Thursday, September 9th via Zoom with a walking meeting that following weekend and then discuss, again, on September 13th and make a decision on September 27th. Council further discussed the idea of holding an off-site, walking meeting, on Hance Road; the Borough Attorney, Administrator and Clerk advised that this is not feasible. It was decided to hold a Zoom meeting for the Borough Engineer to present options on September 8th at 7 p.m. and then a walking meeting on September 9th at 5 pm with further Council discussion/debate at the September 13th Council Meeting. Tracy Cole advised that she and Hance Road residents have been asking for a meeting for months between the Borough Engineer and the neighborhood. Councilman Rodriguez said Council will take public input, debate and then make a decision. Councilman Chrisner-Keefe tried to explain what Council is trying to arrive at. Tracy Cole said the public should meet with the Engineer to create a better plan that works for everyone; the residents have been so patient and forthcoming about this since April. Councilwoman McCabe gave an explanation of the meeting with Engineer Gardella and what will be given in a Zoom discussion and presentation. The Mayor explained that what works in the field may or may not work on paper. The Borough does not want to give expectations to the residents if we hold a meeting beforehand. Councilman Rodriguez said that the Council has heard from the public dozens of times regarding the feelings for the proposed project. He advised that the Council hears the public and understands that some do not want sidewalks, however, we have received e-mails from those who do want sidewalks; we can provide the e-mails of those in favor. Many people like to walk on a sidewalk not in the street. Everyone must understand that there is more involved with a 100-year-old street that's infrastructure is dated and failing. Maps and lines are important when planning projects which is why we need them as well as surveys and all data in order to make an informed decision. Councils have always arrived at the right decision for everyone by listening and doing what the public wants (examples of Sunoco site and brush site were given). Councilwoman Neff asked Engineer Gardella that when he presents, via Zoom, he includes safety of the street without sidewalks. When she and her children walked the area, the street didn't appear safe (quiet or not).

Marti Egger said, despite the numerous requests for a meeting with the Borough Engineer to discuss the project, it seems that neighborhood input comes second to the Engineer's report. She stated that Administrator Casagrande had not reached out to her regarding a neighborhood meeting except today with a cc on an e-mail to another resident. Councilmembers McCabe and McCue will have a meeting with the residents before the Zoom meeting occurs. Councilman Rodriguez said that the Engineering and DPW Committee can meet with the residents a few times. Mrs. Egger was outraged that the residents have been, in her opinion, strung along. Every meeting since April the neighborhood has been promised a meeting and it has not happened.

Bonnie Torcivia, Battin Road, asked if the plan will outline the trees to be taken down; Engineer Gardella advised that there is no final design yet. The final design and bid documents will spell out the scope of work for this project. Councilwoman Chrisner-Keefe said some documents from an original plan from several years ago were provided and are probably outdated, but there was mention of eight trees contemplated for removal, at that time. Mrs. Torcivia asked if the Borough can place sidewalks around a tree, if needed. Councilwoman Chrisner-Keefe said there was a cost estimate for Improvements to Hance Road and Cooney Terrace, Phase II, which again, could be an outdated bid document from 2020. Engineer Gardella reviewed the document that Councilwoman Chrisner-Keefe referred to; they are standard line items estimated to have a place hold for a quantity and amount. He provided some examples of other projects scope of work where trees may have been removed from the right of way i.e. Battin Road.

Jeff Ferretti, Hance Road, said there are trees that are close to the street. He has an oak tree close to the roadway. Engineer Gardella said that we are not at that phase of the project, yet. The survey has the trees and all of the information (mailboxes and landscaping also) which will be shown when options are given at the September 8th Zoom meeting.

An update on the NJ American Water River Road Project was given by Administrator Casagrande. Information has been put out on numerous platforms. NJ American Water is waiting on materials. They anticipate starting on August 23rd, but the date could change. Test pits are being done

this week. There is a draft schedule with a completion goal of Spring 2022. The contractor will work at night in the business district. NJ American Water will be sending out a mailer with facts this week and will provide regular updates on their website which we will link to our website and Constant Contact. There will be a unique NJAW email address for the public to ask specific questions and get answers. Administrator Casagrande reached out to the Business District to see if they would like a separate meeting with NJ American Water and to provide them with information on how we will accommodate them during the project.

The Fair Haven Dock was listed for discussion at the Mayor and Council's request. Residents e-mailed and called with concerns regarding use and crabbing at the dock. She read from the Borough's code regarding the dock. The Recreation Committee met on August 2nd and discussed use of the dock and issues that arose this summer; DJ Breckenridge provided Administrator Casagrande with a synopsis from that meeting. The Recreation Committee would like to carry in and carry out policy. Chief McGovern has increased patrols in the area. Councilwoman Neff said that she asked for this to be listed because of the condition of the dock with trash, bait left, etc. She also felt uncomfortable with those using the dock and went to another location with her children. She requested Council consider no fishing and crabbing at the dock as well as not allowing use in the evening hours. This situation needs to be urgently addressed. Mayor Lucarelli said that we are amending the traffic ordinance regarding parking on Fair Haven Road tonight and we would need an ordinance to prohibit the activities that occur. The Recreation Committee should discuss this matter at their September meeting with the recommendations for the dock (what should be eliminated or allowed). It is a space open to the general public, so the rules apply to all. Councilwoman Chrisner-Keefe said Recreation did discuss the trash issues at Fair Haven's dock during their last meeting. It was thought to carry in and out at the dock first and then decide same for the other parks. There was no discussion to ban crabbing and fishing during that meeting. Councilman Rodriguez did not agree or support banning crabbing and fishing. Councilwoman Neff said the dock has been taken over by non-residents and dogs who do not respect Fair Haven; there is bad behavior being displayed (mattresses and blankets set up, language as well as trash all over). Councilwoman Chrisner-Keefe said we need the dock to be policed more. Chief McGovern stated that he spent many nights with his kids crabbing and fishing over the years; there seems to be an influx because everyone is home now. He requested an invite to the Recreation Meeting to discuss. Attorney Cannon offered to attend the Recreation Committee meeting as well because he has experience with waterfront property and can give reasonable rules so everyone can use it; Chief McGovern agreed. Councilwoman Neff said, if we don't ban activities, we should choose hours that fishing and crabbing can occur. Councilwoman McCabe said that Monmouth Beach was a disaster last summer and it is gorgeous this year with a \$250 fine "on the spot". We need to set rules as to what can be done so everyone can enjoy our dock; it is important that our residents feel safe.

The Borough received a commercial filming request from Cap Gun Productions (Cameron Spector). Mayor Lucarelli advised that Cameron would like to shoot a film in town as he has done in the past. The Commercial Filming ordinance was reviewed. Cameron would like a waiver from the fee as a student film. Filming would take place September 1st through September 3rd on Cedar Avenue, Third Street, Lake Avenue and Bicentennial Hall. He just returned home from Germany and will be returning to Germany in January to continue in a filming program. The proposed film is about what it means to be an adult and his experience with running for office. Administrator Casagrande asked questions about the film and the schedule for where he will be filming, specifically in Bicentennial Hall; he would like to film in Bicentennial Hall on September 2nd in the morning to the afternoon (10 am-7 pm). He was advised that he would have to coordinate with Chief McGovern for closing the building. The Borough Clerk corresponded with the Chairman of the Historic Preservation Commission who advised that they take no position except that nothing be disturbed/changed in the building. Administrator Casagrande requested Cameron send her an email with the details. Councilwoman McCabe asked, if he is filming in the streets, would he need to advise the residents? Cameron advised that he spoke with the residents, so they are aware of the filming project. The Borough and those whose locations are used are given credit at the end of the film. The Borough will not be portrayed in a negative light; it is mainly a film about just becoming an adult.

Motion to approve filming and waive the fee moved by Councilwoman Neff, second by Councilwoman Chrisner-Keefe with Ayes by all present.

Councilwoman Neff had some land use concerns. The Borough has received complaints regarding new construction and renovation with homes that are large for the lots and with high elevations (i.e. first-floor elevations and large garages being built). These issues and concerns have been going on for several years and we need to consider addressing them in the next few months. There are many tear downs and rebuilds happening and we need an aesthetic point of view as homes being built "on top of other homes" and it looks odd. It is felt that there are loopholes in the ordinance because the ordinances were not written with large homes in mind. We need to write what we would like to see. Most homeowners and contractors are building within the constraints of the land use law and our ordinances. We have also had many large trees being taken down with these projects. In the past there was a committee that met and discussed land use and issues; we need a new Committee including members of the Council and members of the public. Some addresses where construction is currently taking place in town were noted i.e. Spruce Drive (garage) and 304 Fair Haven Road (homes larger than presented). Mayor Lucarelli said there is no reason to re-form the committee; taxpayers spent a lot of funds

regarding Habitable Floor Area. There was a lot of time spent with our Planner, Todd Lehder (Chairman to Planning and Zoning), our Engineer, Attorneys. The Committee need to establish a mechanism for first floor height control to bring forward to Council. Administrator Casagrande said there were many meetings held, but we held presenting a comprehensive report on the advice of our Fair Share Housing Special Counsel because we did not want to make any ordinance changes while negotiating our settlement. We have an interested party (M&M Realty) and they have submitted their application to the Planning Board. Council can discuss the report at the September 13th Council Meeting with our Planner to explain the recommendations along with Engineer Gardella, Assistant Engineer Poruchynsky, Joe Mule and our attorneys. We need Todd Lehder to be involved to be sure we can pinpoint the key issues and how they can be addressed. Councilwoman Neff said bulk and volume and elevation impact neighboring homes. Her comments were appreciated and addressing this matter is important as there is a lot of development in town. The enforcement of ordinances needs to be addressed and what we want for Fair Haven. Councilwoman Chrisner-Keefe said she has not seen the report and it may not encapsulate what the concerns are; we should involve the public to see what they would like to see in town. Councilwoman McCabe said this has been a discussion since she moved to the Borough. In sitting on the Engineering and DPW Committee, she understands there was a Strategic Planning Committee. She suggested a strategic meeting for all to come together for the community's needs and what we want for Fair Haven. There is a lot of work being done and should be siloed (what we want, budget, grants, size of buildings, setbacks, etc.). It was asked if the Master Plan needs to be reviewed (the Master Plan was adopted in 2015). There should be a Council Strategic Planning meeting to come up with ideas and recommendations and the meeting should be open to the public. Councilwoman Neff said that Fair Haven is a small town with a lot of construction to include our Borough buildings.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 8:49 p.m. Jennifer Spitz, William Street, had questions regarding brush grinding and making sure Atlantic Tree is aware of the route to be taken to access the brush site. Chief McGovern and Engineer Gardella will meet with Atlantic and go over logistics. She asked if Atlantic Tree would be working from 9:00 am until 3:00 pm and then starting again at 4:00 pm. Administrator Casagrande said that they will start at 9:00 am and will hold off until after school dismissal; it will be one truck making it easier to control. Because it is one truck and it is smaller, the removal will take longer. Mrs. Spitz said with the last grind, the brush was further away and then brought closer which disrupted the nearby homes. She asked if the debris can be gathered at Fair Haven Field #4 to prevent the disruption to the homes such as noise, rattle and debris. Engineer Gardella said that it depends on the job. This contractor took care of our brush from Sandy and is familiar with the site. Mrs. Spitz asked Administrator Casagrande if she would be sending a notification as to when it will start to the neighbors in the area; she will. Councilwoman McCabe asked that notification be sent to the school as well. Councilman McCue confirmed with Administrator Casagrande that it will only be one truck; it will be one or two. Councilman McCue asked that with only a truck or two, it means there will be 86-87 trips vs. being completed in 5 days? Yes, correct. Mrs. Spitz said she would rather smaller and less trucks to bring peace to the neighborhood. Councilman McCue said he thought the Brush Site Committee discussed 30 cubic yard trucks, but he prefers 60 cubic yard to move it along. Councilwoman Chrisner-Keefe said that it will be interesting to see how it works with this process.

Councilwoman McCabe said landscapers should take their debris with them. She asked why cars have to drive "obstacle courses" with brush on the streets and other municipalities do not have this issue. The Borough should require landscapers to take the brush and leaves from the property they are doing work for. Councilman Rodriguez said Rumson and Little Silver follow the same regulations that we have. It was asked that we workshop having landscapers take away brush on the September 13th agenda.

John Breel, Linden Drive, thanked Councilwoman Neff for the building discussion and how it is getting out of control. Mayor and Council needs to consider, when building anything, that there is quality control in place. He said 38 Spruce is in his back yard and the foundation is a foot higher than the proposed plan. "As built" is a little late. Mayor Lucarelli advised that the builder is at risk if he comes with a final "as built" with foundation an inch too high of having to tear the dwelling down. Attorney Cannon warned Council on making any comment as there is a Land Use process for appeal that falls under Zoning. The Uniform Construction Code weighs in on the matter and does inspections throughout the project. Attorney Cannon explained the process and who handles the concerns, complaints, inspections and the UCC reports that go to the State. The appeal process and burden of proof was also explained. Mr. Breel also commented on the traffic ordinance listed on the agenda and thanked Council for listing its introduction. He asked for Kemp and Hillcrest to be included as well to be a 4-way stop due to a lot of children and bicycles in the area. Chief McGovern looked at it and may address at a later date; he needs to speak with the Borough Engineer regarding site distance.

Ruth Blaser, River Road, said Councilwoman Koch is familiar with the land use issues and the "knit picking" the board does to the ordinances. Fair Haven is built out. She requested the governing body review the ordinances and make adjustments, so the Planning Board and Zoning Board are not hamstrung. She advised that trash at the dock is not the only problem. The trash can across from Memorial Park was overflowing this weekend and needs to be emptied. Mrs. Blaser felt

that our police cars sit in parking lots and are not moving when they should be driving around so they can see the violations in the Borough. She donated books and pens to police department to document code enforcement violations and turn them in for action. Mrs. Blaser asked why the Borough is looking to buy 21 Fair Haven Road; if it is purchased, we are getting rid of a ratable. The Borough needs to take care of other assets i.e. ponds, other Borough parks. She said Schwenker Pond was supposed to have a walking trail and one was never created.

Barbara Schiavetti, Cooney Terrace, commented on the proposed sidewalks on Hance Road. She said that in talking to everyone in the neighborhood, it is not just those who attend the meetings that are opposed to sidewalks. Residents who live on the surrounding streets do not want sidewalks either.

There being no further comments or questions, the meeting was closed to the public at 9:19 p.m.

APPROVAL OF MINUTES

Councilman McCue made a motion to approve the Regular Meeting minutes of July 26, 2021, second by Councilwoman Neff

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

Councilman McCue made a motion to approve the Executive Session minutes of July 26, 2021, second by Councilwoman Neff

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

OLD BUSINESS

HEARING AND ADOPTION OF ORDINANCES

- 1. Ordinance No. 2021-09, Create Chapter 8 and Amend Chapter 30-5.3(B)(24): Cannabis Regulation Ordinance

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF MONMOUTH TO OPT-OUT OF THE NEW STATE CANNABIS LAW AND TO PROHIBIT ALL CONSUMPTION OF CANNABIS IN PUBLIC PLACES AND ALL UNDERAGE POSSESSION OF CANNABIS ITEMS AND TO DEEM ALL RECREATIONAL CANNABIS BUSINESSES AS PROHIBITED USES UNDER THE LAND USE AND DEVELOPMENT REGULATIONS OF THE BOROUGH

On motion of Councilman Rodriguez, second by Councilwoman Neff with Ayes by all present, Mayor Lucarelli opened the meeting for comments or questions at 9:20 p.m.

Susan O'Brien, River Road, asked if this ordinance prevents her from growing her own. She was advised that she cannot. Mayor Lucarelli said we are doing this ordinance in accordance with State regulation. We have to adopt something until the State creates and releases the regulations which will happen in the fall; we can revisit the ordinance once we have clear guidance. It is currently not legal to grow your own; it is considered a felony.

Jonathan Powers, Stelton Road, Piscataway, representing the National Labor Union read a statement. They oppose the ordinance because it is preventing workers from doing what they do and asked that the adoption be tabled. He asked that Fair Haven follow Bayonne's ordinance which has a merit-based system. Mr. Powers invited all to the Woodbridge facility where marijuana is grown so everyone can better understand the process.

There being no further comments or questions, the Hearing was closed to the public at 9:24 p.m. on motion of Councilman Rodriguez, second by Councilman McCue with Ayes by all present.

Offered for adoption by Councilman Rodriguez, second by Councilman McCue

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

NEW BUSINESS

Council Committee Reports

Finance - Councilwoman Neff did not have anything to report. There are some members of the Finance Committee who are away, but there will be discussions for a three-year planning process for budgets and capital.

Personnel - Councilwoman Chrisner-Keefe did not have a report.

Planning & Zoning - Councilwoman Koch was absent.

Parks and Recreation and Communications - Councilwoman Koch was absent. Councilwoman Chrisner-Keefe, Vice Chairperson, reported we are still waiting to hear on the bike park grant for McCarter Park; hopefully September so that we may pursue the project in 2022. There has been discussion on a possible multi-purpose wall, including prevailing wage and other costs that may be involved.

Police, Fire & OEM - Councilman McCue did not have a report.

Engineering and DPW – Councilman McCue said items were covered earlier in the meeting.

Borough Facilities - Councilman Rodriguez advised that the Architect and Engineer are working on necessary items to bring bid specifications to Council for approval. There are some other items that may not be bid material. It is hoped by the September 13th meeting to have a more extensive report. He asked what occurred at the meeting with Historic Preservation regarding Bicentennial Hall as he was away. Mayor Lucarelli said it was a good meeting and Historic Preservation understood the project and most were in favor because any grant money received would go into restoring it back to the original design and materials. They also liked that the building would be brought back into the daily life of Fair Haven. The building brings us the opportunity to have a meeting hall that is conducive to the public with an open concept (no columns in the middle of the room) and would allow us to have more modern audio-visual equipment. Councilman Rodriguez said the NJ American Water project now impacts River Road and the County’s paving project; we thought the road would be paved in 2020 which was postponed to this year and now it will possibly be later next year. We hoped it would be sooner as we have received concerns regarding the condition of River Road and the fear of damage to vehicles.

INTRODUCTION OF ORDINANCES

1. Ordinance No. 2021-11, Amend Chapter 7: “Vehicles and Traffic” to prohibit parking in certain locations and install new stop signs at certain intersections

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF MONMOUTH AMENDING CHAPTER 7: “VEHICLES AND TRAFFIC” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO PROHIBIT PARKING IN CERTAIN LOCATIONS AND INSTALL NEW STOP SIGNS AT CERTAIN INTERSECTIONS TO ENHANCE TRAFFIC SAFETY WITHIN THE BOROUGH

WHEREAS, the Mayor & Council of the Borough of Fair Haven (the “Borough”) consider pedestrian and traffic safety to be a significant and important priority for the Borough and the welfare of its residents; and

WHEREAS, the Borough’s Police Department has recommended the implementation of certain measures to enhance pedestrian and traffic safety, including the prohibition of parking in certain places and the installation of new stop signs at certain intersections; and

WHEREAS, the Mayor and Council find it to be in the best interests of the Borough’s residents to implement such measures recommended by the Borough’s Police Department;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Fair Haven, in the County of Monmouth, in the State of New Jersey as follows:

SECTION 1. Section 7-14 entitled “Parking Prohibited At All Times On Certain Streets” of Chapter 7 entitled “Vehicles and Traffic” of the Revised General Ordinances of the Borough is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
<u>Navesink Avenue</u>	<u>Southerly</u>	<u>From River Road to a point 500 feet east therefrom.</u>
<u>River Road</u>	<u>Northerly</u>	<u>From Battin Road to a point 50 feet east therefrom.</u>
Fair Haven Road	West	Fairwater Lane <u>Riverlawn Drive</u> northerly to

its terminus at Navesink River.

SECTION 2. Section 7-19 entitled “Through Streets” of Chapter 7 entitled “Vehicles and Traffic” of the Revised General Ordinances of the Borough is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

<u>Name of Street</u>	<u>Limits</u>
Cedar Avenue	Entire length
Kemp Avenue	Entire length
<u>Kemp Avenue</u>	<u>Between Ridge Road and Linden Drive</u>
<u>Kemp Avenue</u>	<u>Between Linden Drive and Willow Street</u>

SECTION 3. Section 7-20 entitled “Stop Intersections” of Chapter 7 entitled “Vehicles and Traffic” of the Revised General Ordinances of the Borough is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

<u>Intersection</u>	<u>Stop Sign(s) On:</u>
Linden Drive at Kemp Avenue	Linden Drive
<u>Cedar Avenue at Forman Street</u>	<u>Forman Street</u>
<u>Cedar Avenue at Jackson Street</u>	<u>Jackson Street</u>
<u>Fair Haven Road at Clay Street</u>	<u>Clay Street</u>

SECTION 4. Section 7-21 entitled “Multi-Way Stop Intersections” of Chapter 7 entitled “Vehicles and Traffic” of the Revised General Ordinances of the Borough is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

<u>Intersection</u>	<u>Stop Sign(s) On:</u>
<u>Cedar Avenue at Fisk Street</u>	<u>Cedar Avenue and Fisk Street</u>
<u>Cedar Avenue at Parker Avenue</u>	<u>Cedar Avenue and Parker Avenue</u>
<u>Linden Drive at Kemp Avenue</u>	<u>Linden Drive and Kemp Avenue</u>

SECTION 5. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 6. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Fair Haven are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 7. This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

Offered for introduction by Councilman Rodriguez, second by Councilwoman Chrisner-Keefe

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

CONSENT AGENDA
RESOLUTIONS

- Resolution No. 2021-196, Authorize Monmouth County Open Space Grant Application: 21 Fair Haven Road Property Acquisition

WHEREAS, the Monmouth County Board of County Commissioners has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation,

conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of the Borough of Fair Haven desires to obtain County Open Space Trust Funds in the amount of \$250,000.00 to fund Spagnuolo Acquisition, 21 Fair Haven Road, Block 47, Lots 1 and 1.18)

WHEREAS, the total cost of the project including all matching funds is \$2,000,000.00; and

WHEREAS, the Borough of Fair Haven will be holder of any interest acquired with County Open Space Trust Funds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH OF FAIR HAVEN THAT:

1. Theresa S. Casagrande, Borough Administrator, or his/her successor is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above-named municipality; and
2. The Borough of Fair Haven is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Theresa S. Casagrande, Borough Administrator, or his/her successor is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

Offered for adoption by Councilman Rodriguez, second by Councilman McCue

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

2. Resolution No. 2021-197, Executive Session: Personnel and Contract Negotiations

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

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

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

Personnel

1. Police Social Security

Contract Negotiations

1. Trash and Recycling Contract

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

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

Offered for adoption by Councilman Rodriguez, second by Councilman McCue

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

- 3. Resolution No. 2021-198, Appointment of Historic Preservation Commission, Alternate #1 Member – Carrie Nitka

WHEREAS, there is a vacant seat in the Alternate #1 position on the Borough’s Historic Preservation Commission that needs to be filled; and

WHEREAS, the Historic Preservation Commission Chairman has found a volunteer willing to fill the unexpired term and serve on the Historic Preservation Commission as follows:

Carrie Nitka, Alternate #1 member, for an unexpired term set to expire December 31, 2021

Offered for adoption by Councilman Rodriguez, second by Councilman McCue

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

Negative: None

Abstain: None

Absent: Councilwoman Koch

- 4. Resolution No. 2021-199, Chapter 159: American Rescue Plan Act Funds (ARPA)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local

Government Services may approve the insertion of any such items of revenue in the budget of the County or Municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount.

WHEREAS, the Borough of Fair Haven has received funds in the amount of \$300,189.41 from the State of New Jersey, Local Fiscal Recovery Fund – American Rescue Plan Act (ARPA) and wishes to amend its 2021 budget to include this amount as revenue.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Haven, that it hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2021 in the amount of \$300,189.41 which item is now available as revenue from The State of New Jersey - Local Fiscal Recovery Fund – American Rescue Plan Act; and

BE IT FURTHER RESOLVED that a like sum of \$300,189.41 be and the same is hereby appropriated under the caption of General Appropriations – Operations Excluded from CAPS:

The State of New Jersey
Local Fiscal Recovery Fund - American Rescue Plan Act

BE IT FURTHER RESOLVED that a copy of this resolution be forward to the Director of Local Government Services.

Offered for adoption by Councilman Rodriguez, second by Councilman McCue

Councilman McCue asked if we received guidance from the State on how these funds can be used. Administrator Casagrande said that this resolution for Chapter 159 is required by the State to accept the funds, but we have received no further guidance from the State. We will use our Financial Advisor to help us navigate the rules for what is eligible and what is not. This is similar to FEMA where you must follow the rules carefully or we could wind up forfeiting funds for non-compliance with the guidelines.

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

Negative: None

Abstain: None

Absent: Councilwoman Koch

- 5. Resolution No. 2021-200, Authorize Continued Participation in the Intra-County Mutual Aid and Assistance Agreements with Monmouth County

WHEREAS, Chapter 222, Public Law 1989 mandates the development and approval of Emergency Operations Plans for all municipalities, counties and the State; and

WHEREAS, an Emergency Operations Plan will allow the Borough of Fair Haven in correlation with the Fair Haven Office of Emergency Management to better prepare and manage jurisdiction-wide emergencies; and

WHEREAS, the Borough of Fair Haven must submit an Emergency Operations Plan through the County Office of Emergency Management to the State Office of Emergency Management for initial review and approval and will require recertification every four (4) years; and

WHEREAS, the Mayor and Council of the Borough of Fair Haven are in receipt of an Emergency Operations Plan and a request from the Fair Haven Office of Emergency Management for formal adoption; and

WHEREAS, on August 21, 2017, the Mayor and Council adopted Resolution No. 2017-169 which authorized continual participation with the Monmouth County, Intra-County Mutual Aid and Assistance Agreement between the County, Fair Haven and Participating Units.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the Fair Haven Emergency Operations Plan be and is hereby adopted.

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Fair Haven hereby authorize Fair Haven’s continued participation in the Monmouth County Intra-County Mutual Aid and Assistance Agreement as referenced for the term consistent with the Municipal Emergency Operations Plan.

BE IT FUTHER RESOLVED that the Municipal Clerk forward a certified true copy of this resolution to the Monmouth County Office of Emergency Management Coordinator.

Offered for adoption by Councilman Rodriguez, second by Councilman McCue

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

- 6. Resolution No. 2021-201, Acknowledge and Accept a Body-Worn Camera Grant (21-BWC-144) from NJ Department of Law and Public Safety/Office of the Attorney General

WHEREAS, on July 22, 2021, the Borough of Fair Haven Police Department was awarded a SFY21 Body-Worn Camera grant in the amount of \$52,988.00 (Award No. 21-BWC-144) from the New Jersey Department of Law and Public Safety, Office of the Attorney General for the grant period of January 1, 2021 through December 31, 2025; and

WHEREAS, the Mayor and Council of the Borough of Fair Haven acknowledges and accepts Grant Award 21-BWC-144 in the amount of \$52,988.00 through the SFY21 Body-Worn Camera Grant; and

WHEREAS, the Borough’s contribution towards the grant will be zero dollars.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, County of Monmouth and State of New Jersey that the Borough Administrator, Chief of Police, Borough Clerk or any officer deemed appropriate are hereby authorized to execute any and all documents necessary to accept this grant.

Offered for adoption by Councilman Rodriguez, second by Councilman McCue

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

- 7. Resolution No. 2021-202, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the August 16, 2021 Bill List are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2020 CURRENT ACCOUNT	\$	7,864.40
2021 CURRENT ACCOUNT	\$	222,642.21
GENERAL CAPITAL	\$	288,465.00
PAYROLL AGENCY	\$	13,714.38
OTHER TRUST	\$	12,671.46

DOG TRUST	\$ 10.20
	<u>\$ 545,367.65</u>
LESS VOIDED CHECKS	\$ - 75.00
TOTAL	\$ 545,292.65

Current Check No. 61128, \$75.00

Offered for adoption by Councilman Rodriguez, second by Councilman McCue

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

Negative: None

Abstain: None

Absent: Councilwoman Koch

Reports of Departments

January 2021

-Chief Financial Officer

February 2021

-Chief Financial Officer

March 2021

-Chief Financial Officer

April 2021

-Chief Financial Officer

May 2021

-Chief Financial Officer

June 2021

-Chief Financial Officer

July 2021

-Municipal Clerk

-Dog License

-Tax Collector

-Budget Status

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

GOOD OF THE BOROUGH

Mayor Lucarelli opened the meeting to the public for comments or questions at 9:34 p.m. Mary Breel, Linden Drive, said she lives behind 38 Spruce Drive and felt that since Fair Haven has all of this money, we need to disconnect from Rumson's Construction Department and bring the department back to Fair Haven so projects are managed like they were when Paul Reinhold was the Construction Official.

Ruth Blaser, River Road, said the governing body works for the residents not the residents working for the town. The Borough needs to revise the leaf and brush schedule so that pick up is done 12 months a year. We should go out to bid or do what needs to be done because Mother Nature does not stop.

John Breel, Linden Drive, said the appropriate and best time for landscaping and trimming should come late spring/early winter and asked the Borough to consider a March pick up. Administrator Casagrande said we did have a March pick up in the past and a few years ago changed it to July after the governing body discussed and assessed the pick-up schedule for the calendar.

There being no further comments or questions, the meeting was closed to the public at 9:37 p.m.

Council went into executive session at 9:42 p.m. and this meeting was reconvened at 10:31 p.m.

ADJOURNMENT

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

Time of Adjournment: 10:31 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk