

The Meeting of the Mayor and Council of the Borough of Freehold was held on Monday, April 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.

Mayor Higgins recognized Bill McGovern, Esq. and noted his family donated the framed Declaration of Independence hanging on the meeting room wall. He noted it was previously presented at the July 4th reading. Mayor Higgins thanked Mr. McGovern.

ROLL CALL

PRESENT	MAYOR J. NOLAN HIGGINS
PRESENT	COUNCILMAN MICHAEL DIBENEDETTO
PRESENT	COUNCILMAN RONALD GRIFFITHS
PRESENT	COUNCILMAN KEVIN KANE
ABSENT	COUNCILMAN GEORGE SCHNURR
PRESENT	COUNCILWOMAN SHARON SHUTZER
ABSENT	COUNCILMAN JAYE SIMS

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

“Approval of Minutes: Council Meeting April 2, 2018”

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

On roll call Council Members DiBenedetto, Griffiths, Kane and Shutzer voted its adoption; opposed none; abstain none; absent Schnurr and Sims. 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 Designating April 27, 2018 as “Arbor Day” in the Borough of Freehold.”

Councilman Griffiths explained Arbor Day is the last Friday in April and stated the day is heavily promoted by the Shade Tree Commission. He announced a poster contest will be held in the elementary schools and prizes will be awarded. Councilman Griffiths explained educational programs will be presented in the schools as well.

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

“Resolution of the Mayor and Council of the Borough of Freehold Recognizing the Daughters of Elks of the Lee B. Gibson Temple.”

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 RECOGNIZING THE DAUGHTERS OF ELKS OF THE LEE B. GIBSON TEMPLE.

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

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

“Resolution of the Mayor and Council of the Borough of Freehold Honoring Rev. Dr. Andre McGuire on His 25th Anniversary as the Pastor of New Beginnings Agape Christian Center.”

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 REV. DR. ANDRE MCGUIRE ON HIS 25TH ANNIVERSARY AS THE PASTOR OF NEW BEGINNINGS AGAPE CHRISTIAN CENTER.

Councilwoman Shutzer reported the Resolution was presented by Mayor Higgins.

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

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

“Resolution Authorizing a Collective Bargaining Agreement Between the Borough of Freehold and the Communication Workers of America, Local 1032.”

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

RESOLUTION AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE BOROUGH OF FREEHOLD AND THE COMMUNICATION WORKERS OF AMERICA, LOCAL 1032.

Councilwoman Shutzer thanked Administrator Joseph Bellina for handling the negotiations.

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

Mayor Higgins announced Agenda Items 9 and 10 will be carried to the next meeting as there is not a quorum.

Borough Attorney, Kerry Higgins added the items needed to be carried because the Mayor and Councilman DiBenedetto needed to recuse themselves from these items and the requisite votes could not be obtained.

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

“Resolution of the Mayor and Council of the Borough of Freehold Authorizing the County of Monmouth Mosquito Control Division to Conduct Aerial Mosquito Control Operations within the Borough of Freehold.”

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 AUTHORIZING THE COUNTY OF MONMOUTH MOSQUITO CONTROL DIVISION TO CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS WITHIN THE BOROUGH OF FREEHOLD.

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

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

“Resolution Awarding a Contract for the Redevelopment of Well Number 4 of the Freehold Borough Water Distribution System.”

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

RESOLUTION AWARDING A CONTRACT FOR THE REDEVELOPMENT OF WELL NUMBER 4 OF THE FREEHOLD BOROUGH WATER DISTRIBUTION SYSTEM.

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

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

“Resolution Confirming Personnel Appointments/Actions:

- a. Resignation of Paul Jensen as a Member of the Freehold Borough Recreation Commission, effective April 16, 2018.**
- b. Appointment of Jamie Corbett as a Member of the Participatory Budget Committee for a One Year Term, effective April 16, 2018.**
- c. Appointment of Scott Corbett as a Member of the Participatory Budget Committee for a One Year Term, effective April 16, 2018.”**

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

RESOLUTION CONFIRMING PERSONNEL APPOINTMENTS/ACTIONS NOS. 13A-13C.

Councilwoman Shutzer stated Paul Jensen has served with distinction on the Recreation Commission and he will be missed. She welcomed Jamie and Scott Corbett as members of the Participatory Budgeting Committee.

Councilman Kane reported the Participatory Budgeting Committee is growing and asked to be informed of any other interested residents.

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

Mayor Higgins recognized Paul Jensen for his work on the Recreation Committee. He stated he has been a very loyal and active member of the commission and the Mayor thanked him for his service.

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

“Resolution Approving the Following Applications:

- a. Bingo License #1-18, St. Rose of Lima Sports Association, 6/2/18 to 5/25/19, Saturday Night Bingo, 51 Lincoln Place.**
- b. Bingo License #2-18, St. Rose of Lima Church, 6/4/18 to 5/27/19, Monday Night Bingo, 51 Lincoln Place.**
- c. Bingo License #3-18, St. Rose of Lima School, 5/18/18, Pocketbook Bingo, 51 Lincoln Place.**
- d. Raffle License #17-18, Freehold Elks Lodge #1454, Off Premise Merchandise Raffle, 7/21/18, 73 East Main Street.**

- e. **Raffle License #18-18, St. Rose of Lima School, Merchandise Raffle (Gift Baskets), 5/18/18, 51 Lincoln Place.**
- f. **Sidewalk Café License, Texas Mexican Restaurant, 3 West Main Street.**
- g. **Taxi Owner License, Guadalupe Hinojosa, Omega Taxi.**
- h. **Permanent Taxi Driver License, Juan S. Gonzalez, Freehold.**
- i. **Permanent Taxi Driver License, Carlos Ruiz, Freehold.**
- j. **Permanent Taxi Driver License, Maycol Mayta, Freehold.**
- k. **Permanent Taxi Driver License, Olga Trujillo, Jackson.**
- l. **Permanent Taxi Driver License, Angela Cruz, Freehold.**
- m. **Permanent Taxi Driver License, Maxima Phillips, Freehold.**
- n. **Temporary Taxi Driver License, Jose A. Caldera-Acosta, Freehold.”**

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

RESOLUTION APPROVING APPLICATIONS NOS. 14A – 14N.

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

Mayor Higgins read Item No. 15 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, less the item for Sharon Shutzer which is being carried, in the amount of \$1,652,107.89 be paid as presented.

Borough Attorney, Kerry Higgins explained the list contained a reimbursement to Councilwoman Shutze which is being removed from the bill list to secure a quorum.

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

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

“Clerk – Late Communications

- a. **Resolution Authorizing Settlement Agreement Re: Personnel.”**

Borough Attorney, Kerry Higgins reported the Borough was party to a litigation involving a question of benefits and settlement was reached. The matter is Ocean County Docket OCNL003326-16. Ms. Higgins asked the council to approve the settlement as discussed.

Councilwoman Shutzer made a motion to approve, seconded by Councilman Griffiths.

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

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

“Item for Discussion:

a. Christopher House Demolition.”

Mayor Higgins stated he has a conflict and would be stepping down from the dais. Councilman DiBenedetto announced he is excusing himself as well due to a conflict.

Borough Attorney, Kerry Higgins stated a brief timeline summary was submitted in writing to council. She stated the Resolution, passed February 5th, has not been rescinded and it is understood that Resolution is still in full force and effect. Ms. Higgins stated nothing has changed and the matter will move forward from there.

Councilman Kane stated that is correct. He confirmed the previous issue was the HPC Ordinance and the Core Redevelopment Ordinance. He further explained the Council is the Core Redevelopment authority. Councilman Kane stated the decision was made based on the expert testimony that was heard about the oil contamination. He explained HPC argued the application needed to go the Planning Board based on their denial. Councilman Kane stated the timeline was confirmed and nothing has changed. He suggested the item move forward and not take any adverse action.

Council President Shutzer asked for any further comment.

Councilman Griffiths asked if by moving forward the demolition permit would be granted.

Ms. Higgins stated yes it will be issued and remarked Mr. Clark from HPC is present so that committee is on notice to do whatever they want to do.

Mayor Higgins and Councilman DiBenedetto returned to the dais.

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

“Public Comments”

Mr. Greg Clark, Chair of Historic Preservation Commission stated he is speaking on behalf of the Historic Preservation Commission. Mr. Clark asked if it could be entered into the record that the Commission still believes, per Redevelopment Plan, Page 32, Item 2; it states it still needs to go in front of some sort of a Zoning Board or Land Use Board based on the magnitude of the actual demolition. Mr. Clark stated he is not sure if that was looked into. He added a letter has been sent to the combined Planning/Zoning Board attorney requesting an interpretation from him. Mr. Clark stated the Commission is under the opinion that it still needs to go in front of a public hearing.

Mr. Jeff Freidman, Freehold Center Management Corp. He stated was asked by the FCP Board Members to point out that it is the applicants responsibility to follow all Planning/Zoning and other Ordinances. He stated the section on Page 32, Section 2 says Criteria for existing building structures, if its denied by the Historic Preservation Commission, the standards are set forth for review in the Borough Code, which is therefore the Zoning Board. Mr. Friedman stated this is not a mistake on the Borough's part, but rather an applicant's responsibility.

Councilwoman Shutzer made a motion to close Public Comments, seconded by Councilman Griffiths.

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

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

“Council Comments.”

Councilman DiBenedetto thanked everyone for attending and offered his condolences to the Lewis Family, Keith and Debbie, for the loss of their mother and wife of Ed Lewis our former Tax Collector. Councilman DiBenedetto also offered condolences to the Saker family for the loss of life long resident, Peggy Saker.

Councilman Kane thanked everyone for attending and offered condolences to the Lewis and Saker families. He added Kevin Lewis is a member of several boards in town. Councilman Kane stated the Little League parade was Saturday and they had a great opening day with summer like weather. He stated he appreciated the turnout at the meeting.

Councilman Griffiths offered condolences to the Lewis and Saker families. Councilman Griffiths explained the situation with the trees cut on Center Street. He reported on the white ash trees and problem with the Emerald Ash Borer Beetle. Councilman Griffiths stated New Jersey will spend 100 million dollars this year taking down white ash trees because of this pest. He explained how JCP&L is contributing to the cost of the tree removal. He stated the overall cost will be approximately \$85,000 -\$90,000 because there are 53 Ash trees that are Borough trees. He added the proactive action is being taken before the trees become a danger to homes, cars and people and trees will be replaced. Councilman Griffiths reported the Human Relations Committee is running a Home Beautification Program and all the rules are one the Borough website. He explained the contest and prizes. He stated the deadline for applying is May 31st.

Councilman Griffiths announced the Human Relations Committee is planning a Unity Walk on June 2nd, with a rain date of June 3rd. He explained the goal is to bring the community closer together. Councilman Griffiths stated the walk will be from the Hall of Records to the Court Street School where refreshments will be served. Councilman Griffiths announced the Human Relations Committee is working with the Freehold Township Human Relations Committee to support our volunteer EMS Squad. Oval magnets will be sold for \$5 as a fundraiser. Councilman Griffiths stated the Participatory Budgeting Committee is expanding and more volunteers are needed in various sub-committees. He gave a brief description on how the program works. Councilman Griffiths thanked everyone for coming.

Councilwoman Shutzer announced a group of parents and school administrators will be traveling to Trenton for school funding on April 23rd. She offered condolences to the Lewis and Saker families. Councilwoman Shutzer announced there are two programs for seniors sponsored by the SCAN of Monmouth County; a multi cultural lunch and a brain health fair. Councilwoman Shutzer congratulated Downtown Freehold for helping to coordinate the Relay for Life Food Truck Festival. She stated it was a beautiful day and a great group of people came out. She congratulated the Freehold Borough Little League on their Opening Day Parade. Council President Shutzer announced May 6th is the Street and Jazz Festival on Main Street from 12 – 4. She stated it is a wonderful event that brings the community together with vendors and entertainers.

Councilwoman Shutzer announced the Community Garden will be celebrating their 10th Anniversary on Saturday, April 21st. There will be a ceremony at 10:00 at the garden on Lloyd Street. She added plots are still available for rent. Councilwoman Shutzer reported the McGackin Award winners will be honored on May 18th. She announced this year's honorees are Rob Kash, Businessman of the Year and Robert Babe Warrington, Volunteer of the Year. She added Freehold Borough Education Foundation and Freehold Borough YMCA Community Center will also be recognized. Councilwoman Shutzer announced the Alliance Golf Outing is the organizations main fund raiser and will be held on May 21st at Battleground Country Club. She announced this year marks the 25th anniversary of the Ray Kershaw Golf Outing to benefit the Freehold Alliance Against Substance Abuse.

Mayor Higgins recognized a student from Brookdale Community College who is observing the meeting for a school project. Mayor Higgins recognized the Relay for Life Food Truck Festival and stated it was a great event. Mayor Higgins announced hydrant flushing will be taking place on April 17th and the May Clean Up weekend will be held May 19th. He stated spring time is coming and it will soon be Memorial Day. Mayor Higgins announced next year is the 100th Anniversary of the founding of the Borough of Freehold and a committee has been formed to celebrate that event. He added Council President Shutzer is the liaison to the committee and plans are underway. Mayor Higgins stated it was nice to have everyone present and thanked them for coming.

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

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

The meeting was adjourned at 7:34 PM.

Respectfully Submitted,

TRACI L. DIBENEDETTO, RMC
BOROUGH CLERK

TLD:lc