

The Meeting of the Mayor and Council of the Borough of Freehold was held on Monday, December 16, 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).

Police Chief Roberts 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
ABSENT	COUNCILMAN KEVIN KANE
PRESENT	COUNCILMAN GEORGE SCHNURR
PRESENT	COUNCILWOMAN SHARON SHUTZER
PRESENT	COUNCILMAN JAYE SIMS

Councilwoman Shutzer offered a motion to accept the Supplemental Minutes from December 2, 2013; Executive Session December 2, 2013 and Regular Meeting December 2, 2013, seconded by Councilman Griffiths.

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

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

“Proclamation of the Borough of Freehold Declaring January 11, 2014 as Human Trafficking Awareness Day.”

Mayor Higgins presented the Proclamation to Carol Cohen and Joan Odud.

Ms. Cohen stated the American Association of University Women is a National organization with 170,000 members, there are 22 branches in New Jersey and we belong to the Freehold branch which has 120 members. This year we are focusing on human trafficking awareness. New Jersey is one of the worst states for human trafficking and because of the Super Bowl it is very important that we address it this year.

Mayor Higgins stated that a couple of months ago he attended a preparedness meeting with Councilman Sims at MetLife Stadium regarding the Super Bowl.

Councilman Sims stated human trafficking did come up during the meeting. Human trafficking is a big item that the state, federal and local officials in north New Jersey are targeting on for the Super Bowl because it is in a large Metropolitan area. They are focusing particularly on the internet because that is where a lot of this takes place.

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

“Second Reading and Public Hearing: Ordinance No. 2013/11 Amending Chapter 10 (Vehicles and Traffic), Section 10.12.150 (Parking at the Market Yard Municipal Parking Lot).”

Mayor Higgins opened the meeting to the public.

Mike Federici, Federici’s Restaurant, 14 East Main Street, read the following prepared statement:

“I feel like it is the bottom of the 9th with bases loaded and I’m losing 3-0. It is the Freehold Center Partnership against Federici’s Restaurant and you the council are about to decide if I hit a grand slam or I strike out swinging. I have to say it is sad that after all of these years working together we cannot come to a compromise that benefits everyone. The FCP does do a lot of good for downtown Freehold and I know they try to keep the interests of all of the businesses here, but they’re no experts in parking reform. Now I know voting against the FCP may be uncomfortable for a lot of you. It is uncomfortable for me to argue against them on this

issue but I have spent a lot of time on this because it is so important for the prosperity of our community. We need to get this right the first time instead of trying to fix it later. I know a number of you already have your minds made up that you are going to vote for this ordinance but if you have even the slightest doubt you should vote “no”. There are changes that can be made to make the parking ordinance work for everyone. I could ask what is best for Federici’s and that is 2 hour parking 10 to 10 everyday and simply push that way. But I think 3 hour parking from 7:30 AM – 7:30 PM, Monday – Saturday would equally benefit everyone and be a perfect compromise. We just need more structure and restrictions that keep cars from camping out all weekend and promote and improve parking conditions and not contribute to parking congestion. You are the law makers, not the FCP. Vote “no” on this ordinance as it will affect the downtown tremendously. Do what you feel is best for Freehold. Thank you.”

Rich Gatto, CEO Downtown Freehold, stated 2-3 years ago the Freehold Center Management Corp. hired, at its own expense, and at the request of the members of the Partnership an engineer to design a new more efficient dumpster pad. A new dumpster plan and circulation plan was formulated through the Planning, Coordination, Design Committee of the Partnership. It was then forwarded to the executive committee and then forwarded to the board. Through different stages there was different discussions and different proposals were considered. Everyone’s ideas were shared and everyone’s ideas were incorporated and it was sent to the board for adoption and ultimate approval. The implementation of a parking ordinance is the last part of that plan that will govern the new circulation plan.

Mr. Gatto thanked the Land Use Committee, because they spent a lot of time with the Freehold Center Management Corp. in developing this ordinance. This ordinance has been through numerous committees and it has had two formal votes by the Board of Directors of the Partnership. This ordinance will serve the Market Yard Parking Lot and it will also serve as a protocol for the other two municipal lots that are in different stages of repair and recirculation. We continue to meet on a monthly basis, or as needed, to address and to consider any and all alternatives, but to this date the ordinance that has been developed incorporates the best suggestions, input and planning. We hope you pass this ordinance and we thank the council, Mr. Bellina, Chief Roberts, Officer Healey and the Land Use Committee members.

Patricia Federici, Federici’s Restaurant, 14 East Main Street, thanked the governing body for hearing their concerns tonight and she hoped the council would keep an open mind on this situation.

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

RESOLUTION TO CLOSE PUBLIC PORTION.

On roll call Council Members, DiBenedetto, Griffiths, Schnurr, Shutzer and Sims voted its adoption; opposed none; abstain none; Councilman Kane 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 #2013/11 AMENDING CHAPTER 10 (VEHICLES AND TRAFFIC), SECTION 10.12.150 (PARKING AT THE MARKET YARD MUNICIPAL PARKING LOT)” be, and same is hereby approved on second reading.

Councilman Schnurr stated when this ordinance was handed to the Land Use Committee, he remembers Mayor Higgins telling him that a lot of folks were getting parking tickets and this was our focus. What is changing is the restricted permit parking hours which will now be from 8:30 AM-11:30 AM and 2:30 PM-4:30 PM and that allows for lunch. The three hour parking is from 8:30 AM – 4:30 PM. This ordinance has been thoroughly thought out and the issue that was presented to him was the parking tickets and this ordinance is already working because the police department is already enforcing the proposed ordinance.

Councilwoman Shutzer stated she has done her “homework” on this ordinance and listened to everything the Land Use Committee has unanimously recommended and she is not voting against the Federici family or for the Partnership, she is voting as she sees fit after listening to the Land Use Committee who has been working on this from the very beginning.

Councilman DiBenedetto stated during the meetings we thought of all of the businesses downtown and in all of the equations we thought this ordinance was the best scenario. He said the only thing that would solve this problem would be to build a parking garage.

Mayor Higgins recognized Mike Federici's for his input and participation in the process.

Ms. Higgins stated that all of our ordinances are works in progress because we live and we learn. An ordinance is drawn and you see how it is working and if it isn't working it is always open to change.

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

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

“Second Reading and Public Hearing: Ordinance No. 2013/20 Amending Chapter 10 (Vehicles and Traffic), Section 10.24 (Permit Parking Areas) 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.

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

RESOLUTION TO CLOSE PUBLIC PORTION.

On roll call Council Members DiBenedetto, Griffiths, Schnurr, Shutzer and Sims voted its adoption; opposed none; abstain none; Councilman Kane 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 #2013/20 AMENDING CHAPTER 10 (VEHICLES AND TRAFFIC), SECTION 10.24 (PERMIT PARKING AREAS) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FREEHOLD” be, and same is hereby approved on second reading.

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

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

“Resolution Authorizing Dental Insurance Contract.”

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

RESOLUTION AUTHORIZING DENTAL INSURANCE CONTRACT.

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

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

“Resolution Authorizing Execution of a Shared Services Agreement with the Township of Freehold Regarding the Sale of Parking Spaces at Schibanoff Road Commuter Lot.”

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

RESOLUTION AUTHORIZING EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF FREEHOLD REGARDING THE SALE OF PARKING SPACES AT SCHIBANOFF ROAD COMMUTER LOT.

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

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

“Resolution Authorizing Execution of a Shared Services Agreement with Freehold Township for Health Services.”

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

RESOLUTION AUTHORIZING EXECUTION OF A SHARED SERVICES AGREEMENT WITH FREEHOLD TOWNSHIP FOR HEALTH SERVICES.

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

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

“Resolution Authorizing Execution of a Shared Services Agreement with Freehold Township for Automotive Services.”

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

RESOLUTION AUTHORIZING EXECUTION OF A SHARED SERVICES AGREEMENT WITH FREEHOLD TOWNSHIP FOR AUTOMOTIVE SERVICES.

Councilman DiBenedetto stated the Borough is participating in a lot of shared services agreements.

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

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

“Resolution Authorizing Execution of a Shared Services Agreement with Freehold Township for Information Technology Services.”

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

RESOLUTION AUTHORIZING EXECUTION OF A SHARED SERVICES AGREEMENT WITH FREEHOLD TOWNSHIP FOR INFORMATION TECHNOLOGY SERVICES.

Councilman Schnurr stated this is a new shared service agreement with Freehold Township and we are very pleased with the services they are providing and also their timely service response.

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

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

“Resolution Authorizing Execution of a Shared Services Agreement with Freehold Township for Substance Abuse Prevention and Counseling Services.”

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

RESOLUTION AUTHORIZING EXECUTION OF A SHARED SERVICES AGREEMENT WITH FREEHOLD TOWNSHIP FOR SUBSTANCE ABUSE PREVENTION AND COUNSELING SERVICES.

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

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

“Resolution Waiving Parking Fees.”

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

RESOLUTION WAIVING PARKING FEES.

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

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

“Resolution Authorizing the Transfer of Appropriation in the Fiscal Year 2013 Budget.”

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

RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATION IN THE FISCAL YEAR 2013 BUDGET.

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

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

“Resolution Authorizing the Purchase of Two Law Enforcement Vehicles.”

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

RESOLUTION AUTHORIZING THE PURCHASE OF TWO LAW ENFORCEMENT VEHICLES.

Councilman DiBenedetto stated these vehicles will be replacing two vehicles that are in our fleet.

Councilman Schnurr asked Mr. Bellina if the vehicles that we are replacing would be put out to auction.

Mr. Bellina replied yes.

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

Mayor Higgins read Item No. 17 on the Agenda as follows:

“Resolution of the Borough of Freehold, County of Monmouth, State of New Jersey, Authorizing Compensation Payment to Norman Townsend Upon His Retirement.”

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

RESOLUTION OF THE BOROUGH OF FREEHOLD, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING COMPENSATION PAYMENT TO NORMAN TOWNSEND UPON HIS RETIREMENT.

Councilman Sims stated this Resolution fulfills our contractual obligations through civil service.

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

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

“Resolution Confirming Personnel Actions/Appointments

- a. Appointment of Harry Burt as Superintendent, Water & Sewer Department, effective December 2, 2013.**
- b. Promotion of Robert Lithgow, Jr., to Water & Sewer Repairer, effective January 1, 2014.”**

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

RESOLUTION CONFIRMING PERSONNEL ACTIONS/APPOINTMENTS
NO. 18A and 18B.

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

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

“Resolution Approving the Following Applications:

- a. Raffles License #28-13, Calendar Raffle, Sweet Adelines Int’l Liberty Oak Chapter, 1/23/14 – 4/7/14, 7:30 PM at 59 Broad Street.**
- b. Misc. License, Sal Aversano, Musician, playing guitar in front of the Freehold Borough Library from 4/1/14 – 11/1/14.”**

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

RESOLUTION APPROVING APPLICATIONS NO. 19A and 19B.

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

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

“Approval of Bills.”

Councilman Griffiths offered the following Resolution and offered 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 \$586,432.96 be paid as presented.

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

Mayor Higgins read No. 21 on the Agenda as follows;

“Clerk – Late Communications.”

There were no late communications.

Mayor Higgins read No. 22 on the Agenda as follows:

“Items for Discussion:

a. Status of Colaner Property.”

Mr. Bellina stated we received a grant to do a review of the property to determine if there was contamination. It was determined that there is one contamination and it is confined to the limits of the property. Phase 2 will be to do a remedial investigation, which is a more thorough study. The cost of that will be approximately \$58,000, which will be covered by a grant and if we continue to move forward and do the remediation, at this point, the cost would be approximately \$112,000 and that could change with the passage of time. We will have a better understanding after the investigation as to what is needed to remediate the property. Of that \$112,000 approximately \$84,000 would be covered by a NJDEP grant.

Mr. Bellina stated that in January he is going to ask the governing body to adopt a Resolution authorizing him to continue working with the NJDEP on this.

Mayor Higgins read No. 23 on the Agenda as follows:

“Committee Reports.”

Councilman Schnurr stated the Memorial Day Parade Committee will start up in earnest in January again and he is glad to report that Alice McCobb is feeling much better. The Land Use Committee had one big application and that was Norkash which was the front of the liquor store by Food Town, which used to be a laundromat and now it will be a restaurant. The front of the restaurant will look just like the Metropolitan Café, with outdoor seating. The company is called Norkash and is owned by Norkus and Rob Kash.

Councilwoman Shutzer congratulated Harry Burt and Robert Lithgow on their promotions. She reported the senior holiday party was a big success and she thanked Christine Gregory for helping serve. She also thanked Councilman Griffiths, Mayor Higgins and Councilman Sims for all of their help.

Councilwoman Shutzer stated she has nothing to report at this time on the Board of Education and the Freehold Alliance Against Drugs. She congratulated the participants and especially Carol Lida, on being a soloist in the Messiah, presented by two of our local churches. This Saturday, December 21, 2013 is the community luncheon at Bethel AME Church and everyone in the community is invited.

Councilwoman Shutzer offered her condolences to the Zuber family and to the Freeman family. Mr. Zuber was a long time resident of Freehold Borough and Mr. Freeman was a Borough police officer before he stated working for the county. She wished everyone a Happy Holiday.

Mayor Higgins stated that Bobby Freeman was an exempt member of the Freehold Fire Department, Engine Company No. 1.

Councilman Sims wished everyone a Merry Christmas and Happy New Year. He asked Chief Roberts to thank the PBA for their generous donation to the Youth Government food/toy drive. He also thanked Sgt. Steppat for the police escort to the five houses.

Councilman DiBenedetto stated the Borough public works department suffered a great loss with Norman Townsend leaving, but he was happy to report that the other night under the direction of Harry Burt, the Water and Sewer Department was out all night long fixing a water break. The Recreation Commission had their annual Holiday Decorating Contest headed by Lynn Reich. The FCP just finished up a successful holiday/winter trolley tour and they also had their breakfast with Santa which was a great success.

Councilman DiBenedetto stated the Historic Preservation Committee has approved two new businesses opening up. Councilman Schnurr mentioned the new restaurant owned by Norkash and the other is the new gas station on South Street.

Councilman Griffiths wished everyone a Happy Holidays. He stated it is his first year working with the Shade Tree Commission and if every committee and commission working in the Borough was as ardent and willing about their work we would have an even better group. Three of the members of the Shade Tree Commission have decided that there is not enough money in the Borough budget to buy the trees they need to replant after the storms, so they have volunteered to go through the process of purchasing and getting free trees from the Arbor Day Foundation to plant them in their own yards and keep them for 2-3 years because they will be small saplings when they get them. These trees will be available after 2-3 seasons to become street trees.

Mayor Higgins wished everyone a Merry Christmas and Happy Holidays.

Mayor Higgins opened the meeting to the public.

Carol Lida, 27 Bennett Street, thanked everyone who came out to support them.

Christina Gregory, 42 West George Street, acknowledged two Borough residents, Roman Janocha and James LaPointe for their help on December 7, 2013 before the senior holiday party. They took all of the plastic bags out of trees in front of the New City Food Market.

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

There being no further business to discuss, Councilman Griffiths moved to adjourn the meeting at 8:05 PM, seconded by Councilman DiBenedetto with All in Favor and Councilman Kane absent.

Traci L. DiBenedetto, RMC
Borough Clerk

TLD:aj