

The Regular Meeting of the Mayor and Council of the Borough of Freehold was held on Monday, March 4, 2013 at 7:30 p.m. in the Municipal Building.

Mayor Higgins 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).

Councilman Griffiths opened the meeting with the Salute to the Flag, followed by a moment of silence.

ROLL CALL

PRESENT	MAYOR J. NOLAN HIGGINS
PRESENT	COUNCILMAN MICHAEL DIBENEDETTO
PRESENT	COUNCILMAN RONALD GRIFFITHS
PRESENT	COUNCILMAN KEVIN KANE
PRESENT	COUNCILMAN GEORGE SCHNURR
ABSENT	COUNCILWOMAN SHARON SHUTZER
PRESENT	COUNCILMAN JAYE SIMS

Mayor Higgins read Item No. 4 on the Agenda as follows:

“Presentation Announcing a Borough Health and Fitness Program.”

Lynn Reich, Recreation Commission, stated the program is currently called the Mayor’s Fitness Program. The commission will be doing a health and wellness initiative in Freehold Borough and we will be encouraging residents to participate in various events that will be happening throughout the year. We are hoping to have incentives for them to participate aside from their own personal improvement and well being. We are going to partner with the YMCA, CentraState Hospital and hope to tie in with some local businesses that provide recreation experiences, such as gyms in the area and businesses such as Freehold Bicycle. In order to get all of our ideas together the mayor is hosting a community information session and he is inviting anyone who is interested in participating in the program. At that meeting we will be picking an official name and setting the events. One of the first events is going to be the mayor’s bicycle ride in April. In August there will be the second annual Peanut Holloway Walk-A-Thon and we hope to have other events in between. We are going to get the kids from the summer recreation program involved and we hope next September to get the kids from the Borough schools involved.

Mayor Higgins stated the community information session is scheduled for Tuesday, March 12, 2013 at 7:00 PM in the conference room.

Ms. Reich encouraged the residents to attend. She stated that anyone that has an idea or an interest in improving their fitness is welcome. They are hoping to have a few events throughout the course of the year and to have something at Olde Freehold Day.

Councilman DiBenedetto thanked Ms. Reich for the presentation. He encouraged the residents to spread the word. He stated this is not only a physical event; they will also be talking about healthy eating options.

Councilman Sims offered a motion to accept the minutes from the Workshop Meeting February 19, 2013 and was seconded by Councilman DiBenedetto.

On roll call Council Members DiBenedetto, Kane, Schnurr and Sims voted its adoption; opposed none; Councilman Griffiths abstained; Councilwoman Shutzer absent. Mayor Higgins declared the motion adopted.

Mayor Higgins read Item No. 6 on the Agenda as follows:

“Proclamation of the Mayor and Council of the Borough of Freehold Memorializing the Designation of March 1, 2013 as Read Across America Day in the Borough of Freehold.”

Mayor Higgins stated that Friday, March 1, 2013 was Dr. Seuss’s birthday and Councilwoman Shutzer, Joseph Bellina, Captain Dispenza, Councilman Griffiths and I went to the Freehold Learning Center and Park Avenue School and read to the students.

Mayor Higgins read Item No. 7 on the Agenda as follows:

“Resolution of the Mayor and Council of the Borough of Freehold Honoring the Knights of Columbus Freehold Council 1672 on its 100th Anniversary.”

Councilman Schnurr stated this year is the 100th Anniversary of the Knights of Columbus and there will be events throughout the course of the year to celebrate.

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

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FREEHOLD HONORING THE KNIGHTS OF COLUMBUS FREEHOLD COUNCIL 1672 ON ITS 100TH ANNIVERSARY.

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

Councilman Sims acknowledged Nicole Ray and T.J. Ray, Alternate Council Members, Kayla Ciok, Borough Clerk and Caitlyn Kafka, Deputy Clerk of the Youth Government Program who were in the audience.

Mayor Higgins stated the Youth Government Program had the opportunity to visit both chambers of the State House in Trenton.

Mayor Higgins read Item No. 8 on the Agenda as follows:

“Introduction of and Authorization to Publish Ordinance No. 2013/1 Amending Chapter 5.48 (Jewelry and Precious Metals), of the Revised General Ordinances of the Borough of Freehold.”

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

BE IT RESOLVED, by the Mayor and Council of the Borough of Freehold that an Ordinance entitled “ORDINANCE #2013/1 AMENDING CHAPTER 5.48 (JEWELRY AND PRECIOUS METALS), OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FREEHOLD” be, and same is hereby approved on first reading; and

BE IT FURTHER RESOLVED that the Clerk be and she is hereby authorized to publish said Ordinance in the Asbury Park Press and that same shall be further considered for final passage after public hearing at a meeting held on March 18, 2013 and that during the week of said meeting copies of the Ordinance shall be made available at the Clerk’s office to members of the general public who shall request same.

Councilman DiBenedetto stated this ordinance is for second handlers, often known as pawn shops. It tightens up the rules and regulations for the sellers, buyers and the Borough.

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

Mayor Higgins read Item No. 9 on the Agenda as follows:

“Introduction of and Authorization to Publish Ordinance No. 2013/2 Amending Chapters 16 (Land Use Procedures) and Chapter 18 (Zoning) of the Revised General Ordinances of the Borough of Freehold, County of Monmouth, State of New Jersey.”

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

BE IT RESOLVED, by the Mayor and Council of the Borough of Freehold that an Ordinance entitled “ORDINANCE #2013/2 AMENDING CHAPTERS 16 (LAND USE

PROCEDURES) AND CHAPTER 18 (ZONING) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FREEHOLD, COUNTY OF MONMOUTH, STATE OF NEW JERSEY” be, and same is hereby approved on first reading; and

BE IT FURTHER RESOLVED that the Clerk be and she is hereby authorized to publish said Ordinance in the Asbury Park Press and that same shall be further considered for final passage after public hearing at a meeting held on March 18, 2013 and that during the week of said meeting copies of the Ordinance shall be made available at the Clerk’s office to members of the general public who shall request same.

Councilman Schnurr stated this ordinance was approved by the planning board and then went to the land use committee and the highlights are as follows:

- The applicant’s can now submit sketched plans and conceptual site plans and this enables the planning board and the applicant to discuss and evaluate potential problems before they go through the expense of getting detailed engineering drawings.
- Legitimizes home office use, with conditions.
- Makes conditional uses for the following businesses: grocery stores, convenience stores, dollar stores, and taxi and limousine services. Any of these applications must come before the planning board.
- Residential zones, R-4 and R-5, will not require a garage; they will require the applicants have two off street parking spaces. One of the reasons why the planning board wanted to do this is because when you drive down Center Street you will see some of the newer homes that were recently built and the first floor that faces the street consists of a garage, with a front door and a window. We do not want to dictate the way people design their homes and we wanted to make it easier for people to design a nice looking house without having to add a garage.
- Outlines the minimum off street parking requirements.
- Shows a schedule of area and yard building requirements for all residential and commercial zones.

Kerry Higgins stated this is pursuant to the Master Plan Re-examination Report which was prepared and adopted by the planning board on April 13, 2011. Ms. Higgins explained this ordinance was introduced in the fall and was held because there was a question on Section 18.84.050 which is the size of signs for motor vehicle gas stations. The difference between this ordinance and the one that was originally introduced has to do with the size of gas station signs. Everybody including the planning board, Downtown Freehold and Historic Preservation Commission thought that an error was made regarding the sign size.

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

Mayor Higgins read Item No. 10 on the Agenda as follows:

“Introduction of and Authorization to Publish Ordinance No. 2013/3 Amending Part of Chapter 5.92 “Licensing, Registration and Inspection Regulations for Rental Property and Operators” of the Revised General Ordinances.”

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

BE IT RESOLVED, by the Mayor and Council of the Borough of Freehold that an Ordinance entitled “ORDINANCE #2013/3 AMENDING PART OF CHAPTER 5.92 “LICENSING, REGISTRATION AND INSPECTION REGULATIONS FOR RENTAL PROPERTY AND OPERATORS” OF THE REVISED GENERAL ORDINANCES” be, and same is hereby approved on first reading; and

BE IT FURTHER RESOLVED that the Clerk be and she is hereby authorized to publish said Ordinance in the Asbury Park Press and that same shall be further considered for final passage after public hearing at a meeting held on March 18, 2013 and that during the week of said meeting copies of the Ordinance shall be made available at the Clerk’s office to members of the general public who shall request same.

Councilman Sims stated there ordinance reflects a change in the time of inspections, they will now be held from 9:00 AM – 9:00 PM.

Ms. Higgins explained previously they were from 6:00 PM – 9:00 PM. Inspections are now done by appointment and we want to give people the opportunity of doing their inspection during regular business hours.

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

Mayor Higgins read Item No. 11 on the Agenda as follows:

“Resolution of the Mayor and Council of the Borough of Freehold, County of Monmouth, New Jersey Authorizing a Developers Agreement Re: Hui Lu, Block 84, Lot 1.”

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

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FREEHOLD, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING A DEVELOPERS AGREEMENT RE: HUI LU, BLOCK 84, LOT 1.

Councilman Schnurr stated certain types of land use applications require a developers agreement.

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

Mayor Higgins read Item No. 12 on the Agenda as follows:

“Resolution Authorizing Payment of Length of Service Award Program Benefits. (Freehold First Aid & Emergency Squad)”

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

RESOLUTION AUTHORIZING PAYMENT OF LENGTH OF SERVICE AWARD PROGRAM BENEFITS. (FREEHOLD FIRST AID & EMERGENCY SQUAD)

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

Mayor Higgins read Item No. 13 on the Agenda as follows:

“Resolution Awarding a Contract for an Employee Assistance Program (EAP).”

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

RESOLUTION AWARDING A CONTRACT FOR AN EMPLOYEE ASSISTANCE PROGRAM (EAP).

Councilman Sims stated this is a service we provide to our employees who may have dealt with critical incidents and are enduring stress.

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

Mayor Higgins read Item No. 14 on the Agenda as follows:

“Resolution Confirming Personnel Appointments/Actions:

- a. **Resignation of J. Patrick McMorrow as a member of the Freehold Borough Housing Authority, effective March 1, 2013.”**

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

RESOLUTION CONFIRMING PERSONNEL APPOINTMENTS/ACTIONS NO. 14A.

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

Mayor Higgins read Item No. 15 on the Agenda as follows:

“Resolution Approving the Following Applications:

- a. **Parade Application, Freehold Borough Arts Council, 3/17/12, 12:15 PM – 12:30 PM, from Borough Hall to the corner of Main & Court Streets.**
- b. **Canning, Freehold Intermediate School, 8th Grade, 3/13/13 & 3/16/13, 5:30 PM – 8:00 PM, 3/17/13, 11:30 AM – 4:30 PM and 4/27/13, 5:30 PM – 8:00 PM, on Main Street between the firehouse and Café 360.**
c/o Colleen Ray.
- c. **Raffle License #8-13, Year round pull-tabs, St. Rose of Lima Sports Association, 4/1/13 – 3/31/14.**
- d. **Temporary Taxi Driver License, Elizabeth Hernandez, Freehold.**
- e. **Temporary Taxi Driver License, Stephen Buda, Freehold.**
- f. **Temporary Taxi Driver License, Ronald Phillips, Jr., Freehold.**
- g. **Temporary Taxi Driver License, Maxima Phillips, Freehold.**
- h. **Permanent Taxi Driver License, Juan S. Gonzalez, Freehold.**
- i. **Permanent Taxi Driver License, Jesus Gomez, Freehold.**
- j. **Permanent Taxi Driver License, Keith Berman, Manalapan.**
- k. **Permanent Taxi Driver License, Angel Cruz, Freehold.**
- l. **Permanent Taxi Driver License, Michael Kaye, Matawan.**
- m. **Permanent Taxi Driver License, Petra Melendez, Freehold.**
- n. **Permanent Taxi Driver License, Vicenta Pantoja, Freehold.**
- o. **Permanent Taxi Driver License, Leonel Hernandez, Freehold.**
- p. **Taxi Owner License (5), Bernabe Pantoja, t/a Express Taxi.**
- q. **Taxi Owner License (2), Maxima Phillips, t/a Eagle Taxi.”**

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

RESOLUTION APPROVING APPLICATIONS 15A THROUGH 15Q.

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

Mayor Higgins read Item No. 16 on the Agenda as follows:

“Approval of Bills.”

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

BE IT RESOLVED by the Mayor and Council of the Borough of Freehold that the bills on the attached list in the amount of \$1,827,541.08 be paid as presented.

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

Mayor Higgins opened the meeting to the public.

Tom Baldwin, 3 Vought Avenue, gave his annual assessment of the various departments in the Borough. He gave an "A+" to all the departments, including the mayor and council. It is the first time in 10 years that he felt confident in all of the elected officials. Mr. Baldwin acknowledged Mayor Higgins for taking time from his business schedule to make sure the residents of Freehold Borough were okay after the hurricane. He also likes the way the mayor has a set meeting time with the residents every week in order to try to resolve any problems they might have. This is something that has never been done.

Mr. Baldwin asked Councilman Schnurr about the status of the Best Practices Checklist.

Councilman Schnurr stated during the September 2012 Workshop Meeting he expressed concern about a report that was received from the State of New Jersey called the Best Practices Checklist. The weekend prior to getting the report, he spoke with Councilman Sims and they both shared the same concern. It was brought up at the workshop meeting and Councilman Sims and I stated we were going to work on it. What happened during the course of the week is that Mayor Higgins set up a committee called the Best Practices Checklist Review Committee that consisted of everyone else except for Councilman Sims, Councilman Newman and I. That committee was supposed to review the checklist for current compliance, as well as, suggestions for improvements moving forward. At the January Workshop Meeting when we were reviewing the agenda Mayor Higgins said that he wanted the Finance Committee to look at it and since then we've had two or three Finance Committee meetings and it hasn't been discussed yet. We are 5½ months into this and the only concrete proposal so far has come from Councilman Sims and me.

Mr. Baldwin stated that he didn't attend the February 13, 2013 Planning Board meeting but it looks like bigotry has raised its ugly head once again in Freehold. Thankfully, this time our local government wasn't involved. He is very sorry that Mr. Rosenbaum didn't pursue the use of his building as a school and dormitory. Instead he allowed people like Ms. Earle, Ms. Holtz, Ms. Taylor and Mr. Smith to dictate to him, as well as, the city what goes on and who's allowed to live or work on Broad Street. Why anyone would object to the use of this building as a school and dormitory is beyond his comprehension. Freehold does not learn from its mistakes.

Al Michenfleder, 30 Jackson Street, stated the Racer's Club is doing a salute to Route 66. He described the cars that the club is making. He urged the governing body to visit them at the Court Street School.

Colleen Ray, Park Avenue, stated the Police Youth Academy is a great program and she hoped the Borough would be having it again this year.

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

RESOLUTION TO CLOSE PUBLIC PORTION.

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

Mayor Higgins called upon the members of the council for their comments.

Councilman Schnurr answered Mr. Baldwin's question regarding the dormitory application. He stated when he looked around the council room there are approximately 30 people in this room. He cannot imagine having 60 people living in a space this size. He explained that he is on the planning board but because the application was for a use variance he is disqualified from voting. The planning board did not have to vote because the applicant withdrew his application. He stated if it came to a vote he thought there wouldn't be too many people voting for it because of the size of the space allotted for the dormitory.

Councilman Schnurr stated the Memorial Day Parade Committee will be hosting a few fundraisers. The first is Tuesday, March 19, 2013 at the Fireside Grill and Bar and they will donate 15% of your pre-tax food bill to the Memorial Day Parade. The second fundraiser is sponsored by Foodtown and if you shop between March 22, 2013 and March 31, 2013 5% of your purchase will go towards the parade.

Councilman Schnurr stated that residents can now pay their taxes and water bill online by using the Borough's website. This makes it very convenient for people who are working during the day. He thanked Mr. Bellina and Mr. Gartz for their work on this.

Councilman Schnurr stated at the January Workshop Meeting there was a presentation

from the Freehold Borough 21st Century Community Learning Center Program. This program is run by Ronnie Dougherty and she wanted to thank the governing body for allowing them to do their presentation. Ms. Dougherty was asked to present this program at a NJ State conference and Freehold Borough is now being recognized as having a model afterschool program.

Councilman Schnurr stated the NJ Housing and Mortgage Finance Agency is changing the NJ Home Keeper program. He will be getting more information on this and will present it at the next workshop meeting along with an update on the planning board.

Councilman Sims thanked everyone for attending the meeting. He thanked the Youth Government participants who attended this evening. He stated it has been a year since this program began. There are 16 participants and 4 seniors that will be leaving in June. The program received a \$135,000 grant through the Monmouth County Open Space Fund which is run through the Monmouth County Park System. At present they are waiting for the NJDEP to finish processing permits. The youth council is preparing a letter to send to the Freehold Borough Arts Council for their help in creating a sign for the entranceway to the park. The council will also have the opportunity to get volunteer hours by either walking in the parade or volunteering to help. There is a meeting planned to discuss this on Wednesday, March 6, 2013 at 7:00 PM.

Councilman DiBenedetto congratulated the Freehold Boro Girls Basketball team, they won in overtime tonight. He congratulated Kathy Sheedy for her appointment to judge. He was sorry to see the resignation of Patrick McMorrow from the Housing Authority.

Councilman DiBenedetto stated the 100th Anniversary of the Knights of Columbus was a great success. He also thanked Lynn Reich on her presentation regarding Freehold Borough Health and Fitness Program.

Councilman DiBenedetto stated the Easter Egg Hunt will be held on March 23, 2013 at 10:00 AM at Park Avenue School and the rain date is scheduled for March 30, 2013. The Colonial Basketball finals are on Wednesday, March 20, 2013 at 6:30 PM at Monmouth University.

Councilman DiBenedetto described the Downtown Freehold March St. Patrick's Day events.

Councilman DiBenedetto read a letter that was written by a Borough resident regarding a tree stump the children were playing on and the resident was afraid that someone would get hurt. In the letter the resident thanked the Streets and Roads Department and Mr. Megill for their quick action in removing the stump.

Councilman DiBenedetto asked that everyone keep Councilwoman Shutzer and her family in their prayers.

Councilman Griffiths stated he had the privilege of going to the Freehold Learning Center and reading to a group of about 60 kindergarten students dressed in their pajamas. He congratulated the Knights of Columbus on their 100th year anniversary. He also stated that Patrick McMorrow will be missed on the Housing Authority.

Councilman Griffiths read a letter written by Sandy Silvers from Interfaith Neighbors. This group is inviting people to come and learn more about their programs. This program delivers meals through the Meals on Wheels program and they have been the sole operator of the Monmouth County Nutrition Program since 1991. This year they delivered 400,000 meals and they are having an "adopt a senior" campaign and are looking for donations.

Councilman Kane thanked everyone for attending the meeting. He thanked the Youth Government for coming this evening. He thanked Lynn Reich for all of her efforts on the health program.

Councilman Kane responded to Mr. Baldwin about the Best Practices Checklist and he explained the Finance Committee is currently working on the budget. There was significant damage done during the storms last year and we are trying to figure all of this out and once the budget is adopted we will then take a look at the Best Practices Checklist.

Councilman Kane complimented the newly painted council room. He also asked everyone to keep Councilwoman Shutzer in their prayers.

Mayor Higgins stated this is a difficult time for Councilwoman Shutzer's family and he asked everyone to say a prayer for them.

Mayor Higgins stated the 2nd Annual St. Patrick's Day Parade will be held on Sunday, March 17, 2013 starting at 51 West Main Street at 12:15 PM sharp.

Mayor Higgins recognized Dan Megill and Nelson Cooperburg for their work in redoing the council chambers. The Historic Preservation Commission is working on collecting old maps and prints and framing them to put on the walls of the council room. We've also made improvements to the audio/visual capabilities and freshened up the room.

Mayor Higgins called for a motion to adjourn.

Councilman Sims offered the motion to adjourn, seconded by Councilman Griffiths.

MOTION TO ADJOURN.

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

The meeting was adjourned at 8:20 PM.

Respectfully Submitted,

TRACI L. DIBENEDETTO, RMC
BOROUGH CLERK

TLD:aj