

The Meeting of the Mayor and Council of the Borough of Freehold was held on Monday, June 1, 2015 at 7:00 p.m. in the Municipal Building.

In the absence of Mayor Higgins, Council President Shutzer 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

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

Council President Shutzer explained that Mayor Higgins will be coming back this evening. The Monmouth County Historical Association is presenting two awards this evening; one was for the Elks Point World War II Memorial and the other honored two residents, Nelson Kuperberg and David Giffler, who live at 74 Broadway, for the way they've maintained the historic preservation of their property.

Council President Shutzer read Item No. 4 on the Agenda as follows:

**“Presentation of the Memorial Day Parade Awards (Alice McCobb).”**

Alice McCobb presented the 2015 recipients with trophies. A list of the winners is on file in the Resolution Book in the Borough Clerk's office.

Councilman Schnurr thanked Alice McCobb and her family for all of their hard work on the Memorial Day Parade.

Council President Shutzer read Item No. 5 on the Agenda as follows:

**“Proclamation of the Mayor and Council of the Borough of Freehold Declaring the Month of June Freehold First Aid Fund Drive Month.”**

Council President Shutzer read and presented the Proclamation to Jim McAllister, President of the Freehold First Aid.

Mr. McAllister stated that normally Bill Madden does the speaking on behalf of the first aid but he was unavailable this evening. This is a wonderful organization and we need your help both

financially and with volunteers. Last year we answered 5,100 first aid calls with a little over 38 volunteers. We are pushing approximately 6,000 first aid calls this year. Thank you for your support.

Council President Shutzer read Item No. 6 on the Agenda as follows:

**“Introduction of and Authorization to Publish Ordinance #2015/11 Authorizing an Emergency Appropriation Pursuant to N.J.S.A. 40A:4-53.”**

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 #2015/11 AUTHORIZING AN EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53,” 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 June 22, 2015 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.

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

Council President Shutzer read Item No. 7 on the Agenda as follows:

**“Resolution Authorizing Tax Appeal Settlement Re: Block 72, Lot 5; Vince & Louise A. Halleran.”**

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

RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT RE: BLOCK 72, LOT 5; VINCE & LOUISE A. HALLERAN.

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

Council President Shutzer read Item No. 8 on the Agenda as follows:

**“Resolution Authorizing Tax Appeal Settlement Re: Block 42, Lot 13; Andrew Kiely.”**

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

RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT RE: BLOCK 42, LOT 13; ANDREW KIELY.

Councilman Schnurr stated we have four Resolutions tonight for tax appeals and normally we don't have four tax appeals at one meeting but we settled all of these at the same time with the property owners.

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

Council President Shutzer read Item No. 9 on the Agenda as follows:

**“Resolution Authorizing Tax Appeal Settlement Re: Block 37, Lot 14; One Broad Street.”**

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

RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT RE: BLOCK 37, LOT 14; ONE BROAD STREET.

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

Council President Shutzer read Item No. 10 on the Agenda as follows:

**“Resolution Authorizing Tax Appeal Settlement Re: Block 37, Lot 15; Three Broad Street.”**

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

RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT RE: BLOCK 37, LOT 15; THREE BROAD STREET.

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

Council President Shutzer read Item No. 11 on the Agenda as follows:

**“Resolution Awarding a Contract for the Purchase of Cold Water Meters.”**

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

RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE OF COLD WATER METERS.

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

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

**“Resolution of the Borough of Freehold, County of Monmouth, State of New Jersey, Amending Temporary Appropriations for 2015.”**

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

RESOLUTION OF THE BOROUGH OF FREEHOLD, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING TEMPORARY APPROPRIATIONS FOR 2015.

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

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

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

- a. Appointment of Eric G. Fooder as Part-time Water Plant Operator, effective May 26, 2015.**
- b. Appointment of Priscilla Davis as a Member of the Freehold Recreation Commission, effective June 1, 2015.”**

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

RESOLUTION CONFIRMING PERSONNEL APPOINTMENTS/ACTIONS NO. 13A – 13B.

Councilman DiBenedetto welcomed Priscilla Davis to the Recreation Commission. She has attended a few of the Recreation meetings and has shown great interest in joining the commission.

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

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

**“Resolution Approving the Following Applications:**

- a. **Latino Festival of Monmouth County, 10/3/15, rain date: 10/4/15, 10:00 AM to 8:00 PM, Hall of Records Parking Lot. c/o Latino Coalition of NJ Foundation.**
- b. **Raffle License #13-15, BPOE Freehold Elks Lodge #1454, Year round pull tab, 6/1/15 to 6/1/16.”**

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

**RESOLUTION APPROVING APPLICATIONS NOS. 14A – 14B.**

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

Council President Shutzer read Item No. 15 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 \$1,542,648.28 to be paid as presented.

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

Council President Shutzer read Item No. 16 on the Agenda as follows:

**“Clerk – Late Communications.”**

There were none.

Council President Shutzer read Item No. 17 on the Agenda as follows:

**“Precious Metal License Hearing: Buy N Sell City, Inc., 14 West Main Street.”**

Council President Shutzer stated the hearing is postponed as per the request of Buy N Sell City, Inc.

Council President Shutzer asked for public comments.

Tom Baldwin, 3 Vought Avenue, asked if the application for the catering hall has been resolved.

Council President Shutzer replied no it hasn't, it has been adjourned until June 22<sup>nd</sup> due to lack of a quorum.

Mr. Baldwin asked if something could be done about the clock in front of Borough of Hall. It has not been working for a long time. Mr. Baldwin is definitely against giving funds for Olde Freehold Day. No one can deny that segregation and bigotry was present in Freehold. All of these things that happened were approved by the town government. He does not want any of his hard earned tax money going towards this racist celebration. He will find out how much money is being given to the Olde Freehold Day Committee and he will withhold his percentage of taxes and he is willing to suffer the consequences.

Mr. Bellina stated the council just authorized the transfer of funds to the Olde Freehold Day Committee at the last council meeting, as they've done in the past and as they've done for the Memorial Day Parade Committee and Spooktacular events. If Mr. Baldwin fails to pay his taxes there are penalties and eventually there will be consequences.

Councilman Kane stated he is not going to get into a debate with Mr. Baldwin about the name of Olde Freehold Day. Each committee goes out and they fundraise and the majority of the money that is raised goes toward putting on events for the residents and the surrounding community. What we decided to do four years ago is come up with an idea to create an account called "Celebration of Community Events" where there is \$5,000.00 put into that account in the budget every year and then equally divided amongst those three events. That is the amount that goes into those committees to help fund those highly regarded events. Olde Freehold Day has become so popular that it is becoming the meeting place for high school reunions.

Mr. Baldwin stated he is not against the celebration; it is the name and spelling of Olde.

Councilman Schnurr stated there is a technical reason as to why that particular line item in the budget is established. When we produce a municipal budget which is different than a corporate budget or household budget, you're basically telling the public that we are spending this amount for this purpose. You can only do budget transfers twice a year, unlike corporate budgeting where you can change your mind anytime you want.

Mayor Higgins entered the meeting at 7:43 PM.

Sandy Figueroa, 1 Lenoir Avenue, stated last week she woke up and found a ticket on a commercial van that she owns and has parked in the same place for the last 36 years on Bannard Street. Since Barnard Street is commercially zoned she has always left the van there. If the town is

starting to implement ticketing, she felt she should have gotten a warning on this. Meanwhile there are other vans on the street that didn't get a ticket.

Chief Roberts responded that this ordinance has been in effect for quite some time and he doesn't know why she wasn't issued a ticket before. He stated he will look into the ticket.

Ms. Figueroa questioned the sod being laid down on Throckmorton Street.

Mr. Bellina responded that the Borough is doing the sod.

Ms. Figueroa stated this is a complete waste of money. They water it the first day and never water it again. She has a Borough tree that is leaning towards her home and she has contacted the Shade Tree Commission and nothing has been done and she wants the tree removed.

Councilwoman Shutzer stated with permission from the Shade Tree Commission you can remove the tree yourself but it is at your expense.

Ms. Figueroa stated she is having an issue with her sidewalk. There is a Borough tree that has lifted it up and she has called the Borough and after several weeks she got a phone call and they said they were coming by and when she met with them, they said all I can tell you is there is no money in budget. What upset her most was that they made her think they were going to come down and fix the problem and then she was told there was nothing that can be done because there was no money in the budget.

Councilman DiBenedetto asked who came.

Ms. Figueroa replied it was a volunteer who came out at 7:00 PM.

Councilwoman Shutzer stated there is a program where you can shave the root down but the sidewalk is your responsibility.

Mr. Bellina stated we have a sidewalk program but it is for those people who are facing a code violation. We did not offer it this year but it was offered two years ago.

Ms. Figueroa stated the someone should inform the volunteer from the Shade Tree Commission. This past winter the Borough Streets and Roads tore up the curb in front of her home. Last year she installed a concrete walkway but because the entire curb was crumbled down the water got in there and lifted the walkway. There are holes all over the front of the street and on the curbside.

Mr. Bellina will have the supervisor of Streets and Roads go out and look at this.

Ms. Figueroa stated some of the homes in the Borough are in terrible condition; the grass is waste high, their unpainted. They look unkempt. This is very discouraging.

Mr. Bellina stated we have someone assigned to look at the homes. It is difficult determining who the controlling interest of the properties is after someone has abandoned their home. We do issue violation notices and then summons. A lot of times the banks will take action, in the cases where they do not, we send our own employees to cut the grass and whatever the expense is we attach it to a lien on the property.

Councilwoman Shutzer did report one of the homes that Ms. Figueroa is complaining about. Ms. Shutzer stated there are a certain number of days to correct it. She advised Ms. Figueroa to give the addresses of the homes in question and Mr. Bellina will look into it.

Debra Freeman-Sunnerville, 32 Bannard Street, stated she was concerned about the garbage company. They are not professional and they are very rude.

Mr. Bellina stated they were awarded a contract and they started last fall and we've had very serious issues with them, however, they have made some improvements during the winter months. A few weeks one of their "Chiefs" out there in the field left the company and we are starting to see and hear more complaints. They are in the process of selling the company.

Ms. Higgins, Esq., stated we gave them a "Notice of Default" on their contract and we've told them we are terminating the contract but then they got better in the interim and they have advised us that they are selling the company to a firm that can handle it better.

Ms. Freeman-Sunnerville stated the previous company was wonderful.

Cheryl Greenfield, McLean Street, stated she is representing five of her neighbors. On Memorial Day weekend someone was firing off fireworks and you could hear that there was a lot of them. There is also a lot of speeding on McLean Street.

Mayor Higgins asked where she thought the fireworks were coming from.

Ms. Greenfield responded that she thinks their coming from the south side of Route 79.

Chief Roberts stated he encouraged her to call the police and have them come to her home and listen so they can locate the source. They will also set up the speed monitor machine.

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

#### RESOLUTION TO CLOSE PUBLIC PORTION.

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

Mayor Higgins asked for council comments.

Councilman Schnurr stated on Tuesday, June 16<sup>th</sup> from 11:00 AM – 8:00 PM there is a fundraiser at Tom & Chee and 10% goes towards the Memorial Day Parade. School will be ending within a few weeks and he encouraged the residents to look at the library website, they have a variety of summer programs for both young and old. It is especially good for people with young children to keep them occupied during the summer.

Councilman Schnurr stated the planning board passed a few Resolutions at their last meeting. Caballero Plumbing on Bannard Street was granted approval to add to one of their buildings. Delray Holdings was granted final major subdivision approval on Orchard Street, this approval was to build duplex homes. Metro Realty was granted approval to open a craft distillery business at 54 West Main Street and Norkash who opened TRE Restaurant was granted approval for their signage.

Councilman DiBenedetto thanked the McCobb family for a wonderful Memorial Day Parade. He thanked the Streets and Roads Department that came out and cleaned the streets. He also thanked all of the volunteers and all of the participants. He also thanked Councilman Schnurr for orchestrating the wonderful tribute at Elks Point.

Councilman DiBenedetto thanked Mr. McAllister and the entire Freehold First Aid Squad for their dedication to the town. He stated the downtown concerts will start on June 11<sup>th</sup> and continue every Thursday at 7:30 PM throughout the summer. On Wednesday nights there is Freehold Idol and on Thursdays there is the Farmer's Market.

Councilman Kane also thanked the McCobb family and he also congratulated Councilman Schnurr for being the Master of Ceremonies at Elks Point. Next year marks the 40<sup>th</sup> anniversary for Olde Freehold Day. He is not going to discuss the name, everyone has their own opinion and everyone's perception is different, this event was created in 1976 and it was created with the idea of having an idea of having an old fashioned fun day.

Councilman Kane also acknowledged the efforts of the Freehold First Aid Squad and encouraged everyone to volunteer and donate.

Councilwoman Shutzer stated the Alliance Against Substance Abuse is having their annual fundraising golf outing on Saturday, June 16<sup>th</sup> at Jumping Brook Country Club. This fundraiser is how we fund the programs that we do in the schools.

Councilwoman Shutzer stated if anyone has any comments or wants to appeal the school referendum it must be done by June 8<sup>th</sup>. She stated the Elks Point program at the start of the day on Memorial Day is so inspirational. She has never made it through the program without crying and this year's was particularly poignant. She thanked Councilman Schnurr and everyone that planned it.

Councilwoman Shutzer urged everyone to donate to the Freehold First Aid and if anyone wants a sign for their front yard they should see Mr. McAllister. Olde Freehold Day is a terrific celebration, she has never missed one and she wouldn't attend if she thought it was something that was being celebrated that she didn't believe in. This is a wonderful, multi-cultural, inter-generational day of fun and fellowship.

Mayor Higgins stated the reason he was late tonight was because he was invited to attend a presentation at the Hall of Records given by the Monmouth County Historical Commission. One of the honorees for the preservation award was the World War II Memorial at Elks Point. The other

award was given to the home owners of 74 Broadway, for the restoration and preservation of their home.

Councilman DiBenedetto offered the motion to Adjourn, seconded by Councilwoman Shutzer:

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

The council meeting was adjourned at 8:15 PM.

Respectfully Submitted,

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TRACIL DIBENEDETTO, RMC  
BOROUGH CLERK

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