

The Regular Meeting of the Mayor and Council of the Borough of Freehold was held on Monday, April 1, 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 Kane 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
PRESENT	COUNCILWOMAN SHARON SHUTZER
PRESENT	COUNCILMAN JAYE SIMS

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

**“Swearing in and Oaths of Office: Sgt. Andrew Demuth to Detective Sergeant, Freehold Police Department.  
Ptl. Christopher Otlowski to Sergeant, Freehold Police Department.”**

Councilman Kane stated Chief Roberts recommended promoting Sgt. Andrew Demuth to Detective Sergeant. He has been on the police department for 23 years, 15 years as a Sergeant and is well known in the law enforcement community.

Mayor Higgins swore in Detective Sergeant Andrew Demuth and stated these events do not have to be held. An officer can come up, sign his oath and take his office but we do not do that here in Freehold Borough because these ceremonies are important for our community to recognize the advancement of these men through the ranks.

Councilman Kane stated Chief Roberts also recommended promoting Ptl. Christopher Otlowski to Sergeant. He started as one of our dispatchers, became a police officer in 1998, transferred to Freehold Borough in 1999 and has been a detective in the department for the past 4 years. This is a great move for the police department because of Sergeant Otlowski’s extensive background in narcotics.

Mayor Higgins read Item No. 5 on the Agenda as follows:

**“Freehold Borough Human Relations Committee Washington DC Bus Trip. (Jane Fields)”**

Councilman Sims stated that the Human Relations Committee is sponsoring a trip to Washington DC to see several historical sites. He introduced Jane Fields and Carol Lida.

Ms. Fields stated the flyers went out to restaurants and grocery stores in the area, both in Spanish and in English. To date we only have two paid reservations. We have until April 19, 2013 to secure enough deposits to make the trip possible. We will be following up this week with the clergy alliance and will repeat flyers to certain key areas. We have been told that we can have an ad in the Spanish newspaper. The committee is still hopeful and will keep the governing body updated.

Councilwoman Shutzer stated there was an ad on the Borough email blast.

Councilwoman Shutzer offered a motion to accept the minutes from the Workshop Meeting March 18, 2013, seconded by Councilman Griffiths.

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

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

**“Resolution of the Mayor and Council of the Borough of Freehold Honoring Elizabeth J. O’Connell, Superintendent of Freehold Borough Public Schools on the Occasion of Her Retirement.”**

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 ELIZABETH J. O’CONNELL, SUPERINTENDENT OF FREEHOLD BOROUGH PUBLIC SCHOOLS ON THE OCCASION OF HER RETIREMENT.

Councilwoman Shutzer stated Mayor Higgins, Councilman Schnurr and herself presented this Resolution to Ms. O’Connell at her retirement party.

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

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 Councilwoman Shutzer:

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 April 15, 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 was introduced once before but it was tabled, so we went in and cleaned up some wording in Chapter 5.48.010 which dealt with antiques. The ordinance allows us to have some accountability for things that are bought and sold and to make sure they are done legally.

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

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

**“Second Reading and Public Hearing: Ordinance #2013/4 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A.40A:4-45.14).”**

Mayor Higgins opened the meeting to the public.

There were no comments.

Councilwoman Shutzer 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. Mayor Higgins declared the motion adopted.

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

BE IT RESOLVED by the Mayor and Council of the Borough of Freehold that an Ordinance entitled "ORDINANCE #2012/4 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.40A:4-45.14)," be, and same is hereby adopted on second reading.

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

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

**"Resolution Authorizing Tax Appeal Settlement Re: Block 108, Lot 8; 611 Park Avenue, Re: Block 108, Lot 12; Jerseyville Avenue, Re: Block 108, Lot 9; 597 Park Avenue."**

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

RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT RE: BLOCK 108, LOT 8; 611 PARK AVENUE, RE: BLOCK 108, LOT 12; JERSEYVILLE AVENUE, RE: BLOCK 108, LOT 9; 597 PARK AVENUE.

Councilman Griffiths stated the tax assessor advised the governing body that they have reviewed these appeals and find them to be appropriate adjustments.

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

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

**"Resolution Extending a Contract for Refuse and Recycling Collection Services for a One (1) Year Period."**

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

RESOLUTION EXTENDING A CONTRACT FOR REFUSE AND RECYCLING COLLECTION SERVICES FOR A ONE (1) YEAR PERIOD.

Councilman Kane stated in 2009 we had a three year agreement with DeLisa Demolition, Inc., to do the refuse and recycling and in that contract there was a provision to extend it for one year periods. We did that last year and we are doing it again this year.

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

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

**“Resolution of the Borough of Freehold Amending “No Parking – Bus Stop Zones.”**

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

**RESOLUTION OF THE BOROUGH OF FREEHOLD AMENDING “NO PARKING – BUS STOP ZONES.**

Councilman Schnurr stated a few months back a few residents came up and complained about a bus stop on the corner of Main Street and Jackson Street so we asked the State to move the bus stop across the street, closer to Zlotkin Circle and that’s what they did.

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

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

**“Resolution Authorizing Fees to be Collected for the Freehold Borough Historic Preservation House Tour.”**

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

**RESOLUTION AUTHORIZING FEES TO BE COLLECTED FOR THE FREEHOLD BOROUGH HISTORIC PRESERVATION HOUSE TOUR.**

Councilman DiBenedetto stated when a Borough committee collects fees it has to be done through a Resolution. This is for the Freehold Borough Historic Preservation House Tour which is on Saturday, June 22, 2013, 10:00 AM – 4:00 PM. These fees help create grants for residents who preserve their historic homes and buildings.

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

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

**“Resolution Confirming Personnel Appointments/Actions:**

- a. Appointment of Andrew Demuth as Detective Sergeant, Freehold Police Department, effective April 1, 2013.**
- b. Appointment of Christopher Otlowski as Sergeant, Freehold Police Department, effective April 1, 2013.**
- c. Appointment of Kyle Cannon as a member of the Freehold Fire Department Juniors Program, effective April 1, 2013.”**

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

**RESOLUTION CONFIRMING PERSONNEL APPOINTMENTS/ACTIONS NO. 14A – 14C.**

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

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

**“Resolution Approving the Following Applications:**

- a. Sidewalk Café License, A Little Bit of Cuba Dos, 2 East Main Street.**

- b. Sidewalk Café License, Café 360, 34 East Main Street.**
- c. Precious Metal License, Cellwave, LLC, 10 West Main Street.**
- d. Parade License, Freehold Borough Little League Parade, 4/13/13, 9:00 AM – 10:15 AM from Main Street to the Little League Fields, Rain Date: 4/14/13. c/o Rich Matteo**
- e. Canning, Knights of Columbus Freehold Council #1672, 4/20/13, 8:00 AM – 4:00 PM, at the intersections of Rt. 79, Rt. 537, East Main Street and Center Street.**
- f. Raffle License Numbers 10-13 through 12-13, St. Rose of Lima PTA, 5/17/13, (50/50), (On-Premise Draw Raffle) and (Merchandise Raffle).**
- g. Taxi Owner Licenses (10), Leon’s Taxi, 57 W. Main Street, Freehold.**
- h. Temporary Taxi Driver License, Robert Renaud, Freehold.**
- i. Permanent Taxi Driver License, Miriam L. Enamorado, Freehold.”**

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

**RESOLUTION APPROVING APPLICATIONS 15A THROUGH 15I.**

On roll call Council Members DiBenedetto, Griffiths, Kane, Schnurr, Shutzer and Sims voted its adoption; opposed none; abstain none; absent none. 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 DiBenedetto:

BE IT RESOLVED by the Mayor and Council of the Borough of Freehold that the bills on the attached list in the amount of \$1,454,433.94 be paid as presented.

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

Mayor Higgins opened the meeting to the public.

Elaine Zarr, 22 Ford Avenue, read a letter regarding meetings being held at the clubhouse at 45 Throckmorton Street and parking in the Broad Street parking lot. Recently they have been getting ticketed for parking illegally or without a parking permit. Most of us are either elderly or handicapped and there is only one handicapped parking space on the lot. Some of us attending the meetings come from other towns besides Freehold and are not aware of the strict enforcement, especially since the parking lot is often empty. She asked if the governing body could modify the parking regulations between the hours of 4:00 PM - 5:00 PM so that the members can attend the 4:00 PM meeting. She then turned in a petition which had 160 signatures.

Mr. Higgins asked Mr. Bellina and Chief Roberts to look into this.

Jim McAllister, President of the First Aid Squad thanked everyone who attended the pancake breakfast on Saturday, March 30, 2013.

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

**RESOLUTION TO CLOSE PUBLIC PORTION.**

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

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

Councilman Schnurr stated there will be a fundraiser for the Memorial Day Parade at The Cabin Restaurant on Tuesday, April 16, 2013. He stated there will be report on the upcoming parade at the May 6, 2013 meeting.

Councilman Schnurr stated on the Resolution Approving Applications on the agenda he noticed the Knights of Columbus will be canning on April 20, 2013 from 8:00 AM – 4:00 PM. All of this money goes to charity. He also stated the Freehold Little League Parade will be on April 13, 2013.

Councilwoman Shutzer congratulated both Detective Sergeant Demuth and Sergeant Otlowski. She also congratulated Kyle Cannon for joining the Freehold Borough Junior Firefighters.

Councilwoman Shutzer stated the Municipal Alliance Committee will be hosting their fundraiser at The Cabin Restaurant on Wednesday, April 17, 2013. She also stated the annual Municipal Alliance Golf Outing will be held on Monday, June 24, 2013.

Councilwoman Shutzer stated on the Agenda we have applications for the Freehold Borough Little League parade, sidewalk cafes and in the News Transcript there is an article about the Community Garden, all of this means that summer is right around the corner.

Councilman Sims thanked everyone for their warm wishes regarding Mrs. Sims recent surgery which was a success.

Councilman DiBenedetto also congratulated Detective Sergeant Demuth and Sergeant Otlowski. He also stated the Easter Egg Hunt was a great success and he thanked everyone who helped.

Councilman Griffiths congratulated the police officers and his neighbor Kyle Cannon. He then read the following:

“Currently there is legislation being introduced A-2753 and S-1923 that would correct the States miss-use of taxes that are collected and intended for property tax relief. Instead the State has used the monies to fund State programs and to plug holes in their budget. Both the energy tax and the consolidated municipal tax relief act were designed to pay municipalities for services they provide to businesses and utilities. The payment of these taxes by law was to be made directly to the municipalities. The State agreed in 1980 and 1990 to become the collector and distributor of the municipal taxes. Prior to the State assuming that role the municipalities received the entire amount that was due to them. Once the State took over the temptations proved too great to consistently honor the full distribution requirements. The State began diverting money to their own budget. This is not a political party issue; both parties have continued this policy. It is time for the people, you the taxpayers to contact your representatives and demand the return of tax dollars that were always intended for local tax relief. The combined loss of tax dollars to NJ towns just for the last three fiscal years 2009 -2011 was \$331,000,000. A calculator developed by the League of Municipalities has been made available online. Using the data since 2002 the loss of revenue to Freehold Borough has been \$5,382,455. Any town in NJ can check this calculator. I really urge you to contact your State Senator and Assembly representatives and ask them to support A-2753 and S-1923 or they need to explain to you why they prefer to have the State grab your tax monies that were designated for your local tax relief.”

Councilman Kane thanked everyone for attending the meeting. He congratulated Detective Sergeant Demuth and Sergeant Otlowski. He thanked Chief Roberts for making those recommendations.

Councilman Kane stated the Freehold Borough Little League Parade will be on Saturday, April 13, 2013 at 9:00 AM. On the same day and time there will be a clean up at Lake Topanemus. This is all done by volunteers and he urged everyone to come out and help.

Mayor Higgins stated the Monmouth County Park Systems Green Heritage Spring edition publication lists projects that were approved and one of them mentioned Councilman Sims and Veterans Park. This project was highlighted in the magazine.

Mayor Higgins stated Tuesday, April 2, 2013 is the second meeting of the Community Fitness Program. The first event is a bicycle ride with the governing body on April 14, 2013 at 1:00 PM starting at Borough Hall. After the bike ride there will be someone here from Freehold Bicycle who is going to talk about bike safety and bike maintenance. This was a huge success last year.

Mayor Higgins stated the Boro-wide clean-up will be on Saturday, May 18, 2013. Also on May 18, 2013 there will be a paper shredder here at the Borough Hall parking lot from 2:30 PM – 4:30 PM.

Mayor Higgins called for a motion to adjourn.

Councilwoman Shutzer offered the motion to adjourn, seconded by Councilman DiBenedetto.

MOTION TO ADJOURN.

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

The meeting was adjourned at 8:14 PM.

Respectfully Submitted,

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TRACI L. DIBENEDETTO, RMC  
BOROUGH CLERK

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