

The Meeting of the Mayor and Council of the Borough of Freehold was held on Monday, April 15, 2013 at 7:30 PM 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 for everyone affected by the tragedy in Boston.

Roll Call

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

Councilman Sims offered a motion to accept the minutes from the Regular Meeting April 1, 2013, seconded by Councilwoman Shutzer.

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

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

“Proclamation of the Mayor and Council Designating April 26, 2013 as “Arbor Day” in the Borough of Freehold, New Jersey.”

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

“Second Reading and Public Hearing: Ordinance #2013/1 Amending Chapter 5.48 (Jewelry and Precious Metals), of the Revised General Ordinances of the Borough of Freehold.”

Mayor Higgins opened the meeting to the public.

There was no comment from the public.

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

RESOLUTION TO CLOSE PUBLIC PORTION.

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

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 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 adopted on second reading.

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

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

“Second Reading and Public Hearing: 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.”

Mayor Higgins opened the meeting to the public.

There was no comment from the public.

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

RESOLUTION TO CLOSE PUBLIC PORTION.

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

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 adopted on second reading.

Councilman Schnurr stated this was discussed at length at the last meeting.

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

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

“Resolution Supporting the Mayors Wellness Campaign.”

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

RESOLUTION SUPPORTING THE MAYORS WELLNESS CAMPAIGN.

Councilman Kane congratulated Mayor Higgins for the large turn out for the bicycle ride through town.

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

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

“Resolution Authorizing the Monmouth County Mosquito Commission to Apply Pesticides from Aircraft to Control Mosquitoes Over Portions of the Borough of Freehold.”

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

RESOLUTION AUTHORIZING THE MONMOUTH COUNTY MOSQUITO COMMISSION TO APPLY PESTICIDES FROM AIRCRAFT TO CONTROL MOSQUITOES OVER PORTIONS OF THE BOROUGH OF FREEHOLD.

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

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

“Resolution of the Mayor and Council of the Borough of Freehold, County of Monmouth, State of New Jersey, Authorizing a Developer’s Agreement Re: Scott Borbely, LLC Block 49, Lot 13.01.”

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

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FREEHOLD, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING A DEVELOPER’S AGREEMENT RE: SCOTT BORBELY, LLC BLOCK 49, LOT 13.01.

Councilman Schnurr stated many of the applications that come before the planning board normally have a Resolution authorizing a Developers Agreement and this one is in regards to the homes that are being built on Jackson Terrace and McElwaine Drive.

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

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

“Resolution Certifying a Submission of Expenditures for Recycling Taxes Paid in 2012.”

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

RESOLUTION CERTIFYING A SUBMISSION OF EXPENDITURES FOR RECYCLING TAXES PAID IN 2012.

Councilwoman Shutzer stated there is a fee of \$3.00 per ton on all solid waste accepted for disposal and the Borough can apply to get the money back.

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

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

“Resolution Authorizing the Execution of a Commodity Resale Agreement with the County of Monmouth.”

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

RESOLUTION AUTHORIZING THE EXECUTION OF A COMMODITY RESALE AGREEMENT WITH THE COUNTY OF MONMOUTH.

Councilman Griffiths stated this reinstates the contract that we have that deals with purchasing commodities such as gasoline, diesel fuel and chemicals for snow.

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

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

“Resolution Awarding a Contract for the Purchase of an in Car Law Enforcement Video System.”

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

RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE OF AN IN CAR LAW ENFORCEMENT VIDEO SYSTEM.

Councilman Sims stated this will replace our existing system with a more updated system.

On roll call Council Members Griffiths, Kane, Schnurr, Shutzer and Sims voted its adoption; opposed none; abstain none; Councilman DiBenedetto absent. 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 Patrick Healey as a Police Officer, Freehold Borough Police Department, effective April 16, 2013.”**

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

RESOLUTION CONFIRMING PERSONNEL APPOINTMENTS/ACTIONS NO. 14A.

On roll call Council Members Griffiths, Kane, Schnurr, Shutzer and Sims voted its adoption; opposed none; abstain none; Councilman DiBenedetto absent. 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, Giovanna’s Restorante, 13 West Main Street.**
b. Sidewalk Café License, Ibyy’s Falafel, 4 West Main Street.
c. Sidewalk Café License, Market Yard Grill, 18-20 East Main Street.
d. Sidewalk Café License, Stefano Pizza, 35 East Main Street.
e. Raffle License No. 13-13, Sweet Adelines International Liberty Oak Chapter, Calendar Raffle at the Freehold Jewish Center, 59 Broad Street, 5/30/13 to 8/22/13, Thursday nights, 7:30 PM.
f. Vendor License, Ortiz Ice Cream, Operating an ice cream truck, 4/15/13-11/1/13 Sunday through Saturday, 12:00 PM – 7:30 PM.
g. Vendor License, Myra’s Ice Cream, Operating an ice cream truck, 4/15/13 – 11/1/13 Sunday through Saturday, 1:00 PM – 8:00 PM.
h. Latino Festival, 10/5/13 – Rain Date 10/6/13, 12:00 PM – 7:00 PM at the Hall of Records parking lot.
i. Permanent Taxi Driver License, Jose Caldera, Freehold.”

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

RESOLUTION APPROVING THE FOLLOWING APPLICATIONS NO. 15A – 15I.

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

BE IT RESOLVED by the Mayor and Council of the Borough of Freehold that the bills on the attached list in the amount of \$659,771.52 to be paid as presented.

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

There were no items under late communications.

Mayor Higgins read Item No. 18 on the Agenda as follows:

“Items for Discussion:

- a. Mayor’s Annual Clean-up Day.**
- b. New Jersey Homekeeper Program Update (Councilman Schnurr)”**

Item A. Mayor’s Annual Clean-up Day.

Mayor Higgins stated the 2nd Annual Clean-up Day is scheduled for Saturday, May 18, 2013 from 8:00 AM - 2:00 PM. This event is being held on the Saturday before Memorial Day to help our residents and businesses prepare for the upcoming Memorial Day holiday and the summer season. During the week leading up to clean-up day, residents may place up to five bulk items at curbside on each of the two collection days. On Saturday dumpsters will be placed at Park Avenue School, Freehold Learning Center and the public works facility on Center Street. Also a paper shredder will be located at Borough Hall from 2:30 PM – 4:30 PM. Our public works staff will be on site at the three locations to help residents unload their trash. We are asking all residents and businesses to use this day to plant flowers, shrubs and trees and to clean-up any debris from their properties. This program was a success last year and we are hoping that everyone will take advantage of it again this year.

Item B. New Jersey Homekeeper Program Update (Councilman Schnurr).

Councilman Schnurr stated this program provides relief for homeowners who are faced with foreclosure. He then gave a background on the program. New Jersey’s high unemployment rate causes a number of these foreclosures, not just in our community, they are throughout the State. In many cases these foreclosures are a direct result of people being unemployed or underemployed. The New Jersey Homekeeper Program was designed to provide short term financial assistance to keep families in their home while they look for employment.

Councilman Schnurr stated a key part of the program is to provide assistance in the form of a second mortgage loan repayable only if the homeowner sells, refinances or ceases to occupy the property within ten years of the date of the loan. The loan proceeds may be used to cover missed loan payments, as well as, the mortgage itself, including property taxes, property insurance and mortgage insurance. Eligible homeowners may receive financial assistance up to \$48,000 for a period of two years.

Councilman Schnurr stated this is a good program but it has its faults. The State of New Jersey has done several things to make it easier for homeowners to apply. They made several enhancements to the program, the first is as soon as an eligible homeowner submits a completed application it takes an average of 60 days to be approved for a homekeeper loan instead of the four months or longer it took in the early days of the program. The State found that a lot of people were hitting the panic button a little too late and by the time the loan was approved they were already in trouble. So they’ve decreased the amount of days that it takes to get approved. The second thing they did was change the loan criteria guidelines. The program is averaging approximately 250 loans per month whereas in comparison to 2011 there was only 85 homekeeper loans awarded for the entire State for the last half of 2011. Applicants who were denied initially under the more stringent program are being reached out to now to either reapply or appeal. The appeal process is a lot easier now than it used to be. There is also housing counseling being provided to perspective applicants at no cost. There is a link for this program located on the Freehold Borough website.

Mayor Higgins read Item No. 19 on the Agenda as follows:

“Committee Reports.”

Councilman Schnurr discussed the Land-use Committee and the three things being focused on are as follows:

- Establishing an escrow account for parking waivers for improvements to parking lots.
- Alternate Land-use Application process for properties in the Redevelopment zone.
- Alternate process to review minor waivers within the planning board.

Councilman Schnurr stated he will give an update on the Memorial Day Parade Committee at the next meeting.

Councilman Schnurr stated there will be an event entitled “Community Unity Day” at New Hope Baptist Church on Saturday, May 4, 2013 from 12:00 PM – 4:00 PM. They will feature an “Open Mic” with Mayor Higgins from 2:00 PM – 3:00 PM. The Cabin Restaurant fundraiser for the Memorial Day Parade Committee will be on Tuesday, April 16, 2013 from 5:00 PM – 10:00 PM.

Councilwoman Shutzer stated the Personnel Committee approved the hiring of Patrick Healey as a police officer and he is attending the police academy. Advisory Council on Aging will be meeting on Wednesday, April 17, 2013 and their major concern is the situation at the Rug Mill and she contacted Assemblywoman Casagrande for her assistance.

Councilwoman Shutzer reported the Board of Education had its public hearing on the budget on March 25, 2013 and there is a copy in the Clerk's office. The Freehold Alliance Against Substance Abuse met last Wednesday, April 10, 2013 and they are promoting a public service announcement video contest having to do with the dangers of distracted driving. The video must be 48 seconds and it is open to all residents.

Councilwoman Shutzer stated there is a fundraiser at The Cabin Restaurant for the Alliance on Wednesday, April 17, 2012 and the annual Ray Kershaw Memorial Golf Outing will be held on June 24, 2013 at Knob Hill Golf Club.

Councilman Sims stated the library will be taking food donations for Open Door all month. The Human Relations Committee is running a bus trip to Washington DC.

Councilman Sims stated over the weekend the fire department placed its newly purchased ladder truck into full service.

Mayor Higgins spoke for Councilman DiBenedetto. He stated there are several road projects underway. The work has begun at Douglas Road, Stillwell Place, West George Street, Brentwood Drive and Barkalow Avenue. The Court Street parking lot will be started in the near future.

Mr. Bellina stated these projects should be wrapped up in the next few months. We are doing them in two phases. First they are doing the concrete work and when that is done they will come in with the road resurfacing equipment. Mr. Bellina stated everything is contingent upon the weather but should be done in approximately 45 days.

Councilman Griffiths stated the Shade Tree Commission has been very busy. The mayor received a letter from the Arbor Day Foundation congratulating him on earning recognition as "Tree City USA". This is the 16th year that Freehold Borough has been awarded this. We were not the recipients of this year's Arbor Day Foundation TD Banks grant for green streets. There were only 10 grants awarded nationwide. We've looked into a grant from Verizon but the bottom line is that their focus is not on trees. We will be working on another grant in the near future.

Councilman Griffiths stated the Shade Tree Commission is working on fundraisers because they realize the Borough cannot fund all of the replanting that needs to be done. The Borough went into quite a bit of debt to take care of the storm damage and now the replanting has to start. The commission is looking into various fundraisers to restock the trees in town. The commission is working on an essay contest with the 21st Century Afterschool Program and there will be an Arbor Day Celebration.

Councilman Kane stated the Finance Committee introduced the Borough budget at the March 18, 2013 meeting and the public hearing will be Monday, May 6, 2013. In the Public Safety Committee there were two promotions; Andy DeMuth to Detective Sergeant and Chris Otlowski to Patrol Sergeant.

Councilman Kane stated the Board of Health hosted a rabies clinic on Saturday, April 13, 2013. There was a great turnout for the Lake Topanemus clean-up that was held on April 13, 2013.

Councilman Kane stated Freehold Little League opening day parade was a great success, as well as the Mayor's Bicycle Ride which had approximately 50 bicycle riders. There will be more events in the near future promoting healthier living.

Councilman Kane stated Freehold High School will be inducting six new members into their "Hall of Fame" on Thursday, April 18, 2013 at Park 33. Hydrant flushing will commence on Tuesday, April 16, 2013 starting at 8:00 AM and continuing until all of the hydrants are flushed. Olde Freehold Day will be on Saturday, July 20, 2013 from 10:00 AM – 5:00 PM. Ronnie Davis who runs the music program for Olde Freehold Day was diagnosed with liver cancer approximately four months ago, the cancer has spread throughout his body and he only has a few weeks to live. He has no insurance and the American Legion is hosting a spaghetti dinner on April 27, 2013 from 4:00 PM – 8:00 PM and all of the proceeds will be donated to him.

Mayor Higgins recognized Captain Dispenza for attending the meeting and recognized the police and fire department for their help with the bicycle ride. He along with several of the governing body attended the swearing in of Judge Sheedy.

Mayor Higgins opened the meeting to the public.

Tom Baldwin, 3 Vought Avenue asked the date of the spaghetti dinner.

Councilman Kane responded it was Saturday, April 27, 2013 from 4:00 PM – 8:00 PM.

Mr. Baldwin asked if brush pick-up could be extended into May.

Mayor Higgins replied we already extended it until April 15, 2013.

Mr. Bellina stated public works will pick up what is out there now but there has to come a time when we get back to cleaning parks, filling potholes, etc. The next scheduled pick-up will be in July, but residents can still bring brush to the public works facility or cut it into 4 foot lengths and leave them out with the trash.

Mr. Baldwin questioned if the new trees being planted could not be as big.

Councilman Griffiths responded the Shade Tree Commission does have two sets of tree species, one that is planted under utilities and one that will be planted where there are no utilities.

Mr. Baldwin asked when the next meeting of Olde Freehold Day was.

Councilman Kane stated the next meeting will be held on Wednesday, May 1, 2013 at Borough hall.

Councilman Kane thanked the Borough Streets and Roads Department for the excellent job they did cleaning up Lake Topanemus and the little league fields.

There being no further business to discuss, Councilwoman Shutzer moved to adjourn the meeting at 8:15 PM, seconded by Councilman Griffiths, with All in Favor and Councilman DiBenedetto absent.

Respectfully Submitted,

TRACI L. DIBENEDETTO, RMC
BOROUGH CLERK

TLD:aj