

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

Councilwoman Shutzer opened the meeting with the Salute to the Flag, followed by a moment of silence.

ROLL CALL

PRESENT	MAYOR J. NOLAN HIGGINS
ABSENT	COUNCILMAN MICHAEL DIBENEDETTO
PRESENT	COUNCILMAN RONALD GRIFFITHS
PRESENT	COUNCILMAN KEVIN KANE
PRESENT	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 June 18, 2018.”

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

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

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

“Court Street School Annual Report.”

Ms. Andrea McPherson from the Court Street School Foundation gave a brief recap of the Foundation’s activities over the past year. She explained the Board’s vision and described the community events that were held over the last year. Ms. McPherson described the impact their social media pages have had in reaching other communities. She briefly explained the partnership with the Neighborhood Connections to Health Coalition, SCAN and Raise of Hope which all utilize the school. Ms. McPherson described the maintenance issues they are currently facing. She described the upcoming programs and events planned for 2018. Ms. McPherson encouraged event attendance and thanked Mayor and Council for their support.

Mayor Higgins stated the programming has been fantastic and the building looks wonderful and is a real treasure. He thanked the board for all they do for the community.

Councilwoman Shutzer stated she attends most of the events and thanked them for all they do.

Ms. Lillie Hendry thanked Mayor and Council for encouraging them to continue the vision and being a part of the dream.

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

“Introduction of and Authorization to Publish Ordinance #2018/8 Fixing and Determining Salaries of Certain Officers, Positions and Employees of the Borough of Freehold, in the County of Monmouth, and Repealing Any and All Other Ordinances Heretofore Adopted Which are Inconsistent Herewith.”

Councilwoman Shutzer 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 “ORDINANCE #2018/8 FIXING AND DETERMINING SALARIES OF CERTAIN OFFICERS, POSITIONS AND EMPLOYEES OF THE BOROUGH OF FREEHOLD, IN THE COUNTY OF MONMOUTH, AND REPEALING ANY AND ALL OTHER ORDINANCES HERETOFORE ADOPTED WHICH ARE INCONSISTANT HERWITH” 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 August 6, 2018 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 Griffiths, Kane, Schnurr and Shutzer voted its adoption; opposed none; abstain none; absent DiBenedetto and Sims. Mayor Higgins declared the motion adopted.

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

“Resolution Accepting the 2017 Fiscal Year Audit Report as Prepared by Suplee, Clooney & Company.”

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

RESOLUTION ACCEPTING THE 2017 FISCAL YEAR AUDIT REPORT AS PREPARED BY SUPLEE, CLOONEY & COMPANY.

Councilman Kane reported the audit was outstanding and thanked Richard Gartz, CFO Kathleen Caruso, Asst. CFO, Joseph B. Bellina, Business Administrator and everyone involved. He stated the municipality's financial status is in tremendous shape thanks to the professionals as documented in the audit.

Councilwoman Shutzer stated there were no recommendations so everyone is doing what is supposed to be done.

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

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

“Resolution Approving Change Order Number 1 for the Repaving of Schiverea Avenue.”

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

RESOLUTION APPROVING CHANGE ORDER NUMBER 1 FOR THE
REPAVING OF SCHIVEREA AVENUE.

Councilwoman Shutzer explained this is an increase of \$2,133.71 for unexpected expenses.

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

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

“Resolution Authorizing 2018 Professional Services Agreement with Abbington Engineering for Borough Engineering Services (Vredenburgh Avenue).”

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

RESOLUTION AUTHORIZING 2018 PROFESSIONAL SERVICES AGREEMENT
WITH ABBINGTON ENGINEERING FOR BOROUGH ENGINEERING
SERVICES (VREDENBURGH AVENUE).

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

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

“Resolution Awarding a Contract for the Phyllis Road Improvement Project.”

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

RESOLUTION AWARDING A CONTRACT FOR THE PHYLLIS ROAD IMPROVEMENT PROJECT.

Councilman Schnurr reported the difference between the highest and lowest bid was \$51,000.

Borough Administrator, Joseph B. Bellina stated a residents meeting is scheduled to address any questions, comments or concerns they may have.

Councilman Griffiths added the lowest bid was accepted.

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

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

“Resolution Awarding a Contract for the Real Property Data and Verification Program.”

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

RESOLUTION AWARDING A CONTRACT FOR THE REAL PROPERTY DATA AND VERIFICATION PROGRAM.

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

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

“Resolution Entering Into a Temporary Easement Agreement with New Jersey Natural Gas Company.”

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

RESOLUTION ENTERING INTO A TEMPORARY EASEMENT AGREEMENT
WITH NEW JERSEY NATURAL GAS COMPANY.

Councilman Schnurr reported New Jersey Natural Gas has asked permission to store their vehicles at the public works facility and will pay \$1,500 per month.

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

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

“Resolution Waiving the Health Permit Fee for Olde Freehold Day – 2018.”

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

RESOLUTION WAIVING THE HEALTH PERMIT FEE FOR OLDE FREEHOLD
DAY – 2018.

Councilman Kane reported Olde Freehold Day is Saturday, August 18th at Lake Topanemus Park.

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

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

“Resolution Accepting Mayor’s Nomination and Appointment of Kerry E. Higgins, Esquire, as Acting Municipal Prosecutor.”

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

RESOLUTION ACCEPTING MAYOR’S NOMINATION AND APPOINTMENT
OF KERRY E. HIGGINS, ESQUIRE, AS ACTING MUNICIPAL PROSECUTOR.

Borough Attorney, Kerry Higgins stated this is a temporary appointment until Council determines what they want to do. The previous prosecutor has taken a job with the State of New Jersey. She added it is required in the statute someone must be named.

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

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

“Resolution Confirming Personnel Appointments/Actions:

- a. **Resignation of Brian Wilton as Freehold Borough Municipal Prosecutor, effective June 30, 2018.**
- b. **Appointment of Niall Centofanti as Class II Special Police Officer, Freehold Borough Police Department, effective July 16, 2018, pending successful completion of pre-employment testing.”**

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

RESOLUTION CONFIRMING PERSONNEL APPOINTMENTS/ACTIONS: 15A-15B.

Councilman Schnurr wished Brian Wilton luck on his new endeavors.

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

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

“Resolution Approving the Following Applications:

- a. **Memorializing Street Performance License, Two Sisters and a Song, Tuesday nights 6:00 PM to 9:00 PM in front of the Library, July through September. c/o David Clemenko**
- b. **Latino Festival of Monmouth County, 9/15/18, rain date 9/22/18, 10:00 AM to 8:00 PM, Hall of Records parking lot.**
- c. **Sidewalk Café License, Istanbul Ke, 4 West Main Street.**
- d. **Sidewalk Café License, Tacos TKO, 8 West Main Street.**
- e. **Solicitation License, Jason Brausewetter, Edward Jones Financial Planning, Monday through Saturday, 10:00 AM – 5:00 PM.**
- f. **Amendment to Bingo License #1-18, St. Rose of Lima Sports Association, Saturday Night Bingo, Change in Bingo Games to be played, 6/2/18 to 5/25/19.**
- g. **Amendment to Bingo License #2-18, St. Rose of Lima Church, Monday night Bingo, Change in Bingo Games to be played, 6/4/18 to 5/27/19.**
- h. **Raffle License #24-18, BPOE #1454 Freehold Elks Lodge, 50/50, 5/17/19, 1:00 PM to 6:00 PM.**
- i. **Raffle License #25-18, Sweet Adelines Intl. Liberty Oak Chapter, 50/50, 9/30/18, 5:00 PM, 59 Broad Street.**
- j. **Raffle License #26-18, Centra State Healthcare Foundation, Off premise draw raffle, 5/6/19, 8:00 PM, American Hotel.”**

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

RESOLUTION APPROVING APPLICATIONS NO. 16A-16J.

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

Mayor Higgins read Item no. 17 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 \$1,960,135.25 be paid as presented.

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

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

“Clerk – Late Communications

There were none.

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

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

Borough Administrator, Joseph B. Bellina explained as part of the Land Use process for projects within the Redevelopment Zone, the applicant is required to come before the governing body. He reported the applicant has asked to have this matter carried until August 6th as there have been some minor changes to the plans.

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

Items for Discussion:

Taxi/Limo: Proposed ordinance changes.

Borough Attorney, Kerry Higgins reported there have been meetings with the Public Safety Committee, the Police Department and Taxi Owners over the last year. She explained the State Ordinance and the wording for a taxi and a limo and the difference between taxis being regulated

where as, limos are not. Ms. Higgins stated the number of taxi licenses in the Borough is limited to 25 and relayed the concerns of some current taxi owners that there are cars registered as limos, but operating as taxis.

Ms. Higgins reported the recommendations from the Public Safety Committee, Police Dept and all parties; eliminate the limited number of available licenses, license valid for two years within an enrollment period, owners must always have a specific vehicle to each medallion, defining a premium fare has to be included for a limo in the ordinance, limos must be parked at their place of business until dispatched, no limos parked at bus station, owners must show where cars are housed, and prohibit occupied taxis from sitting in public parking lots waiting for fares.

Ms. Higgins stated she spoke to Red Bank and described the specifics of their ordinance and enforcement. Ms. Higgins stated there will always be difficult areas that need to be looked at. She asked Sgt. Santana to add any comments.

Sgt. Santana stated the owners had expressed they would switch their cars from limos to taxis if more medallions were available. He stated the taxi owners are losing business to Uber and the regulations are killing the taxi industry. Sgt. Santana stated the additional medallions will help the owners and the municipality.

Ms. Higgins stated limos and Uber drivers should get a mercantile license to operate within the Borough. She recognized getting Uber drivers will be difficult, but added the required license would put limos on an even playing field as taxis.

Councilman Schnurr stated the ride share companies have decreased the number of drunk driving incidents throughout the state and these businesses should be encouraged. Councilman Schnurr questioned the insurance requirements and if there were any changes.

Ms. Higgins stated the risk retention group type of insurance is not prevalent. She added insurance requirements for limos are at a higher premium than for taxis.

Councilman Schnurr questioned if coverage was limited to a specific radius of operation.

Ms. Higgins was not aware of that and will check into it.

Councilman Schnurr asked if the drivers' defensive driving course will still be part of the ordinance.

Ms. Higgins stated the municipality can control that for taxis but not for limos which is why owners should be encouraged to register their cars as taxis. Ms. Higgins confirmed the driver license and rates would be posted in the cars and the driving test would be looked at for any needed updates. She added rates can only be controlled for fares within Freehold Borough.

Councilman Kane asked if all the companies were involved in the discussions and if they agreed to make their vehicles taxis if more medallions were available.

Sgt. Santana stated at least 90 percent were present at the meetings.

Ms. Higgins stated they all agreed and she asked them several times.

Sgt. Santana stated if the owners refuse to register as taxis, then a limo ordinance should be created and requirements can be enforced through the limo ordinance. He stated other towns have a limo ordinance.

Ms. Higgins clarified the ordinance can only regulate the registration of the limo, not the operation of the limo. Ms. Higgins recommended limos get a business license and register with the town.

Ms. Higgins confirmed there are a number of things in the current ordinance that need to be removed or changed. She stated the current registration rate is \$500 whereas other towns are closer to \$200. She explained in order to encourage owners to register as taxis the registration fee may need to be changed. Ms. Higgins confirmed if all vehicles were taxis, enforcement could be easily done.

Sgt. Santana explained the owners who operate limos pay a higher insurance premium and it would be cheaper for them to register vehicles as taxis, which is why they are willing to cooperate.

Councilman Griffiths asked if there would be any impact on the taxi customer if unlimited medallions were offered.

Ms. Higgins did not believe so as there is a big customer base. She added the problems are the gypsy cabs that are operating without being registered.

Councilman Schnurr stated it is hard to justify unlimited medallions. He stated the proposal puts a lot of faith in the taxi owners. Councilman Schnurr suggested a sunset clause of two years so the owners are aware of the limitation.

Ms. Higgins stated rather than unlimited, a maximum number of medallions can be specified, such as 50. She said a sunset clause can be put on any portions. Ms. Higgins stated ordinances can always be amended to fix what is not working.

Councilman Griffiths stated if medallions were increased from 25 to 50 and the registration rate was dropped from \$500 to \$200, the municipality would see increased revenue by \$2,000.

Ms. Higgins added revenue would be increased because currently the ordinance is being in circumvented.

Mr. Bellina asked if the medallion is a municipal asset that can then be sold.

Ms. Higgins stated under the current ordinance it can be done. It has always been allowed if someone wanted to sell their business.

Councilman Griffiths asked if the argument is the unlimited options makes enforcement easier for the Police Department.

Ms. Higgins stated owners would legitimately register as taxis and it can be controlled. She stated it doesn't force them to operate illegally.

Police Chief Glenn Roberts added limo drivers are not registered where as taxi drivers apply and complete a thorough background check.

Ms. Higgins stated she can draft an ordinance that incorporates these items and it can be reviewed by council before being presented to the owners.

Mayor Higgins asked Ms. Higgins to proceed and thanked Sgt. Santana for his assistance.

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

"Public Comments."

Mr. Jeff Friedman, Freehold Center Management Corporation thanked Mayor Higgins, Council President Shutzer and Councilman Schnurr for attending the ribbon cutting for the new trolley service running every Wednesday which shuttles people between downtown and the Courthouse. Mr. Friedman stated it is currently scheduled to run for six weeks and hopes to gain more sponsors and run it all year.

Mayor Higgins stated it was a pleasure to attend the ribbon cutting and visit with some county officials and judges who attended as well. He thanked Mr. Friedman for this efforts.

Councilman Schnurr added the trolley is air conditioned.

Councilwoman Shutzer stated it can only benefit the downtown and added as a former juror the thought of walking downtown for lunch was deterring and this trolley is perfect. She hopes it can be expanded to more days.

Mr. Friedman expressed his hope a large law firm will sponsor the trolley.

Ms. Higgins stated court house employees suggested a list of what is happening downtown aside from the restaurants so they would be encouraged to visit businesses as well as restaurants.

Mr. Friedman stated there is a downtown guide on the trolley, but the court house will not permit them to advertise in the building.

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

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

Mayor Higgins read Item No. 22 on the Agenda as follows:

“Council Comments.”

Councilman Schnurr reported he and Councilman DiBenedetto attended a historical presentation on the Battle of Monmouth presented by the Olive Branch Free Masons Lodge on June 26th. He was impressed with the presentation and learned facts he did not previously know including the reverter clause in the Hall of Records property and the Rhea family’s contribution in the Battle of Monmouth. Councilman Schnurr thanked the Recreation Commission on the success of the July 3rd Fireworks display. He reported the Freehold Borough Education Foundation accomplishments this year including; development of a new website, distribution of books, receiving several grants, having a clean audit and holding a Bike Safety Program. Councilman Schnurr reported the Bethel AME Sports Camp was held July 14th and congratulated the Warrington’s on a great job.

Councilman Kane thanked everyone for attending. Councilman Kane announced the Board of Education Meetings are being held at Borough Hall during the school construction, with the next meeting taking place Tuesday, July 17th at 7:00 and they will discuss the significant state aid increase. Councilman Kane stated the Participatory Budget Committee is in full swing.

Councilman Griffiths congratulated the winners of the Beautification Contest and stated the Human Relations Committee did a great job on the contest. Councilman Griffiths congratulated the Municipality and Court for having clean audits. He thanked the CFO and finance staff. Councilman Griffiths stated he has seen the Historic Preservation Commission providing good guidance to the applicants to help them streamline the process. Councilman Griffiths stated the Participatory Budget Committee is having a Town Hall Meeting on August 2nd at 7:00 PM. He briefly explained how the program works and is encouraged by the expanded committee.

Councilwoman Shutzer stated the Freehold Borough Education Foundation was honored at this year’s McGackin Award and they purchased \$5,000 worth of books for the 5th Graders. She stated the Foundation does wonderful things. Councilwoman Shutzer offered congratulations on the audit. She reported shredding services will be Saturday, July 29th from 9:00 AM to 1:00 PM. Councilwoman Shutzer reviewed the Downtown Freehold summer events and stated the trolley is wonderful. She announced the Bethel AME Sports Camp was great and the Warrington’s do a tremendous job. She added Babe Warrington was a 2017 McGackin Award Winner. Councilwoman Shutzer announced that any resident that does not want to have solicitors approach their home, should call the Clerk’s Office and add their name to the “No Knock List”.

Councilwoman Shutzer was pleased to announce that Freehold Borough has been successful in the 10 year struggle of unfair school funding and has been awarded \$2,627,764.00 in additional school aid. She stated that means \$2,627,764.00 off the back of the tax payers. She thanked Senators Beck and Gopal and Assemblypeople Houghtaling and Downey for the support.

Councilwoman Shutzer thanked Superintendent Rocco Tomazic, Business Administrator Joe Howe, School Board Members, Parents and Staff. She thanked the Mayor and Councilman Griffiths who testified in the hearing and Councilman Kane who accompanied them to Trenton. Councilwoman Shutzer stated it is great news, it's still not fair and they are going to keep fighting for Freehold Borough.

Mayor Higgins stated the hard work has paid off and offered congratulations.

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

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

The meeting was adjourned at 8:20 PM.

Respectfully Submitted,



TRACI L. DIBENEDETTO, RMC
BOROUGH CLERK

TLD:lc