

The Meeting of the Mayor and Council of the Borough of Freehold was held on Monday, November 20, 2017 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 announced a change in the Agenda, holding Item 11 and moving it after Item 15.

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

“Approval of Minutes: Council Meeting November 6, 2017.”

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

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

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

“Resolution of the Mayor and Council of the Borough of Freehold Honoring Anna Straws on the Occasion of Her 105th Birthday.”

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 ANNA STRAWS ON THE OCCASION OF HER 105TH BIRTHDAY.

Councilwoman Shutzer reported she and the Mayor presented the Resolution at a church service in which Ms. Straws was honored. Councilwoman Shutzer stated she is quite a lady.

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 Mayor and Council of the Borough of Freehold Honoring Cynthia Joy, President/CEO, YMCA of Western Monmouth County.”

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 CYNTHIA JOY, PRESIDENT/CEO, YMCA OF WESTERN MONMOUTH COUNTY.

Councilwoman Shutzer reported she and Council Members DiBenedetto, Kane, Schnurr and the Mayor presented the Resolution to Ms. Joy at a reception in her honor held earlier in the evening. Councilwoman Shutzer stated she has given her heart and soul to the Western Monmouth YMCA and especially the development of the Community YMCA in Freehold Borough. She wished her well.

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:

“Second Reading and Public Hearing: Bond Ordinance #2017/10 Providing for Various Capital Improvements, Appropriating \$225,000 Therefor and Authorizing the Issuance of \$213,500 Bonds and Notes to Finance a Portion of the Costs Thereof, Authorized in and by the Borough of Freehold, in the County of Monmouth, New Jersey.”

Mayor Higgins opened the meeting to the public.

There were no comments.

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

RESOLUTION TO CLOSE PUBLIC PORTION.

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

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

BE IT RESOLVED, by the Mayor and Council of the Borough of Freehold that a Bond Ordinance entitled “BOND ORDINANCE #2017/10 PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS, APPROPRIATING \$225,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$213,500 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF FREEHOLD, IN THE COUNTY OF MONMOUTH, NEW JERSEY” be, and same is hereby approved on second reading.

Councilman Schnurr explained this will finance the Participatory Budget Projects that were voted on; Sidewalk Program, Pedestrian Bridge at Lake Topanemus and Decorative Street Lighting downtown. Councilman Schnurr thanked Councilman Griffiths and Councilman Kane for their leadership.

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:

“Introduction of and Authorization to Publish Ordinance #2017/12 Of the Borough of Freehold, County of Monmouth, State of New Jersey, Amending Chapter 8.56 (Board of Health Regulations), of the Revised General Ordinances.”

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 “BOND ORDINANCE #2017/12 OF THE BOROUGH OF FREEHOLD, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING CHAPTER 8.56 (BOARD OF HEALTH REGULATIONS), OF THE REVISED GENERAL ORDINANCES” 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 shall be further considered for final passage after public hearing at a meeting held on December 4, 2017 at 7:00 PM 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, 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 Authorizing Building Permit Fee Reduction for the Freehold First Aid and Emergency Squad.”

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

RESOLUTION AUTHORIZING BUILDING PERMIT FEE REDUCTION FOR THE FREEHOLD FIRST AID AND EMERGENCY SQUAD.

Councilman Griffiths stated it is the least that can be done for the organization.

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

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

“Resolution Approving Change Order Number 1 for the Replacement of Emergency (Standby) Generators Project.”

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

RESOLUTION APPROVING CHANGE ORDER NUMBER 1 FOR THE REPLACEMENT OF EMERGENCY (STANDBY) GENERATORS PROJECT.

Councilman DiBenedetto explained the generators in need are at the water plant, the firehouse and a new one being installed on Birch Drive.

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:

“Resolution Confirming Personnel Actions.”

- a. **Appointment of Catherine Ruddy as a Full-Time School Crossing Guard, effective November 20, 2017.”**

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

RESOLUTION CONFIRMING PERSONNEL ACTIONS: 12A.

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

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

“Resolution Approving the Following Applications:

- a. **Massage Therapist License, Fengda Guo, 25 Broad Street.**
- b. **Parade License, St. Rose of Lima Church, Our Lady of Guadalupe Procession, 12/11/17, 9:00 PM – 10:30 PM, Randolph Street to Lincoln Place to school parking lot.**
- c. **Raffle License #36-17, Stomp the Monster, Casino Night, 2/24/2018, 7:00 PM – 11:00 PM, Aurum, 17 South Street.**
- d. **Raffle License #37-17, Stomp the Monster, 50/50, 2/24/2018, 7:00 PM – 11:00 PM, Aurum, 17 South Street.**
- e. **Raffle License #38-17, Stomp the Monster, Merchandise Raffle, 2/24/2018, 7:00 PM – 11:00 PM, Aurum, 17 South Street.**
- f. **Raffle License #39-17, CentraState Healthcare Foundation, 50/50, 4/9/2018, 8:00 PM, American Hotel, 18 E. Main St.**
- g. **Temporary Taxi Driver License, Jairo Gonzalez Arboleda, Cream Ridge.**
- h. **Temporary Taxi Driver License, Arthur M. Hornsteiner, Freehold.**
- i. **Permanent Taxi Driver License, William Pompeo, Manalapan.”**

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

RESOLUTION APPROVING APPLICATION NOS: 13A – 13I.

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

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

“Approval of Bills.”

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

BE IT RESOLVED by the Mayor and Council of the Borough of Freehold that the bills on the attached list in the amount of \$1,146,792.67 be paid as presented.

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

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

“Clerk – Late Communications.”

There were none.

Mayor Higgins asked Borough Attorney, Kerry Higgins to read Item No. 11 on the Agenda as follows:

“Redevelopment Presentation – Vincent Halleran, Esq. on behalf of Mr. Jacob Lipschitz; 23 South Street, Block 62, Lot 42.

Ms. Higgins explained the matter involves 23 South Street which is located in the Core Redevelopment Zone consisting of an existing “L” shaped building. Ms. Higgins detailed the square footage and previous uses of the building. She explained the applicant has filed to convert the second floor into three residential units consisting of two bedrooms each. Ms. Higgins explained applications in the Core Redevelopment Zone must be reviewed by the Borough Engineer and Mayor and Council. Ms. Higgins stated Mr. Wentzien prepared a report which states residential use is permitted on the second floor and there is no increase in the parking requirements. Ms. Higgins reported on the proposed overall use of the property, detailing a previous proposal that has not been reviewed by the Engineer. Ms. Higgins reviewed the application, the zoning and the request to change the windows which requires HPC review.

Councilman Schnurr asked where the applicant’s attorney is considering a zoning change is being considered.

Mr. Greg Clark of Bach and Clark, LLC stated the applicant’s attorney, Mr. Vincent Halleran is out of the state. He stated he is the architect for the project and can provide an overview of the plans.

Ms. Higgins questioned where the applicant, Mr. Lipschitz is.

Mr. Clark stated he was in transit. Mr. Clark stated he is prepared to offer testimony on the two parts of the bifurcated plan that are extensively one whole application.

Ms. Higgins stated the request for the zone change is not being considered tonight. She added the applicant needs to be present and if he is seeking Mayor and Council to rule on both, he will need to provide testimony from the planner and provide other pertinent testimony. Ms. Higgins confirmed Mr. Clark can report on the overview, but the applicant needs to be present.

Mayor Higgins stated the applicant was informed of the 7:00 PM meeting time. Mayor Higgins stated they would proceed to Public Comments and allow the applicant more time to appear.

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

“Public Comments”

Mr. Bill Madden, Vrendenburgh Ave and Freehold First Aid; thanked Mayor and Council for waiving the construction fees. Mr. Madden informed Mayor and Council of an incident on Vrendenburgh Avenue with two drunk residents. He explained Freehold First Aid is burdened with calls responding to drunk residents and taking them to the hospital. He asked what can be done as many of the younger squad members are threatening to leave.

Chief Roberts reported the Police Department has discussed transporting them to the hospital late in the night if manpower allows. He added it is time consuming as they cannot just be dropped off and officers need to stay with them until they are admitted or checked in. Chief Roberts stated the police will do what they can provided it is only a case of intoxication. He added police officers can not handle medical issues. Chief Roberts agreed to discuss further with the Captain of the First Aid Squad.

Councilwoman Shutzer asked if it should be referred to the Public Safety Commission since it is a public safety issue.

Mayor Higgins stated there are restrictions with these cases. Councilman DiBenedetto agreed to join in the discussion.

Ms. Christine Gregory, West George Street thanked Mr. Joseph Bellina, Borough Administrator for adding the crosswalk on Main Street and McLean Street. Ms. Gregory reported she received another water bill with the large minimum charge. She stated she uses 1/3 of the minimum charge and asked if there has been any decision on the minimum requirement.

Councilman Kane stated a Finance Committee meeting is being scheduled and it will be on the agenda to review the minimum charges.

Mayor Higgins stated it is incredibly expensive to maintain the water system and the charge helps recoup the investment costs. He assured Ms. Gregory that it will be looked at by the Finance Committee.

Mr. Tom Baldwin, Vought Avenue. Mr. Baldwin asked if there are discounts for disabled veterans to park in any of the public parking lots.

Mr. Bellina responded no.

Mr. Baldwin stated he receives a \$150 discount on his real estate taxes and heard from the VA that a disabled veteran should receive a higher discount.

Ms. Higgins instructed Mr. Baldwin to contact the Tax Assessor's Office to obtain the necessary applications.

Councilman Griffiths made a motion to close the public portion, seconded by Councilwoman Shutzer.

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.

Ms. Higgins announced Mr. Lipshitz arrived. Ms. Higgins reported what was previously discussed and stated the council will not be discussing changes to the Core Redevelopment Zone Plan, but will look at everything as a whole. Ms. Higgins confirmed Mr. Lipshitz is the owner of the property and submitted the applications.

Mr. Clark gave a detailed summary of the proposed project at 23 South Street. He referenced details on Plan A-0, an overview site plan. Mr. Clark explained the changes to the existing building as well as the proposed building. He referred to A-1, stating three 2 bedroom apartments are proposed on the second floor.

Ms. Higgins stated an interior demolition permit was issued November 2016 and the alteration permit was filed for in July was put on hold.

Councilman DiBenedetto stated he believes sheet rock was delivered and construction was taking place.

Ms. Higgins asked Mr. Lipshitz to confirm what interior work has been done.

Mr. Lipshitz stated there was no interior construction.

Ms. Higgins asked the applicant why he is seeking to build a second building rather than construct an extension to the existing building.

Mr. Lipshitz explained he did not have a preference, but the applications were filed at different times.

Mr. Clark explained the separate applications were done to proceed as soon as possible with improvements to the vacant building. Mr. Clark explained the technical reasons why the separate building is being proposed, specifically the sprinkler system.

Mr. Lipshitz explained the building has been vacant for a long time, zoned for residential use and he is asking Council to review the proposal to convert the second floor of the building.

Mayor Higgins opened to questions or comments.

Councilman Schnurr asked why the applicant did not come before Mayor and Council to obtain advice and counsel on what is desired in the Redevelopment Zone.

Mr. Clark described the application process which was followed and Mr. Lipshitz's desire to gain a financial foundation to continue with the remainder of the improvements.

Councilman Schnurr explained the technical review process and the guidance that could have been given in terms of residential density. Councilman Schnurr stated when there is substantial rehabilitation of an existing building involving at least one major business

system; it should come before Mayor and Council. He stated that did not happen with this application. Councilman Schnurr asked if the applicant would be willing to change the residential density to 1 bedroom apartment instead of 2 bedroom apartments.

Mr. Lipshitz responded to keep tenants in one bedroom apartments is difficult and said there is no financial sense in doing that.

Mr. Clark asked the reputation of the client and the post negotiation of the residential density be taken into consideration.

Councilman Schnurr questioned the parking and if any additional off site parking is being provided.

Ms. Higgins explained the allowed parking in correlation to the increased density is a factor.

Mr. Clark agreed and stated a residential use typically has a lesser parking use than a commercial use. Mr. Clark stated the manner in which the additional spots would be gained will be discussed at the hearing for the new building. He stated at this point there are no arrangements for off site parking. Mr. Clark stated the parking has been improved for the existing buildings. Mr. Clark stated he looks to the board for how they should proceed.

Ms. Higgins asked how the size of the proposed building was determined.

Mr. Clark described the issues that were considered as well as other options. He stated the applicant is staying consistent with the streetline.

Councilman DiBenedetto asked if they had received an offer from Fusha for them to expand their restaurant and provide outside table service.

Mr. Clark stated no. He added with previous owner, Roy Kay, other concept plans were discussed for an infill building.

Councilwoman Shutzer stated she understands Mr. Lipshitz has made it clear he is interested in financial advantage and she stressed her vested interest in density because she sees a classroom of children within the 11 two bedroom units.

Councilman DiBenedetto asked what is proposed for the refuse.

Mr. Clark stated there is a dumpster on 11 Mechanic Street that will still be serviced. He stated he will have to defer to a site engineer regarding increased volume.

Ms. Higgins stated Council expressed their concern regarding density for the proposed use as well as for the new building. She informed the applicant to take it under advisement.

Mayor Higgins stated Mayor and Council need time to review the Engineer's Report which was just received. Mayor Higgins stated Council will review the report and discuss the concerns. Mayor Higgins stated the Administrator will be in touch with Mr. Halleran.

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

“Council Comments.”

Councilman Sims congratulated Councilman DiBenedetto and Councilman Schnurr on the recent election and wished everyone a Happy Thanksgiving.

Councilman DiBenedetto congratulated Cynthia Joy and thanked her for the positive impact she has had on the community. He wished everyone a Happy Thanksgiving.

Councilwoman Shutzer reported the Senior Party is accepting reservations for the party on December 2nd. She announced the upcoming Downtown events; Menorah Lighting on 12/18 and Tree Lighting on 12/5 and the Jolly Trolley will be running this year.

Councilman Kane congratulated Anna Straws on her 105th Birthday and thanked Cynthia Joy and wished her luck. Councilman Kane announced the St. Patrick's Day Parade is looking to expand. Councilman Kane congratulated Councilman Schnurr for being appointed to Governor Elect Murphy's Transition Team. He wished everyone a Happy Thanksgiving.

Councilman Griffiths congratulated Councilman Schnurr. Councilman Griffiths reported the Participatory Budget will be moving forward now after approval of the Bond Ordinance. He explained follow up surveys will be going out soon. He wished everyone a Happy Thanksgiving.

Councilman Schnurr congratulated Cynthia Joy on her new position. He announced there will be blood drive at the Knights of Columbus on December 9th from 8:00 – 1:00. Councilman Schnurr announced Wreaths Across America will be on December 16th at Elks Point for the seventh year in a row, sponsored by the Masons Olive Branch Lodge #16, Freehold. Councilman Schnurr gave Thanksgiving wishes.

Mayor Higgins congratulated Councilman Schnurr on his appointment to the Governor Elect's Transition Team. Mayor Higgins reported Veteran's Park project is nearing completion and repaving of Hudson Street and Bennett Street has been a large project and it finishing up. Mayor Higgins wished all the residents a Happy Thanksgiving and reminded everyone to be thankful for their health, friends, families and the nation in which we live.

Councilwoman Shutzer offered the motion to adjourn, seconded by Councilman Griffiths.

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

The meeting was adjourned at 8:16 PM.

Respectfully Submitted,

TRACI L. DIBENEDETTO, RMC
BOROUGH CLERK

TLD:lc