

The Regular Meeting of the Mayor and Council of the Borough of Freehold was held on Monday, August 1, 2011 at 7:30 p.m. in the Municipal Building.

In the absence of Mayor Wilson, Council President Schnurr stated that the notice of the time, date and location of the meeting had been provided pursuant to the provisions of Chapter 231 of the Laws of 1975 (Open Public Meetings Act).

Council President Schnurr opened the meeting with the Salute to the Flag, followed by a moment of silence.

ROLL CALL

ABSENT	MAYOR MICHAEL WILSON
PRESENT	COUNCILMAN MICHAEL DIBENEDETTO
PRESENT	COUNCILMAN KEVIN KANE
PRESENT	COUNCILMAN JOHN NEWMAN
PRESENT	COUNCILMAN GEORGE SCHNURR
PRESENT	COUNCILWOMAN SHARON SHUTZER
PRESENT	COUNCILMAN JAYE SIMS

Councilwoman Shutzer offered a motion to accept the minutes from the Workshop Meeting June 27, 2011 and Supplement to Workshop Meeting July 18, 2011 and was seconded by Councilman Sims.

On roll call Council Members DiBenedetto, Kane, Newman, Schnurr, Shutzer and Sims voted its adoption; opposed none; abstain none; absent none. Council President Schnurr declared the motion adopted.

Council President Schnurr read Item No. 5 on the Agenda as follows:

“Resolution of the Mayor and Council of the Borough of Freehold Honoring Robert G. Taylor on 50 Years of Service to the Freehold Fire Department.”

Councilwoman Shutzer offered the following Resolution and moved its adoption, seconded by Councilman DiBenedetto:

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FREEHOLD HONORING ROBERT G. TAYLOR ON 50 YEARS OF SERVICE TO THE FREEHOLD FIRE DEPARTMENT.

Councilwoman Shutzer along with Councilman Sims and Councilman DiBenedetto read and presented the Resolution to Mr. Taylor.

Mr. Taylor thanked mayor and council for the resolution. Being a volunteer in the Freehold Fire Department is a tradition in his family; 30 years ago his father was honored with 50 years of service; his oldest son, Robert has 31 years and his youngest son, Russell has 26 years.

On roll call Council Members DiBenedetto, Kane, Newman, Schnurr, Shutzer and Sims its adoption; opposed none; abstain none; absent none. Council President Schnurr declared the motion adopted.

Council President Schnurr read Item No. 6 on the Agenda as follows:

“Resolution of the Mayor and Council of the Borough of Freehold Honoring Shavonda “Shoni” Hickman, Alexis Evans, Chloe Sharon Williams, Kason “KK” Jackson and Lauren Cordero as members of the Freehold Borough YMCA Leaders Club.”

Councilman DiBenedetto offered the following Resolution and moved its adoption, seconded by Councilwoman Shutzer:

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FREEHOLD HONORING SHAVONDA "SHONTI" HICKMAN, ALEXIS EVANS, CHLOE SHARON WILLIAMS, KASON "KK" JACKSON AND LAUREN CORDERO AS MEMBERS OF THE FREEHOLD BOROUGH YMCA LEADERS CLUB.

Councilman DiBenedetto stated this is a group of young adults who have volunteered their time in many things here in Freehold Borough.

On roll call Council Members DiBenedetto, Kane, Newman, Schnurr, Shutzer and Sims its adoption; opposed none; abstain none; absent none. Council President Schnurr declared the motion adopted.

Council President Schnurr read Item No. 7 on the Agenda as follows:

"Resolution of the Mayor and Council of the Borough of Freehold Honoring Freehold High School's Class of 1991 on the Occasion of Their 20 Year Reunion."

Councilwoman Shutzer offered the following Resolution and moved its adoption, seconded by Councilman Sims:

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FREEHOLD HONORING FREEHOLD HIGH SCHOOL'S CLASS OF 1991 ON THE OCCASION OF THEIR 20 YEAR REUNION.

Councilwoman Shutzer stated this Resolution was presented to them at their reunion on July 22, 2011.

On roll call Council Members DiBenedetto, Kane, Newman, Schnurr, Shutzer and Sims voted its adoption; opposed none; abstain none; absent none. Council President Schnurr declared the motion adopted.

Council President Schnurr read Item No. 8 on the Agenda as follows:

"Resolution of the Mayor and Council of the Borough of Freehold, County of Monmouth, State of New Jersey, Adopting a Corrective Action Plan in Response to the Recommendations Contained in the 2010 Audit."

Councilman Kane offered the following Resolution and moved its adoption, seconded by Councilman Newman:

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FREEHOLD, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ADOPTING A CORRECTIVE ACTION PLAN IN RESPONSE TO THE RECOMMENDATIONS CONTAINED IN THE 2010 AUDIT.

Mr. Bellina stated a few years ago the Borough opted out of the NJ State Health Benefits Plan and went with a modified self-insurance plan to save money. When you go with this type of insurance an ancillary report must be done, but after consulting with our CFO it was determined that it would be too expensive to file this report and we decided not to. We then opted back into the NJ Health Benefits Program.

On roll call Council Members DiBenedetto, Kane, Newman, Schnurr, Shutzer and Sims voted its adoption; opposed none; abstain none; absent none. Council President Schnurr declared the motion adopted.

Council President Schnurr read Item No. 9 on the Agenda as follows:

"Resolution Accepting Local Bicycle and Pedestrian Plan as Prepared by Baker Engineering."

Councilman Newman offered the following Resolution and moved its adoption, seconded by Councilman DiBenedetto:

RESOLUTION ACCEPTING LOCAL BICYCLE AND PEDESTRIAN PLAN AS PREPARED BY BAKER ENGINEERING.

Councilman Newman stated this was discussed at the last workshop meeting and the governing body has decided to accept this plan.

On roll call Council Members DiBenedetto, Kane, Newman, Schnurr, Shutzer and Sims voted its adoption; opposed none; abstain none; absent none. Council President Schnurr declared the motion adopted.

Council President Schnurr read Item No. 10 on the Agenda as follows:

“Resolution Authorizing an Extension of the Interest-Free Grace Period for the Payment of Taxes Due in August 2011.”

Councilman Kane offered the following Resolution and moved its adoption, seconded by Councilman Newman:

RESOLUTION AUTHORIZING AN EXTENSION OF THE INTEREST-FREE GRACE PERIOD FOR THE PAYMENT OF TAXES DUE IN AUGUST 2011.

Councilman Kane stated there is normally a 10 day grace period where interest is not charged but due to the delay in rendering the tax bills the Borough is extending the grace period until August 25, 2011.

On roll call Council Members DiBenedetto, Kane, Newman, Schnurr, Shutzer and Sims voted its adoption; opposed none; abstain none; absent none. Council President Schnurr declared the motion adopted.

Council President Schnurr read Item No. 11 on the Agenda as follows:

“Resolution Awarding a Contract for the Redevelopment of Well Number 4 of the Freehold Borough Water Distribution System.”

Councilman DiBenedetto offered the following Resolution and moved its adoption, seconded by Councilman Sims:

RESOLUTION AWARDING A CONTRACT FOR THE REDEVELOPMENT OF WELL NUMBER 4 OF THE FREEHOLD BOROUGH WATER DISTRIBUTION SYSTEM.

Councilman DiBenedetto stated well number 4 is in need of redevelopment and A.C. Shultes, Inc. from Woodbury Heights, NJ was the lowest bidder at \$43,267.00.

Mr. Bellina stated the Borough has worked with this contractor in the past and they are highly reputable.

On roll call Council Members DiBenedetto, Kane, Newman, Schnurr, Shutzer and Sims voted its adoption; opposed none; abstain none; absent none. Council President Schnurr declared the motion adopted.

Council President Schnurr read Item No. 12 on the Agenda as follows:

“Resolution Approving the Following Applications:

- a. **Raffle License #16-11, 50/50, Freehold Boro Music Parents Association, FHS home football games.**
- b. **5K Run/Walk, West Monmouth Cares, Sunday, 10/9/11 from 7:00 AM – 1:00 PM.**
- c. **Raffle License #17-11, 50/50, St. Rose of Lima Church, Feast of the Giglio, 8/25/11 - 8/28/11, 16 McLean Street.**
- d. **Raffle License #18-11, Carnival Games, St. Rose of Lima Church, Feast of the Giglio, 8/25/11 – 8/28/11, 16 McLean Street.**
- e. **Temporary Taxi Driver License, Nelida Medinc, Freehold.**
- f. **Temporary Taxi Driver License, Bertram Weinstein, Freehold.**
- g. **Temporary Taxi Driver License, Timothy J. Cottrell, Freehold.**

h. Permanent Taxi Driver License, Mohamed Salah Naga, Asbury Park.”

Councilman Sims offered the following Resolution and moved its adoption, seconded by Councilman DiBenedetto:

RESOLUTION APPROVING APPLICATIONS NO. 12A THROUGH 12H.

On roll call Council Members DiBenedetto, Kane, Newman, Schnurr, Shutzer and Sims voted its adoption; opposed none; abstain none; absent none. Council President Schnurr declared the motion adopted.

Council President Schnurr read Item No. 13 on the Agenda as follows:

“Approval of Bills.”

Councilman Kane offered the following Resolution and moved its adoption, seconded by Councilman Newman:

BE IT RESOLVED by the Mayor and Council of the Borough of Freehold that the bills on the attached list in the amount of \$2,529,803.84 be paid as presented.

On roll call Council Members DiBenedetto, Kane, Newman, Schnurr, Shutzer and Sims voted its adoption; opposed none; abstain none; absent none. Council President Schnurr declared the motion adopted.

Council President Schnurr opened the meeting to the public.

Fred Young, 16 Hull Avenue, discussed the on-going curbing and driveway apron project on Hull Avenue. He feels Lancha Construction is not concerned with public safety. There is no way for him to get from his front door to the other side of the street. When the project first started at the other end of the street after a section was completed they would backfill after the forms were pulled and then put a layer of asphalt down.

Mr. Bellina stated he would take a look with the Borough engineers and inspectors and he would speak with the contractor.

Jeff Friedman, 3 Broad Street, thanked the Shade Tree Commission, in particular, Councilman DiBenedetto, Christine Gregory and Dan Megill for their help in the removal of a couple of tree stumps on Broad Street. He also thanked the governing body for approving the bicycle plan. He thanked Councilwoman Shutzer for attending the meeting on the development of the old Bennett Street School. He is in favor of building high-end apartments for young professionals but he is concerned that Freehold Borough does not have the jobs to support them.

Mr. Friedman stated he was still waiting for a response to the questions he asked the council at the last meeting. He understands the governing body gets a lot of comments and questions that are directed to them that don't deserve responses but he feels his questions are reasonable and he would like a response. Mr. Friedman believes his criticisms and comments were based purely on policy decisions. These policies have a direct impact on the future of the downtown and the tax rate for all property owners. He believes they are fair on-point policy questions and he asked them again:

1. Why do we have a redevelopment plan and standards if we're not going to follow them.
2. Are those two projects which failed to meet the redevelopment guidelines eligible for tax abatements that were created to encourage property owners to follow the redevelopment plan?
3. If the answer is yes are they eligible for tax credits and so, then why?
4. What is the incentive for a developer or anyone to follow the redevelopment plan if they can still get the tax abatement and not follow the plan?
5. Are you aware if the failure to follow the redevelopment plan risks our State designation as an endorsed plan.

Mr. Friedman stated these are real questions that he does not know the answer to and he is not looking to be confrontational but these are questions that affect the downtown and he would appreciate any answer or comment from the governing body.

Reggie Sims applauded council for the two redevelopment projects. He stated that core redevelopment projects are not always what the town wants but if these properties are cleaned up they are still a tax ratable and this will help the taxpayers.

Jeff Friedman stated a tax ratable is great for the town but when they have a 5 year tax abatement and they are not paying taxes then that defeats the purpose.

Billy Anderson, South Street, asked if Clinton Street would be repaved.

Mr. Bellina responded that he would talk with the engineers but as of right now Clinton Street isn't on the list to be repaved but he would look into doing some repair work there.

LeRoy LaBarrie, 8 Hull Avenue, stated he is a retiree who spends most of his day on his front porch and he complimented Lancha Construction on their work. This company is very productive even with the high volume of traffic on that road.

Mr. Bellina responded these contracts are awarded to the lowest bidder and unless there is something really wrong with the bid, by law we must use them and we were very fortunate because Lancha Construction is very good and very fast.

Carol Lida, 27 Bennett Street, Human Relations Chairperson, stated there is a lot of loitering at the pizza shop in the shopping center on Jackson Street.

Captain Roberts stated the police department is aware of the activity at the pizza shop and they are watching it.

Carol Lida stated at the last meeting there was mention of drainage work being done on Bennett Street and Jackson Street.

Mr. Bellina stated there was an ordinance requiring private developments to use storm basin materials consistent with the new sewage regulations.

Carol Lida stated flooding still occurs on the corner of Jackson Street and Bennett Street.

Mr. Bellina stated he didn't know what could be done because the land is so flat there.

Tom Baldwin, 3 Vought Avenue, stated the closing of the Freehold Post Office is a tragedy and was a result of the poor leadership of Mayor Wilson and the governing body. He felt that instead of celebrating Old Freehold Day the Borough should have done everything possible to save the post office.

Mr. Baldwin heard Old Freehold Day was a great success and congratulated everyone who planned it. He still insisted the name and the reason for the celebration was all wrong. He hopes the people involved will think back and reflect to the past when "old" Freehold was a terrible place.

Mr. Baldwin questioned the content and the cost of the report regarding the police department.

Barbara Oliver, Center Street, stated there are two large pot holes on Bond Street and she asked when Center Street was paved.

Council President Schnurr stated it was paved in 2008.

Ms. Oliver stated her son who lives in Maryland was pulled over by the police because his car windows were tinted.

Captain Roberts stated if the vehicle has New Jersey license plates the two front windows and the windshield cannot be tinted.

Billy Anderson stated he respected Mr. Baldwin's comments but Olde Freehold Day was a wonderful celebration of all nationalities.

Shannon Filiano, 30 Spring Street, asked if the 7-11 convenience store was a done deal.

Council President Schnurr stated no it still has to go before the Freehold Borough Planning Board. He explained there were three hurdles it had to go through, the Historic Preservation Committee which it passed with a few minor changes. It then had to come before the mayor and council because it is located in the downtown area and since it is consistent with the redevelopment zone it was passed here and in the next stage the proposal will go before the planning board on August 24, 2011 and the only waiver they are requesting is for one parking spot.

Ms. Filiano stated she was very concerned with the traffic in that area. She stated a lot of people use Spring Street as a cut through. There is a lot of traffic there already. She is also concerned with the cleanliness of the 7-11 because the 7-11 in Marlboro on Route 79 has a very dirty parking lot.

Councilman Schnurr stated this building has been vacant for almost ten years. He explained the current property owner initially came before the planning board to put office buildings there but was not able to get the financing for that. Now the current property owner has talked with 7-11 and they are interested in putting a store there.

Ms. Filiano questioned what would a convenience store do for the Borough. She stated when she thinks of viable downtown areas such as Red Bank, Westfield and Spring Lake they don't have 7-11's.

Ms. Filiano was concerned after reading the Asbury Park Press Sunday, July 31st, edition where the mother mentioned her deceased daughter who lived in a half-way house in Freehold. She asked if there was a way to find out how many of these homes exist in the Borough and who monitors them.

Ms. Higgins explained the article did not say whether this home was in Freehold Borough or Freehold Township but the Borough does know exactly how many of these homes are located here. By Federal law these homes are permitted uses and municipalities are not permitted to dis-allow them in their town. We are not allowed to manage their facility or homes other than if they violate any of our laws, statutes or local ordinances. There have been a number of issues recently and we have been monitoring them.

Ms. Oliver asked why the benches were downtown. She feels these benches encourage the homeless to sit there.

Councilman DiBenedetto stated that some of the business people have expressed the same concerns and we are looking into it. As part of a grant, the Borough had to put some of the garbage cans and benches out there but some of these benches have slowly disappeared.

Ms. Lida said the benches are good for the summer concerts.

Mr. LaBarrie stated it's not the benches that need to be removed it is the individuals hanging around them that need to be removed.

Reggie Sims stated years ago the police used to patrol up and down Main Street and it would help if there was more of a police presence.

Ms. Filiano stated she lives across the street from the Spring Terrace Apartments. She stated this past Friday night there was a party going on there and her husband witnessed some of the party goers breaking beer bottles and they stopped once he approached them but it would be nice to have more of a police presence.

Christine Gregory, West George Street, stated right here on the Borough property there were two beer bottles which were half full. She brought them over to the fire department and disposed of them.

Councilman Sims offered the following Resolution and moved its adoption, seconded by Councilman DiBenedetto:

RESOLUTION TO CLOSE PUBLIC PORTION.

On roll call Council Members DiBenedetto, Kane, Newman, Schnurr, Shutzer and Sims voted its adoption; opposed none; abstain none; absent none. Council President Schnurr declared the motion adopted.

Council President Schnurr called upon the council for their comments.

Councilman Sims thanked everyone for coming to the meeting. He congratulated Bob Taylor for his 50 years of service to the Freehold Fire Department. He also gave his condolences to Angel Colon who is a Borough employee who tragically lost his brother this past week.

Councilman Sims stated that National Night Out for the police department will be held in the Hall of Records Parking lot, Tuesday, August 2, 2011 from 6:00 PM – 10:00 PM. The Human Relations Committee is putting together a memorial service for the 10th anniversary of 9-11. This service will be held on Sunday, September 11, 2011 at 6:30 PM here at Borough Hall.

Councilman Newman clarified the role of the Historic Preservation Commission. This commission does not have a say as to whether businesses come into town, what they do is oversee the exterior look of a building. He thanked everyone for coming to the meeting.

Councilwoman Shutzer explained to Mr. Friedman that he can say anything to her it doesn't bother her and she knows that if they have a difference of opinion she will tell him so. She has never heard of any complaints about him.

Councilwoman Shutzer explained that Mr. Baldwin always wants answers but sometimes the answers he gets are not the answers he wants. She heard every time Mr. Baldwin complained about the name of Olde Freehold Day and on several occasions she did give her opinion. After having been at Olde Freehold Day for most of the day she wanted to thank the Lake Topanemus Committee, the Olde Freehold Day Committee and everyone else who worked on that day. This was a marvelous day. She thanked the Rotary Club for the beautiful pavilion that was done along with the surveying that was done by Lester Preston. Councilwoman Shutzer stated she was glad the name was not changed from Olde Freehold Day. This event was the most genuine, inter-racial, inter-ethnic day that she has witnessed in a very long time. It was a wonderful day and should be called Olde Freehold Day because it clearly exhibited all the lessons that we learned about the times that were referenced by Mr. Baldwin and she wished he was there to see everything that was going on.

Councilwoman Shutzer stated she was the Chairperson of Personnel and at this point legally the Borough cannot release any part of the police report. There are personnel involved and there is a strict law about protecting employees. When it is time for the report to be released it will be released. We are not trying to hide anything.

Councilwoman Shutzer stated it was unfair to blame Mayor Wilson on the closing of the post office. Everything that could have been done to save the post office was done.

Councilwoman Shutzer stated she attended a meeting regarding the old police station. The owner of that property has defaulted and the bank is in the process of taking it over. There are a couple of developers who would like to come into that property and make it an upscale apartment building for young professionals. The plans include 9 two-bedroom apartments and 3 one-bedroom apartments. She thanked all of the residents who attended the meeting and many of them spoke up with valid questions and concerns.

Councilman Kane thanked everyone for coming to the meeting. He stated the Olde Freehold Day Committee was one of the hardest working committees that he has ever worked on. Councilman Kane congratulated Bob Taylor on his 50 years of service to the Freehold Fire Department. He gave his condolences to the Colon family on that horrific accident. He gave his condolences and a special thank you to the Lauke family.

Councilman Kane stated Tuesday, August 2, 2011 is National Night Out for the police department from 6:00 PM – 9:00 PM at the Hall of Records Parking lot. The 4th Youth Police Academy was just completed and their graduation was on Friday, August 29th. There were 27 youngsters that completed this program. Even though the weather these past two weeks has been incredibly hot all of these children had an experience that they will remember forever.

Councilman Kane addressed Ms. Lida about her concerns about the pizza place on Jackson Street and he assured her it is being watched.

Councilman Kane thanked Rich Gatto for his help with Olde Freehold Day. Mr. Gatto let us use the FCP stage. He thanked Teri O'Connor and the Monmouth County Park System for lending us 10 canoes with life jackets and 2 row boats. He thanked the YMCA who donated lifeguards. He thanked both police departments. He thanked the Rotary Club for the beautiful pavilion. The Freehold Borough Public Works department did a terrific job and really worked hard on this.

Councilman DiBenedetto offered his condolences to the Lauke and Colon families. He also congratulated Bobby Taylor on his 50 years of service to the fire department. He also congratulated the children that were honored this evening. These kids have volunteered on so many different projects and he wished them luck in college.

Councilman DiBenedetto attended the Youth Police Academy Graduation and it was a wonderful event.

Councilman DiBenedetto stated Olde Freehold Day was a great success.

Council President Schnurr thanked Councilman Kane for keeping the dream alive and reinstating Olde Freehold Day. He would like everyone to have a little patience for the road work being done on Hull Avenue, Bowne Avenue and Throckmorton Street but if there are safety issues we need to be notified right away.

Council President Schnurr stated in regards to the post office he has been talking with a downtown business merchant that will hopefully open a contract postal unit downtown.

Council President Schnurr stated the old police station on Bennett Street is not zoned for residential use and that makes a big difference because if someone wants to put residences in there they would have to come before the governing body to change the zone. This would require a intensive review before it would be approved.

Council President Schnurr stated there will be a 9-11 Remembrance Service on September 11, 2011. He thanked the Human Relations Committee for putting that together.

Council President Schnurr stated on Friday, August 5, 2011 from 6:00 PM – 8:00 PM at the Walter Conley Lodge there will be voter registration drive.

Councilwoman Shutzer offered the following Resolution and moved its adoption, seconded by Councilman DiBenedetto:

RESOLUTION TO GO INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS, LITIGATION AND CONTRACT NEGOTIATIONS.

On roll call Council Members DiBenedetto, Kane, Newman, Schnurr, Shutzer and Sims voted its adoption; opposed none; abstain none; absent none. Council President Schnurr declared the motion adopted.

The meeting was adjourned at 8:55 PM.

Respectfully Submitted,

TRACI L. DIBENEDETTO, RMC
BOROUGH CLERK

TLD:aj