

The Meeting of the Mayor and Council of the Borough of Freehold was held on Monday, December 18, 2017 at 7:17 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 Sims 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
ABSENT	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:

“Approval of Minutes: Council Meeting December 4, 2017.”

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

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

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

“Second Reading and Public Hearing: Ordinance #2017/11 Amending and Supplementing Chapter 18 (Zoning), of the Revised General Ordinances of the Borough of Freehold, County of Monmouth, State of New Jersey.”

Mayor Higgins opened the meeting to the public.

There were no comments.

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

Borough Attorney, Kerry Higgins explained the Planning Board had several recommendations and those recommendations were forwarded to the Freehold Borough Planner who responded. She suggested holding the adoption of the ordinance until Council had the opportunity to discuss the recommendations with the Borough Engineer.

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

RESOLUTION TO HOLD ADOPTION OF ORDINANCE #2017/11 AMENDING AND SUPPLEMENTING CHAPTER 18 (ZONING), OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FREEHOLD, COUNTY OF MONMOUTH, STATE OF NEW JERSEY.

On roll call, Council Members DiBenedetto, Kane, Schnurr, Shutzer and Sims voted its adoption; opposed none; abstain none; absent Griffiths. 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, County of Monmouth, New Jersey Authorizing Extension and Amendment to Lease Agreement with Norcap Financial, LLC.”

Borough Attorney Kerry Higgins explained there has been a recommendation to amend the proposed resolution to read the Borough will exercise its option to extend the term of the lease for a one year period. Ms. Higgins stated she will make the amendment to the resolution and the extension amendment to the lease agreement. She stated it will now read “the term of the lease extension will be for one year commencing on or about the first day of October 2017 ending the 30th day of September 2018”. Ms. Higgins stated the rent is \$28,000 per year, payable in quarterly installments of \$7,000.

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

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FREEHOLD, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING EXTENSION AND AMENDMENT TO THE LEASE AGREEMENT WITH NORCAP FINANCIAL, LLC.

Councilwoman Shutzer stated she will be voting against this and does not feel this is a good idea for the Borough. She stated the original resolution would have provided a 15 year lease with a termination option of one year at a good rate. She stated it is not a good decision and she will not support it.

Councilman Schnurr stated when engaged in the process of negotiating terms and conditions it is not wise to approve a 15 year lease when the landlord states a lease of one year is all that is needed while items are worked out. Councilman Schnurr stated that is why he is voting yes.

Councilwoman Shutzer stated she is voting no because the rate may change within that one year that otherwise would have lasted 15 years.

Councilman Schnurr responded a rate change is not known.

Councilman Kane reported this topic was discussed at the Finance Committee meeting and he stated the 15 year extension, which is allowable under the terms, was decided upon. He explained the lease has a square footage rate of \$2.33 which is a great rental rate. Councilman Kane agreed that during negotiations there should be leverage, but when a 15 year term can be secured at an unbelievable square footage rate, he believes it is in the best interest of the town to approve the longer term. Councilman Kane stated the option to get out with one year's notice make the longer term acceptable. Councilman Kane stated he will be voting no based on the information of the Finance Committee, the longer term is better.

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

Ms. Higgins stated under both proposals there was an early termination clause which allows the Borough to terminate the lease upon a one year notice.

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

“Resolution of the Borough of Freehold, County of Monmouth and State of New Jersey Granting Tax Abatement Pursuant to the “Five Year Exemption and Abatement Law for Commercial and Industrial Structures” Ordinance of the Borough of Freehold. (Tona Executive Suites).”

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

RESOLUTION OF THE BOROUGH OF FREEHOLD, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY GRANTING TAX ABATEMENT PURSUANT TO THE “FIVE YEAR EXEMPTION AND ABATEMENT LAW FOR COMMERCIAL AND INDUSTRIAL STRUCTURES” ORDINANCE OF THE BOROUGH OF FREEHOLD. (TONA EXECUTIVE SUITES).

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

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

“Resolution of the Borough of Freehold, County of Monmouth and State of New Jersey Granting Tax Abatement Pursuant to the “Five Year Exemption and Abatement Law for Commercial and Industrial Structures” Ordinance of the Borough of Freehold. (17-19 South Street, LLC).”

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

RESOLUTION OF THE BOROUGH OF FREEHOLD, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY GRANTING TAX ABATEMENT PURSUANT TO THE “FIVE YEAR EXEMPTION AND ABATEMENT LAW FOR COMMERCIAL AND INDUSTRIAL STRUCTURES” ORDINANCE OF THE BOROUGH OF FREEHOLD. (17-19 South Street, LLC).

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

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

“Resolution Authorizing the Transfer of Appropriations in the Fiscal Year 2017 Budget.”

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

RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS IN THE FISCAL YEAR 2017 BUDGET.

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

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

“Resolution of the Borough of Freehold, County of Monmouth, State of New Jersey, Cancelling Unexpended Balances in Certain Federal and State Grant Receivables and Appropriations.”

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, CANCELLING UNEXPENDED BALANCES IN CERTAIN FEDERAL AND STATE GRANT RECEIVABLES AND APPROPRIATIONS.

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

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

“Resolution Awarding a Contract for Tree Removal and Trimming - Rebid.”

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

RESOLUTION AWARDING A CONTRACT FOR TREE REMOVAL AND TRIMMING - REBID.

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

Borough Administrator Joseph Bellina explained the nation wide Ash Tree disease and the fact that a number of trees that are affected. He stated expenses associated with the disease will have to be addressed in the 2018 budget as it can not be covered by a bond.

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

“Resolution Awarding a Contract for Janitorial Services.”

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

RESOLUTION AWARDING A CONTRACT FOR JANITORIAL SERVICES.

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

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

“Resolution Authorizing Payment of Length of Services Award Program Benefits. (Freehold First Aid & Emergency Squad).”

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

RESOLUTION AUTHORIZING PAYMENT OF LENGTH OF SERVICES AWARD PROGRAM BENEFITS. (FREEHOLD FIRST AID & EMERGENCY SQUAD).

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

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

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

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

RESOLUTION AUTHORIZING THE PURCHASE OF TWO LAW ENFORCEMENT VEHICLES.

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

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

“Resolution Authorizing Dental Insurance Contract.”

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

RESOLUTION AUTHORIZING DENTAL INSURANCE CONTRACT.

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

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

“Resolution Authorizing a Risk Management Agreement with the Dittmar Agency.”

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

RESOLUTION AUTHORIZING A RISK MANAGEMENT AGREEMENT WITH THE DITTMAR AGENCY.

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

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

“Resolution to Join the Garden State Municipal Joint Insurance Fund and Authorizing the Joint Trust Agreement.”

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

RESOLUTION TO JOIN THE GARDEN STATE MUNICIPAL JOINT INSURANCE FUND AND AUTHORIZING THE JOINT TRUST AGREEMENT.

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

Borough Administrator Joseph Bellina explained other proposals were sought. He stated there was some concern with the Borough’s Workman’s Comp history. Mr. Bellina stated another JIF offered a plan at a similar price but it had a few omissions. He stated Garden State has been good and they are very caring of their members.

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

“Resolution Authorizing License Agreement with D&M Fireworks, LLC RE: 2018 Fireworks.”

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

RESOLUTION AUTHORIZING LICENSE AGREEMENT WITH D&M FIREWORKS, LLC RE: 2018 FIREWORKS.

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

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

“Resolution Authorizing Freehold Borough to Submit a Highway Occupancy Permit with the New Jersey Department of Transportation.”

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

RESOLUTION AUTHORIZING FREEHOLD BOROUGH TO SUBMIT A HIGHWAY OCCUPANCY PERMIT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION.

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

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

“Resolution of the Mayor and Council of the Borough of Freehold Authorizing Application for the Governor’s Council on Alcoholism and Drug Abuse Fiscal Grant Cycle, July 2014 – June 2019.”

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

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FREEHOLD AUTHORIZING APPLICATION FOR THE GOVERNOR’S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT CYCLE, JULY 2014 – JUNE 2019.

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

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

“Resolution Waiving Parking Fees.”

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

RESOLUTION WAIVING PARKING FEES.

On roll call, Council Members DiBenedetto, Kane, Schnurr, Shutzer and Sims voted its adoption; opposed none; abstain none; absent Griffiths. 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, County of Monmouth, New Jersey Authorizing the Discharge of a Mortgage Case No. FBHRP 11-103.”

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

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FREEHOLD, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING THE DISCHARGE OF A MORTGAGE CASE NO. FBHRP11-103.

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

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

“Resolution Approving the Following Applications:

- a. Junkyard License, Beacon Metal Co. Inc., 215 Throckmorton Street, Freehold.**
- b. Raffle License #40-17, Solomon Schecter Day School, Casino Night, 2/3/2018, 8:00 PM – 12:00 AM, Freehold Jewish Center, 59 Broad Street.**
- c. Raffle License #41-17, Solomon Schecter Day School, 50/50 Raffle, 2/3/2018, 8:00 PM – 12:00 AM, Freehold Jewish Center, 59 Broad Street.”**

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

RESOLUTION APPROVING APPLICATIONS: 23A-23C.

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

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

“Approval of Bills.”

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

BE IT RESOLVED by the Mayor and Council of the Borough of Freehold that the bills on the attached list in the amount of \$1,262,258.77 be paid as presented.

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

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

“Correspondence from Richard J. Gartz, CFO: 2017 BAN Certificate of Determination and Award.”

Borough Administrator Joseph Bellina stated the rates are very favorable for towns wishing to take on debts.

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:

“Public Comments”

Mr. Tom Baldwin, asked who Item No. 7 is for.

Borough Attorney, Kerry Higgins stated this is for Tona Executive Suites who renovated the old police station. She explained after a substantial renovation there typically is an added assessment. In this case, the added assessment gets phased in. Ms. Higgins stated Tax Abatements are designed to encourage improvements to buildings that are in disrepair.

Mr. Baldwin relayed a problem he had in 1996 with a residential abatement.

Mr. Baldwin asked about Item No. 16 regarding Risk Management.

Borough Administrator, Joseph Bellina explained Risk Management is the municipality’s insurance consultants for workman’s compensation, general liability, auto liability and other types of insurance.

Mr. Baldwin asked who is getting parking fees waived in Item No. 21.

Mr. Bellina responded the Public Library employees.

Mr. Baldwin raised concerns over the safety of the Throckmorton Street and Main Street intersection. He suggested making the intersection a three way stop or placing a patrolman at the intersection during rush hour. Mr. Baldwin stated recently he was almost hit. Mr. Baldwin also asked if Freehold can get a post office as we are one of a few county seats in the country that does not have post office.

Councilman Sims stated Mayor and Council, including Mayor Wilson, repeatedly fought to keep the post office in Freehold Borough and the dispute went up to the national level. He explained how the United States Postal Service determines locations by zip code.

Councilman Sims made a motion to close the public portion, seconded by Councilman DiBenedetto.

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

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

“Council Comments.”

Councilman Sims reported the Board of Education recently recognized Mr. Jim Keelen for 17 years of service and thanked him for his years of dedication. Councilman Sims wished everyone Happy Holidays.

Councilman DiBenedetto offered Happy Holidays and a healthy New Year!

Councilwoman Shutzer reported Superintendent of Schools, Rocco Tomazic, has been named The Distinguished Service Award Winner for the Rutgers Graduate School of Education Alumni Association for his work in promoting public education. She offered her congratulations to Dr. Tomazic who has fought to get deserved funding. Councilwoman Shutzer wished a Merry Christmas to everyone.

Councilman Kane thanked everyone for attending. He stated the Finance Committee discussed the water bill concerns. Councilman Kane explained the fixed costs associated with providing water to the town as well as the costs incurred by the MRRSA. Councilman Kane stated new legislation and anticipated pipe replacements will continue to be added costs. He was sorry that is how it has to be. Councilman Kane wished everyone a happy and healthy holiday season.

Councilman Schnurr reported Wreaths Across America was held December 16th and thanked the Mason’s for underwriting the cost for the wreaths. He stated it was a nice affair and a wonderful way to remember the veterans who made the ultimate sacrifice. Councilman Schnurr stated there will be a Land Use Committee meeting December 19th. He wished everyone a Merry Christmas and Happy Holidays.

Mayor Higgins wished everyone a Happy Holiday Season and good health for our families.

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

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

The meeting was adjourned at 7:50 PM.

Respectfully Submitted,

TRACI L. DIBENEDETTO, RMC
BOROUGH CLERK

TLD:lc