

The Meeting of the Mayor and Council of the Borough of Freehold was held on Tuesday, September 6, 2016 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 DiBenedetto 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 DI BENEDETTO
PRESENT	COUNCILMAN RONALD GRIFFITHS
PRESENT	COUNCILMAN KEVIN KANE
ABSENT	COUNCILMAN GEORGE SCHNURR
PRESENT	COUNCILWOMAN SHARON SHUTZER
PRESENT	COUNCILMAN JAYE SIMS

Mayor Higgins read Item No. 4 on the Agenda as follows:

**“Approval of Minutes: Executive Sessions November 2, 2015, December 7, 2015; Council Meeting July 18, 2016 and August 1, 2016.”**

Councilwoman Shutzer offered a motion to accept the minutes and was seconded by Councilman Griffiths.

On roll call, Council Members DiBenedetto, Griffiths, Kane, Shutzer and Sims voted its adoption; opposed none; abstain DiBenedetto August 1, 2016, Sims November 2, 2015, December 7, 2015 and July 18, 2016; absent Schnurr. Mayor Higgins declared the motion adopted.

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

**“Second Reading and Public Hearing: Ordinance #2016/10 Amending Chapter 18 (Zoning), Section 73 (Minimum Off-Street Parking Spaces), of the Revised General Ordinances of the Borough of Freehold.”**

Mayor Higgins opened the meeting to the public.

There were no comments

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

## RESOLUTION TO CLOSE PUBLIC PORTION.

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

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

BE IT RESOLVED, by the Mayor and Council of the Borough of Freehold that an Ordinance entitled "ORDINANCE #2016/10 AMENDING CHAPTER 18 (ZONING), SECTION 73 (MINIMUM OFF-STREET PARKING SPACES), OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FREEHOLD." be, and same is hereby approved on second reading.

Councilman Griffiths noted this is in regards to downtown parking and off-site parking. He read the ordinance recommendations suggested by the Planning Board. First recommendation; any off-site parking dedicated to satisfy a parking requirement for a use be tracked by the Borough in order to avoid double counting of off-site parking spaces. Councilman Griffiths stated that would be done as normal protocol but does not need to be added to the ordinance. The second recommendation requires all legal instruments be formalized to set forth parking at an off-site locations and be recorded in the Monmouth County Clerk's Office. Councilman Griffiths stated that would be done on a case by case basis.

Borough Attorney, Kerry Higgins reported in regards to item #1, the Planning Board did not recommend making any changes to the ordinance. She confirmed that the action to the first recommendation would be an internal policy and procedure to follow. In regards to recommendation #2, Ms. Higgins stated every application that is using auxiliary parking with a legal instrument will appear before the Planning Board and at that time evaluation would dictate if the legal instrument needs to be recorded.

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

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

**"Second Reading and Public Hearing: Ordinance #2016/11 Amending Chapter 18.07 (Freehold Center Core Redevelopment Plan) and "Visioning and Revitalization Plan for the Freehold Center Core Redevelopment Plan Area".**

Mayor Higgins opened the meeting to the public.

Mr. Barry Fisher, South Street complimented the Mayor and Council on being proactive in helping to redevelop downtown Freehold.

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

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

BE IT RESOLVED, by the Mayor and Council of the Borough of Freehold that an Ordinance entitled "ORDINANCE 2016/11 AMENDING CHAPTER 18.07 (FREEHOLD CENTER CORE REDEVELOPMENT PLAN) AND "VISIONING AND REVITALIZATION PLAN FOR THE FREEHOLD CENTER CORE REDEVELOPMENT PLAN AREA," be, and same is hereby adopted on second reading.

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

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

**"Proclamation of the Mayor and Council of the Borough of Freehold Declaring the Month of September as Childhood Cancer Awareness Month."**

Mr. Howard Levine from the Ashley Lauren Foundation thanked Mayor and Council for bringing awareness to childhood cancer and recognizing the work of the Ashley Lauren Foundation. The Foundation's mission is to bring hope and happiness to children afflicted with cancer, help with medical expenses and arrange trips for them. The organization serves children of New Jersey only and relies on local communities for donations.

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

**"Resolutions of the Mayor and Council of the Borough of Freehold Honoring Bishop Gerald Cobbs and Rev. Dr. Andre McGuire on Receiving the Eagle Excellence Award."**

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 HONORING BISHOP GERALD COBBS AND REV. DR. ANDRE McGUIRE ON RECEIVING THE EAGLE OF EXCELLENSE AWARD.

Councilman Sims reported Councilman Schnurr attended the ceremony in August and presented the Resolutions.

On roll call Council Members DiBenedetto, Griffiths, Kane, Shutzer and Sims voted its

adoption, opposed none; abstain none; absent Schnurr. Mayor Higgins declared the motion adopted.

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

**“Resolution of the Borough of Freehold, County of Monmouth, State of New Jersey, Authorizing the Execution of an Agreement with Meghan Bennett Clark of GluckWalrath, LLP as Bond Counsel for the Borough of Freehold.”**

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

RESOLUTION OF THE BOROUGH OF FREEHOLD, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH MEGHAN BENNETT CLARK OF GLUCKWALWRATH, LLP AS BOND COUNSEL FOR THE BOROUGH OF FREEHOLD.

Mr. Joseph Bellina, Borough Administrator reported the previous firm sold off their municipal finance arm of the firm. Ms. Bennett switched firms.

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

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

**“Resolution Authorizing Tax Appeal Settlement Re: Block 36, Lot 14; 8 Court Street and Block 36, Lot 15; 1 West Main Street.”**

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

RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT RE: BLOCK 36, LOT 14; 8 COURT STREET AND BLOCK 36, LOT 15; 1 WEST MAIN STREET.

On roll call Council Members DiBenedetto, Griffiths, Kane, Shutzer and Sims voted its adoption, opposed none; abstain none; absent Schnurr. 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 Approving a Person to Person Transfer of a Plenary Retail Consumption License (Park Avenue Bistro Inc. to Table 33, LLC).”**

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

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FREEHOLD APPROVING A PERSON TO PERSON TRANSFER OF A PLENARY RETAIL CONSUMPTION LICENSE (PARK AVENUE BISTRO INC. TO TABLE 33, LLC).

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

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

**“Resolution Awarding a Contract for the Purchase and Installation of Emergency (Standby) Generators (Rebid)”.**

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

RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE AND INSTALLATION OF EMERGENCY (STANDBY) GENERATORS (REBID).

Mr. Joseph Bellina, Borough Administrator reported this bid was a few thousand dollars less than the previous bid. Once it gets approved and the bonding is put into place, a pre-work meeting will be arranged.

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

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

**“Resolution Requesting Approval to Construct a Mid Block Cross Walk on East Main Street (New Jersey State Route 79).”**

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

RESOLUTION REQUESTING APPROVAL TO CONTRUCT A MID BLOCK CROSS WALK ON EAST MAIN STREET (NEW JERSEY ROUTE 79).

Councilman DiBenedetto reported this was a thought many years ago and hopes it quickly becomes a reality to help the pedestrians cross the road midway. It will help everyone in the area and help the downtown thrive.

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

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

**“A Resolution Authorizing in REM Tax Foreclosure.”**

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

**A RESOLUTION AUTHORIZING IN REM TAX FORECLOSURE.**

Borough Administrator, Joseph Bellina stated this is the Colaner property.

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

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

**“Resolution of the Borough of Freehold, County of Monmouth, State of New Jersey, Authorizing Compensation Payment to Russell Scott King Upon his Separation from Employment.”**

Councilwoman Shutzer 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 COMPENSATION PAYMENT TO RUSSELL SCOTT KING UPON HIS SEPARATION FROM EMPLOYMENT.**

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

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

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

- a. Appointment of Frank Krause as a probationary member of the Freehold Borough Fire Department, Good Will Hook & Ladder Company, effective September 6, 2016.**
- b. Appointment of Thomas Krause as a Driver of Freehold Borough Fire Department Booster 2 Vehicle, Good Will Hook & Ladder Company, effective September 6, 2016.**
- c. Resignation of Walter Crues as a member of the Freehold Fire Department, Good Will Hook & Ladder Company, effective September 6, 2016.**
- d. Termination of Christian Rios as a member of the Freehold Borough Fire Department, Richardson Engine Company No. 2, effective September 6, 2016.”**

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

**RESOLUTION CONFIRMING PERSONNEL APPOINTMENTS/ACTIONS 16A-16D.**

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

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

**“Resolution Approving the Following Applications:**

- a. **Open Space Pace, starting at Hall of Records, continuing down Main Street and ending at the Freehold Racetrack, 9/17/16, 10:30 AM – 12:00 PM. c/o Brett Taft.**
- b. **Halloween Spooktacular Parade, 10/30/16, 1:00 PM – 2:30 PM, starting on Manalapan Avenue and ending on Lafayette Place.**
- c. **Canning, Freehold Council 1672, Knights of Columbus, 9/17/16 from 9:00 AM – 1:00 PM at the intersection of Main Street and South Street and the intersections of East Main Street/Center Street/Spring Street and Broadway.**
- d. **Canning, Freehold Elks Lodge, BPOE #1454, Freehold, 10/1/16 (Rain Date 10/2/16) from 9:00 AM – 1:00 PM at the intersections of East Main Street/Center Street/Spring Street and Broadway.**
- e. **Raffle License #21-16, Gift Auction, Italian American Association of Monmouth County, 10/22/16, 6:00 – 10:00 PM, Olive Branch Lodge No. 16, 2 Dutch Lane Road.**
- f. **Raffle License #22-16, On Premise 50/50, Italian American Association of Monmouth County, 10/22/16, 6:00 – 10:00 PM, Olive Branch Lodge No. 16, 2 Dutch Lane Road.**
- g. **Raffle License #23-16, 50/50, Freehold Boro Music Parents Association, FHS home football games, 9/17/16 - 11/5/16.**
- h. **Permanent Taxi Driver License, Alexis Gusman-Mosso, Freehold.”**

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

**RESOLUTION APPROVING THE FOLLOWING APPLICATIONS –17A-17H.**

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

Mayor Higgins read Item No. 18 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 \$3,202,732.24 be paid as presented.

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

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

**“Clerk – Late Communications.”**

There were none.

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

**“Public Comments.”**

Mr. Barry Fisher, South Street suggested if the additional crossing locations are approved for Route 79, a thank you letter should be sent to Lt. Governor Kim Guadagno for her assistance in moving it forward.

Ms. Amanda McCobb, 41 Lawrence Place asked why the landscape design around the 9/11 Memorial has been slightly altered. The rocks placed around the memorial base now cover the first tier. Each tier of the memorial is significant and represents one of the three locations that were struck. It should not be covered by stones.

Borough Administrator, Joseph Bellina will talk to the designer and have it corrected.

Ms. McCobb also reported the Memorial Day Parade Committee will be having a fundraiser at The Cabin on September 20, 2016.

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

**RESOLUTION TO CLOSE PUBLIC PORTION.**

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

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

**“Council Comments.”**

Councilman DiBenedetto thanked everyone for attending the Downtown Concerts and announced some of the bands scheduled through September. He announced the Borough Wide Yard Sale will be Saturday, October 1<sup>st</sup> from 9:00 AM – 3:00 PM with a rain date of Sunday, October 2<sup>nd</sup>. He invited everyone to come out and enjoy the town.

Councilwoman Shutzer announced a rabies clinic will be held this Thursday from 6:00 PM – 7:00 PM at the firehouse auxiliary building. She announced she hoped to see everyone at Senior Appreciation Day and 9/11 Memorial Services, two things the HRC has been working very hard on. Councilwoman Shutzer announced paddle boating at Lake Topanemus on Saturday, September 10<sup>th</sup> as

part of the Mayor's Wellness Initiative. Councilwoman Shutzer congratulated the Board of Education Members for their hard work and planning in getting 85% of funding needed for the school building program. School is open so be careful.

Councilman Kane thanked everyone for attending the meeting.

Councilman Griffiths reported the Human Relations Committee will be holding a 15<sup>th</sup> Anniversary candlelight service of 9/11 on Sunday, September 11<sup>th</sup> at 6:30 PM, honoring the nearly 3,000 people that were targeted by terrorists. Main Street will be closed between the bus station and McLean Street. Councilman Griffiths announced Senior Appreciation Day will be held on Sunday, September 18<sup>th</sup> in the parking lot next to the Hall of Records Annex. The event includes talent from Freehold Idol, more than 20 vendors, trivia contest and more. The event runs from 12:00 PM to 5:00 PM which honors seniors, but it is a multi-generational event and all are welcome. Councilman Griffiths thanked the Human Relations Committee for doing a fantastic job on both events.

Councilman Sims had nothing to report.

Mayor Higgins announced The Paddle at the Pond event this Saturday, September 10<sup>th</sup>. The Lake Topanemus commission has done a great job and the pond has never looked so good. Mayor Higgins announced the Open Space Pace is being held on Saturday, September 17<sup>th</sup> which highlights horse racing in New Jersey and all are welcome to the Racetrack for a day of fun. He stated there are a lot of activities planned for September and October and encouraged everyone to come out and enjoy downtown Freehold and our community. Mayor Higgins recognized Chief Roberts and Borough Administrator Joseph Bellina for their preparation for the predicted weekend storm, which thankfully did not take place.

Mayor Higgins called for a motion to adjourn.

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

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

The meeting was adjourned at 7:37 PM.

Respectfully Submitted,

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TRACI L. DIBENEDETTO, RMC  
BOROUGH CLERK

TLD:lc