

**FAIR HAVEN BOROUGH COUNCIL  
AUGUST 17, 2020**

Administrator Casagrande announced, for the benefit of the public, that it was advertised that the governing body would be going into Executive Session at the beginning of the meeting and it was estimated that it would take an hour or so to conduct that business.

The meeting was called to order by Mayor Lucarelli at 7:01 p.m. The Flag Salute was led by Councilman McCue and followed by a Moment of Silent Meditation. The Mayor asked that everyone keep Ken Ebner, Jr., Army Captain, deployed to the Middle East until May 2021 in their thoughts and prayers. 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 AUGUST 17, 2020 IS AVAILABLE BY CALL IN PHONE NUMBER OR THROUGH WEB CONFERENCE (ZOOM). MEMBERS OF THE PUBLIC WILL BE ON MUTE UNTIL PUBLIC QUESTIONS/COMMENT TIME, WHICH WILL BE ANNOUNCED. AT THAT TIME THE PUBLIC HAS THE OPPORTUNITY TO QUESTION/COMMENT BY PHONE OR THROUGH ZOOM BY THE "RAISE HAND" BUTTON AND WILL BE CALLED ON AT THE APPROPRIATE TIME.**

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

**ROLL CALL**

On Roll Call the following were present: Councilmembers Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen. Absent: Councilman Banahan. Others present: Administrator Casagrande and Attorney Alfieri.

**RESOLUTION**

1. Resolution No. 2020-139, 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 Department/Social Security

**Pending Litigation**

1. Yacht Works

**Contract Negotiations**

1. Fair Share Housing Agreement  
2. Memorandum of Agreement with Habitat for Humanity

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

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

Offered for adoption by Councilwoman Koch, second by Councilwoman Chrisner-Keefe

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

Negative: None

Abstain: None

Absent: Councilmembers Banahan and Sorensen

It was announced that the executive session portion would take place via telephone conference and formal action will be taken upon return to open session.

Council went into executive session at 7:16 p.m. and this meeting was reconvened at 9:15 p.m.

### **ROLL CALL**

On Roll Call the following were present: Councilmembers Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen. Absent: Councilman Banahan. Others present: Administrator Casagrande, Engineer Gardella and Attorney Alfieri.

Mayor Lucarelli thanked the public for their patience while the governing body was in executive session.

### **PROCLAMATION**

Mayor Lucarelli read a proclamation for Overdose Awareness Day (August 31<sup>st</sup>) at the request of Tigger House and Hunger Action Month brought forward by former Lieutenant Governor, Kim Guadagno, which is the month of September.

### **HEARING – MONMOUTH COUNTY OPEN SPACE GRANT**

Administrator Casagrande gave the project narrative. Project funding is being requested is for trail linkage and expansion to Fair Haven Fields to connect recreation activity to active and passive trails to the park. The trail would expand to meet the growing recreational needs expanding the pedestrian trail with barrier free access to help connect the entire site to all fields and facilities. This project is unique as the Borough will use organic material that is repurposed for trails and area restoration as the material will be hydroraked from nearby McCarter Pond as part of the trail site restoration and landscape plan (in compliance with NJDEP requirements as well as County and other State requirements). The repurposing of the hydrorake clean fill within the Borough will benefit McCarter Pond and provide quality materials for trail area restoration. The 2020 Monmouth County Open Space project will increase the walking and running trails in the Borough for a better, healthy and well-balanced lifestyle and will provide safe access and egress throughout the entire Fair Haven Fields tract. The Borough's 2005 and 2016 Master Plan Re-examination Report recognized and asked for increased recreational opportunities. In 2016, the Borough received an NJDOT grant for Bike and Pedestrian Local Planning Assistance. For the past several years, the Bike/Pedestrian Safety Committee has been working with grant sponsored consulting firms to help move that plan forward to increase the connectivity and trail linkage for the Borough of Fair Haven.

Engineer Gardella reviewed his concept plans and estimates. He shared his screen of the Fair Haven Fields tract showing Fair Haven Road and Ridge Road. We would like to install an 8' wide, multi-use trail with a surface of quarry dust (similar to the other trails within the active area of Fair Haven Fields). It will begin on Fair Haven Road just south of Brookside Farm Road to Ridge Road and hug the perimeter of the Fair Haven Fields site heading west and tying into the current trail system. He showed the cost estimate (2 sections: Fair Haven Rd and Ridge Road) and what would be part of it. Fair Haven Road to Ridge Road (\$60,080) and from Ridge Road to Fair Haven Fields (\$139,920). A total cost of \$200,000 will be requested for the project (it is a 50% match grant; our cost \$100,000). It will be the same layout as what our 2017 application submission was.

Councilwoman Koch asked if the organic material, hydroraked, from McCarter Pond would be the natural organics from the pond and would it include fertilizers from property run off. If so, would the Cherry Trees be affected by the organics leaking into the soil? Administrator Casagrande said it would not be from the bottom of the pond; it would be vegetation growing in the pond. She asked if the Borough is not awarded the grant, are we still moving forward with the project? Yes, unless the Mayor and Council decides to fully fund it, itself. Administrator Casagrande said there are other opportunities through State grants, but this is an appealing project, in our opinion. Our stone dust trails in town get a lot of use and are enjoyed by most.

Councilman Rodriguez asked about the time frame from submission to award. Administrator Casagrande said the County is a little behind, at the moment, and if awarded, Engineer Gardella would have to fully design the project. It would be a 2021 project most likely completed in 2022.

Councilwoman Chrisner-Keefe asked Engineer Gardella about the estimates not showing hydroraking of the pond? Correct, the cost of the hydrorake and disposal would be saved because we would not need to transport it out since we are disposing of it through the trails. It might equate to about 2/3 of the overall cost (transporting and disposing is what is most costly). Councilwoman Chrisner-Keefe asked if anyone recalled what the cost to transport and dispose was because it seems the project cannot be done without the material from the pond. Councilwoman Sorensen thought hydroraking was \$45,000 to move forward plus \$100,000 to get rid of the organic matter. Administrator Casagrande said this is something that would go out to bid. Hydroraking is very competitive and we may be pleased with the actual bid results. The transportation and disposal are the expense and not as competitive.

Councilwoman Sorensen said this project is something the Environmental Commission is in favor of; to have McCarter Pond hydroraking done. This trail is a safer way for the public, especially kids, to walk along Fair Haven Road and Ridge Road. Administrator Casagrande said the Borough can go back to the County with a different base for the trails if hydroraking does not come to fruition. The County is invested in these projects and they are very easy to work with when it comes to getting a project completed. Councilman Rodriguez said that the Borough is just looking for "buy in" to submit for the grant right now and most money would be needed in 2022. Administrator Casagrande said that we are bringing the project

to the public for input and then we would move forward with a resolution of support from Mayor and Council. As part of the grant submission, the Borough Clerk is taking minutes of the hearing to be submitted with our application and she advertised the hearing in the newspaper, as required. If we don't get the grant, there is no need to move forward with detailed plans and if we get the grant, then we can proceed with the details. Councilman McCue advised Councilwoman Sorensen that at an Environmental Commission meeting, Brian Rice shared a cost estimate of \$90,000, in all, which included hydroraking, transportation and disposal (this is the most significant). He asked Engineer Gardella how he reached \$12,500 figure for the reuse of material; he was advised it is a lump sum because of the unknowns. We want to have a safe number in the application since it has not been fully engineered, at this point; the reuse of the material is substantial for Fair Haven Road and Ridge Road (\$12,500 for FH and \$45,000 for Ridge). Engineer Gardella said there are a lot of lump sum items, so you need to be confident with the figures to cover the fees and it is based on experience and having done these types of projects before. Councilwoman Chrisner-Keefe asked if the Fair Haven Natural Area Committee was consulted on the concept plan of the trail? Administrator Casagrande said they were sent what we submitted in 2017 (narrative, concept plan and Engineer's Estimate) which is similar in tonight's presentation except the cost increases.

The hearing was opened to the public at 9:38 p.m.

Brian Rice, Environmental Commission, said he has been doing research on hydroraking for some time. The Environmental Commission feels it is a win/win to do something with the spoils to get rid of them. He has read the various e-mails between entities that are interested in this. He had numbers from proposals; there are two main entities that hydrorake and it would take a significant cost from the equation/estimate to get rid of the organic material, ourselves. The organic material would be placed on the outside perimeter of the trail. Having interest in Rice Associates, dredging is one of their services and spoils are the hardest to get rid of. This is a good project to move forward with because we are trying to do the best for both areas which this project accomplishes. Councilman McCue echoed Brian Rice's comments. Administrator Casagrande had the estimates which she reiterated and reviewed from the 2017 project. Mr. Rice said the numbers are just estimates and ideas for what it would cost to facilitate this project.

Ruth Blaser, River Road, said that most of her questions were answered and that it is nice to have, but not a necessity.

Susan O'Brien, River Road, was concerned about the Cherry Blossom trees in the area. She clarified that the hydroraking debris is going near the trees and will remain? Engineer Gardella said the material will be placed in conjunction with the location of the path near the split rail fence. Council-woman Sorensen said that we are not cutting roots. Mrs. O'Brien was concerned for the roots because they are currently exposed. Mayor Lucarelli said the organic material will replace the soil to help secure the future of the Cherry trees. Mrs. O'Brien asked if the soil will be placed by hand or machine; a combination of both. It is more of a landscaping type measure (typically shoveled, raked and tamped down) with no heavy compaction equipment. Mrs. O'Brien said it is OK if the funding is received to have a path but concerned for the trees and them being lost in the process. Councilwoman Sorensen asked if the spoils need to be tested? Yes. Brian Rice said, yes, they need to be tested, but we are not dredging the material where there would be mud.

Richard Fuller, Elmwood Lane, was confused about what was being discussed: spoils vs. organic material or raking material off of the surface? He was advised that we are talking about vegetation below the surface of the pond being raked; we are not taking the mud at the bottom of the pond, but material near the surface at the top of the pond. Mayor Lucarelli said McCarter Pond is 3 ½ feet deep (originally constructed as an ice pond for the estate); we have about 2 feet or so of organic material some is wetlands and cannot be touched. Hydroraking will pull up the organic material not the spoils. Mr. Fuller asked if the Borough is taking once and underlaying the quarry stone; it is not a perpetual disposal system. Yes, only taking the material once. Mr. Fuller asked Engineer Gardella if the organic material is going to hold up the quarry dust? It will be good underlaying material for a quarry dust trail. Engineer Gardella said that there is drying time involved so the material won't be soggy; it will also be used to top dress the area as well. Mr. Fuller asked where the material will be dewatered? Would it be McCarter Pond or in the Natural Area? Engineer said that there are no specifics yet; it depends on the vendor/contractor. Mr. Fuller said dewatering is a major issue and Environmental Commission did an intensive study of McCarter Pond; the solution was a 3' berm was needed to keep the material out of Fourth Creek and Derry's Pond. Where this project is proposed has two direct routes to the main entrance of Dery's Pond and the Natural Area Center Trail which is a major concern. The plans do not take into account drainage in the area and the two direct routes; dewatering is major and so is erosion. Engineer Gardella explained that the hydroraking process is different than dredging. About 15 years ago, dredging was looked at; this is organic material and a different process. Engineer Gardella said this will allow us to hydrorake McCarter Pond and have the disposal reuse close by. We have proposals from 3-4 years ago and this project will benefit the pond and the trail. The Mayor told Mr. Fuller that he understands and appreciates his comments, but we are not in the actual design phase of the project and how the materials are handled; we trying to secure a grant.

Dave Bordelon, Natural Area Committee member, questioned the size of the trail? It will be 8' wide. He asked if the proposed trail will be the same size that the existing dust trail around the fields; Engineer Gardella said it will be 6' to 8' wide. Mr. Bordelon said there are a lot of advantages to the plan and for the town; he was concerned about the spoils for the trail and looks forward to discussing it with the Natural Area Committee.

Jennifer Halcrow, Fair Haven Road, asked about the trees in the area. She is glad the trail will be near the fence not the trees and that it will look similar to the existing gravel trails in town. Engineer Gardella said that the sidewalk mentioned is part of a recent subdivision approval for Brookside Farm Road; the owner is installing sidewalk along Fair Haven Road and the trail will continue from where the sidewalk ends. Monmouth County likes to fund passive parks so we kept it to stone dust to match the other trails. Mrs. Halcrow said the stone dust trail will complement the area better than a sidewalk.

Carolyn Ferguson, Fair Haven Natural Area Committee, asked if the Borough used this type of material for underlayment before? Engineer Gardella said typically when you have hydroraked organic matter, you want to have alternative ways to get rid of it. We talked to the County about it and it is advantageous. This is not unique as it is widely used on various projects. Mrs. Ferguson asked what type of maintenance stone dust trails receive and if it involves equipment i.e. cleared in the snow. They are not cleared in the snow. They are maintained by handraking or sometimes using the Sandpro (similar to what we use to drag ballfields) for weed control. Administrator Casagrande said every few years we bring a contractor in to freshen up the stone dust. Mrs. Ferguson asked Engineer Gardella about figures #5 and #6 shown on the map (it is for the church driveway off of Ridge Road). There is concrete at the entrance to the church driveway to install ADA ramps. Mrs. Ferguson addressed Councilwoman Chrisner-Keefe's question about the Natural Area getting involved. This topic was seen on the agenda for the last Council meeting, she reached out and Councilwoman Sorensen shared the concept plan for the application with the Natural Area Committee.

Administrator Casagrande said that Resolution No. 2020-140 on the agenda authorizes the grant application and asked that it be considered this evening.

The hearing was closed to the public at 10:05 pm

### WORKSHOP SESSION

Mayor Lucarelli said there was a request from the Fair Haven Business Association to place lawn signs advertising their sidewalk sales at the end of August. Councilwoman Sorensen said she and Carolyn Ferguson were available for any questions. This is an annual event and asked Mrs. Ferguson if they would like a banner at the entrance to Fair Haven from Red Bank. Motion to approve moved by Councilwoman Sorensen, second by Councilman Rodriguez with Ayes by all present.

With regard to Overdose Awareness Day, there was a request for signs and flags from the Tigger Foundation. This is in conjunction with the proclamation read earlier in the meeting. The Mayor said that they would like to place 85 small purple flags in town to raise awareness for overdose so people will think about and be mindful of the telltale signs for drugs and overdose. It would be for one week and the flags would be placed around our electronic message board sign. Motion to approve moved by Councilwoman Sorensen, second by Councilman McCue with Ayes by all present.

With regard to the 2020 Budget status, Administrator Casagrande said that she provided a print-out with a budget status report and she will do so each month. The status shows budget line items and what has been expended to date. She reviewed line items with the governing body. Everyone is well aware that this year's budget is tight. We need to be careful with the budget; we cannot transfer funds until November and December, so no line item is over expended. The status updates can be provided monthly or for each meeting packet; the consensus was that it be included with each meeting packet.

As far as the 2020 Capital Bond Ordinance goes, Administrator Casagrande said that a decision does not need to be made at this meeting. A memo was provided to the governing body in their packet with regard to the process. There were two spreadsheets provided (sidewalk and road spreadsheet) and a 6 year capital budget spreadsheet in consideration for this year (streetsweeper-\$325,000, additional drainage improvements at Buttonwood Drive-\$150,000, Hance and Cooney-\$250,000 and/or Hunting Lane \$75,000). Administrator Casagrande said that she needs guidance from the governing body on what they want to fund; this matter can be relisted on the September 14<sup>th</sup> agenda for further discussion so that she can work with the CFO and Bond Counsel for a Bond Ordinance to be introduced. Councilwoman Sorensen said that Administrator Casagrande did a great job on laying this out and thanked her.

Mayor Lucarelli said it was recommended to him by the governing body that an in-person meeting be held to discuss Borough facility plans; an e-mail was sent out to the governing body and not everyone replied with dates. He asked if the governing body would be in favor of a special meeting in September, after Labor Day. It is down to a decision being made for the DPW location and look at concept drawings for Fisk Street and how we move forward. Councilwoman Sorensen said this is a great idea if the participants can be social distanced in a room so that no one is looking at small screen. It is advantageous to everyone to move these projects forward; everyone needs to come to terms and mitigate as many negatives and find the positives. Councilman Rodriguez said that he and Councilwoman Koch have spoken about the concept, extensively, and this is more of a facility meeting and should be open to the public to give input on a final decision. It would be great to do a social distanced, in person meeting as it is important with the ability of the public to observe the strategic discussions regarding the facilities. Councilwoman Koch said that she has been pushing for this all summer and it is 100% important to have an in-person meeting with the public observing the process. We need to reach a consensus to come up with a plan and stick to it. Mayor Lucarelli said there is three weeks until Labor Day and it was asked if there could be a meeting on August 24, 25 or 26. The

Mayor advised Council to keep an eye on their e-mail with regard to a date for next week and a location. Administrator Casagrande will reach out to our professionals for their availability. Councilwoman Sorensen said that she has a trip to California planned after Labor Day and will need to self-quarantine when she returns which will bring it to the end of September if we cannot meet next week.

With regard to a Tropical Storm Isaias review, the Mayor said that we owe a debt of gratitude to our Police Department, DPW, First Responders, Borough Hall staff and Bill Brooks (Borough Forrester) for all that they did during this storm. He said that he was Mayor during Sandy and this was a very well-coordinated effort. Chief McGovern and our DPW crew did not sleep much during this time. The Chief coordinated efforts between the Borough, the utilities and our staff and DPW cleaned up the streets and cut fallen trees. Our Fire and First Aid answered numerous carbon monoxide calls at all hours and Bill Brooks provide his guidance for trees that fell or were in a compromised status; everyone came together and that is what makes Fair Haven special. Councilman Rodriguez said that we received a number of suggestions from the public and it might be worth engaging JCP&L for a debriefing and educating the public on how things happen (turning on power, the grid, etc) at a future Council meeting. Mayor Lucarelli said that he spent a lot of time getting the Borough's point across regarding service. There has been a big improvement since pre-Sandy. Administrator Casagrande said that JCP&L was supposed to attend our September 14<sup>th</sup> meeting, to give a presentation. They were going to give us outage data for the past several years to review (she had to provide five residences that have experienced constant outages); we can ask questions based on the data and the grid, etc. Councilwoman Sorensen said that she reached out to our representative and spoke with both he and his boss a few times and the conversation was very informative. Administrator Casagrande asked that the governing body provide her with their concerns so that JCP&L has the answers for us. Mayor Lucarelli said that he spoke with Senator O'Scanlon's office and JCP&L and they are aware of the concerns and frustrations with the grid and system. The debrief is going to take some time to put together and present. Everyone needs to understand that Fair Haven is fortunate with its proximity to the Atlantic Ocean (2 ½ miles) and the 100-year old trees that are 100' feet tall; this is rather rare. We have utility poles that are in the air and affected in high winds. We love our trees and want to preserve them, and it is important to understand how we live and how much we depend on electricity and if we want to have alternate needs for when a storm does hit. Sandy was a super storm and Isaias was a tropical storm and we should be mindful of that as we have not had a Category 1 or 2 storm let alone a Category 3 or 4. We have a lot of luxuries and we need to be mindful that we are susceptible to the storms. The Mayor and Council will continue to work with the Board of Public Utilities, JCP&L and Senator O'Scanlon's office.

Administrator Casagrande said the Borough received a report from our licensed tree expert, Zig Panek, which was shared with the Council and Shade Tree Commission; it is an excellent report and easy to understand. The report has not yet been posted for the public because she wanted the governing body to see it first. Mr. Panek offered to attend a public meeting to present the report to the governing body and the public, if requested. There is a lot good information regarding the Buttonwood Drive trees. In order to do the work recommended, we will need more than one quote. It appears that it will cost \$70,000 to prune the trees, address the tree roots and remove five trees. It is a current fund budget item; not budgeted for this year (possibly next year). The report can be shared with the Buttonwood residents and posted on the website.

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

The meeting was opened to the public for comments or questions at 10:33 p.m. Susan O'Brien, River Road, asked what she and residents can do as a JCP&L customer to express concern. The Mayor said it is important to contact JCP&L as soon as the power is lost; the restoration efforts are driven by an algorithm. The algorithm dedicates resources to the circuits that will restore the greatest number of circuits first. As far as the future investment to the grid, the latest storm affected the transmission system more than the distribution system so power was not getting to our substation. It is important to report the outages and to have neighbors report the outages to JCP&L. Residents can also send letters to JCP&L and the BPU. Mrs. O'Brien said that she attended a public meeting and testified (after Sandy) and they said our grid is outdated/antiquated and there was lack of coordination to get the trucks where they needed to be. Mayor Lucarelli said there have been many improvements, post Sandy, and the lack of communication is noted. We received outside contractors from Indiana, Georgia and Florida and they get paid by the customers/areas restored (they don't like to sit around).

Tracy Cole, Grange Avenue, had a thought regarding the utilities; Superstorm Sandy was devastating, and you would think they would have put thought into Isaias as storms of a severe magnitude are not going to go away. She asked if Fair Haven has had conversations with JCP&L to bury lines (zoned, incrementally) as developments are approved or street work is being done. Mayor Lucarelli said the Borough has had extensive conversations with JCP&L, post Sandy. It needs to be understood that they are not just going to take Fair Haven's lines and bury them underground; they are going to take a section or region and bury lines quite a few feet down which would then disrupt the trees and the cost to bury lines would be billions of dollars. They come up with a plan and present it to the Board of Public Utilities and have to provide a rate for the work to be done. Any changes have to be applied for through the BPU; it would not just be for Fair Haven, but for the entire JCP&L region. Power lines were here before trees. Councilman Rodriguez said that is \$1 million per mile to bury the lines in a mature town. Mrs. Cole said that it seems that with the age of the system we have and the storm trajectory, investment should be forthcoming. She had a question regarding an agenda item to appoint Robert Powell from Nassau Capital Advisors and what he is going to do. She was advised that he is a Real Estate Financial Advisor to be hired in conjunction with our settlement for the Fair Share Housing Plan. The purpose is to assist us to settle the

lawsuit. Mrs. Cole asked if Mr. Powell will be doing an analysis on the M&M development; he will provide the economic viability of the development. She asked if it is for a scope of work or a full analysis of a three-story model, mixed-use. Administrator Casagrande said the language in the resolution is common and has more to do with the Pay to Play paperwork submitted for the professional service. The scope of service is germane to that site; it will not exceed \$17,500, but in case it does, we are covered. We did receive a proposal with an estimate. Mrs. Cole asked if this has anything to do with the other overlay piece; not directly but may indirectly.

There being no further comments or questions from the public, the meeting was closed at 10:45 pm.

#### **APPROVAL OF MINUTES**

Councilwoman Sorensen made a motion to approve the Regular Meeting minutes of July 27, 2020, second by Councilman Rodriguez

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

Negative: None

Abstain: None

Absent: Councilman Banahan

Councilwoman Sorensen made a motion to approve the Executive Session minutes of July 27, 2020, second by Councilman Rodriguez

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

Negative: None

Abstain: None

Absent: Councilman Banahan

#### **OLD BUSINESS**

There was no old business brought before the governing body.

#### **NEW BUSINESS**

##### **Council Committee Reports**

**Finance** - Councilman Banahan was absent.

**Personnel** - Councilwoman Chrisner-Keefe did not have anything to report.

**Planning & Zoning** - Councilwoman Koch reported that this month's Zoning Board meeting was cancelled due to the storm and lack of power. There is a Planning Board meeting that will be held tomorrow, August 18<sup>th</sup> with one new business application for a minor site plan.

**Police, Fire & OEM** - Councilman McCue reported that there are seven (7) active COVID cases (47 total cases since the pandemic began); there may be another uptick soon. He was concerned about two block party requests on the agenda for approval; he asked if there would be a head count and analysis of the attendees. He commended the Borough's residents for being smart and doing the right thing. He was advised by the Borough Clerk that the applications were reviewed by the Chief and her and it shows who will be attending as those individuals/families had to sign off on the application; they are being held outside and the attendees are less than what the Governor's order states. The resolution advises that they shall abide by the Governor's order, as well. Chief McGovern said the number 25 is for indoor events, it is higher for outdoor events. As far as the increase in COVID numbers, it is basically college kids/young adults.

**Engineering, DPW and Borough Facilities** - Councilman Rodriguez reported that a lot had been discussed earlier in the morning. He thanked the DPW for all of their excellent work after the storm and getting the streets put back together. He thanked the police and volunteers for their quick response to all emergency calls; it was an excellent showing by our professionals and volunteers.

With regard to the Brush Grinding Committee, meetings for the past two weeks were cancelled. He and Councilwoman Koch were to speak with the residents; it was held due to the storm and power outage. The committee will be meeting this week and are also working on a survey to be shared with Council once feedback is received. There will not be any grinding until the additional collection taken after Labor Day. We are not at capacity but are approaching it. Rumson has not brought brush to our site; they are doing triage at Meadow Ridge in the parking lot. He thanked DPW for their hard work and extra hours; they all have families and put in many hours even with their own power being out.

**Parks and Recreation and Communications** - Councilwoman Sorensen thanked the Mayor, Administrator Casagrande and Betty Ann Berube for all of their communication put out during the power outage while she was away. From a recreation perspective, she reminded everyone that baseball is open for our residents. She asked that everyone be mindful by wearing their masks and practicing social distancing. We have been seeing that it is not happening. There are recreational groups working with DJ Breckenridge and the Borough to keep everyone safe. There was an announcement last week that Oktoberfest has been postponed until 2021 (same as Fair Haven Day).

**INTRODUCTION OF ORDINANCE**

- 1. Ordinance No. 2020-04, Amend Chapter 30, Land Use, by Creating a New Zone, “Affordable Housing Zone”

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE  
COUNTY OF MONMOUTH AMENDING CHAPTER 30, LAND USE AND  
DEVELOPMENT REGULATIONS, BY CREATING A NEW ZONE, ENTITLED  
THE AFFORDABLE HOUSING ZONE**

See full copy of ordinance attached to these minutes.

Offered for introduction by Councilman Rodriguez, second by Councilwoman Sorensen

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

Negative: None

Abstain: None

Absent: Councilman Banahan

The hearing and adoption will be October 13<sup>th</sup> as this has to go to the Planning Board for their review.

**CONSENT AGENDA  
RESOLUTIONS**

- 2. Resolution No. 2020-140, Support Monmouth County Open Space Grant

**WHEREAS**, the Monmouth County Board of Chosen Freeholders 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 \$100,000 to fund trail linkage and expansion throughout Fair Haven Fields (Ridge and Fair Haven Roads, Block 77 Lot 1); and

**WHEREAS**, the total cost of the project including all matching funds is \$200,000; and

**WHEREAS**, the Borough of Fair Haven is the owner and controls the project site.

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

- 1. Theresa Casagrande, Borough Administrator, 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 principal 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 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 Casagrande, Borough Administrator 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 Councilwoman Sorensen, second by Councilman Rodriguez

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

Negative: None

Abstain: None

Absent: Councilman Banahan

- 3. Resolution No. 2020-141, Award Contract for River Road Streetscape Project

**WHEREAS**, sealed bids were opened on August 13, 2020 in the Borough Hall Council Chambers for the 2020 Road and Sidewalk Program; and

**WHEREAS**, the following base bids were received:

	<u>CONTRACTOR</u>	<u>LOCATION</u>	<u>BASE BID</u>	<u>BASE+1</u>	<u>OPTION #2</u>	<u>BASE+1&amp;2</u>
1	Precise Construction	Freehold, NJ	\$ 596,905.00	\$ 694,180.00	\$280,700.00	\$ 974,880.00
2	Black Rock Industries	Old Bridge, NJ	\$ 587,704.00	\$ 704,345.00	\$325,655.00	\$1,030,000.00
3	AA Berms, LLC	Belleville, NJ	\$ 707,689.00	\$ 815,157.00	\$378,423.00	\$1,193,580.00
4	Earle Asphalt	Farmingdale, NJ	\$ 711,733.13	\$ 799,233.13	\$395,500.00	\$1,194,733.13
5	A-Tech Concrete	Edison, NJ	\$ 735,025.00	\$ 838,050.00	\$366,200.00	\$1,204,250.00
6	Fernandes Construction	Monroe, NJ	\$ 669,710.90	\$ 753,950.40	\$561,100.00	\$1,315,050.40
7	S. Batata Construction	Parlin, NJ	\$ 872,590.00	\$1,022,740.00	\$302,400.00	\$1,325,140.00
8	Seacoast Construction	E. Brunswick, NJ	\$ 841,812.90	\$ 994,862.90	\$362,415.00	\$1,357,277.90
9	Berto Construction	Rahway, NJ	\$ 961,588.00	\$1,102,345.50	\$424,962.00	\$1,527,307.50

**WHEREAS**, Richard Gardella, PE, PP, CME, Borough Engineer and Salvatore Alfieri reviewed the bids and hereby recommend that a contract award be made for the Base Bid including Option #1 and #2 to Precise Construction, 1016 Highway 33, Freehold, NJ, 07728 in the amount of \$974,880.00; and

**WHEREAS**, a Certification of Funds for the Base Bid plus Options #1 and #2 is available in Capital Fund Appropriations, as attached; and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Fair Haven that it hereby recommends award of a contract for the 2020 River Road Streetscape Program to Precise Construction, 1016 Highway 33, Freehold, NJ, 07728.

**BE IT FURTHER RESOLVED**, the Mayor and Clerk are hereby authorized to execute an agreement with Precise Construction.

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

Negative: None

Abstain: None

Absent: Councilman Banahan

4. Resolution No. 2020-142, Award Non-Fair and Open Contract: Real Estate Financial Advisory Services

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

**WHEREAS**, the Borough Administrator has determined and certified that the value of said service may exceed \$17,500 for the year 2020; and

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

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

**WHEREAS**, funds for this purpose will be appropriated in the 2020 Municipal Budget; and

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

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

- Robert Powell, Nassau Capital Advisors, LLC

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

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

1. Robert Powell, Nassau Capital Advisors, LLC
2. Chief Financial Officer
3. Borough Administrator



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

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

Negative: None

Abstain: None

Absent: Councilman Banahan

- 5. Resolution No. 2020-143, Approve Refund of Tax Overpayment and grant full tax exemption-29 Dogwood Lane

**WHEREAS**, Arthur Maloney, a resident and taxpayer in the Borough of Fair Haven, residing at Block 73 Lot 9, filed a Property Tax Exemption form for 100% Disabled Veterans; and

**WHEREAS**, the Tax Assessor has granted a full exemption pursuant to Chapter 398 of the Laws of 1948; and

**WHEREAS**, a full exemption status was granted to Arthur Maloney effective as of July 15, 2020.

**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 Tax Assessor and any other appropriate official be and are hereby authorized and directed to correct the Borough’s records to reflect a full 100% Disabled Veteran’s Exemption status for Arthur Maloney, Block 73 Lot 9, known as 29 Dogwood Lane.

**BE IT FURTHER RESOLVED**, the Chief Financial Officer refund \$3,083.55 from the August 1, 2020 tax quarter.

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

Negative: None

Abstain: None

Absent: Councilman Banahan

- 6. Resolution No. 2020-144, Approve Refund of Construction Board of Appeal Judgement -163 Park Road

**WHEREAS** the property owner listed below filed an appeal of a Notice and Order of Penalty in the amount of \$2,000.00 with the Monmouth County Construction Board of Appeals; and

**WHEREAS**, said appeal was heard and considered by the Monmouth County Construction Board of Appeals and a judgment has been entered that the fine for said Certificate of Occupancy violation be reduced and property owner below qualifies for a refund as follows:

<b>Owner</b>	<b>Address</b>	<b>Block</b>	<b>Lot</b>	<b>Refund</b>
Colin Conway	163 Park Road	8	10	\$1,750.00

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that the Chief Financial Officer is hereby authorized to pay said refund in the amount of \$1,750.00 to Mr. Colin Conway at the above referenced address.

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

Negative: None

Abstain: None

Absent: Councilman Banahan

- 7. Resolution No. 2020-145, Approve Block Party Request: Cedar Avenue (Third to Jackson Streets) - August 29<sup>th</sup>

**WHEREAS**, a request was received to hold a Block Party on Cedar Avenue on Saturday, August 29, 2020 from 4 pm to 10 pm; and

**WHEREAS**, Police Chief McGovern reviewed the application and submitted his approval on August 11, 2020; 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 Cedar Avenue on Saturday, August 29, 2020 from 4 pm to 10 pm.

**BE IT FURTHER RESOLVED** that Permit No. BP 2020-02 will be issued for said event and that attendees with comply with the Governor’s order regarding social gatherings.

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

Negative: None

Abstain: None

Absent: Councilman Banahan

- 8. Resolution No. 2020-146, Approve Block Party Request: Maple Avenue (Fisk to Third Streets) - September 12<sup>th</sup>

**WHEREAS**, a request was received to hold a Block Party on Maple Avenue on Saturday, September 21, 2020 from 4 pm to 10 pm with a rain date of Sunday, September 13, 2020; and

**WHEREAS**, Police Chief McGovern reviewed the application and submitted his approval on August 11, 2020; 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 Maple Avenue on Saturday, September 12, 2020 from 4 pm to 10 pm with a rain date of Sunday, September 13, 2020.

**BE IT FURTHER RESOLVED** that Permit No. BP 2020-03 will be issued for said event and that attendees with comply with the Governor’s order regarding social gatherings.

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

Negative: None

Abstain: None

Absent: Councilman Banahan

- 9. Resolution No. 2020-147, 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 17, 2020 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2020 CURRENT ACCOUNT	\$	161,004.44
2019 CURRENT ACCOUNT	\$	2,355.00
GRANT FUND	\$	815.50
PAYROLL AGENCY	\$	12,859.32
OTHER TRUST	\$	18,985.48
DOG TRUST	\$	1.20
<b>TOTAL</b>	<b>\$</b>	<b>196,020.94</b>

Offered for adoption by Councilwoman Sorensen, second by Councilman Rodriguez

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

Negative: None

Abstain: None

Absent: Councilman Banahan

**Reports of Departments**

**July 2020**

- Borough Clerk
- Dog License
- Planning Board and Zoning Board
- Tax Collector
- Police Department
- Municipal Court
- 2020 Budget Status Report (8/11/2020)

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

**GOOD OF THE BOROUGH**

Mayor Lucarelli opened the meeting to the public for comments or questions at 10:57 p.m. Susan O’Brien, River Road, commended the police on their response when she called 9-1-1 for a Osmose worker

who was injured in front of her home; Sgt. Sherri Lambert and another officer were wonderful in the response and administering first aid.

Ruth Blaser, River Road, said that when the Mayor had JCP&L to a meeting after Superstorm Sandy regarding the power outage, they did not offer much. She said Sea Bright was only out for 2-3 hours with this last storm and she was out for four days. She said no power means no fans, a/c and a lot of neighbor's generators kicking on. She asked that there be an ordinance for the noise as well as requiring them to be insulated. Mayor Lucarelli said that he and Councilwomen Sorensen and Koch are looking into it and will have a discussion at a future meeting on generators. She asked where the River Road Streetscape project will be; our project will be from Smith Street to Lake Avenue. The County will be paving the entire River Road corridor. We will be doing curb and sidewalk replacement, installing streetlights to match the rest of the corridor (at a greater distance, not as close as the business district) and the decorative crosswalks. Mrs. Blaser said that her curbs are fine, but she wants two curb cuts for a circular driveway; she was advised that she would have to go before the Planning Board for the curb cuts. The Mayor said that she lives on a County road and they do not allow two curb cuts. Engineer Gardella advised her to submit a zoning permit application. Engineer Gardella said that he designed the River Road Streetscape work for sidewalks to have an 18" grass utility strip (the project is mostly residential, not in the business area).

There being no further comments or questions, the meeting was closed to the public at 11:02 p.m.

**ADJOURNMENT**

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

Time of Adjournment: 11:03 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR  
Borough Clerk