

**FAIR HAVEN BOROUGH COUNCIL
DECEMBER 14, 2020**

The meeting was called to order by Mayor Lucarelli at 7:04 p.m. The Flag Salute was led by Councilman McCue. 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 DECEMBER 14, 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 WHICH WAS AMENDED BY RESOLUTION NO. 2020-99 AND 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.

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

The Mayor asked for a Moment of Silence keeping in mind Chief McGovern's father who passed away, and to also keep Doug Lang's family and Myles Standish's family (both were active with the Fire Department) in thought.

ROLL CALL

On Roll Call the following were present: Councilmembers Banahan, Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen. Others present: Administrator Casagrande, Attorney Alfieri, SJ Alfieri, Borough Attorney's Office, CFO Lapp, Lieutenant Robert Townshend, DJ Breckenridge, Director of Parks and Recreation and Councilwoman-Elect Laline Neff.

PROCLAMATIONS

Mayor Lucarelli said there are special guests in attendance. He introduced Assemblywoman Serena DiMaso who had a Joint Legislative resolution from the entire District 13 Senate and Assembly team for Councilwoman Susan Sorensen. She extended Senator Declan O'Scanlon's good wishes (he had a prior commitment) and read the resolution aloud. On a personal note and as a friend, Assemblywoman DiMaso congratulated and thanked Susan Sorensen for all that she has done including Fair Haven Day and Oktoberfest. She said Fair Haven is very lucky to have Councilwoman Sorensen and she is sure the Mayor and Council won't let her go very far and will utilize her many talents.

The following proclamations were read by the Mayor:

-Councilwoman Susan Sorensen. The Mayor said that in his 35 years of serving on charity boards and over a decade of serving the Borough in public service, he has yet to see a more energetic, prolific and productive volunteer. She is truly a remarkable individual and she should take great pride in all of her accomplishments. Councilwoman Sorensen thanked the Mayor and said that she has enjoyed almost all of it.

-Charlotte Stant (as senior at Rumson-Fair Haven Regional High School) for the creation of the program, "Compañeros de comida". They aid families in their transition to food security with equal amenities without discrepancies. The Mayor said that he witnessed all of the volunteers and the good work being done when he passed by her house.

-Rumson-Fair Haven Regional High School Champions: Girls Field Hockey, Cross Country and Soccer. He read a separate proclamation for each sport.

The Mayor said that it was all about the ladies this meeting and congratulated them as leaders, future leaders and tremendous athletes. He thanked everyone.

Assemblywoman DiMaso said goodbye and wished everyone a very happy holiday.

WORKSHOP SESSION

Mayor Lucarelli said there is a Non-Domestic Animal Application for chickens at 490 River Road. The application was submitted, and the residents were noticed. A photo of the chicken coop was provided with the application. The Borough Clerk received proof that the neighbors were provided a letter regarding the meeting and what she is doing. Shervyn VonHoerl, a River Road neighbor, attested that the notice was received and no objections. The coop is free standing near a shed. There will be a maximum of 4 chickens. Councilwoman Chrisner-Keefe asked Ms. Garrett what the total number of hens/chickens would be; 4. She asked about the location of the coop, if it was attached to the shed or if it was movable; it is near the shed to block the wind, but not attached so it can be moved. Motion to approve the application moved by Councilwoman Sorensen, second by Councilwoman Koch with Ayes by all present.

DJ Breckenridge, Director of Parks and Recreation, was in attendance to provide a report for the programs and happenings throughout 2020. A lot of adjustments were made due to COVID and a lot of programs took place virtually until the summer and fall. He worked closely with the Mayor, Governing Body and Administrator Casagrande to make the best decisions for the Borough. He thanked Councilwomen Sorensen and Koch for their support as well as the rest of Council. DJ shared his screen showing the daily challenges that were held and other programs held through the year. He reminded everyone about the "Thank You Thursdays" for the first responders, reviewed the virtual Fishing Derby, Memorial Day Ceremony, summer camp and fall camp. An on-line sign up was started for reservation and use of courts for tennis and pickle ball (this worked well). The Borough held a virtual Halloween Costume Contest, virtual Halloween Egg Hunt and House Decoration Contest as well as the Annual Veteran's Day Ceremony. Lawn signs were provided for every Veteran's home for Veteran's Day. Currently, there is a small business scavenger hunt happening. The Borough had the largest amount of Santa calls this year. Santa was out on the fire truck yesterday and the Tree Lighting and Menorah Lighting were held. Councilwoman Sorensen thanked DJ for leading the cause through COVID to give an outlet to everyone. Many other municipalities are amazed at what programs Fair Haven was able to provide through COVID which is a testament to DJ and his hard work.

The Recreation Committee discussed and have some needs for McCarter Park. There is an area not used for much (eastern most part of the park). It is difficult to grow grass in the area. He provided photos of the area where he would like to have a 100'X30' surface of artificial turf. The Borough Engineer has been consulted on this area and project. Visuals for how the space could be used was given (he showed photos of Hoboken parks and what they do). The Recreation Committee approved the concept and using capital funds (to be discussed in January). Councilwoman Sorensen said that the Recreation Committee is unanimous on this project and DJ received quotes from people who handled the parks in Hoboken. There are funds available that would not dip into the budget and would be a great use of the space. Administrator Casagrande addressed the financing piece to this project as it is important for this to be presented to the governing body. Three quotes were obtained, and all were under the bid threshold. In 2017, Mayor and Council passed Bond Ordinance No. 2017-07 authorizing \$100,000 for general various parks improvement which have been used over the years; there is \$27,646 remaining in the ordinance. A resolution will be listed on the January 25, 2021 agenda for approval and a Purchase Order cut. Councilwoman Koch asked that Administrator Casagrande move forward; this would be the perfect spot and a tremendous improvement to the park.

Mayor Lucarelli thanked DJ for the great presentation and for his response to the public during COVID stating that he did a wonderful job and personally thanked him for the great activities. A poll of the Council was taken. Councilman Banahan agreed to it and said DJ does a great job. Councilwoman Chrisner-Keefe thanked DJ for all of his hard work and asked what the ballpark bid was (lowest quote was \$21,500) and what the maintenance would be; there are different turfs, but Montana Grass was recommended with a 6-8 year need for replacement. He spoke with Fair Haven's Board of Education and they are willing to provide funds toward it for recess at Sickles School as it gives them options. Councilwoman Chrisner-Keefe ask if the Borough can maintain this or if we need a company to maintain it? DJ said there would be 6X6 railroad ties (sunken in/slightly raised) to border it so that we can maintain the area of play. He spoke with the Borough's JIF and they don't foresee a problem. Councilwoman Chrisner-Keefe asked about the location selection, its back story, if the area has been problematic or if it is just a suggested location? She was advised that spaces have been rendered un-useful for years and he wanted to find a way to improve the space for our residents. Councilwoman Chrisner-Keefe said that she needs more time to allow it to sink in and consider it; she would like to visit the site to better understand the park and long-term plans of the Recreation Committee. DJ offered to meet her out at the site. Councilwoman Koch thanked DJ and is in favor of moving forward. Councilman McCue thanked DJ and felt it was an interesting proposal and asked about the 6-7 year useful life; he was advised it could be 6-8 years, but we are not sure as it depends on use. No annual maintenance because of the blades of grass and there being no "in filler". He asked what the below surface is made of? DJ explained it. Councilman McCue thanked and congratulated DJ for the awesome job he has done this year. He also would like to take a tour to see and consider. Administrator Casagrande said that she can send a detailed report of the capital to Council for their review prior to acting on it next year. Councilman Rodriguez agreed with the area and project stating the area could be used for scouting activities and it would be good for soccer; he can see the useful life coming into the

picture. He commended DJ and the Recreation Committee for having the foresight to do this project. Councilwoman Sorensen said yes to this project. She said that Councilwoman Chrisner-Keefe brought up a lot of good questions which were vetted by the Recreation Committee already. Good job DJ for ways to improve the parks. The Community Center Park is an unknown at this point (depending on what happens with the Recreation Center). Mayor Lucarelli said there is more work to do and questions to answer suggesting this be reviewed next year.

Administrator Casagrande reported that the 2019/2020 Community Appeals drive has been concluded and checks were received. The amounts received for each entity were read. The library received the most donations. The funds are put into trust for these entities for future projects. She thanked the Community Appeals Committee and those who donated.

PUBLIC COMMENT ON AGENDA ITEMS

The meeting was opened to the public for comments or questions at 8:07 p.m. Chris Hempstead, Willow Street, complimented DJ Breckenridge for what he does for the kids and all residents; he is fantastic. He thanked Councilwoman Sorensen, as a friend, fellow citizen and volunteer for all that she has done and said he is grateful for all that she has been a part of.

Ruth Blaser, River Road, congratulated DJ Breckenridge on his move out of town. She asked the Mayor and Council to not do anything with the Bond Ordinance until we have more definite details. She felt that the Borough Administrator’s contract is too long and should be a contract done annually. She said that McCarter Park looks good.

There being no further comments or questions, the meeting was closed to the public at 8:09 p.m.

APPROVAL OF MINUTES

Councilwoman Sorensen made a motion to approve the Regular Meeting minutes of November 23, 2020, second by Councilwoman Koch

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

Councilwoman Sorensen made a motion to approve the Executive Session minutes of November 23, 2020, second by Councilwoman Koch

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

OLD BUSINESS

HEARING AND ADOPTION OF ORDINANCES

- 1. Ordinance No. 2020-14, Amend the LOSAP Ordinance to reduce volunteer hour requirement (2020)

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF MONMOUTH AMENDING AND SUPPLEMENTING THE FAIR HAVEN BOROUGH LENGTH OF SERVICE AWARDS PROGRAM

On motion of Councilman Rodriguez, second by Councilwoman Sorensen with Ayes by all present, Mayor Lucarelli opened the meeting for comments or questions at 8:10 p.m.

Elizabeth O’Neill, Third Street, advised that she has two active petitions being circulated regarding Borough Facilities. She asked what type of park Community Fields is (i.e. Borough, Green Acres or Open Space). She was advised that this should be brought up during Good of the Borough. This is the time to comment on the LOSAP ordinance.

Administrator Casagrande advised that the Borough received the State’s approval for the amendment.

There being no further comments or questions, the Hearing was closed to the public at 8:12 p.m. on motion of Councilwoman Sorensen, second by Councilman McCue with Ayes by all present.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

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

Negative: None

Abstain: None

Absent: None

2. Ordinance No. 2020-15, Bond Ordinance amending Ordinance 2017-07

BOND ORDINANCE PROVIDING FOR VARIOUS 2020 GENERAL CAPITAL IMPROVEMENTS BY AND IN THE BOROUGH OF FAIR HAVEN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$7,997,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$7,616,666 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

On motion of Councilwoman Sorensen, second by Councilwoman Koch with Ayes by all present, Mayor Lucarelli opened the meeting for comments or questions at 8:13 p.m.

Tracy Cole, Grange Avenue, asked what the total cost of amortizing this over 20 years would be. Administrator Casagrande explained the process and how it happens. Mrs. Cole said residents and Council should know what goes into it and the costs involved. She asked the cost of amortizing \$8 million over 20 years would be to a taxpayer. Mayor Lucarelli said this ordinance is an authorization and we are not at the point yet; we are still in the design process. Once the design is finalized, we will go out to bid and Council will consider the submissions. This is a function that allows for the process and the Borough to move forward. This process has been five years in the making and everyone feels it is prudent to design these new facilities. Debt at this level does not impact the tax rate. Mrs. Cole said the Borough should advance the police department and the work, but it obligates the Borough with these large costs and numbers. Administrator Casagrande said she has an initial projection of the existing debt through 2041. This would bring it to around \$700,000 a year. The Borough's facilities are 50 years old and in need of replacement, so we can have them for another 50 years. There will be little to no impact to the taxpayer.

Andrew Ashwal, Woodland Drive South, supported the need for this Bond Ordinance so we can move forward with the plan and achieve a clear path to success.

Ruth Blaser, River Road, asked the governing body and Borough to sharpen pencils and retire the debt we have. She asked that the Borough wait a little longer. She understood the severity of the problem at the police department. Mrs. Blaser asked why the Borough can't subdivide and sell the lots at the DPW. Administrator Casagrande said this is a decision for a future governing body to consider. In working with the Architect, there is a timeline and there are multiple levels of review and approval by the Facilities Committee and input from the public with final decision by Mayor and Council. It is important to note a bond authorization takes a lot of professional work and time and it gives the governing body and public a chance to accept what the amount of the projects could be. Most agree the police department and DPW need to be addressed. We estimated high in anticipation of contingencies and with a goal to come in below what is authorized. Mrs. Blaser said the bidders are going to work to hit the maximum authorized. She was advised that was not necessarily true. The Borough can bid both projects at the same time which will provide us with competitive bids. Mrs. Blaser asked again, if we own the lots at DPW, why not subdivide and sell them? We need to know the location of the DPW building before selling the lots.

Shervyn von Hoerl, River Road, objected to tearing down the community center for the project; (it is a useful space and to not having a location to replace it. A lot goes on there and the residents need a place to go. He asked if there was a demographic needs analysis done or a future need analysis. Mayor Lucarelli advised that the Borough is looking at BIC Hall to be used for the meeting space portion and is discussing the active recreation portion to be held at the schools or possibly go to Fair Haven Fields and/or other locations. Councilman Rodriguez advised we haven't done demographics yet but will utilize the space we have already (3rd Street ballfields, Fair Haven Fields, BIC Hall). He would like to have BIC Hall come into the fold and allow the community to use the building that we have. The police department is a priority as well as DPW.

Councilwoman Chrisner-Keefe stated her concerns with the Bond Ordinance this is not a small bond. She is not against bonding, but we already have funds available for the soft costs. She understood that there is a benefit to a larger bond for both facilities but was not clear as to why BIC Hall is being included in this (noting there are deficiencies there, but we should not address now). The Historic Preservation Commission needs to be consulted and will be, but not for the bond ordinance. The Mayor said we have plans for the police department and we do realize the Community Center will not be accessible to the public. We need to go out and get interest rates to see what we can do and how/if it will affect the taxpayer. This is not the final say on the projects. CFO Lapp will issue debt if it is needed. There is money in the 2019 bond ordinance.

Councilwoman Chrisner-Keefe said the space is currently useable. It is important to address the

police department and the DPW. There was a lot of money put into BIC Hall (\$400,000). This bond ordinance takes two readings and a 2/3 Council vote. Once passed, the CFO can and will issue this debt, if it is needed. We need to be cautious in how we proceed, and she asked why we are doing this now besides for soft costs? Councilman Rodriguez said this is a parallel process (engineering, planning and authorizations, community engagements) with a lot going on at the same time and we consult a lot of experts and Committees. He said we can do it in a year, two years, etc., but prefers to give the next Council a way to reduce the roadblocks to getting something done and asked what the value is in waiting and not making a decision when we know the sizes of buildings, locations, engineering. Councilwoman Chrisner-Keefe said there are a lot of knowns. The Board of Education had a large bond that was passed by the voters and they did not address the project according to plan. Councilman Rodriguez said we have waited long enough, and it needs to be passed; there is no reason to wait at all. Councilman Banahan asked if she understood that these things are not mutually exclusive, and we need to supplement and replace the section being removed from the police department (Community Center). He explained the municipal bond process and said we are locking in money at an inexpensive point. Finance has answered the questions that have been asked and all municipalities use the same process. Mayor Lucarelli said we need the authorization in order to move forward to avoid risk; the more we wait, the more costs elevate. A bond will be issued when we authorize the spending/bids. We have had presentations with general form of site work and what the building footprint would be. He asked that CFO Lapp speak about this and our exposure, if any. CFO Lapp said the Capital Fund, on its own, has its own cash from authorizing debt through the budget, pay as you go capital and the Capital Improvement Fund; she does not issue debt until analyzing cash flow in the conjunction with the timing of the projects and the market. Sometimes there may be some short-term financing depending on the market. CFO Lapp would work with Bond Counsel, the Finance Committee, Financial Advisor, etc. on this before proceeding. Councilwoman Chrisner-Keefe said it seems we are authorizing a bond for too much money on this project as we haven't spent from last year's bond which is a concern. There is no timeline for how this is spent, and she felt we are moving too quickly and not prioritizing appropriately.

Councilwoman Koch asked about BIC Hall and where the parking lot would go? It would be on the south side of the property we own; 10 spaces will provide handicap parking and makes the facility barrier free. At the present Community Center, there is no limit to the type of activity (passive and active). She was correct, but BIC Hall is a way to provide a passive meeting place. She asked if it will be kept that way; yes, strictly passive. She asked Councilman Banahan if there is an advantage for this ordinance to allow us to lock in rates? No, but we can't shop the market without it and allow CFO Lapp to do what she needs to do to move forward. CFO Lapp said when you do a bond ordinance, it authorizes the ability to spend; you cannot authorize a bid unless you have a spending piece nor can you move forward without it in place.

Councilman McCue asked Engineer Gardella if the salt dome and gas tanks will be moved? He said there was a concern when we had to replace the police department's generator which is costing us weekly. He asked what the useful life of gas tanks and salt dome are. Engineer Gardella said the fuel tanks are above ground and the tanks, themselves, have structural deficiencies and the computer board needs to be replaced because it is exposed to the elements. The salt dome is from 2008/2009 and it will be in need of replacement in a few years. We always anticipated replacing both items as part of this project. Councilman McCue said that he would like to avoid emergencies, if we can. Mayor Lucarelli stated that we are using our operating expenses to the fullest because everything is aging, and we have held off moving forward until we have the new facilities which now causes constant maintenance.

There being no further comments or questions, the Hearing was closed to the public at 9:01 p.m. on motion of Councilman Banahan, second by Councilwoman Koch with Ayes by all present.

Offered for adoption by Councilwoman Sorensen, second by Councilman Banahan

Affirmative: Councilmembers Banahan, McCue, Rodriguez and Sorensen

Negative: Councilmembers Chrisner-Keefe and Koch

Abstain: None

Absent: None

NEW BUSINESS

Council Committee Reports

Finance - Councilman Banahan said we have spent adequate time on the bond ordinance. The other matter on the agenda is emergency appropriations under resolutions. We are lending money to ourselves to be repaid 2021. This is due to our Fair Share plan and receipt of professional invoices.

CFO Lapp said the governing body had passed Resolution No. 2020-183 and put the emergency appropriation in place and we have spent on it. In reviewing items for year end, we were determining if we could cancel anything however, there is no room to cancel. We have to conduct an accounting maneuver to cover the deferred charge. This is done at the end of the year and will be reversed in the beginning of next year.

Personnel - Councilwoman Chrisner-Keefe said the Borough Administrator's contract is on the consent

agenda and will be for 4 years. Administrator Casagrande, in typical fashion, has risen to the challenge with everything COVID related this year which has been unprecedented.

Planning & Zoning - Councilwoman Koch said the Planning Board meeting has been cancelled for tomorrow; will next meet on January 19, 2021. The Zoning Board approved the Kick Studio application on December 3rd and their next meeting will be January 7, 2021 with two pending applications under old business and two pending applications under new business.

Police, Fire & OEM - Councilman McCue reported that COVID numbers are going up; 54 active and 136 since the beginning. He congratulated John Griffin for being accepted by the Fair Haven Fire Department and thanked Santa for visiting yesterday. There is a storm coming up this week and he reminded everyone about overnight parking regulations. In Chief McGovern’s absence, he asked Lt. Townshend if he had anything he would like to report. Lt. Townshend said that the Fair Haven Police Department’s thoughts are with the Chief on the passing of his father. He said it is a pleasure to attend this meeting, but wish it was under better circumstances. The police department and Borough will be well represented, and Mr. McGovern will be given a proper send off. With regard to the upcoming snowstorm, there are varying total amounts of snow being reported (0-14”). Overnight parking will be suspended to allow DPW to clean the streets.

Engineering, DPW and Borough Facilities - Councilman Rodriguez thanked the newly appointed committee members for attending and sharing their expertise regarding facilities. The Committee is making progress. He also thanked Mayor and Council for supporting the DPW and police department projects and changes to BIC Hall. The priorities have not changed.

Parks and Recreation and Communications - Councilwoman Sorensen thanked Administrator Casagrande, Betty Ann Berube, Allyson Cinquegrana, former Councilwoman Jacquie Rice and Councilwoman Betsy Koch for their efforts in helping to improve communications for the Borough with Constant Contact, the website and Facebook; there is a lot of information constantly going out. She thanked DJ Breckenridge and said it has been a pleasure working with him and he has been an amazing employee and Recreation Director.

CONSENT AGENDA
RESOLUTIONS

1. Resolution No. 2020-207, Executive Session - Personnel and Pending Litigation

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

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

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

Personnel

1. Police Department Social Security

Pending Litigation

1. Yacht Works

Contract Negotiations

1. 2021 Borough Professionals
 - LOSAP
 - Risk Manager

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 Councilman Banahan

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

Negative: None

Abstain: None

Absent: None

2. Resolution No. 2020-208, Authorize Borough Administrator to Execute a Contract for an On-Line Auction

WHEREAS, there are certain vehicles and equipment owned by the Borough of Fair Haven

which are no longer of use to the Borough and the Borough Council has recommended that they be sold; and

WHEREAS, Local Public Contracts Law N.J.S.A. 40A:11-36 requires authorization of municipal surplus via the adoption of a Resolution; and

WHEREAS, the Borough Administrator is authorized to set the minimum bid for items to be sold.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the Borough Administrator be authorized to dispose of the following items of municipally owned property not needed for public use through the process of a public auction to be held February 8, 2021 until February 22, 2021 via on-line auction handled by <http://www.govauctionlistservices.com/>

BE IT RESOLVED that the items to be sold are listed in Exhibit A attached hereto.

BE IT FURTHER RESOLVED that the Borough Administrator is hereby authorized to execute a contract with <http://www.govauctionlistservices.com/> which is attached as Exhibit B.

BE IT FURTHER RESOLVED that any items not purchased at auction may be disposed of by the Borough.

Offered for adoption by Councilwoman Koch, second by Councilman Banahan

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

- 3. Resolution No. 2020-209, Authorize Execution of Contract with Theresa Casagrande as Borough Administrator (2021-2024)

WHEREAS, Theresa Casagrande currently serves as the Borough Administrator of the Borough of Fair Haven; and

WHEREAS, the Borough Council has agreed to enter into a four (4) year contract (2021-2024) with Administrator Casagrande.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, that Mayor Lucarelli is authorized to execute an agreement with Theresa Casagrande for a four (4) year term as per the agreement attached as Exhibit A.

Offered for adoption by Councilwoman Koch, second by Councilman Banahan

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

- 4. Resolution No. 2020-210, Accept Performance Guarantees - 304 Fair Haven Road

WHEREAS, Morgan Sackman obtained minor subdivision approval from the Fair Haven Planning Board pursuant to a Resolution adopted by the Planning Board on May 19, 2020; and

WHEREAS, the Planning Board Engineer prepared a bond estimate for this minor subdivision by way of letter dated September 4, 2020 which is annexed hereto; and

WHEREAS, on November 24, 2020, Ms. Sackman submitted a Subdivision/Site Improvement Bond (800047616) in the amount of \$24,600.00 as a performance guarantee and Check No. 402 in the amount of \$1,025.00 for Engineering Inspection for said project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, that the aforementioned performance guarantees are accepted by the Borough in order to secure performance by the property owner of a minor subdivision to effectuate the terms and conditions of the subdivision approval.

Offered for adoption by Councilwoman Koch, second by Councilman Banahan

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

- 5. Resolution No. 2020-211, Authorize Mayor and Borough Clerk to execute a Deed of Easement: McCarter Park

BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that Mayor Benjamin J. Lucarelli and Allyson M. Cinquegrana, Municipal Clerk are hereby authorized to execute a Deed of Open Space Easement including any and all documents necessary to effectuate the intent and purpose of this resolution for Block 57, Lot 18 (McCarter Park).

Offered for adoption by Councilwoman Koch, second by Councilman Banahan

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

- 6. Resolution No. 2020-212, Authorize Mayor and Borough Clerk to execute an amended Memorandum of Agreement with Habitat for Humanity

WHEREAS, pursuant to N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on March 7, 2019, the Borough of Fair Haven (hereinafter “Fair Haven Borough” or the “Borough”) filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”), to be amended as necessary, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine;” and

WHEREAS, the Borough sought, and ultimately secured, a protective order providing Fair Haven Borough immunity from all exclusionary zoning lawsuits while it pursues approval of its Fair Share Plan; and

WHEREAS, the trial judge appointed Frank Banisch, P.P., A.I.C.P. as the Special Court Master (hereinafter the “Court Master”), as is customary in Mount Laurel matters adjudicated in the courts; and

WHEREAS, Habitat for Humanity (“Habitat”) of Monmouth County engaged in good faith negotiation which resulted in an amicable accord on the various substantive terms and conditions as set forth in the MOU attached hereto as Exhibit A; and

WHEREAS, in light of the above, the Borough Council finds that it is in the best interest of Fair Haven Borough to execute the attached MOU with Habitat.

NOW, THEREFORE, BE IT RESOLVED on this 14th day of December 2020 by the Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, as follows:

1. The Borough Council hereby authorizes and directs the Mayor of Fair Haven Borough to execute the MOU with Habitat for Humanity, as attached hereto as Exhibit A.
2. The Borough hereby directs its Affordable Housing Counsel to take all actions reasonable and necessary to utilize the MOU, if necessary as it works towards ultimately securing judicial approval of the Borough’s Fair Share Plan, after it is drafted, adopted by the Borough’s Planning Board and endorsed by the Borough Council.

Offered for adoption by Councilwoman Koch, second by Councilman Banahan

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

- 7. Resolution No. 2020-213, Authorize Cancellation of Appropriation. This resolution was not needed.
- 8. Resolution No. 2020-214, Approve Various Tax Overpayment Refunds - 4th Quarter

WHEREAS, the Tax Collector, has provided a request for a tax overpayment refund for 4th Quarter

2020 and advises that the following property owners qualify for a refund as follows:

<u>Refund to be sent to:</u>	<u>Address</u>	<u>Block</u>	<u>Lot</u>	<u>Refund</u>
Seth and Lauren Weiner Payment to: Wells Fargo	188 Oxford Avenue	9	27	\$ 8,444.63
Peter and Monika Reiley	129 Hance Road	33	34.02	\$16,422.34
Kenneth and Sue Massie Payment to: Advisors Mortgage	107 Church Street	42	30	\$ 5,037.94
Christopher and Thais Giuffre Payment to: Arbor Title Service	890 River Road	62	29	\$ 3,278.49

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

Offered for adoption by Councilwoman Koch, second by Councilman Banahan

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

- 9. Resolution No. 2020-215, Approve Fire Department Membership Application - John G. Griffin, Jr.

BE IT RESOLVED by the Borough Council of the Borough of Fair Haven that John G. Griffin, Jr., 15 Sycamore Lane, Fair Haven, NJ having been duly accepted as a regular member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department.

Offered for adoption by Councilwoman Koch, second by Councilman Banahan

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

- 10. Resolution No. 2020-216, Approve Capital Purchase Authorization, Police/Fire Department

WHEREAS, Ordinance Nos. 2017-07, adopted on July 10, 2017, 2018-13 adopted on May 29, 2018 and Ordinance No. 2019-06 adopted on June 24, 2019 provide for the acquisition of various equipment, infrastructure improvements and improvements to public buildings and grounds; and

WHEREAS, Capital Item requests have been made as follows:

Police Department

- Kenwood Radios (13 portable and 5 mobile) Not to Exceed \$ 22,853.27
- Motorola Radio Bases (2) Not to Exceed \$ 17,502.40
- Radio Console System (6 line with 10 Port Relay) Not to Exceed \$ 15,550.00

TOTAL Not to Exceed \$ **55,905.67**

WHEREAS, the above equipment will be purchased through A.R. Communications for the Police Department and Fire Department as per Chief McGovern’s request.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven that the above capital item expenditures are hereby approved.

Offered for adoption by Councilwoman Koch, second by Councilman Banahan

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

- 11. Resolution No. 2020-217, Payment of Vouchers

BE IT RESOLVED by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the December 14, 2020 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2020 CURRENT ACCOUNT	\$ 1,627,107.15
GENERAL CAPITAL	\$ 200,910.19
GRANT FUND	\$ 1,931.59
PAYROLL AGENCY	\$ 13,071.32
OTHER TRUST	\$ 29,901.22
DOG TRUST	\$ 5.40
	\$ 1,872,926.87
LESS VOIDED CHECKS	\$ 445.11
TOTAL	\$ 1,872,481.76

Offered for adoption by Councilwoman Koch, second by Councilman Banahan

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

12. Resolution No. 2020-218, Approve 2020 Budget Transfers

WHEREAS, pursuant to N.J.S.A. 40A:4-58, appropriation transfers are allowable during the last two months of a fiscal year; and

WHEREAS, it is deemed necessary that said transfers be done through various accounts.

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 following transfers are made in the 2020 budget appropriations:

<u>FROM</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
0-01-20-120-101	Municipal Clerk Salaries	\$ 1,500.00
0-01-20-130-270	Finance Training/ Conferences	\$ 2,000.00
0-01-26-310-272	Building & Grounds	\$ 7,500.00
0-01-28-375-240	Park Supplies	\$ 3,000.00
Total		\$14,000.00
<u>TO</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
0-01-20-100-101	Administration Salaries	\$ 3,000.00
0-01-20-165-101	Engineering Salaries	\$ 500.00
0-01-26-315-101	Vehicle Maint. Salaries	\$ 1,000.00
0-01-26-315-235	Vehicle Maint. -Equip/Repair	\$ 7,500.00
0-01-31-445-276	Water Utilities	\$ 2,000.00
Total		\$14,000.00

Offered for adoption by Councilwoman Koch, second by Councilman Banahan

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

Councilwoman Chrisner-Keefe asked about Resolution Nos. 2020-219 and 2020-220 to better understand them since they were received late in the afternoon; she asked if this meant that the Borough is simply paying for this in the future. CFO Lapp said with the emergency appropriation, we have to raise the charge, but if we do not do the borrowing and lending, we will not have surplus for 2021 or a levy cap. These resolutions allow us to fund for year end and reverse it in 2021 so we can plan that budget and we are not hamstrung in surplus or levy. Councilwoman Chrisner-Keefe asked if we are changing the \$150,000 amount in the appropriation; no, it is the same. CFO Lapp said this is a way to right the appropriation to issue notes which was not done for Resolution No. 2020-183 when presented

and adopted; we have to amend the resolution. It does not change anything but allows us to issue a note for the deferred charge. Resolution No. 2020-220 allows us to purchase the note. After speaking with the Borough’s Bond Counsel, DLGS, Auditor and Financial Advisor, this is the direction to go in.

13. Resolution No. 2020-219, Amend Resolution No. 2020-183, Temporary Emergency Appropriation

WHEREAS, resolution 2020-183 was approved on October 13, 2020 for an emergency appropriation that had arisen with regard to professional bills submitted in conjunction with compliance of the Borough’s Fair Share Housing Settlement Agreement and no provision was made in the 2020 budget for the aforesaid purpose mentioned above; and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by the resolution is \$150,000 and three (3) percent of the total operating appropriations in the budget for 2020 is \$230,000; and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed the three (3) percent of the total operating appropriations in the budget for 2020; and

WHEREAS, resolution 2020-183 omitted the language that authorizes the issuance of emergency notes which have since been determined to be necessary to preserve fund balance and levy cap for the 2021 budget cycle.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey (not less than two thirds of the members thereof affirmatively concurring) that in accordance with NJSA 40A:4-48 that:

1. An emergency appropriation be and the same is hereby made to the current fund for other expenses in the amount of \$150,000
2. Said emergency appropriation shall be provided in full in the 2021 budget and had been requested and approved to be excluded from CAPS pursuant to NJSA 40A:4-45.3c(1)
3. That an Emergency Note not in excess of the above amount be authorized pursuant to NJSA 40A:4-51
4. That such note shall be executed by Colleen M. Lapp, Chief Financial Officer and by Theresa Casagrande, Borough Administrator
5. That such note shall be dated December 31, 2020, may be renewed from time to time, and such note and any renewals shall be payable on or before December 31, 2021
6. The Chief Financial Officer has certified that the expenditures to be finance through this resolution is related to the aforementioned emergency.
7. Two (2) certified copies of this resolution be filed with the Director of Local Government Services.

Offered for adoption by Councilwoman Koch, second by Councilman Banahan

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

14. Resolution No. 2020-220, Authorize Purchase of an Emergency Note be issued to the Borough at 0%

WHEREAS, the Borough of Fair Haven (“the Borough”) passed Resolution 2020-183 authorizing an Emergency Appropriation in the amount of \$150,000.00 in order to cover costs associated with the Borough’s Fair Share Housing Settlement agreement, specifically professional service bills for Legal and Planning; and

WHEREAS, N.J.S.A. 40A:4-46 provides that it shall be lawful to make such appropriation, which appropriation and/or the “emergency notes” issued to finance the same shall be provided for in succeeding annual budget by the inclusion of an appropriation of the entire amount authorized pursuant to the law; and

WHEREAS, pursuant to Resolution 2020-183, as amended, the Borough’s Chief Financial Officer, Colleen Lapp, wishes to sell notes from the Borough’s Current Fund to fund the said Emergency Appropriations; and

WHEREAS, the Chief Financial Officer wishes to purchase said notes from the Borough’s Current Fund as an investment using cash from the Borough’s Capital Fund; and

WHEREAS, the Chief Financial Officer has reviewed this proposed transaction with the Division of Local Government Services, which has stated that it is permitted under the aforesaid

statutory provision contingent upon the passage of a resolution by the governing body authorizing the same; and

WHEREAS, this transaction will result in a cost savings to the Borough at this time by avoiding costs of issuance and interest while maintaining sufficient surplus and levy cap preservation for municipal operations.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey hereby authorizes and directs the Chief Finance Officer, Colleen Lapp, to purchase notes, issued from the Borough’s Current Fund to the Borough’s Capital Fund as authorized by law.

Offered for adoption by Councilwoman Koch, second by Councilman Banahan

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

Reports of Departments

November 2020

- Municipal Clerk
- Dog License
- Planning Board and Zoning Board
- Budget Status

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

GOOD OF THE BOROUGH

Mayor Lucarelli opened the meeting to the public for comments or questions at 9:15 p.m. Claudia Brady, Fair Haven Road, asked why there are above ground tanks at DPW; it is safer for the community. She asked why we store fuel? To fuel our Borough vehicles.

Seth Kohn, Third Street, asked about the proposed work on Third Street and Community Center. There was a request by local residents to have a discussion and he asked what the next step would be. Mayor Lucarelli said the Facilities Committee is close to getting a presentation for the DPW and police station. With regard to the Recreation Center, it will be started with an open process and gathering information from the residents and move ahead with information in hand. Councilman Rodriguez said the Recreation Committee will get involved as well. He said that he has been contacted by multiple residents in the area and has met with most to see what they see and experience. We discussed McCarter Park and some options which will be visited by the Council and they will reach out to those residents. The priorities right now are the police department and DPW. Once we have things under control, we will turn our attention to the Community Center/Recreation Center with bathrooms and shaded space for the ballfields or to do something bigger; the community will be consulted. We will find something that fits the community and serves everyone. We discussed bond ordinances and there is nothing for a recreation center; just DPW, the police department and BIC Hall. We are making progress on this but will reach out to the community. Everyone has a right to petition and we encourage everyone to reach out to Council and provide feedback.

Dennis Fernandes, Cedar Avenue, e-mailed Councilman Rodriguez who agreed to meet with the residents, and he thanked him for following through. Mr. Fernandes said he is willing to meet with Councilman McCue and others to discuss this.

There being no further comments or questions, the meeting was closed to the public at 9:23 p.m.

Council went into executive session at 9:28 p.m. and this meeting was reconvened at 9:35 p.m.

ADJOURNMENT

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

Time of Adjournment: 9:35 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk