

The Meeting of the Mayor and Council of the Borough of Freehold was held on Monday, June 22, 2015 at 7:00 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 Griffiths 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:

**“Presentation from the Youth Government Program.”**

Councilman Sims stated the Youth Government Program has been in existence since 2012 and he introduced and highlighted the members accomplishments. This year’s members were as follows: TJ Ray, Nicole Ray, Evan Ciok, Emily Ruegger, Kayla Ciok, Cameron Costanzo, Mark Costanzo, Mackenzie Parke, Georgia Brooker, Caitlyn Kafka, Cierra Sims, Alyssa Correia, Eric Correia and Cydney Sims.

Councilman Sims stated in April the Youth Government Program had their trip to Washington DC where they toured the White House.

Mayor Higgins recognized all the students and Councilman Sims for another successful year of the program.

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

**“Resolution of the Borough of Freehold, County of Monmouth, State of New Jersey, Authorizing an Amendment to the 2015 Municipal Budget.”**

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

RESOLUTION OF THE BOROUGH OF FREEHOLD, COUNTY OF  
MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT  
TO THE 2015 MUNICIPAL BUDGET.

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. 6 on the Agenda as follows:

**“Resolution of the Borough of Freehold, County of Monmouth, State of New Jersey, Approving Self-Examination of the Budget.”**

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

RESOLUTION OF THE BOROUGH OF FREEHOLD, COUNTY OF  
MONMOUTH, STATE OF NEW JERSEY, APPROVING SELF-EXAMINATION  
OF THE BUDGET.

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. 7 on the Agenda as follows:

**“Resolution Adopting the 2015 Annual Budget of the Borough of Freehold.”**

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

RESOLUTION ADOPTING THE 2015 ANNUAL BUDGET OF THE BOROUGH OF FREEHOLD.

Mr. Bellina stated we received approval from the State that we are good to go with the budget.

Councilman Kane thanked the Finance Committee, Mr. Bellina, Mr. Gartz and Mrs. Caruso for all of their hard work on the budget.

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:

**“Resolution Confirming the Special Assessment Roll of the Special Improvement District.”**

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

RESOLUTION CONFIRMING THE SPECIAL ASSESSMENT ROLL OF THE SPECIAL IMPROVEMENT DISTRICT.

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:

**“Resolution Adopting the 2015/2016 Budget of the Special Improvement District.”**

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

RESOLUTION ADOPTING THE 2015/2016 BUDGET OF THE SPECIAL IMPROVEMENT DISTRICT.

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 Sessions: May 19, 2014, June 2, 2014 and June 16, 2014; Council Meeting June 1, 2015, seconded by Councilman Sims. Council Meeting minutes from May 4, 2015 were tabled.

On roll call Council Members DiBenedetto, Kane, Griffiths, Schnurr, Shutzer and Sims voted its adoption; opposed none; Councilman DiBenedetto and Councilman Sims abstained from the Executive Session on June 16, 2014, Councilman Kane abstained from the Executive Session on May 19, 2014 and Councilman Griffiths and Councilman Sims abstained from the Council Meeting Minutes of June 1, 2015; absent none. Mayor Higgins declared the motion adopted.

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

**“Resolution of the Mayor and Council of the Borough of Freehold Honoring Molly Feldman, Florence Karp, Yetta Cohen, Samuel Kagel, Ruth Katzenstein on the Occasion of their Birthdays.”**

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 HONORING MOLLY FELDMAN, FLORENCE KARP, YETTA COHEN, SAMUEL KAGEL, RUTH KATZENSTEIN ON THE OCCASION OF THEIR BIRTHDAYS.

Councilwoman Shutzer stated the Mayor and I presented these Resolutions to these people who reside at the Brookside Assisted Living facility and are 100 years of age or older.

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:

**“Second Reading and Public Hearing: Ordinance #2015/11 of the Borough of Freehold, Authorizing an Emergency Appropriation Pursuant to N.J.S.A. 40A:4-52.”**

Mayor Higgins opened the meeting to the public.

There were no comments.

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

RESOLUTION TO CLOSE PUBLIC PORTION.

On roll call Council Members DiBenedetto, Kane, Griffiths, 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 Griffiths:

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:4-52,” be, and same is hereby adopted on second reading.

On roll call Council Members DiBenedetto, Kane, Griffiths, 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 of the Borough of Freehold, County of Monmouth, New Jersey, Authorizing the Sale of Notes for Emergency Appropriation Pursuant to N.J.S.A. 40A:4-53 and N.J.S.A. 40A:4-55 for the Engagement of Special Consultants for the Preparation, and the Preparation of a Master Plan.”**

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

RESOLUTION OF THE BOROUGH OF FREEHOLD, COUNTY OF MONMOUTH, NEW JERSEY, AUTHORIZING THE SALE OF NOTES FOR EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53 AND

N.J.S.A. 40A:4-55 FOR THE ENGAGEMENT OF SPECIAL CONSULTANTS FOR THE PREPARATION, AND THE PREPARATION OF A MASTER PLAN.

On roll call Council Members DiBenedetto, Kane, Griffiths, 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:

**“Introduction of and Authorization to Publish Bond Ordinance #2015/12 Amending in Part Bond Ordinance No. 2014/6 Adopted on August 4, 2014, Providing for Various Water/Sewer Utility Improvements and the Acquisition of Various Water/Sewer Utility Equipment, in Order to Increase the Appropriation Therefor by \$280,000 for a Total Appropriation of \$1,210,000 to Increase the Authorized Bonds and Notes to be Issued to Finance a Portion of the Costs Thereof by \$266,000 for a Total Debt Authorization of \$1,166,000, to Increase the Allocation of the Appropriation to Costs Permitted Under N.J.S.A. 40A:2-20, and to Expand the Scope of Improvements to Include an Engineering Study of Water Plant for Electrical and Mechanical Upgrades, and the Purchase of a Generator for Patriots Point Pump Station, Authorized in and by the Borough of Freehold, in the County of Monmouth, New Jersey.”**

Councilman DiBenedetto 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 a Bond Ordinance entitled “BOND ORDINANCE #2015/12 AMENDING IN PART BOND ORDINANCE NO. 2014/6 ADOPTED ON AUGUST 4, 2014, PROVIDING FOR VARIOUS WATER/SEWER UTILITY IMPROVEMENTS AND THE ACQUISITION OF VARIOUS WATER/SEWER UTILITY EQUIPMENT, IN ORDER TO INCREASE THE APPROPRIATION THEREFOR BY \$280,000 FOR A TOTAL APPROPRIATION OF \$1,210,000 TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$266,000 FOR A TOTAL DEBT AUTHORIZATION OF \$1,166,000, TO INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS PERMITTED UNDER N.J.S.A. 40A:2-20, AND TO EXPAND THE SCOPE OF IMPROVEMENTS TO INCLUDE AN ENGINEERING STUDY OF WATER PLANT FOR ELECTRICAL AND MECHANICAL UPGRADES, AND THE PURCHASE OF A GENERATOR FOR PATRIOTS POINT PUMP STATION, AUTHORIZED IN AND BY THE BOROUGH OF FREEHOLD, IN THE COUNTY OF MONMOUTH, NEWJERSEY,” 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 Bond Ordinance in the Asbury Park Press and that same shall be further considered for final passage after public hearing at a meeting held on July 20, 2015 at 7:00 PM and that during the week of said meeting copies of the Bond Ordinance shall be made available at the Clerk’s office to members of the general public who shall request same.

Councilman Schnurr explained when you turn on the water there is a certain expectation. One thing we are doing in this ordinance is making sure that we have the necessary generators at the water plant incase there is a power failure.

Councilwoman Shutzer stated this is a recommendation that we were given from the State of New Jersey after an inspection was done after Hurricane Sandy.

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 Authorizing the Sale of Municipal Surplus Property.”**

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

RESOLUTION AUTHORIZING THE SALE OF MUNICIPAL SURPLUS PROPERTY.

On roll call Council Members DiBenedetto, Kane, Griffiths, 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 the Sale of Municipal Surplus Property Via Online Auction Website.”**

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

RESOLUTION AUTHORIZING THE SALE OF MUNICIPAL SURPLUS PROPERTY VIA ONLINE AUCTION WEBSITE.

Councilman Schnurr stated this property is mostly vehicles.

On roll call Council Members DiBenedetto, Kane, Griffiths, 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 Change Order Number 1 for the Repaving of Throckmorton Street.”**

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

RESOLUTION APPROVING CHANGE ORDER NUMBER 1 FOR THE REPAVING OF THROCKMORTON STREET.

Councilman DiBenedetto stated this is a \$30,000 savings to the Borough.

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

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

**“Resolution of the Mayor and Council of the Borough of Freehold Approving Subordination of Mortgage Given to Borough of Freehold Housing Rehabilitation Program Concerning RCA Case Number FBHRP06-73.”**

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

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FREEHOLD APPROVING SUBORDINATION OF MORTGAGE GIVEN TO BOROUGH OF FREEHOLD HOUSING REHABILITATION PROGRAM CONCERNING RCA CASE NUMBER FBHRP06-73.”

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

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

**“Resolution Authorizing 2015 Tax Appeal Settlement and Tax Assessment Agreement for the Years 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016 Between the Borough of Freehold and Freehold Racing Association.”**

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

RESOLUTION AUTHORIZING 2015 TAX APPEAL SETTLEMENT AND TAX ASSESSMENT AGREEMENT FOR THE YEARS 2009, 2010, 2011, 2012, 2013, 2014, 2015 AND 2016 BETWEEN THE BOROUGH OF FREEHOLD AND FREEHOLD RACING ASSOCIATION.

Councilman Schnurr and Councilman Kane thanked Ms. Higgins for all of her hard work in regards to this.

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

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

**“Resolution Seeking Financial Support for Freehold First Aid and Emergency Squad.”**

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

RESOLUTION SEEKING FINANCIAL SUPPORT FOR FREEHOLD FIRST AID AND EMERGENCY SQUAD.

Councilwoman Shutzer stated we are asking the County to help support the first aid squad.

Councilman Griffiths stated Freehold First Aid answer approximately 200 calls to county facilities each year.

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

Mayor Higgins read Item No. 21 on the Agenda as follows:

**“Resolution Rejecting Bids for Various Road Repairs.”**

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

RESOLUTION REJECTING BIDS FOR VARIOUS ROAD REPAIRS.

Councilman DiBenedetto stated the bids that were received for the specifications and needs were too high so we will refine the specifications.

Councilman Schnurr stated our engineering estimate was \$431,000 and the lowest bid was \$794,000.

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

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

**“Resolution of the Mayor and Council of the Borough of Freehold Approving a Person to Person Transfer of a Plenary Retail Distribution License (Dicol Corp. t/a Freehold Spirit Shoppe to Maha Prabhuji, Inc.)”**

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

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FREEHOLD APPROVING A PERSON TO PERSON TRANSFER OF A PLENARY

RETAIL DISTRIBUTION LICENSE (DICOL CORP. T/A FREEHOLD SPIRIT SHOPPE TO MAHA PRABHUJI, INC.).

Councilman DiBenedetto abstained because he is a family member of one of the license holders of Dicol Corp.

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

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

**“Resolution of the Borough of Freehold, County of Monmouth, State of New Jersey, Authorizing Additional Compensation Payment to Michael E. Barchi 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 ADDITIONAL COMPENSATION PAYMENT TO MICHAEL E. BARCHI UPON HIS RETIREMENT.

Councilman Sims stated we are fulfilling our contractual obligations for his retirement.

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

Mayor Higgins read Item No. 24 on the Agenda as follows:

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

- a. **Appointment of Philip Mastalski as Class II Special Police Officer, Freehold Police Department, effective June 22, 2015, pending successful completion of pre-employment examinations.**
- b. **Appointment of Jeremy Hoffman as a probationary member of the Freehold Fire Department, Good Will Hook and Ladder Company, effective June 22, 2015.**
- c. **Appointment of Mikhail Karpov as a probationary member of the Freehold Fire Department, Good Will Hook & Ladder Company, effective June 22, 2015.**
- d. **Appointment of Joy DiMaio as full time crossing guard, Freehold Police Department, effective June 22, 2015.**
- e. **Appointment of Thomas J. O’Brien as a member of the Freehold Fire Department’s Junior Firefighter Program, effective June 22, 2015.**
- f. **Resignation of Eileen Webb as a Library Page, effective July 31, 2015.**
- g. **Appointment of Rut Lineswala as a probationary member of the Freehold Fire Department, Monmouth Hose Company, effective June 22, 2015.**
- h. **Appointment of Kevin Krause as a member of the Freehold Fire Department’s Junior Firefighter Program, effective June 22, 2015.**
- i. **Retirement of Michael Barchi, as Senior Water Plant Operator, effective June 1, 2015.**
- j. **Termination of Maxmillian VonSauers as a member of the Freehold Borough Fire Department, Good Will Hook & Ladder Company, effective May 1, 2015.**
- k. **Resignation of Matthew Cotroneo as a member of the Freehold Borough Fire Department, Engine & Hose Company No. 1, effective May 1, 2015.”**

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

RESOLUTION CONFIRMING PERSONNEL APPOINTMENTS/ACTIONS NO. 24A – 24K.

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

Mayor Higgins read Item No. 25 on the Agenda as follows:

**“Approval of Bills.”**

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 the bills on the attached list in the amount of \$1,316,018.71 to be paid as presented.

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

Mayor Higgins read Item No. 26 on the Agenda as follows:

**“Clerk – Late Communications.”**

There were none.

Mayor Higgins read Item No. 27 on the Agenda as follows:

**“Correspondence: Petition Regarding Crosswalks from Park Avenue School Students.”**

Mayor Higgins stated that at a current visit from 2<sup>nd</sup> grade students who attend Park Avenue School, a petition which was written by Triston Kelly, Xander Bartuck and Brady Snyder on behalf of their classmates presented this petition with 67 signatures which included signatures from students and adults. The petition called for more crosswalks in the area around Park Avenue School. They presented their petition and made some introductory remarks requesting the governing body to consider their idea. I told these young gentlemen along with their classmates that their petition would be presented to the governing body at this evenings meeting. I congratulated our second grade for recognizing a need, thinking through the safety issue that concerns them, organizing the petition and planning for the petition to be properly presented to council. As a result of this petition, I am asking Chief Roberts and Mr. Bellina to research the need for crosswalks and the process for having the crosswalks designated in the area near the school. Our students do know that we are dealing with a State highway and the associated demands placed on any work being done on the roadway. My thanks to the 2<sup>nd</sup> graders for bringing this concern to us for a remedy.

Mayor Higgins read Item No. 28 on the Agenda as follows:

**“Continuation Core Redevelopment Plan Presentation, Exquisite Caterers, LLC, - Vincent Halleran, Esq.**

- a. Resolution of Mayor and Council of the Borough of Freehold Acting as Redevelopment Entity for the Freehold Center Core Redevelopment Zone RE: Application of Exquisite Caterers/17-19 South Street Associates, LLC Block 62, Lot 44.”**

Councilman DiBenedetto and Councilman Griffiths recused themselves from this application and stepped down from the dais.

Ms. Higgins gave a recap of the application. She informed the governing body that they are acting as the redevelopment entity in this matter under the definition of the Freehold Center Core Redevelopment Zone. There has been an application by Exquisite Caterers for the old Mellon Farms building for them to have a catering hall, there is insufficient parking on site and they have presented a proposal for parking which we’ve heard extensive testimony on which involves the Stavola Lot and a valet service. The question to the governing body is whether or not the governing body deems that proposal meets the parking requirements for the core redevelopment zone. My notes indicate that we closed everything at the last meeting. Her notes also say that Mr.

Rob Kash gave the closing statement for Mr. Liston and that the public portion is over. Mr. Liston does not believe that we closed the public portion and he would like to give a closing statement.

Mr. Halleran, Esq., stated that the public hearing portion was closed and tonight he does not have anyone here.

Mayor Higgins stated that Mr. Liston can give his closing statement.

Mr. Liston, Esq., gave the following closing statement:

“This decision, I think has been a difficult decision for this board to make. I don’t really think it is. You have to consider that you’re functioning here as a judicial body, like a court. The applicant has the burden of proof. If the scales are balanced evenly, the applicant doesn’t get his relief. He has to prove by preponderance of the evidence the following which I am quoting from your Freehold Center Core Redevelopment Plan Area:

- In determining any proposed reduction in parking requirements the applicant should affirmatively demonstrate the parking spaces will be made available to share among the multiple uses and that the shared parking spaces will be distributed over the site in a manner to insure that all spaces will be situated at a reasonable distance for the intended users of the parking spaces.

There is no mention there of any sanction for any valet parking. There is no prohibition, but there is no mention of a specific sanction, that valet can fill in for the parking which is required under your ordinance. So really it comes down to a question of traffic and parking. There were two experts called. The applicant called an expert whose credentials are not sufficient, he doesn’t have a college degree in engineering or anything else and I think that has to come in to play. The objector’s traffic expert has impeccable credentials and his presentation conclusions must be given great weight. As he concluded, the standards in your ordinance are not being met here. He points out that no shared parking plan has been proposed as required by your ordinance. The plan does not envision or allow for off site parking. His conclusion is that this is not permitted by your redevelopment plan and will cause a traffic and parking nightmare if you permit it.

Mr. Fisher’s argument is essentially (and I don’t mean any disrespect by this) is that I’ve done good things for Freehold, now do something good for me, even if it harms the Freehold Center Core and the businesses that are there. That argument, though emotionally appealing, must be rejected. One property owner’s economic advantage as a matter of law never comes into play in a land use decision.

The choices that you have are two. If you allow this and you find that this does comply with your ordinance, I can tell you that there will be an appeal to the Superior Court and that as a result of the appeal this matter may be undetermined for approximately two years if it goes to the Appellate Division. What could happen, will Mr. Esquenazi wait for two years to see whether he can go forward with this or will he find another location, I don’t know. If you reject the application, as you should on the merits, chances are the tenant will find another location and Mr. Fisher will find a more suitable tenant. Result will be no appeal and the existing center core businesses will continue to thrive. Thank you.”

Ms. Higgins stated she wanted to clarify one thing that is before you. The application is not a shared parking proposal. Maybe we used the criteria in shared parking, as to whether or not it is reasonable in terms of distance and access, but it is not shared parking. They are proposing their own parking. We do have an aspect in our ordinance that talks about shared parking and I did reference it just to kind of use the same criteria for you to look at it because under shared parking it would be allowable as long as its accessible and within reasonable distance. This is new and you’ve never had it before, it’s parking that is not specifically on their site. They are proposing they meet the parking ordinance by providing parking at a different location.

Mr. Halleran, Esq., stated Mr. Esquenazi would like to make a closing statement.

Ms. Higgins, Esq., stated the discussions about appeals are not evidentiary and you should not consider it.

Mr. Esquenazi stated the following:

“I remember at the last meeting before you closed it, Councilwoman Shutzer asked for the planner and we had a planner here but Vince said we didn’t have to put her on because it is an approved use, however I would like to read her report.”

Ms. Higgins, Esq., stated you cannot read her report, she has to be here and the public hearing is closed. She would also have to testify and would be required to do cross examination.

Mr. Esquenazi stated he understood and continued:

“Our use is 100% appropriate for this building. We are going to alleviate parking, there was only one other business which had some kind of a solution for parking and it was never adopted. We are not using any parking. As a matter of fact last Thursday I met with the architect from the building and at 4:00 PM we saw at least waiters.....”

Mr. Liston, Esq., objected. He is testifying about something that happened after the last hearing and there was a ruling by your council that all testimony is completed and finished.

Ms. Higgins, Esq., advised Mr. Esquenazi to not give testimony.

Mr. Esquenazi continued:

“Our valet testified that all they did was move cars for the American Hotel and the restaurants from the front of the parking to the rear of the Market Yard. They never alleviated the problem. We do have the plan to alleviate the problem, by not using any of the parking spots. No other business, except Joe’s Barber Shop can sustain its own parking. We took that upon ourselves before we did anything, back in November or December when I saw the building with Barry we knew that was the answer to the whole issue. Thank you.”

Mr. Halleran, Esq., stated he wanted to address Mr. Liston’s arguments:

“We are asking for a reduction of the required number of parking. That’s not true. Our position is that we are providing the required number of parking. There is no shared parking. Mr. Liston’s testimony was that his clients use valet parking. If valet is not permitted, you would stop it. Clearly, it’s not prohibited, it’s permitted. He can use valet, just like all the rest of them do. He says Mr. Fisher’s argument is emotional. Mr. Fisher did get emotional but his argument is not emotional. They saw a problem, they saw that Mellon Farms had a waiver for 70 parking spaces and he knows that whatever goes in there is going to need a waiver for parking spaces. If he puts something that is less than this, he will get the waiver because you give the waiver to everybody else and it won’t solve your problem. It will add to the problem. He’s helping to solve a problem that he didn’t create. I respectfully submit that Mr. Liston’s clients have added to the problem. They are in no way solving the problem. The threat that Mr. Liston just made, “I’m going to sue you if you don’t go my way” reminds me of all the talk today about bullying. You want to be bullied by Ed Liston. That’s what he just told you. If you go against him he’s going to go to sue you and go to the Supreme Court and the Appellate Division. If you are going to react to that, you are not the council that I think I know. His bullying is crazy.

A more suitable use will add to your parking problem. They are not going to rent a parking facility at a tremendous expense to take care of the parking. Where does the American Hotel park now? If you go over there on a Saturday night, they take all of the cars to the County parking lot. There are signs there that state there is additionally parking on Hudson Street. If you go up and down Hudson Street the only additional parking there is the Stavola Lot. You are already sending them over to the Stavola Lot without any right to do so. This man is making it legal for you. He’s going to give you more than 70 spaces that you don’t have now. This is not a difficult decision, in my opinion. The only difficult decision is that you have a lot of nice people that have been in town for a long time, who don’t want competition. This clearly fits your plan and you should find that. Thank you.”

Mayor Higgins asked Ms. Higgins if there were any final instructions for the governing body.

Ms. Higgins, Esq., replied that’s it. In the core redevelopment plan there has been testimony as to how many parking spaces they need. Obviously they cannot provide it on their site and they have proposed to you, they are not looking for an amendment to the plan at this point, an alternate parking proposal with all of their testimony that they’ve given. They believe that their parking proposal meets the core redevelopment ordinance. Mr. Liston’s experts came up and said that plan is not a viable plan and it is not reasonable and it doesn’t address the parking. While our ordinance is silent as to both the valet and parking off site, it’s not prohibited. It doesn’t speak either way about it. It is not expressly prohibited, in regards to parking at a different location. It is up to the governing body to determine whether or not you think that Mr. Halleran and his

witnesses have proven to you that he has provided at least 70 parking spaces for his proposed use in a manner that is reasonable, accessible and will actually be utilized. If he has done that, then this will meet the requirements of the core redevelopment zone.

Mayor Higgins asked for discussion from the council.

Councilman Schnurr stated the following:

“Why are we here? We are here because in 2013 we changed the core redevelopment plan. We changed the plan so that the Borough council will act as the redevelopment entity and if there was a deficiency (this is the part that is important) from the parking requirements in excess of 10 spaces it could only be addressed as an amendment to the redevelopment plan. Now the council understands that parking is at a premium, that’s why we did this. I have to tell you I give the applicant a lot of credit with coming up with this proposal. But the reason why we are here is because it is more than 10 parking spaces. The comparison of well the American Hotel does this and Metro does this is really irrelevant to me because we changed the rules in 2013. So that’s the benchmark. The rules changed in 2013.

There was a lot of discussion, a lot of amendments that we looked at and I want to talk about that for a second. What I’m not going to consider. There was Exhibit A-1 the parking space agreement between the applicant and Monmouth Candies. I’m not going to consider that. That’s because the proposed parking is not located at a reasonable distance from the proposed use. So I’m not going to consider that. The Stavola Lot is and I will consider that. That was actually a lease agreement between the applicant and Stavola. The other things like the letter from Freeman’s Funeral Home authorizing parking, the letter from Metro Realty permitting people to park, letter from Jeff Friedman, 1 and 3 Broad Street regarding parking, the letter from All Car Collision, 14-16 Throckmorton Street, letter from Jacob Lipchitz which I’m not sure he owns those spots. All those letters are not agreements, their not leases, I’m not going to consider any of them.

The parking plan and I’ve been on the planning board for a while, as a matter of fact, I’m the most senior person on the planning board. There are very few people that challenged and successfully challenged in terms of their creditability. That may be even a first for me. One of the problems I found with the parking study was that it was done from November 7, 2014 to November 30, 2014 and it really wasn’t during the peak summer hours. I was very disappointed, because at any time that could have been taken to do a parking study, it was done in November as opposed to July or August. I’m looking at the parking study and can I really count on that and the answer in my opinion is no you can’t.

If you were going to open a restaurant on Route 537 or you were going to open up a restaurant on Route 9 you would have to provide parking in the appropriate amount that would have to be paved, that would have to be curbed, there would have to be storm drainage and grading for the pavement, there would have to be line striping, there would have to be traffic control signage, there would have to be lighting, there would have to be landscaping and buffering from adjacent properties particularly residential. There are residences right near the Stavola Lot. We are going to have people leaving at 1:00 AM and the lights will be shining into people’s bedrooms. I was very disappointed in the application, granted these are planning board related items and they may be discussed by the applicant later on, but none of these things were discussed here. Saying that they would do all these things. I’m not quite sure if Stavola would allow you to do that either. None of those things were addressed.

I have concerns about the turn around time for each car utilizing this valet service. I think it will be more than the 1-2 minutes suggested by the valet service. I think it will be a lot more than that maybe even double. I think this would lead to traffic back-up and congestion and discourage the patrons from using the valet service and then they would park in the Market Yard. I think if you have 180 guests and 70 cars all coming in within a half-hour time slot I think it would lead to a tremendous strain in the Market Yard flow of traffic in the parking and it would be unlikely that the patrons would self park on this unimproved Stavola Lot. Even though I think its close by, I think it would add to a lot of congestion whether the valet service was being utilized or not.

For these reasons the proposal for parking in the Stavola Lot, in my view, doesn’t meet the parking requirements of the core redevelopment ordinance and I’m inclined to vote “No” on the application.”

Councilwoman Shutzer stated the following:

“First of all, I’ve discussed this with none of my colleagues up here and if anyone takes exception to anything I say please hold me responsible for that. It was, and by the way I need to do a disclaimer here, I am not affected by bullying so this decision is from my heart.

It was with a great deal of attention and interest that I listened to every word presented by both sides of this issue. I would be remiss if I did not explain my vote and express my feelings

about these proceedings. I did not take any of this lightly and I was not impressed by the behavior of the attorneys. The unnecessary histrionics have made it very difficult to separate the facts from counsel's sometimes abrasive behavior. We are all adults here and in my opinion some of the unprofessional bantering, badgering, and rude behavior were embarrassing and insulting to every one of us. Even after loud protestations from our attorney and our mayor, the pomposity of the case's legal counsel set the tone and continued throughout to threaten the integrity of the facts.

With that said I will explain my vote. As I said before, I did my homework. I understood what I was charged with deciding. I clocked the routes of the proposed valet parking; I watched the Market Yard parking at peak and non-peak hours. I tested the loading zone and traffic issue on South Street. I parked in and exited parking spots close to the proposed site and tried to take into consideration the possibility of stacked cars, bollards and people exiting and entering cars. Further, I considered the wisdom of voting "No" on this parking issue for a new business when the result could be an empty building. I considered the fact that the Market Yard belongs to the Borough and not to the restaurants and other businesses which border it. I spent a great deal of time reading all of the applications, studying the maps, etc. So I want my vote to be an informed vote.

There is a reason why this restriction was included in the redevelopment plan and I was not convinced to change it. I base my decision on the following:

For event parking most cars will be arriving, and Councilman Schnurr said this, within a small window of time causing a back up and stacking of cars. And to be legal, let's say a possible back up and stacking of cars. Traffic flow within the Market Yard, in my opinion, will be negatively affected by this. You cannot enforce valet parking. I for example do not ever use valet parking and will not use valet parking. A security officer could not possibly control the back up of cars or the speed at which guests exited and entered their cars. Even if the cars kept circling the yard while waiting for the line to get smaller, there would be a negative impact on the flow of traffic in the Market Yard. The suggestion that a valet station be put in front of the building on South Street in order to alleviate the possible congestion in the Market Yard is perhaps the most ridiculous suggestion that I heard during these proceedings. The distances of other proposed lots are not realistic or reasonable. Since the Stavola Lot has been previously used, whether officially or not officially by the other valet parking, where are those cars now going to go. It seems to me that no matter how we look at it we are going to be up 50-70 cars.

In my opinion, as an adult who doesn't need to be insulted, I cannot give permission for this to go forward and this would compound an already horrendous parking problem. My vote will be "No".

Councilman Sims stated the following:

It's obvious that this has been a high spirited debate on both sides of a situation that we've tried to compound for many years and it is no secret that we have an issue of parking in the Market Yard Parking Lot.

I've listened to both sides and I've been going back and forth throughout the weeks here and in my opinion my vote is going to be "Yes" tonight because I do feel that the catering service has provided an alternative measure to park the cars. For me this is suitable at this point and my vote is "Yes" for them to move forward."

Councilman Kane stated the following:

"This is a tough situation. We've talked about this for years. I can't tell you how many parking studies and commissions and everything else we've had talking about the issue of the parking in the downtown area. It's a good problem to have, but it is something that we need to talk about way beyond this application. We need to fix it. As Mr. Kash said, people pull into the Market Yard and if they can't find a parking spot they go somewhere else. We need to address that. But that being said, I'm going to keep this very simple," there were three things I was looking at when this was presented. First thing, is it a permitted use? It's obviously a permitted use. The second thing that I was looking at, because of the close proximity to the Market Yard Parking Lot is there any possible uses that would not generate a parking issue. Where that building is it is highly unlikely that anything you put in there isn't going to create a deficiency of 10 spots or more. The third thing I was very interested in, which has never been addressed by any new businesses coming into town, are you going to take a look and try to come up with a plan on how to address the parking issue. In my opinion this applicant is the first one that has done that. But by coming in with that signed lease agreement, with exclusive rights to using the Stavola Lot, in my opinion they've addressed it and tried to come up with a plan.

So when you keep it simple, it is a permitted use, is there anything else that could possibly go in there, which is probably no and did they address the plan, and yes they did. I don't think the intent of the core redevelopment zone is to reduce any building to inutility. Who are we to say you can maximize the use in your building and you can't.

I'm friends with everybody in this room but when I looked at it and I just kept it simple like that with those three issues I believe they did address it and therefore I will be voting "Yes" tonight.

Ms. Higgins, Esq., stated this makes it a 2-2 tie vote. She stated Councilman Kane will make a motion in the affirmative for the reasons that Councilman Kane and Councilman Sims put on the record for the affirmative. They feel the applicants have provided an alternative measure of parking the cars which meet the parking requirements under the core redevelopment zone and that it is a permitted use and that other permitted uses of that building would generate similar situations and that this applicant came up with a plan that addresses the parking issue and met the requirements of the core redevelopment zone.

Ms. Higgins, Esq., stated there were several conditions that were discussed and Councilman Schnurr did allude to the fact that we will require site plan approval for that parking area. They would have to meet whatever the requirements are for the parking lot in terms of the paving, etc. That would be a condition, clearly as well as paving, lighting and striping. Councilman Kane and Councilman Sims decision was made basically on the valet service that was presented so that would certainly be a condition of approval that the valet service would have to continue and be at every event, similarly based upon them presenting to you the Stavola lease which was marked as Exhibit A-2, which would be a condition of approval. The lease must remain in full course and effect and if at any time that lease is terminated then I think it should be made clear that your use would no longer be permitted and there would be a cease and desist order unless alternative parking was presented that met the governing bodies approval. There must be a traffic control officer at all of the events, as well as, the site plan requirements must be completed for the Stavola Lot.

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

RESOLUTION OF MAYOR AND COUNCIL OF THE BOROUGH OF  
FREEHOLD ACTING AS REDEVELOPMENT ENTITY FOR THE FREEHOLD  
CENTER CORE REDEVELOPMENT ZONE RE: APPLICATION OF EXQUISITE  
CATERERS/17-19 SOUTH STREET ASSOCIATES, LLC BLOCK 62, LOT 44.

On roll call Council Members Kane and Sims voted its adoption; Councilwoman Shutzer and Councilman Schnurr opposed; Councilman DiBenedetto and Councilman Griffiths abstained; absent none.

Ms. Higgins, Esq., stated Mayor Higgins will have to vote because of the tie.

Mayor Higgins stated the following:

"The parking issue is certainly one that affects all businesses and professions in the Market Yard area. Most businesses which are located along the Market Yard simply cannot provide the necessary parking required by ordinance. Yet these businesses are a vital part of our downtown and we should encourage continued growth and investment in our core business area. The applicant has provided for parking in a manner which, albeit not ideal in my view, seeks to address the parking requirement. Nearly all uses for the building when fully utilized will require more than 10 spaces. This particular use was contemplated in our redevelopment plan and is an allowed use. Municipal land use laws were not established to take away property rights or owners equity. Structures surrounding the Market Yard which cannot provide for our modern day parking requirements should not be zoned into, as Councilman Kane said, inutility. I don't believe that was what was contemplated in our redevelopment plan which is established to help promote and revitalize the downtown. The goal should be some compromise which that is equitable to the owners while trying to meet the needs of our redevelopment ordinance. The balance should work to bring a structure or use in the conformity recognizing the needs of land use control. My vote with certain conditions is a "Yes" to approve the proposal."

Mayor Higgins voted its adoption and declared the motion adopted.

Mayor Higgins read Item No. 29 on the Agenda as follows:

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

Ms. Higgins, Esq., stated the governing body denied the license renewal for Buy N Sell based upon input from the police department and the applicant has exercised their option to request a hearing regarding that denial.

Mr. Thomas Mallon, Esq., represented Buy N Sell. He stated he would like the applicant and her son to appear before you and he will direct questions to them.

Ms. Higgins, Esq., stated she made packets and gave them previously to Mr. Mallon. In the packet was the application, the memos from the police department and police reports. Ms. Higgins marked the entire packet at J-1.

Mr. Mallon, Esq., stated he is a lawyer here in Freehold and he's been retained by Mrs. Ahmed and the Buy N Sell operation that is located on Main Street. They've asked to appear before mayor and council to explain to you what efforts they have been making and will continue to make if allowed to operate their business on Main Street.

Ms. Higgins, Esq., swore in Mrs. Rawya Ahmed, owner of the business.

Mrs. Ahmed stated the business has been in operation since 2007. We have another store in Keyport and we've had no problems until the new ordinance was established. We've tried to do everything but it was a little confusing. She has all of her papers from 2014 and she takes care of everything and she is just trying to make a living. Her application was denied and she doesn't know why. Her license has been denied for six months now and it has been really hard for her to pay rent and to operate her business.

Mr. Mallon, Esq., asked Mrs. Ahmed to explain her business.

Mrs. Ahmed stated they buy and sell electronics and then they sell it. The goods are new and old. People come and sell stuff to her and then she marks it up and sells to other people.

Mr. Mallon, Esq., stated the concern of the town is that there may be people who are thieves, burglars and robbers who steal things and then come to Buy N Sell to get rid of it. The mayor and council do not want to authorize a fencing operation in Freehold Borough so they've established rules to prevent that. Mr. Mallon asked Mrs. Ahmed to describe the rule changes since she opened her business in 2007.

Mrs. Higgins, Esq., swore in Adam Hady, he is the son of Mrs. Ahmed.

Mrs. Ahmed stated when we started in 2007 we used to fax everything to Detective Reiff and after the rules changed and we had to pay \$500.00.

Mr. Hady explained in the beginning when we first opened the business we had a scanner and we would copy the driver's license and all of the serial number information would be on the computer. The ordinance was passed and then we were supposed to fax all the information from the purchase to the police station, which we started doing. There were a couple of technicians who came in and gave us a little run down but they did not explain everything to us. We did the best that we could with them and we started faxing all the information over to the police station.

Mr. Mallon, Esq., stated if I come into you and I have a television to sell explain what you do to show the Borough and the police that you are not buying a stolen item.

Mr. Hady stated if you come into the store with a television you need to be over the age of 18 with a government issued photo id. We then take a copy of the serial number off the television and we write it down on the form that is offered. We then have the customer fill out the information and sign where it says seller. We then put the name and serial number of the television and take a picture for our copy and then fax that over to the police so they have a copy of all the information and the information from the person who sold them the television.

Mr. Mallon, Esq., passed around a form from the Freehold Borough Police Department.

Ms. Higgins, Esq., marked the form as A-1.

Mr. Mallon, Esq., asked what happens if the person doesn't have a valid ID.

Mr. Hady replied that we won't buy the item from them. If they have ID we process the form and send it to the police station. Nothing can be sold for at least 24 hours and if it is jewelry it cannot be sold for 7 days.

Mr. Hady stated the rules changed in 2013. Now the police have everything and this is great because now if there is someone selling illegal goods we flag the person and we never buy from them again. We've helped the police many times in recovering stolen items.

Ms. Higgins, Esq., marked a letter from the prosecutors office thanking them for their assistance in helping them locate some stolen merchandise and prosecute the person responsible as A-2 .

Mr. Hady stated every single time someone brings an item they must photo copy their ID. We keep the records on an IPAD.

Ms. Higgins, Esq., asked if in 2014 they pleaded guilty for 3-4 violations and paid fines in the amount of \$3,750.00.

Mrs. Ahmed replied yes.

Ms. Higgins, Esq., asked if in 2015 the police investigation revolved around a skateboard that was brought in and when the police asked for the proper back-up paperwork for the skateboard you were unable to provide it.

Mrs. Ahmed replied at that moment when she was looking for the paperwork she could not provide it.

Ms. Higgins, Esq., asked for the paperwork.

Mrs. Ahmed stated the other attorney had them.

Ms. Higgins, Esq., stated there was a stolen skateboard out of Freehold Township. The skateboard was sold to the Keyport store and then transferred to the Freehold store. When it was transferred to the Freehold store the paperwork did not follow it.

Mr. Hady stated yes the paperwork did not follow it.

Ms. Higgins, Esq., stated when the police came in, many months after it was purchased, Mrs. Ahmed didn't have the paperwork. The paperwork that was provided to the police department was for a different skateboard.

Mr. Hady replied that is incorrect it was for that skateboard.

Ms. Higgins, Esq., asked for the paperwork.

Mr. Hady replied the other attorney had it.

Ms. Higgins, Esq., stated they would need to have what was presented. You've pled guilty to 3 violations in 2014; this came up in 2015 which is what the council used to base their decision.

Mr. Mallon, Esq., stated they will get the paperwork for the skateboard. But you have to understand they sell thousands of items.

Mr. Bellina stated the two officers that are really integral to this case got called on a rather serious offense this evening and they cannot be freed up for a couple of hours. He apologized to them for that.

Councilman Schnurr asked when you say you sell thousands of items, on a typical day how many things do you buy and sell.

Mr. Mallon, Esq., stated it ranged from nothing a day to approximately 40-50 items.

Councilman Schnurr stated even on your worst day which would be 50 items, you mean to tell me you can't make photo copies of people's driver's licenses and fill out a form.

Mr. Mallon, Esq., stated they can and they do.

Councilman Schnurr stated if you did then you wouldn't be here right now.

Mr. Mallon, Esq., stated the problem was the skateboard was transferred from Keyport.

Mayor Higgins stated we need Detective Reiff's testimony.

Mr. Mallon, Esq., stated their guilty plea happened right after the ordinance was changed.

Ms. Higgins, Esq., stated the ordinance was the first ordinance in 2013.

Mr. Mallon, Esq., stated this is a business that has been in operation since 2007 and there were a few bumps in the road when the new ordinance was adopted. These owner's have always complied with the law and will try to continue to do so.

Councilman Kane asked how often merchandise was exchanged between the two locations.

Mrs. Ahmed stated very rarely.

Mr. Hady stated even the ordinance was passed in early 2013, they had techs that needed to install software in our stores to upload and send the pictures and they didn't come because there were a few other locations that also purchased and sold items. They also only came once in awhile and give us a very confusing rundown. So we then had to purchase the equipment which cost them \$500.00.

Ms. Higgins, Esq., asked if they were recently issued summons.

Mr. Hady replied no they don't have a license to purchase.

Mr. Bellina stated you haven't purchased any items in 2015.

Mrs. Ahmed stated she has purchased nothing in 2015.

Mr. Hady replied we are wholesalers too.

Mrs. Ahmed stated she is a wholesaler too, so she tries to buy from the city to pay her rent. But it has been really tough.

Ms. Higgins, Esq., stated we are going to postpone this hearing to July 20, 2015.

Mrs. Ahmed asked if they could get a temporary license until July 20<sup>th</sup>.

Mayor Higgins replied no.

Mayor Higgins asked for public comments.

Mr. Mike Federici, 14 East Main Street, stated the decision that was made today, I have no doubt, was an extremely difficult decision. Two years ago, I stood up here and pleaded to you guys a couple of things that I felt were very important to the parking situation; the structure, the enforcement and the restrictions. With the decision that was made today, I'm going to ask the council to reconsider anything that has to be in the back parking lot because in his opinion there is plenty of parking in Freehold except the problem is where does everyone want to park. They all want to park in the Market Yard Parking Lot. The Lafayette Lot is starting to get about a quarter full on Friday and Saturday nights. But there is still approximately 200 spots out there. It was a tough decision and I put my money where my mouth was and fought these guys. A part of me did not want to lose but a part of me wanted to see success in Freehold because that is what it is really all about. So I would like the council to help us work together to find a parking solution.

Mr. Tom Baldwin, 3 Vought Avenue, stated his comments are not important because you already approved the catering hall application. But he will comment anyway, as long as he's been coming to the council meetings which are well over 10 years on a regular basis, this presentation was ill conceived. It was not only amateurish, but also presented in a very arrogant, self-serving fashion by the building owner, caterer, valet service and the legal counsel. First, the building owner stated he was the driving force with the downtown renovation. I'm not sure if he donated any money or not but he knows for certain that there were many other people involved in this endeavor. He is certain that a lot of the resident's tax dollars went into this renovation, as well as the financial support of the businesses in the area. He is certain that as the business owner and property owner, this was a very profitable investment for you. Up until last December, my wife and I operated a

small business on Court Street, it was an art gallery. Before she opened the gallery, she inquired about what had to be done to run the gallery at that location. She was told what was necessary and we complied. Even though there were ordinances which we didn't agree with at great expense to us. We complied, we didn't ask for special favors or waivers or anything of that nature. We followed the rules. We didn't come here to bend the rules for our purposes.

Mr. Carl Steinberg, 2 Monmouth Avenue, stated he received a letter dated June 4<sup>th</sup> which was for the Special Improvement District Assessment Roll and if he wanted to speak or be heard on it, this was the date to be heard. He asked to be omitted from the SID, he's been a participant for 24 years at an average cost of \$1,500 - \$1,800 per year and he thinks he's help supplement the downtown parking issue enough. He doesn't see any benefits because he is on Monmouth Avenue. He used to be a member of the FCP but now it seems like it's run by the Main Street restaurants and at an average of 200 properties you yield an average of 33-35 votes. That is an embarrassment when you control that much money that's geared to the Main Street businesses. He likes every one of these gentlemen but as you can see with the catering application, it was contested by every one of the business owners in the SID. All the literature that is printed is geared to having people eat at the restaurants downtown.

Mayor Higgins asked if a property owner wanted to get out of the Partnership what would they do.

Ms. Higgins, Esq., stated the ordinance boundaries would have to be amended. Maybe land use wants to take a look at it.

Councilman Schnurr stated we did a few years back. He questioned Mr. Steinberg about the vote to see if the Partnership was going to continue.

Mr. Steinberg stated that was approximately 12 years ago.

Ms. Higgins, Esq., stated notice should be given to everyone and the governing body could enforce that.

Mr. Barry Fisher, owner of 17-19 South Street thanked the mayor and council members who voted for them. This was a tough decision as a property owner and as a zoning board member in Manalapan, he knows that decisions are tough and they are not all cut and dry. He stated the parking problem has to be addressed and he apologized for being very emotional.

Mr. Dave Esquenazi, owner of Exquisite Caterers thanked mayor and council for their vote tonight and every time you walk by the building he wants you to be proud and you will see what a great operation he will be running.

Ms. Christine Gregory, 42 West George Street, stated she heard that Foodtown was closing and she wanted to know why it was closing. She was also very concerned about the people who walk to do their shopping in town.

Mayor Higgins stated we heard rumors last Wednesday that the store was going to close and he called Mr. Norkus and he confirmed it was closing. We are all very disappointed to see the store close; it was a business decision on his part.

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

#### RESOLUTION TO CLOSE PUBLIC PORTION.

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

Mayor Higgins asked for council comments.

Councilman Schnurr stated we had Mr. Norkus in our offices downstairs about 4-5 years ago and part of that discussion is why they have the restaurant in front now. He didn't indicate at that time that he was going to do anything else with Foodtown.

Councilman Schnurr congratulated the 8<sup>th</sup> graders at the Freehold Intermediate School for their graduation on Friday. He also congratulated the Freehold High School graduates that will be graduating on Wednesday, June 24<sup>th</sup>.

Councilman DiBenedetto stated the fireworks will be on Thursday, July 2<sup>nd</sup>, gates open at 6:30 PM.

Councilman Sims wished everyone a good night.

Councilman Kane congratulated Councilman Schnurr who was just honored at his “day” job. He works for FED EX and received one of the highest honors that they give their employees. Councilman Schnurr was one of five people who received this award this year.

Councilman Kane stated on July 4<sup>th</sup> at 9:00 AM at Borough Hall we will be having the annual reading of the Declaration of Independence. Mr. Bellina, Mayor Higgins and Kevin Coyne started this 12 years ago and it is one of the best traditions we have in this town. If you want to read please be here by 8:30 AM.

Councilman Kane stated that this Saturday, June 27<sup>th</sup> is Olde Freehold Day at Lake Topanemus from 12:00 PM – 6:00 PM.

Councilman Griffiths thanked the Human Relations Committee who ran the Volunteer Day at the Park Avenue School. Even though it was a low turn out we will learn from it and we will be back next year.

Councilwoman Shutzer congratulated Councilman Griffiths and the Human Relations Committee for a job well done. The fireworks are on July 2<sup>nd</sup> with a rain date of July 3<sup>rd</sup>. The reading of the Declaration of Independence is wonderful. Every Thursday night downtown there is a band in front of the Hall of Records. Every Wednesday night is Freehold Idol and now every Sunday, starting June 28<sup>th</sup> there will be a jazz and blues concert at the gazebo downtown at 7:00 PM.

Mayor Higgins congratulated Councilman Griffiths on a great Volunteer Day; we look forward to it next year. He also recognized Captain Dispenza for attending the meeting this evening.

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

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

The council meeting was adjourned at 9:10 PM.

Respectfully Submitted,

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TRACI L. DIBENEDETTO, RMC  
BOROUGH CLERK

TLD:aj