

The Regular Meeting of the Mayor and Council of the Borough of Freehold was held on Monday, October 7, 2013 at 7:35 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 Sims opened the meeting with the Salute to the Flag, followed by a moment of silence for David Barkalow who was an active member of our Olde Freehold Day group, Eugene Kelsey, former Councilman and Bruce Woolford, a member of Richardson Engine Company #2.

#### 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:

**“Contribution by the Freehold Elks Lodge #1454 to the Freehold Borough Fire Department and Freehold First Aid Squad.”**

Richard Hamilton, from the Freehold Elks Lodge, presented a contribution of \$500 to the Freehold Borough Fire Department and \$500 to the Freehold First Aid Squad. Present to receive the contributions were Fire Chief Daniel Megill, Second Assistant Fire Chief Stephen Pullen and William Madden from the First Aid Squad.

Mayor Higgins thanked Rich Hamilton, and Rich’s wife Patty, who is also a member of the Lodge.

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

**“Presentation of the 2012 John G. McGackin Award – Rich Kane.”**

Councilman Kane said that he needed to put in a disclaimer saying that he had nothing to do with choosing the winner as this year’s winner is Councilman Kane’s uncle.

Councilman Kane explained the criteria by which a person is nominated and then chosen to receive the McGackin award and listed the accomplishments of Rich Kane throughout the years.

Mayor Higgins read the award and presented the plaque to Rich.

Rich thanked everyone, especially Jane Maury, the widow of John McGackin. He took words from Bruce Springsteen’s song and remarked that this is “our hometown” and that none of the accomplishments could have happened without all the people who believe in Freehold Borough.

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

**“Redevelopment Presentation – Gola Sizzle, Inc., (formerly Ballew Jewelers) Owner – 15 Hardy Street Corporation (Michael Behar); Location – 5 West Main Street, Block 36, Lot 18.”**

This building is the former Ballew Jewelers located at 5 West Main Street. It has been vacant for a while and will now become Gola Sizzler Restaurant. William Wentzien, Borough

Engineer, explained that since it is a change in use from retail to restaurant it will require 18 more parking places. This will require a variance which will be entertained through the land use board.

Mr. Bellina said that a review by the Historic Preservation Committee was successfully completed a few weeks ago.

Borough Attorney, Kerry Higgins advised the governing body that a motion was needed in order to prepare a resolution stipulating that the application is consistent with the Freehold Center Core Redevelopment Plan.

Councilwoman Shutzer offered a motion, seconded by Councilman Schnurr.

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.

Councilwoman Shutzer offered a motion to accept the minutes from Executive Session September 16, 2013 and Regular Meeting September 16, 2013, seconded by Councilman Kane.

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:

**“Second Reading and Public Hearing: Ordinance #2013/13 Amending the Visioning and Revitalization Plan for the Freehold Center Core Redevelopment Plan as Adopted Under Chapter 2.128.”**

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 Griffiths.

**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.

Councilman Schnurr explained the intent of this ordinance is to streamline the process that a new business needs to go through for approval.

Councilman Schnurr 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 #2013/13 AMENDING THE VISIONING AND REVITALIZATION PLAN FOR THE FREEHOLD CENTER CORE REDEVELOPMENT PLAN AS ADOPTED UNDER CHAPTER 2.128**”, be, and same is hereby adopted on second reading.

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 # 2013/14 Establishing Thresholds for Contributions to Municipal Candidates and Municipal Political Parties by Those Seeking or Performing Services or Contracts with Freehold Borough (Pay-to-Play Ordinance.”**

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 Griffiths:

**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.

Councilman Schnurr 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 #2013/14 ESTABLISHING THRESHOLDS FOR CONTRIBUTIONS TO MUNICIPAL CANDIDATES AND MUNICIPAL POLITICAL PARTIES BY THOSE SEEKING OR PERFORMING SERVICES OR CONTRACTS WITH FREEHOLD BOROUGH (PAY-TO-PLAY ORDINANCE)”, be, and same is hereby adopted on second reading.

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. 10 on the Agenda as follows:

**“Introduction of and Authorization to Publish Ordinance No. 2013/16 Amending and Supplementing Chapter 2.80 Shade Tree Commission.”**

Councilman Griffiths 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 NO. 2013/16 AMENDING AND SUPPLEMENTING CHAPTER 2.80 SHADE TREE COMMISSION” 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 same shall be further considered for final passage after public hearing at a meeting held on November 4, 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 require same.

Councilman Griffiths explained that our town suffered three horrific storms that wrecked havoc on our tree stock. The “super cell” Sandy and the fall snowstorm devastated the trees along our streets. Since the town controls the strip of land between the curb and the sidewalk it has cost the Borough more than half a million dollars for the clean up. Residents have come to us and asked if they can plant replacement trees along the street. Our current ordinance does not allow this; the new ordinance will permit it. The process is to apply to the administrator’s office and follow the Shade Tree Commission guidelines for tree planting.

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:

**“Introduction of and Authorization to Publish Ordinance No. 2013/17 Authorizing a Special Appropriation, Pursuant to N.S.J.A. 40A:4-53, in the Amount of \$300,000, for the Preparation and Execution of a Complete Revaluation of Real Property in the Borough of Freehold, County of Monmouth, New Jersey.”**

Councilman Kane 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 NO. 2013/17 AUTHORIZING A SPECIAL APPROPRIATION, PURSUANT TO N.S.J.A. 40A:4-53, IN THE AMOUNT OF \$300,000, FOR THE PREPARATION AND EXECUTION OF A COMPLETE REVALUATION OF REAL PROPERTY IN THE BOROUGH OF FREEHOLD, COUNTY OF MONMOUTH, 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 same shall be further considered for final passage after public hearing at a meeting held on November 4, 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 require same.

Councilman Kane explained this is a county ordered revaluation and that according to the county we are overdue for one.

Councilman Griffiths further explained that the county has included Freehold Borough in a new demonstration project. The goal of the project is to arrive at more accurate and more timely assessments designed to build public confidence in the fairness of the system. Currently the requirements are to do a revaluation every ten years. This project requires one town wide revaluation and then 20% of the town will be revaluated each year in the ensuing five years.

On roll call Council Members DiBenedetto, Griffiths, 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. 12 on the Agenda as follows:

**“Resolution Requiring Elected and Appointed Officials to Attend Various Training Programs.”**

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

RESOLUTION REQUIRING ELECTED AND APPOINTED OFFICIALS TO ATTEND VARIOUS TRAINING PROGRAMS.

Councilman Griffiths explained this resolution will require locally elected and appointed officials to attend various training programs to assist them in their civil duties.

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 Memorializing Review and Discussion of 2013 New Jersey Best Practices Inventory.”**

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

RESOLUTION MEMORIALIZING REVIEW AND DISCUSSION OF 2013 NEW JERSEY BEST PRACTICES INVENTORY.

Mr. Bellina explained that Freehold Borough came in at 95 percent on the check list and should be in good shape for receiving all eligible funding.

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 of the Mayor and Council of the Borough of Freehold Approving Renewal of Alcoholic Beverage License for the 2013-2014 License Term (BK Thick Shake LLC.)”**

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

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FREEHOLD APPROVING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE FOR THE 2013-2014 LICENSE TERM (BK THICK SHAKE LLC.)

Councilwoman Shutzer explained this is an inactive license and needed a special ruling by the State in order to be renewed.

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 Authorizing Tax Appeal Settlement Re: Block 106, Lot 1; 521 Park Avenue.”**

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

RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT RE: BLOCK 106, LOT 1; 521 PARK AVENUE.

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:

**“Resolution Authorizing Freehold Borough to Delete Block 84, Lot 65:08 From the Official Tax Sale List.”**

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

RESOLUTION AUTHORIZING FREEHOLD BOROUGH TO DELETE BLOCK 84, LOT 65:08 FROM THE OFFICIAL TAX SALE LIST.

Councilman DiBenedetto explained this property, also known as 81 Orchard Street, is currently being used as a pumping station and should not be included in the upcoming tax sale.

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. 17 on the Agenda as follows:

**“Resolution Approving the Following Applications:**

- a. **Memorializing NJ Communities United March, 10/5/13, 11:30 AM – 2:30 PM, starting at 191 Throckmorton Street and ending at the Hall of Records Parking Lot.  
c/o Christian Zamarron.**
- b. **Homecoming Parade, Freehold High School, 10/12/13, 11:30 AM – 12:30 PM, starting at Rita’s Ices and ending at FHS football field.**
- c. **Freehold Area Running Club, Race, 11/29/13, 11:00 AM – 12:30 PM, starting and ending on Court Street. c/o Isabel Meldrum**
- d. **Our Lady of Guadalupe Procession, 12/8/13, 11:30 AM – 1:30 PM, starting on Throckmorton Street and ending at Randolph Street.  
c/o St. Rose of Lima Church/Hispanic Community.**
- e. **Canning, Penn State University students, 10/18/13, 3:00 AM – 8:00 PM and 10/ 19 /13, 9:00 AM – 5:00 PM and 10/20/13, 9:00 AM – 12:00 PM.  
c/o Nicole Nahmod**
- f. **Solicitation Licenses, Matthew Horsch and James Giardina, canvassing for Renewal by Anderson Windows, Monday – Friday, 2:00 PM – 8:00 PM and Saturday – Sunday, 10:00 AM - 6:00 PM.**
- g. **Raffle License #21-13, 50/50, St. Peter’s Church, 11/23/13, from 9:00 AM – 3:00 PM.”**

Councilwoman Shutzer offered the following Resolution with Application No. 17E – Canning being amended to delete 10/18/13, 3:00 PM – 8:00 PM and Application No. 17F being tabled, seconded by Councilman DiBenedetto:

RESOLUTION APPROVING APPLICATIONS NO. 17A, 17B, 17C, 17D, 17E EXCEPT FOR CANNING ON 10/18/13 AND 17G. 17F WAS TABLED.

Ms. Higgins explained the Friday hours were deleted from the Canning Application because of a traffic safety issue.

Councilwoman Shutzer explained the governing body wished to review the time frame and the hours on the Renewal by Anderson Windows application.

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 with changes.

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

**“Approval of Bills”**

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

BE IT RESOLVED by the Mayor and Council of the Borough of Freehold that the bills on the attached list in the amount of \$2,169,331.87 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.

Mr. Bellina asked to make an announcement before going to Public Comments. Mr. Bellina stated that our Auditor has an annual food drive for area food banks including Lunch Break and Open Door. It will be on Saturday, October 19<sup>th</sup>, and it is a for a good cause.

Mayor Higgins read No. 20 on the Agenda as follows:

**“Public Comments”**

William Madden, 10 Vredenburg Avenue, member of the Freehold First Aid Squad, thanked the Freehold Elks Lodge for their contribution. He also made a comment on how important it is that the First Aid Squad receives donations. He said that out of 16,442 letters sent out asking for donations, only 1,856 were returned with donations totaling \$82,721.17. He said this is only an 11.5% percent return, the lowest ever. Mr. Madden explained that without donations such as those received from the Elks Lodge; the squad would be in trouble.

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, Shutzer, Schnurr and Sims voted its adoption; opposed none; abstain none; absent none. Mayor Higgins declared the motion adopted.

Mayor Higgins asked the council for their comments.

Councilman Schnurr stated that quite a few people were receiving parking tickets in the Market Yard Parking Lot and they were complaining to the businesses and to the governing body. Mayor Higgins asked the Land Use Committee if they could help solve the problem of people receiving tickets. Councilman Schnurr went to the Freehold Center Partnership, as its members come to the Land Use Committee meetings and asked for their suggestions. The suggestion was that permit parking would be from 8:30 AM to 11:30 AM and 2:30 PM to 4:30 PM and then the 3 hour parking spaces would be from 8:30 AM to 4:30 PM.

There proved to be some disagreement among the members of the Partnership as to the ideal number of each type of parking spaces and the designated hours for those spaces and so this Wednesday the Partnership will again discuss the issue. A recommendation will be given which will be reviewed by the Land Use committee and in turn a recommendation will be made to the governing body.

Councilman Schnurr explained that he is working with our Veteran groups for the Elk's Point Restoration Project. There will be a paver placed in front of each cross and the Star of David. We are checking very carefully that that we have the correct spelling for each veteran, the theatre of operations, the rank and the date of death. There have been some errors in the past and we want to make sure that all the errors are corrected. It is hoped this project will be done before the end of the year, but certainly by Memorial Day.

Mayor Higgins said that he would like to recognize the local historians who have stepped up and did such great research.

Councilman Schnurr mentioned Spence Purdum, Historian for the Knights of Columbus, Kevin Coyne, Freehold Borough's Historian, Carl Beam, Historian for the American Legion, Carl N. Steinberg and Jerry Ham.

Councilwoman Shutzer offered sincere congratulations to Rich Kane for his award tonight. It is a very prestigious award. Everyone who has won that award has had Freehold in their hearts and has worked hard for Freehold and so the tradition continues.

Councilwoman Shutzer publicly thanked the Human Relations Committee and Carol Lida for the work they did in presenting Seniors Day. It was not as well attended as we had hoped but it was the inaugural year and there were some wonderful things done which included the presence of a pharmacist who was there to give flu shots. We hope that in the future it will be better attended.

Councilwoman Shutzer offered condolences to Bruce Woolford's family, to Gene Kelsey's family and to Dave Barkalow's family.

Councilwoman Shutzer announced the Seniors Meeting tomorrow will be 10:00 AM at the Monmouth Courthouse.

Councilwoman Shutzer offered a very big thanks to the Elks Club for their generous donation.

Councilwoman Shutzer reminded everyone that there is a “No Knock” list in Freehold Borough. Residents can call the Clerk’s office, give their address and their name will be placed on the list.

Councilwoman Shutzer remarked that Friday is a wonderful day because the first graders from St. Rose of Lima School will be here for a tour of Borough Hall, the Firehouse, the First Aid building, the Library, Open Door and the Police Department.

Councilwoman Shutzer thanked everyone for attending the meeting.

Councilman Sims had no comments this evening.

Councilman DiBenedetto welcomed everyone and announced that we are finishing up our Fall Concert Series which are held Wednesdays at 7:00 PM in front of the Hall of Records. There are two concerts remaining; After the Reign and Bobby and the Jets.

Councilman DiBenedetto offered his condolences to the Barkalow, Kelsey and Woolford families.

Councilman DiBenedetto thanked the Elks for their donation.

Councilman DiBenedetto thanked the Borough Recreation Commission for all of the hard work on the Borough Wide Yard Sale which was a success again this year.

Councilman DiBenedetto announced the dates for the Spooktacular Events.

Councilman DiBenedetto offered his congratulations to Rich Kane and thanked everyone for coming out.

Councilman Griffiths stated that Rich Kane deserved the award he received this evening.

Councilman Griffiths announced that the Shade Tree Commission is selling t-shirts. Any money they make will be used to assist in the planting of trees to replace those destroyed by the storms.

Councilman Griffiths thanked everyone for coming out.

Councilman Kane offered his condolences to the Woolford, Kelsey and Barkalow families.

Councilman Kane thanked the Elks Club for their donations to the Fire Department and First Aid.

Councilman Kane said that the Spooktacular Committee is “off and running” and there are great events coming up.

Councilman Kane offered his congratulations to his Uncle Rich and thanked everyone for coming out.

Mayor Higgins reported that as the result of an ominous weather forecast Dan Megill and Mr. Bellina were monitoring the weather throughout the day. Our Streets and Roads Department was on standby and our Fire and Police Departments are ready. Fortunately, it became a non-issue but we were prepared.

Mayor Higgins announced there is no second meeting in October and that our next meeting will be held Monday, November 4, 2013.

Mayor Higgins called for a motion to adjourn.

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

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 8:45 PM.

Respectfully Submitted,

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LINDA L. COTTRELL, RMC  
(Retired Clerk)