

The Meeting of the Mayor and Council of the Borough of Freehold was held on Tuesday, January 16, 2018 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:

“Approval of Minutes: Supplemental Minutes October 2, 2017, November 6, 2017, November 20, 2017, December 4, 2017 and December 18, 2017; Council Meeting December 18, 2017.”

Councilman Kane offered a motion to accept the minutes and was seconded by Councilwoman Shutzer:

On roll call Council Members DiBenedetto, Kane, Schnurr and Shutzer voted its adoption; opposed none; abstain Griffiths 12/18 and Sims 11/6; absent none. Mayor Higgins declared the motion adopted.

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

“Presentation by Downtown Freehold to the Municipal Alliance to Prevent Substance Abuse.”

Councilwoman Shutzer announced the Alliance Against Substance Abuse is an organization sponsored by Freehold Township and Freehold Borough. She explained the alliance works hard to provide educational programs about substance abuse for the Intermediate and High Schools in the Township and Borough. Councilwoman Shutzer detailed some of the fundraising efforts used to fund the programs.

Councilwoman Shutzer reported Downtown Freehold has donated proceeds from the fall Dine Around event to the Alliance for the last three years. She thanked Downtown

Freehold and its Business Advocate, Jeff Freidman for their generosity. She introduced Mr. Friedman.

Mr. Jeff Friedman, Downtown Freehold remarked on the effects of substance abuse and stated Downtown Freehold is happy to help raise awareness and support the educational programs. He presented the Alliance with a check for \$3,150.00 to support their wonderful programs.

Councilwoman Shutzer offered her appreciation on behalf of the Alliance and stated Mr. Friedman understands how this donation will benefit many people as he is a co-chair for the Alliance and has been for many years.

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

“Presentation from Sgt. Diego Flores – Reporting on his deployment to Puerto Rico to assist in the aftermath of Hurricanes Irma and Maria.”

Chief Roberts introduced Sgt. Flores to report on his deployment to Puerto Rico to assist after the hurricanes. He noted Sgt. Flores took the initiative to find out about the program and presenting it to the Police Department.

Sgt. Flores reported he has been a member of the Police Department for 12 years. He stated in October he started looking in the hurricane relief effort and found out Governor Christie was allowing NJ Law Enforcement to assist FEMA and EMAC efforts. Sgt. Flores explained his proposal was approved by the Chief and Council. He reported he deployed November 4, 2017 – November 18, 2017. Sgt. Flores explained how it was a tough decision because he was leaving behind his family but felt it was the best thing to do.

Sgt. Flores explained the “third wave” and his main goal there was to assist with traffic situations. He detailed the work which was done from sun up to sun down and the collaborative efforts of officers from State Police, county, local and federal agencies. Sgt. Flores described how his team went a step further and organized meals and school supplies be delivered to a school that was still operating despite not having power or running water. Sgt. Flores explained before the supplies got their, the officers rationed their own water and food to share with the school.

Sgt. Flores described the devastation of the island and the gratefulness of the residents. Sgt. Flores stated this was the best experience he has had and was proud to show that Freehold Borough is willing to help. He reported he is still in contact with the director of the school and stated many areas are still without power and water. Sgt. Flores stated he was grateful to have the opportunity to help the island.

Councilman DiBenedetto asked who financed the effort.

Sgt. Flores stated FEMA financed everything. He explained he was staying at a hotel with operating generators because NJ had the largest contingent; FEMA contracted the space for them.

Councilman DiBenedetto thanked Sgt. Flores for his efforts and help with a resident who had parents there. Councilman DiBenedetto also thanked Sgt. Flores' cousin who was there with the NJ State Police. He stated Freehold was represented by two fine officers.

Councilwoman Shutzer thanked Sgt. Flores' wife, who is also a Freehold Borough Police Officer, and his family. Councilwoman Shutzer stated this took dedication from both of them and thanked them both for the sacrifices.

Mayor Higgins thanked Sgt. Flores and stated he exemplifies the civic involvement the police have and the spirit that is spread. He stated others have recognized that Freehold Borough has extended itself and has provided care to others. Mayor Higgins stated he is proud of all Sgt. Flores has done.

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

“Resolution Awarding a Contract for the Purchase of Road Maintenance Materials.”

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

RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE OF ROAD MAINTENANCE MATERIALS.

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 Acknowledging Compliance with the Core Redevelopment Plan Re: Block 40 Lot 9.01; 31 East Main Street.”

Borough Attorney, Kerry Higgins explained the process of the Core Redevelopment Plan review by the Borough Engineer. She stated the review determined compliance. Ms. Higgins swore in witness Mr. Clark.

Mr. Greg Clark of Bach and Clark, LLC presented an overview of the available parking vs. what is needed. Mr. Clark described the location at 31 East Main Street and explained the owner would like to open a sandwich shop, similar to cheesesteaks and hoagies. He explained the square footage is minimal, about 991 square feet of the lobby. Mr. Clark stated there is a requirement of seven parking spots for the 22 seats and explained how the entire center utilizes 65 spots. Mr. Clark explained the applicant is four spots shy of the seven required and the applicant is requesting a parking waiver. Mr. Clark described the location within the lobby and the signage.

Borough Engineer, William Wentzien stated if everything is approved, everything that needs to be done at the Planning Board can proceed.

Ms. Higgins stated the Council has heard the explanation from Mr. Clark and Mr. Wentzien's report, so Council can state if the plan conforms with the Core Redevelopment Plan and can move forward. Ms. Higgins confirmed that is incorporated into the Resolution.

Councilman Schnurr asked if the fee will have to be paid for the four additional parking spaces.

Borough Administrator, Joseph Bellina confirmed.

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

RESOLUTION ACKNOWLEDGING COMPLIANCE WITH THE CORE REDEVELOPMENT PLAN RE: BLOCK 40 LOT 9.01; 31 EAST MAIN STREET.

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 Accepting the Mayor’s Nominations and Appointments for 2018:

- a. Karen Ketcham, Memorial Day Parade Committee, for a one year term expiring December 31, 2018.**
- b. Dr. Carolynn Matflerd, Library Commission, for a five year term expiring on December 31, 2022.”**

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

RESOLUTION ACCEPTING THE MAYOR’S NOMINATIONS AND APPOINTMENTS FOR 2018: 9A-9B.

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 Confirming Personnel Appointments/Actions:

- a. Resignation of David Dafeldecker as Plumbing Sub-Code Official, effective January 4, 2018.**

- b. Appointment of Robbie Bailey as Plumbing Sub-Code Official provisionally, upon posting and completion of New Jersey Civil Service testing requirements.**
- c. Appointment of Yameenah Mayfield as a probationary member of the Freehold Fire Department, Good Will Hook & Ladder Company, effective January 16, 2018.**
- d. Appointment of Kevin Krause as a probationary member of the Freehold Fire Department, Good Will Hook and Ladder Company, effective January 16, 2018.”**

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

RESOLUTION CONFIRMING PERSONNEL APPOINTMENTS/ACTIONS NOS. 10A – 10D.

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. 11 on the Agenda as follows:

“Resolution Approving the Following Applications:

- a. Massage Establishment License, Royal 7 Spa, LLC, 18 Throckmorton Street.**
- b. Massage Establishment License, Magic Fingers, LLC, 25 Broad Street.**
- c. Massage Therapist License, Meishan Li, 18 Throckmorton Street.**
- d. Massage Therapist License, Jilong Zhao, 18 Throckmorton Street.**
- e. Massage Therapist License, Fengda Guo, 25 Broad Street.**
- f. Massage Therapist License, Xiuhua Yu, 25 Broad Street.**
- g. Massage Establishment/Therapist, JMK Holistic Therapies, Joann Kostyk, 90 West Main Street, Suite 9.**
- h. Raffle License #1-18, Applegate School PTO, Off Premise 50/50, Aurum Events and Catering, 3/2/2018, 6:00 PM – 11:00 PM.**
- i. Raffle License #2-18, Applegate School PTO, On Premise 50/50, Aurum Events and Catering, 3/2/2018, 6:00 PM – 11:00 PM.**
- j. Raffle License #3-18, Applegate School PTO, Gift Auction, Aurum Events and Catering, 3/2/2018, 6:00 PM – 11:00 PM.**
- k. Raffle License #4-18, Foodstock, NJ, Gift Auction, Aurum Events and Catering, 2/23/2018, 7:00 PM – Midnight.**
- l. Raffle License #5-18, St. Rose of Lima PTA, Gift Auction, 2/2/2018, 6:30 PM – 9:30 PM.**
- m. Precious Metal License, Freehold Jewelers, 33 West Main Street.**
- n. Permanent Taxi Driver License, Amanda Robles, Freehold.**
- o. Permanent Taxi Driver License, Stephen Buda, Freehold.”**

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

RESOLUTION APPROVING APPLICATIONS NOS. 11A – 11O.

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:

“Approval of Bills.”

Councilman Schnurr 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 \$2,366,479.56 be paid as presented.

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

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

“Clerk – Late Communications.”

There were none.

Mayor Higgins announced a change in the agenda and Item No. 15 will be heard first. Mayor Higgins reported he has a conflict and stepped down. Council President Shutzer presided.

Councilman DiBenedetto announced he has a conflict and would be stepping down as well.

Council President Shutzer read Item No. 15 on the Agenda as follows:

“Redevelopment Presentation- Mr. Kevin Freeman, Christopher House Demolition; 49 East Main Street, Block 41, Lot 18 (Back-up provided under separate cover).”

Borough Attorney, Kerry Higgins reported a demolition permit was received for this property which falls within the Core Redevelopment Zone, and requires a review by the governing body as the Redevelopment Entity. Ms. Higgins reported it first went to the Historic Preservation Committee who recommended against the demolition by Resolution. She added they did not have any information regarding the environmental issues. Ms. Higgins swore in applicants Glen and Kevin Freeman who were in attendance with their attorney, Vince Halleran as well as Adam Musgrave.

Mr. Musgrave stated he has been in environmental work for 23 years and has done extensive environmental clean up from residential work to Exxon throughout New Jersey State program cleaning up gas stations and all types of oil tanks. Mr. Musgrave stated he has done extensive work in Freehold and confirmed he is employed by Shore Systems Group.

Ms. Higgins reported Mr. Musgrave had previously submitted investigative activities in reference to ground water and soil. She added this information was initially presented to the Land Use Committee. Ms. Higgins asked Mr. Musgrave to explain the nature of the problem and why there is a request for demolition.

Mr. Musgrave stated there is a hidden 550 gallon oil tank that has leaked into the ground water at which time petroleum contamination hits the surface of the ground water and spreads horizontally. He stated with the very limited investigative work that was done, it has run underneath the building causing substantial structural support damage. Mr. Musgrave believed if the building was moved, the historical columns would not be able to be saved. Mr. Musgrave stated the clean up would get larger.

Ms. Higgins asked if leaving the building in place is an alternative.

Mr. Musgrave stated there are several options, but it is a matter of money. He stated there is a proposal to do limited structural support. However, with the age of the building, Mr. Musgrave stated his experience tells him the building probably does not have a footing and it probably is not going to have a foundation that will sustain the type of structural support that was proposed. Therefore, additional costs are going to be incurred. Such as the contamination spreading further than what was found, in the limited investigation and there will also be extensive structural repair just to attempt to hold the building in place.

Ms. Higgins stated it was discussed with the Land Use Committee in order to get to the contamination under the building and because of the brick foundation it would have to have piers installed.

Mr. Musgrave stated multiple layers of various types under-fitting would be needed. He stated an actual footing would need to be constructed and require helical piles to hook into the reverse footing construction to hold the building in place as it is tunneled under to remediate any leakage. Mr. Musgrave stated that becomes very expensive.

Ms. Higgins asked if the contamination had reached the ground water and what direction it is headed.

Mr. Musgrave stated it has reached the ground water and is traveling in the direction of the building itself, towards Main Street.

Ms. Higgins asked what the time frame is for each clean up option of either preserving the building vs. demolishing it.

Mr. Musgrave stated it be would speculation, but based on the limited investigative work it is probably three months work of excavation compared to a couple of days to demolish the building and few days to complete the clean up.

Councilman Griffiths asked about the limited investigation and asked if core samples were done.

Mr. Musgrave stated Shore Systems Group came in, completed a tank investigation and discovered the tank had been leaking. He stated the Freemans were referred to the oil supplier who came out and did a little bit more of an investigation. Mr. Musgrave would consider it limited as there were not a lot of samples taken. He added core samples or geo probing was done to find the extent of the contamination.

Councilman Griffiths asked what the cost would be if the building were to be moved and clean up completed.

Mr. Musgrave stated if the building was moved the foundation would have to be brought up to code. He explained the entire foundation would have to be restored. He stated the cost estimate is around 50,000 but added he feels clean up would be more around \$150,000 - \$200,000. He reiterated he is working on limited information. He relayed a story of a previous job that was estimated at \$50,000 and cost \$650,000 because the leak traveled through several properties.

Mr. Musgrave confirmed he interrupted the initial investigation to show the leak is moving towards West Main Street. He stated when contaminates pollute the ground water NJDEP gets involved and if the property owners don't address the leak, the NJDEP reserve the right to do their own clean up at which time there is no cost control and they do as they wish.

Council President Shutzer asked if the tank has been out for two months prior to meeting with Historic Preservation.

Mr. Kevin Freeman stated it has been 4 or 5 months.

Mr. Musgrave stated he did not remove the tank. He stated he simply did the initial investigation work and simply assisted his friend Kevin Freeman, guiding him.

Councilman Sims asked if there is any vapor intrusion that will have to be put in place.

Mr. Musgrave answered not if the clean up is done in full. He stated in some cases there are vapor infusion issues that you address as part of brining things up to current code.

Council President Shutzer asked what the plans for the property are if the demolition is approved.

Mr. Glenn Freeman responded they do not know because they are unsure what the costs are. He stated they are addressing one problem first before they move to step two. Mr. Freeman stated they aren't able to guess because they don't know how much this will cost.

Mr. Halleran stated whatever they plan on doing is subject to the Planning Board and the Redevelopment entity.

Councilman Schnurr stated he was present at the Historic Preservation Meeting on October 30, 2017 where this was discussed. He asked if the building has vinyl siding and other replacements that are not historic in his view. Councilman Schnurr reported at the previous meeting it was stated the Christopher House represented historic architecture or style, not that the building itself is historic because of the vinyl siding, windows, soffit and deck. He asked if Mr. Freeman agreed.

Mr. Freeman confirmed what the replacements and modern improvements are and stated they have been told the building is of historic style.

Councilman Schnurr confirmed the environmental report that the Land Use Committee saw was not presented to Historic Preservation at all. He stated the details he received at Land Use are what changed his mind. Councilman Schnurr stated as much as he would like to save the house, it becomes difficult to require the owner to spend hundreds of thousands of dollars to do that.

Ms. Higgins stated a motion to approve the application for demolition based upon the testimony or to deny the application can be offered.

Council President Shutzer stated the matter can be taken under advisement. She asked what the wish of the governing body is.

Councilman Sims stated action should be taken due to the environmental concern.

Councilman Schnurr stated immediate action should be taken.

Councilman Griffiths agreed and stated any delay will cost more time and money.

Councilman Kane agreed.

Councilman Sims made a motion to approve the demolition of the Christopher House based on the information presented, seconded by Councilman Griffiths.

Council President Shutzer stated she very conflicted on this issue as her heart and sympathy are with the Freeman's and fully understand their issue. She stated the conflict arises when she was elected to look at everything and vote for the common good. Council President Shutzer stated she reluctantly will vote on this motion.

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

Mayor Higgins returned to the dais.

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

“Public Comments”

Ms. Elaine Zarzyski, 22 Ford Avenue, stated she had previously suggested the town helping the seniors with snow removal. She stated she cannot shovel her own snow and neighborhood kids are not offering their services. Ms. Zarzyski stated after three snow storms it has gotten costly. She stated the ideas of water fountains and chess boards purchased with extra funds is nice, but she would rather see what the town can do for the seniors.

Mayor Higgins reported the town is not able to shovel everyone’s snow and part of being a homeowner is you have the responsibility to maintain your property and sidewalk. Mayor Higgins stated he understands the point and it has been discussed. He stated it is a cost of home ownership. Mayor Higgins reported Councilman Griffiths tried to get a program started with the Human Relations Commission but it wasn’t something that could be worked out.

Ms. Zarzyski suggested approaching Boy Scouts, Churches and different jail programs. She added there are drug programs that require service hours. She stated she volunteers at the thrift store and food bank that there is always someone offering their services. Ms. Zarzyski stated she did not think it would be difficult to get a committee to contact the churches. She stated as a lifelong resident of Freehold she would like to see something done.

Councilman Griffiths stated the Human Relations Committee has not given up on this subject. He explained there were some problems such as the high school said they wanted no part of it because of liability issues. Councilman Griffiths stated they are talking to Youth Government for next fall and winter. He stated there is a problem with who is going to control it in the sense of who is responsible for scheduling and addressing who, what, when and where. Councilman Griffiths explained there are logistics of matching people that are willing to volunteer with people who require the assistance. He stated application forms will be developed during the summer and will ask for resident’s age, financial situation and disability needs. Councilman Griffiths stated it is being worked on.

Ms. Zarzyski asked if residents who can not shovel pay for it and submit a bill to be reimbursed.

Councilman Griffiths stated no.

Councilman Kane reported Jersey City has a program called JC Shovels and it was a logistic nightmare. He reported people were matched with residents and the volunteers did not show up. He reported the program was not succesful and it is being reworked.

Councilwoman Shutzer stated if there was a way to do this, it would have been done. She stated the biggest problem is the liability issue. Councilwoman Shutzer stated she is a senior and she relies on the goodness of her neighbors to help her.

Ms. Zarzyski stated homeowners have home owners insurance so that would cover the liability.

Councilwoman Shutzer stated it doesn't always work that way.

Councilman Sims made a motion to close Public Comments, 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.

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

“Council Comments.”

Councilman Sims had no comments.

Councilman DiBenedetto hoped everyone's holidays were wonderful and hoped the warm weather comes quickly. He thanked Sgt. Flores and his family for reaching out to Puerto Rico.

Councilman Schnurr reported the Memorial Day Parade Committee will be meeting this month and the Land Use Committee will be meeting soon as well. Councilman Schnurr reported he has just returned from California where people have set up pregnancy hotels in which immigrants with legal work or student visas are entering the US with the sole purpose of having their child born here for a fee of \$10,000 - \$15,000. Councilman Schnurr reported 6 “pregnancy hotels” were closed down and hopes this trend does not move eastward.

Councilman Kane thanked everyone for coming.

Councilman Griffiths reported the Participatory Budget Sidewalk Replacement Program is in the recent newsletter and on the website. He explained this is an attempt to share the cost of sidewalk repair needed as a result of trees and relieves any code violations. Councilman Griffiths reported updates on the other two projects will be coming soon. Councilman Griffiths encouraged everyone to complete the Participatory Budget Survey which is seeking information on how the process can be improved. He stated the survey will be on the website and encouraged residents to peruse the web site as it contains a lot of good information.

Councilwoman Shutzer reported the pet license renewals must be taken care of prior to February 29th and announced there is a free Rabies Clinic on January 27th 10:00 AM – 12:00 PM at the Firehouse Annex. Councilwoman Shutzer wished Councilman DiBenedetto an early Happy Birthday.

Councilman Kane added pet licensing will be done at the Rabies Clinic.

Mayor Higgins called for a motion to be move to Executive Session to discuss the contract and property acquisition.

Councilwoman Shutzer offered the motion, seconded by Councilman Sims:

RESOLUTION AUTHORIZING EXECUTIVE SESSION TO DISCUSS
CONTRACT AND PROPERTY ACQUISITION.

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 8:02 PM.

Respectfully Submitted,



TRACI L. DIBENEDETTO, RMC
BOROUGH CLERK

TLD:lc