

The Meeting of the Mayor and Council of the Borough of Freehold was held on Monday, April 2, 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 Kane 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: Council Meetings March 19, 2018.”**

Councilman DiBenedetto offered a motion to accept the minutes and was seconded by Councilman Sims:

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. 5 on the Agenda as follows:

**“Resolution of the Borough of Freehold, County of Monmouth, State of New Jersey, Amending Temporary Appropriations for 2018.”**

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

RESOLUTION OF THE BOROUGH OF FREEHOLD, COUNTY OF  
MONMOUTH, STATE OF NEW JERSEY, AMENDING TEMPORARY  
APPROPRIATIONS FOR 2018.

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 Authorizing Appropriation of Funds for the 2018 Memorial Day Parade, Olde Freehold Day and Spooktacular Events.”**

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

RESOLUTION AUTHORIZING APPROPRIATION OF FUNDS FOR THE 2018 MEMORIAL DAY PARADE, OLDE FREEHOLD DAY AND SPOOKTACULAR EVENTS.

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:

**“Resolution Approving Application for Library State Aid.”**

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

RESOLUTION APPROVING APPLICATION FOR LIBRARY STATE AID.

Councilman Schnurr stated this is applied for every year.

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 Awarding a Contract for an Employee Assistance Program.”**

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

RESOLUTION AWARDING A CONTRACT FOR AN EMPLOYEE ASSISTANCE PROGRAM.

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 Approving the Following Applications:**

- a. **Massage Establishment/Therapist License, Kaleria Lamotkina, Freehold Body Care, 8 Court Street.**
  - b. **Massage Therapist License, Inna Lamotkina, 8 Court Street.**
  - c. **Vendor License, Francisco L. DeJesus, Mayra’s Ice Cream, Monday through Saturday, 1:00 PM to 8:00 PM.**
  - d. **Vendor License, Mayra A. Maduro Rosario, Snoopy’s Ice Cream, Monday through Saturday, 1:00 PM to 8:00 PM.**
  - e. **Sidewalk Café License, Market Yard Grill, 18-20 East Main Street.**
  - f. **Sidewalk Café License, Café 360, 34 East Main Street.**
  - g. **Sidewalk Café License, Court Jester, 16 East Main Street.**
- Mayor Higgins opened the meeting to the public.”**

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

**RESOLUTION APPROVING APPLICATIONS: 9A – 9G.**

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:

**“Approval of Bills.”**

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

**BE IT RESOLVED** by the Mayor and Council of the Borough of Freehold that the bills on the attached lists in the amount of \$1,933,952.31 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. 11 on the Agenda as follows:

**“Clerk – Late Communications.”**

There were none.

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

## **“Public Comments”**

Ms. Judi Guy, Freehold stated “I was very upset to learn that our Mayor, Councilwoman Sharon Shutzer and Business Administrator Joe Belina, had been under attack at previous council meetings by a member of this council. I’ve met with Mayor Higgins on several occasions and he has been very cooperative and encouraging of events that serve the well-being of the Borough. When we wanted to “bump it up a notch” a few years back with the McGackin Renaissance Awards, he was with us every step of the way. And I can say the same for Mr. Bellina – always onboard and helpful whenever we need him. Thank you, Mayor Higgins and Mr. Bellina, for your support and guidance.

I was raised in the Borough and have been involved as a volunteer for about 50 years. I won’t even venture a guess as to how many council members I have had the pleasure of working with during that time. I will tell you that I can count on one hand...maybe two...the number of council members that truly, truly care about the people who live and work in the Borough, who have no other agenda other than doing what’s best for the town. Sharon Shutzer is without a doubt one of the top 5.

I’ve worked with Sharon on several committees and I am always grateful for her leadership and support. She is often the voice of reason and listens to all viewpoints before making a decision. And, Sharon is generally one of the hardest working members. Not because it’s her job as a councilwoman, not because she’s trying to impress anyone, but simply because she loves Freehold and its people.

As I’m sure others have noticed over the years, Sharon attends most Boro-related functions whether it be a pancake breakfast, a fundraiser for a resident in need, volunteering at Olde Freehold Day or traveling to Trenton to help secure funding for our schools, Sharon is always there. And aside from purchasing tickets to various events, she often is behind the scenes working or donating supplies. She’s also been known to cook meals for sick neighbors and purchase birthday gifts for Borough children “just because.” That comes from the heart. That’s compassion. That’s her softer side shining through.

On the flip side, Sharon is also a strong woman. A woman who fights for what she believes is fair and just for the Borough. But she’s also willing to listen to opposing views and will challenge fellow council members when she feels it’s necessary. She will let other voices be heard, then try to resolve the issue, calmly and rationally. She’s a team player. It would appear that this council member doesn’t like to be challenged by anyone, especially a strong woman. He chooses the bullying tactic instead. He prefers to make outrageous comments, then storm out of the room rather than hear what others have to say. I did some fact-checking and three current council members confirmed that he says one thing in closed council sessions, and then states the exact opposite when in a public meeting. And this happens quite frequently, so I am told. What is his ulterior motive? And what is the “back story” for these attacks? I don’t know the answers to those questions, but I do know that he is not my definition of a councilman. I also know, for a fact, that Sharon has no personal agenda. She’s not looking to advance her political career. She says what she means and

means what she says. She is truly devoted to Freehold. And that's who I want to represent the Borough. Thank you, Sharon, for all you do for my home town."

Ms. Mary Randolph, Freehold Township stated she is speaking on behalf of Rich Kane, who was called into work. He writes: "Recent remarks were made at a council meeting that were both disappointing and disheartening, creating an atmosphere that has no place in a governing body assembly. One of those spoken of in a negative manner is a person who is my friend, who has represented this town for many years and who is beloved for every thing Borough. Because Sharon Shutzer is such an outstanding individual and does so much for so many, I feel compelled to write on her behalf. Make no mistake, my support, admiration and respect for Sharon is unwavering. She is honest, sincere and one of the most hard working individuals I have ever known. Her love for this town, the Borough of Freehold and those who reside in it is truly commendable and immeasurable.

When the decision was made to move the Jack McGackin Renaissance Award from the Council Chambers to the Knights of Columbus, it created a need for someone on the Council to help us create this memorable night, and that person was Sharon. Because of her hard work this has become an evening worthy of such an honor as the McGackin Award. She has worked tirelessly on this evening and is one of the reasons it's such a huge success.

This same story continues to be represented time and time again as Sharon volunteers for projects throughout the Borough. She is a valuable asset, is so well liked and respected and she certainly does not deserve the harsh words that she has had to endure. In my opinion, she is the go to person in this town and a fellow council member has the audacity to criticize work admired by so many of her constituents. It is sad to see this happen. We need no negativity in this town; we get enough of that from Washington. We need to continue to express that is good and positive about Freehold Borough. We've all worked too hard not to let that happen. Thank you Sharon for all you do. This town needs more like you. Rich Kane."

Susan Greitz, Freehold stated "I am not here in an official capacity, but I would like to thank Councilman Kane and Councilwoman Shutzer for coming with us last Wednesday to Trenton, once again, to fight for funding for the school. Your support is important and we appreciate it. Thank you."

Former Mayor Roger Kane, 111 South Street stated "I didn't intend to speak tonight. I sat where you're sitting Mayor Higgins. I had three Republicans on one side and three Democrats on the other side. There were many times we had some very, very interesting meetings in the caucus room. We didn't always get along but we came out, we left it there and we didn't get into personalities. I think one of the things that is lacking is respect. I think no matter what we said, and believe me, there were a lot of heavy words in there, we didn't get into personalities and we didn't get into engaging in things that were disparaging against our fellow council people because we had respect for them. I think that is lacking right now and you have to think a little bit about what you're saying in a public meeting and there is a certain decorum that is necessary. So I would hope you think about that. Thanks."

Mr. Kevin Coyne, 54 Broadway stated "I don't want to make this sound like a wake because we don't want to have too much of a testimonial air. But I want to make three points. I was up there for six years from 2000-2006 and there was only one Republican, there wasn't three. When I was there, when you there (directed to Former Mayor Kane), God bless you. When I first got on the council you get invited to everything as you know, so I thought you actually went to everything. So I started going to everything and the only other person who was at everything was Sharon. She was always the one who was there. Number two; at that time there was actually quite a lot of descent, difficulty, hard timed, federal law suits. Remember those times. It was Sharon and Mike were both there at the time. As I said we had a Republican and we had a lot of disagreements over what to do, what the best course of action was. As Roger said, we were not elected to parade that in public. We were elected to do that among ourselves and make decisions as a unified board. One of the things I remember having a conversation about at that time, I think it was Manalapan or Marlboro. It was one of those towns that was forever going back and forth between the Democrats and Republicans. They were always yelling at each other. You'd read the Transcript every week, they'd be screaming about something. I remember having this conversation with Mike Wilson and he said 'You know why? Because the only thing we care about is the town.' And I would point out something else, that when Mike stepped down and we were trying to figure out who would be the next mayor, the person who was actually the most qualified, who had been here the longest is the one person who didn't apply. That was Sharon. Because her only ambition is to help the town, not herself."

Mr. Glenn Freeman, 47 East Main Street, stated "This is not in reference to what was just said but is in regards to the Christopher House, 49 East Main Street."

Mayor Higgins stated he has a conflict and stepped down. He turned the meeting over to Council President Shutzer.

Councilman DiBenedetto stated he would also be stepping down due to a conflict.

Mr. Freeman stated "I am sure the Council is aware two months ago we came in front of you, which was considered our next step to find out where we are in our permit process in reference to the demolition of 49 East Main Street, a building that has been in my family for about 4 generations now. To get everyone up to speed, we started this process about eight months ago and went in front of the construction official who denied the application and stated we had to go in front of the HPC, which we did and they were not in favor of it, I understand because of the historical nature of the building. We in turn went in front of the Land Use Committee who was in favor of it because of the environmental issues that we need to deal with. Our next step, we were told, is to go in front of town council, which we did two months ago and we still have no permit. We went to the construction office a month ago and asked him what's our next step and he had no answer for us. I think my brother talked to Joe Bellina and he said hopefully next meeting its coming. Kerry Higgins has been very helpful, I have to commend her. She has guided us the entire way, but I am kind of frustrated. It's been eight months to get a simple demolition permit to clean up an environmental issue that we have on Main Street in Freehold and I am not getting much help from the town. My attorney, who is not here today because he's on vacation, suggested in the beginning that we probably

didn't even have to come in front of the town, we could have went right to the County. That was his opinion. I'm not saying it's true or it's false. But we said no, we'd like to go in front of the Borough. Being one of probably the oldest businesses in Freehold and I am sure we are, about 175 years old and still running. I am sure you are familiar, it's very difficult to do business in the Borough of Freehold any more. People have chosen to do a lot of their business outside. There are too many constraints with trying to come into to town and we're still trying to survive, trying to make things work here. But I have to tell you, I'm really quite frustrated with the fact that eight months ago I applied for a demo permit and I just keep going through these hoops. I keep jumping through them and I keep giving the town what I think they want and I don't have a permit. So I am hoping someone can give me an answer.

Council President Shutzer thanked Mr. Freeman and stated "I don't have the answer for you. I am going to refer this to our attorney."

Borough Attorney, Kerry Higgins stated "Glenn, I don't remember the exact dates, you probably have that, but you pretty much set forth the chronology. The chronology was, you did come before the Mayor and Council two months ago. Mayor and Council listened to the presentation, you put on your experts about the environmental issues that were happening. Mayor and Council voted to approve the demolition permit. After that, HPC wrote letters and had given some testimony and written some letters saying that they thought that procedurally that you needed to go to Planning Board because an appeal from the HPC under their ordinance goes to Planning Board. That was in their letter, so we went back to Land Use Committee and discussed just that. That HPC brought up the fact that under their ordinance any denial from the HPC has to go to Planning Board however, under the Core Redevelopment Plan, which you are in the Core Redevelopment, Core Redevelopment Plan supersedes all zoning issues. I was honest with the Land Use Committee and said I think that because of that, that supersedes everything else and you made the right move. Can I guarantee it because the two ordinances are a little bit at odds? And I think I told Kevin the same thing, would a court agree? I don't know, but that was our position. The Land Use Committee then said, no we think that's the right way; that we did it properly, that is the right format. Core Redevelopment supersedes all else and go ahead. We discussed at that meeting that they made a recommendation to the governing body to do that, to notify the construction official to issue the permit and at the same time notify HPC so that if they wanted to take action they could do that. But it was a recommendation of the governing body. That was done by way of a report done from Mr. Bellina that went to Mayor and Council two meetings ago. Honesty, they got off subject and didn't get to it. So we were just going to talk about it tonight, because I don't think Joe and I are comfortable with saying to the construction official to do it because the Land Use Committee said so, we need the ok of the governing body. They just ran out of time before the meeting. It's really a policy decision as to that. So in a nutshell that is where we are."

Councilman Kane stated "Right before we came out I asked if Kerry and Joe could put together that list of the chronological dates of when everything happened. We can start as far back as you filing for the permit eight months ago, that will be the starting point. Then all these meetings and subsequent letters and ruling all in one document. So we will all get that one document and we're going to discuss it. We already voted in favor of it. So what we are

going to do is put all in one document, review it one more time, talk about it and then that decision will be the decision. And that just happened 20 minutes ago. That is not the answer you wanted, but that is what we just talked about.”

Councilman Schnurr stated “Kevin if you’re confused, I’m confused too. In regards to your property, we passed a Resolution prepared by our attorney Kerry Higgins at the February 5<sup>th</sup> Council Meeting. That was eight weeks ago. I voted on this three times already. I don’t understand why the demo permit hasn’t been issued for your oil contaminated property at your location. At this point, Freehold Borough is causing financial harm to you because you already have the tenants out of the building based on our council vote on February 5<sup>th</sup>.”

Mr. Freeman stated “That’s correct.”

Councilman Schnurr stated “It’s not that I want to see the building taken down, I really don’t. It’s just about calling out the process that was subverted and that seems to be a common theme lately. It does not take eight weeks to get a fully prepared resolution that was already voted on by us to the construction office. It just doesn’t. I mean it probably doesn’t take that long in big towns like Newark. I don’t understand it myself.”

Council President Shutzer asked Ms. Higgins how to legally proceed.

Ms. Higgins stated “You have a recommendation from your Land Use Committee and their recommendation was that the permit be issued based upon the fact that Core Redevelopment supersedes the Historic Preservation Commission ordinance. That was their recommendation. It came out of the committee, it was put in the report that went out a couple of weeks ago. They recommended to the governing body that it happen, the governing body just has to say yes or no. Or they need more, whatever they need to do. I can’t, Joe can’t based on their recommendation because Land Use did relook at it because of correspondence from HPC and the objection.

Councilman Schnurr stated “The February 5<sup>th</sup> Council Meeting, we passed the resolution. The Council passed, not Land Use, the Council passed the resolution.”

Ms. Higgins stated “Correct. And then you got an objection after the fact and Land Use relooked at those objections to see whether or not they felt they held water, which you said no. So I’m putting it out there exactly, I think, how it went.”

Council President Shutzer stated “There were developments between passing it here on February 5<sup>th</sup> and the next Land Use Committee Meeting. We have not discussed, as a group, the second Land Use recommendation.”

Ms. Higgins stated “Or the HPC.”

Council President Shutzer stated “Or the HPC, which is the reason why we had the second Land Use Meeting about it. Because of what was filed by the HPC, with a feeling that it should be sent to the Planning and Zoning Board. Land Use Committee discussed that and

recommended that we issue the permit anyway. That, George, has never been discussed by full council and that's what the hang up is Glenn. Right there. We want to make certain that we are doing everything legally, by the letter of the law.

Ms. Higgins stated "Councilman Schnurr, to his point, that there is a resolution from the governing body that has not ever been rescinded."

Council President Shutzer stated "February 5<sup>th</sup>, right. We can proceed as you wish. Kevin, I think you said you wanted to see?"

Councilman Kane stated "One more time for clarity, let's just put everything in one document and we will discuss it two weeks from now at the April 16<sup>th</sup> meeting and make a final decision that night. That's what I think we should do."

Councilman Griffiths stated "At this point I would agree. The whole matter got delayed extremely longer than it should have. There is no question about that and I feel for your position and your company's position. I think that when we got the possible conflict of legal opinion from one of our codes not syncing with the other, and we had to get a ruling on which code is actually the one that supersedes the other, that came back to Land Use and now it's supposed to be coming back to us. Unfortunately it didn't get on the agenda for this evening, but I personally would say you're guaranteed we'll have decision in two weeks."

Councilman Sims stated "I have concerns because we have a major environmental issue that is going on here. As I voted back in February, I'd like to see us take action tonight. I am still in favor of my original vote which is a yes to issue the permit based upon the environmental concerns that were brought forward that night. I'd like to see us proceed so they can mitigate this problem and remediate any other environmental issues that may have already impacted the area down there."

Councilman Schnurr stated "Well I voted yes four times already, I'm getting vote-itis. So I don't know what else I need to do. I just find it kind of interesting that I got singled out for saying one thing in there and another in here. I've been pretty consistent on this one. I voted yes the whole time. It's not that I want your building taken down. I wish there was another way to do this, but in my view there isn't."

Council President Shutzer stated "I would like to see, Glenn, it's not personal and I am not in favor of telling people what to do with their properties. I do feel that there was, I based my decision, the last vote, on the environmental report. And as you might know now, I had some questions about the report itself. I am going to vote to see the thing that Kevin is asking for and we'll promise that we'll make a decision in two weeks."

Mr. Freeman stated "I think we should just clarify one thing in reference to what you are talking about."

Council President Shutzer stated "I'll offer to clarify it if you'd like. I didn't want to embarrass anybody."

Mr. Freeman asked Council President Shutzer to clarify.

Council President Shutzer stated "After the environmental report, is this what your talking about? After the environmental report?"

Mr. Kevin Freeman stated "Reports, you were given two environmental reports."

Council President Shutzer stated "We got a thing from the DEP. Anyway, I heard rumors that in fact Kevin has a financial interest in the company that gave the report."

Mr. Glenn Freeman stated "Which is true."

Council President Shutzer continued "By the way, can I finish Kevin? I went right to you downstairs, we spoke one on one downstairs. That, you know I was always this way about it and that kind of left a bad taste in my mouth. I was so conflicted about whether or not to grant it anyway. And I voted yes that night if you remember."

Mr. Glenn Freeman stated "We appreciate your vote. In reference to the first study that was done that with a company that my brother has financial interest in, we then in turn took the reports to our oil company, an independent agent, they supply the oil. They did their own tests to find out. They were the ones that came back and said yes, you have an environmental issue which needs to be taken care of."

Council President Shutzer stated "I read all of the reports. I understand. Yes that one was presented as well. But do you understand and this is what I spoke with Kevin about that day, about perception. The perception of nondisclosure on that, when I was conflicted anyway, just kind of compounded it. So, this is not a no vote. It's that I think Kevin is right in saying so many things have happened, so many meetings have been held that we need to have a look at this chronology again and clarify exactly what's going on here."

Ms. Higgins stated "Just to clarify again, the real questions is Section 2.114.100 of the HPC says denials go to the Zoning Board. Under Core Redevelopment Section 3, there are two sections that apply, the Core Redevelopment Plan designates Council as the Redevelopment Entity to review concept plans. So you would be the proper entity to do that. And another section, which I didn't write down because I didn't bring that file, but says that Core Redevelopment supersedes zoning. I just wanted to narrow the issues to be looked at and not get us off in a separate direction."

Council President Shutzer stated "Which is another reason why we need to look at chronology here. And I would ask the two of you, just as I did not go out and discuss that issue, I came to you to discuss it. If you have questions about where I stand or what my feelings are or whatever I would prefer that you call me and ask me, as opposed to somebody's interpretation of what I think or feel about this."

Mr. Glenn Freeman stated "So what I hear you say is in two weeks we will have an answer?"

Council President Shutzer stated "As far as I'm concerned we will."

Councilman Kane stated "Yes, absolutely."

Mr. Glenn Freeman stated "It's just frustrating. Whether we have an environmental issue or not on the piece of property, it's a piece of property that we have tried to maintain for over 100 years and at some point it just doesn't become feasible to do so. And it is very frustrating from the people that are trying to run a business in town and maintain it and pay taxes to have other people who do not have any type of financial interest in the property or the building making decisions, whether there is an environmental issue there or not. Everything that the Freeman's have ever done in the Borough of Freehold has been to the benefit of the town. We've tried to help the town out in so many different ways and everything we do we try to make it look as nice as possible. So whatever we do with that building we're going to make it look nice. It's extremely frustrating to have to stand here and after eight months try to figure out where we are and have other people try to make a decision for us when its our financial responsibility and not theirs."

Council President Shutzer stated "I understand that Glenn and you heard me say before that I am not a proponent of telling people what to do with their properties. We're just trying to do everything legally and above board and make the right decision here. As far as I'm concerned, April 16<sup>th</sup>."

Mr. Glenn Freeman stated "Thank you so much for your time."

Councilman Schnurr asked "Can I ask you one quick question on the soil. The company that you have a financial interest in was doing the soil borings, correct?"

Mr. Kevin Freeman stated "That's me. Correct."

Councilman Schnurr stated "They were doing the soil borings so you know at three feet, five feet, ten feet and out to see the delineation of the oil plume. But you send those samples out to a lab that does the testing."

Mr. Kevin Freeman stated "Exactly, an independent company, yes."

Mr. Glenn Freeman stated "So did Laws Environmental. They did the same thing."

Councilman Schnurr stated "Yea, because nobody has this kind of operation. It's a lab that does this."

Mr. Kevin Freeman stated "You have to take it to an independent company."

Mr. Glenn Freeman stated "Thank you for your time."

Council President Shutzer confirmed Public Comments were still open.

Mr. Kevin Coyne, Borough Historian and member of the HPC stated "I would like to clarify a couple of points about our position because I want to make it clear as I told them at the meeting, this is not personal. Every day when I go out my back door I look at a picture of their grandfather with my grandfather in the 1928 Knights of Columbus baseball team. And they buried him and I have nothing but respect for the Freeman family. The Historic Preservation Committee's position is that we heard no evidence. We heard no evidence of a plume, we heard nothing. The reason we exist is because this body and the voters of this town decided that we wanted to do as much as we possibly can to preserve the historic structures of our town, very few of which are left. So, our position is the ordinance says that when we deny, which we did, it goes to the Zoning Board. And that's a public hearing where all of this testimony is heard publicly. Our position is simply that we didn't hear that, nobody heard that. The only people that heard that were, as far as I can tell, the two members of the Land Use Committee."

Ms. Higgins stated "No, Mayor and Council. They made a full presentation."

Mr. Coyne stated "They made a full presentation?"

Ms. Higgins stated "Yes."

Mr. Coyne asked "After the last time?"

Ms. Higgins stated "They first went to the Land Use Committee then they came and gave a presentation to the entire governing body."

Mr. Coyne stated "Ok. Again, the ordinance says appeals go to the Zoning Board. So you need to, not just for this case, for all cases in the future, you need to clarify where it goes. Does it go to you, because everything in our district is also in your Core Redevelopment district? We don't have the kind of historic preservation district that takes individual private homes throughout the town. It's only the downtown business district, which is essentially the same."

Ms. Higgins stated "You're not throughout town. Your commission has the ability to do that, they just never have."

Mr. Coyne stated "My point is, the Core Redevelopment area and our area, there may be little on the fringes, is essentially that. So either it goes to the Zoning Board where it's a public hearing or it goes to Land Use."

Ms. Higgins stated "It's a public hearing here. Land Use is just a committee before it gets here, they vet things. The public hearing is still either way. It's going to be before the Zoning Board or before the Governing Body. There is always a public hearing. I don't want anybody to think there was not and it's done privately. It's not. There is a public hearing."

Mr. Coyne stated "Alright, but you need to clarify this. And I wish the Freemans nothing but the best. I coached the Little League team that you sponsor. As I said, every morning I see your grandfather's picture. Just a point of clarity."

Ms. Murielle Smith, 21 Monument Street stated "I don't know anybody involved, nor do I have any connection with anybody involved. I at one time was on the Historic Preservation Commission in the Borough, I am now on the County Historic Commission so I am not on the local historic commission. But this discussion tonight has raised a couple of questions for me. I remember I was here the night that you voted for this and I remember several of you saying that were in conflict, that you weren't sure of it and that you were voting but you did not sound, and I spoke up that night as well, to say that you did not sound like you had enough information to make that decision and I would have preferred that you not make a decision until you had all that information. I haven't changed my position at all. I still would like you to have all the information absolutely, positively in front of you before you make any decision. To me this is a major decision. That's on Main Street in town, it's a historic structure, it's a part of Freehold and I don't want you making any decisions until you're all absolutely sure that you have all the information that you can possibly get. Based on my opinions on that, have you had reports since February 5<sup>th</sup> or any time since you have allegedly delayed the issuance of a permit, that this is an immediate environmental concern that something terrible has happened since you haven't made your decision?"

Ms. Higgins stated "They've made a decision."

Ms. Smith stated "Since you haven't issued a permit? Has anything happened?"

Ms. Higgins stated "The only reason that the permit has not been issued is because HPC wrote an objection."

Ms. Smith stated "I understand that. My concern now is the environment because I'm pro environment as well. Have you had any indication, have the owners of the property or any engineers written to you or let you know there is an immediate environmental concern that something should have been done last month that hasn't been done?"

Council President Shutzer stated "No. We've had nothing beyond the initial reports."

Ms. Smith asked "Do you have any reason to believe that there is an immediate environmental concern?"

Councilman Sims stated "I can answer that. I've spent 15 years in the environmental field with the county and I'm well versed in reading numbers and levels and I was comfortable enough that night based upon the numbers of the reports that I saw that we should have took immediate action to have this site remediated and the building removed. I'm still comfortable with that based upon what I saw with numbers."

Ms. Smith asked "Have you seen anything to see that the numbers have changed since then was my real question."

Councilman Sims stated "We have not had any reports issued to us prior to the February 5<sup>th</sup> meeting, but like I said again, I'll stand by what I did on February 5<sup>th</sup>."

Council President Shutzer stated "Since February 5<sup>th</sup>."

Councilman Sims stated "Excuse me, since then. And that is very subjective because you could probe right now and the numbers could lessen and the numbers could go. That's based upon the trajectory of the plume, which way the contamination went."

Ms. Smith asked "What did the numbers show was going to happen? I'm not an engineer."

Ms Higgins stated "I don't think we should get into that. If you want to look at the reports, they're public record."

Ms. Smith stated "This is a resolution by council, so is there a reason why it can't, and it might more advantageous to the property owners, is there a reason why it could not be rescinded until the council thinks whatever they're going to think before next week and two weeks and start it over again?"

Council President Shutzer stated "I don't think that would be an option to rescind the resolution."

Ms. Smith stated "Then I will get back to my original thing. I'd really like you to be sure before you, read over everything you want to read over in the next two weeks. I applaud you for being that quick and making a decision in two weeks because once again, I think it's a very important thing for the town, for the community and for history as a matter of fact. Thanks very much, I appreciate it."

Mr. Glenn Freeman stated "I know she talked about the historical nature of the building; since my brother and I have owned the property about 10 years ago and since what my father can recollect, no one has ever come to us and asked us to tour the building. No one has ever come to us asked us if we can tell them anything in reference to any historical or architectural nature of the building. Not one person has ever come to us and asked anything about the building that I can remember. It's been in my family, like I said, three generations. As a matter of fact, it started with my great-grandfather's and he held it for a few years and he sold it to another individual; I think his name was Decker, I could be wrong so forgive me if I'm wrong. He tried to kept he building for a year or two and he could not financially make a go of it and he sold it back to my great-grandfather. My brother and I have not taken a dime out of that building it the last 10 years. We've actually used money from other entities to buy the property from my father. We get nothing financially from the building. No one has ever come to us to ask us anything about the building. I'm sure we were told it was one of maybe three or four buildings in Monmouth County that have four columns and a gothic look. I am assuming we are one of four left because the rest of them have been destroyed or demolished because you can't maintain them any more. We have tried to maintain it as long as we could,

but we are not going to do it any more. Now we tried to take this through you guys, through the Borough level. As I mentioned, our attorney said we should have bypassed you. I'm not saying this as a threat, I am saying that he suggested we go right to the County. We don't want to do that. We thought because of long standing ties we have with the Borough, we thought you guys would be pretty sympathetic to us.

Ms. Higgins stated "He is referring the Construction Board of Appeals. That is what he meant by going to the County."

Councilman Kane stated "Two weeks Glenn. Two weeks.

Mayor Higgins and Councilman DiBenedetto returned to the dais.

Mayor Higgins asked for any other Public Comments.

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

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:

**"Council Comments."**

Councilman Sims stated "Nothing to report tonight Mr. Mayor."

Councilman DiBenedetto stated "I'm not going to read all the upcoming events all the way until December, that's downstairs in the lobby, you can pick up a flyer. It's a wonderful start of our season. There's many things to do. Please take an interest in few of them. Come down and visit our downtown. Thank you all for coming out."

Councilman Schnurr stated "As the liaison to the Library I'm proud to announce the implementation of what people call ebooks and digital audio books. Information can be found on the public library's website or by calling the library. There are several copies of the April newsletter on the front table and a couple of highlights; first of all this is a four page newsletter and in addition to the various programs the library offers there is also a calendar of events on the last page. On Tuesday, April 10<sup>th</sup> from 3:30 – 4:15 you can make a poster for the Freehold Borough Shade Tree Commission and the materials will be provided and this is open to all ages. Also as the liaison to the Memorial Day Parade, they're gearing up for the Memorial Day Parade. It's going to be 144<sup>th</sup> Memorial Day Parade here in Freehold. Because of the various meeting cancellations due to snow storms and special Planning Board Meetings the parade committee is looking to other locations for some of their meetings because of some conflicts. Also the Planning Board has been reviewing a Use Variance for turning the lot where the Lutheran Church on the corner of Park Avenue and West Main

Street is into a strip mall. The Council has received a petition from residents against the proposal and that was included in with your packet and the final meeting, at least we hope the final meeting is going to be April 25<sup>th</sup>.

Before I get on to something else, you know I've heard your comments. I've read the minutes of the last meeting as well. We're all politicians up here. We get the accolades when we do something good and the opposite happens when we don't. OK? Several of us have had a problem with the recent hiring and I would encourage you to read the minutes. Read the minutes of the last meeting because it's quite an eye opener. Rather than just hearing what somebody has to say. Read the verbatim minutes because it's quite an eye opener.

Anyway, the one thing I do want to talk about, I mean the Freeman's talked about how it's difficult to do business here. OK? He mentioned that tonight. I want to talk just a little bit about that and give you another example of why we need to do a better job with our downtown business partners. On the afternoon of January 24<sup>th</sup> there was a fire that damaged The Court Jester and Federici's. Our fire department's response was really nothing short of incredible. Matt Young got the restaurants up and running as soon as possible and at least Federici's can do take out. That was the good news. In order to open up Federici's there needed to be an electrical inspection. Federici's had to wait two weeks, two weeks to get an electrical inspector so he could open up. Rob Kash who is the owner of the Metropolitan Café in downtown as well as Tre on Park Avenue mentioned the inspections to Mike DiBenedetto and I on Saturday, March 17<sup>th</sup>. He said that the electrical inspector would be at Federici's on March 20<sup>th</sup> and that's two weeks after he asked for one. So I asked Rob Kash if he wanted us to follow up on anything. So I received the following phone call from Rob Kash and here's the recording: *'Hey George, its Rob Kash. Just calling to let you know I spoke to Mike Federici. I told him that you know, you and I had spoken. He said to say thank you, he is on the schedule for this Tuesday and he's afraid if anybody gets involved he might get punished and someone will skip this Tuesday's inspection. But thank you. As you can tell we really do appreciate your involvement and caring but there's kind of a feeling of disconnect with, if you would you know, the businesses downtown and I guess you would say Borough Hall. So, thank you again. We do know who cares, who are friends are, who's interested in us. But, again Mike said he thinks he should be fine. He waited the two weeks and Tuesday is his inspection. Thank you.'*

There's a lot of moving parts here. So we have a restaurant owner indicating Mike and I shouldn't ask any questions 'cause he thinks he's going to get punished in some way. We have another restaurant owner talking about a disconnect between downtown and here. This is on top of what's happening with the Freemans. And I would just like to remind everyone up here on the governing body that downtown Freehold is the economic engine that drives our entire municipality and we shouldn't take it for granted. We need to do a better job. I have a couple of suggestions relative to the inspections. We should have two of everything; two plumbing inspectors, two electrical inspectors. We do this where I work. We have two vendors for everything. When one can not do what we want, for the price that we want, than we go look at number two. We play one against the other all the time. Actually there's a name for it; we call it the Noah's Ark Initiative. There's two of everything.

Now Councilman Kane is the Code and Construction liaison but he could only act on what he knows. My suggestion is that he gets notified if someone has to wait more than a week for an inspection. So that would be my two recommendations and hopefully with things like, the things that are not done here because this is not a reflection certainly on Matt. A matter of fact I have heard nothing but good things about Matt Young, especially from that latest project that we had at the Bennett Street School. He was there exactly at the time he said he was going to be so this is certainly not a reflection on him. I think it's our outside guys. The plumbing inspector, the electrical inspector and all these outside folks, we need to do a better job with this. Federici's should not have had to wait two weeks. That's the end of my comments."

Councilman Kane stated "Thank you Mr. Mayor. These meetings are getting more interesting by the week. First of all I'd like to thank everyone for coming out tonight. It's nice to see a big crowd here at our meetings. I'm trying to figure out how to say this tactfully. The political grand standing that has been going on the last few meetings needs to stop. Like it was mentioned tonight, we are a team that is supposed to make decisions in the best interest of the entire town, not individual agendas. And to take subliminal shots at the Mayor, the Administrator and whoever else might happen to be in the line of fire has to stop. Rob Kash has no problem calling Joe Bellina when he needs something. To call you (George) and put a message on your phone that you play at a council meeting is a little ridiculous in my opinion. This needs be discussed amongst us. If there is an issue, we need to solve it. The political grand standing has to stop. We're not going to go anywhere if this continues.

As far as Sue Greitz, thanks for the acknowledgement. I have to admit that was my first time at Trenton at a budget hearing, fighting for school funding. But it's a new time. It was great to see Dr. Tomazic and the superintendent from Red Bank testify. But prior to the testimony our new Senator, Vin Gopal, introduced them. So it was kind of a big deal to have a sitting senator introduce testimony at an assembly budget hearing. And it was the first one since the new budget was introduced, so it was the first crack at it and it made a pretty good impression. I know our 11<sup>th</sup> District Legislators are working close with the school, with Dr. Tomazic and I think we are going to see some big things. Sharon can talk a little bit more about it, but it was great. I will be there in the future, but it was great. (Sue Greitz interjected we didn't think we'd have to go back) Rocco thought that same thing after last year.

As you heard on the agenda tonight, Item 6, there was a resolution authorizing appropriation of funds for the Memorial Day Parade, Olde Freehold Day and Spooktacular events. Olde Freehold Day is scheduled for Saturday, August 18<sup>th</sup>. Big things have been going on at Lake Topanemus park, I don't know if any of you have been out there recently, but the commission build a bandshell. There was over \$20,000 worth of materials were donated by Millhurst Mills and the commission. Kirk Tibbet, master craftsman designed it and engineered it and was the GC on the project. And the commission members and other volunteers actually did all the labor and built this bandshell which is tremendous. I encourage you to go out there. The shell itself is finished. Their working on the rest of it, but instead of doing just a simple dedication the commission decided let's bring back Olde Freehold Day and make a huge day and dedicate it properly. It's scheduled for Saturday, August 18<sup>th</sup>. It's

going to be great. That's all I have to say for tonight. Again, thank you very much for coming out tonight. I really appreciate it."

Councilman DiBenedetto stated "I'd be remiss if I didn't thank Susan. I apologize, I should say thank you to the Recreation Commission for all the hard work and dedication, Pat Ruegger included, on the Easter Egg Hunt. Thank you. It's well deserved and Happy Belated Easter and Zissan Pesach to my Jewish friends."

Councilman Griffiths stated "To begin with the Human Relations Committee is working on the Second Annual Beautification Contest if you will. If you go to the Borough Website, you'll see information on this; how to take a picture before and after you improve your property and there are prizes; two grills that are going to be given away as the first and second prize and they've been working very hard on this. Please go to the website. In fact, I urge you to go to the website for a lot of things. You'll find out things that we may not even know; like the brush pick up has been extended two weeks. So if you look at the website you'd know that. If you come here you'd know that, maybe. But I encourage you to go to the website, you will find information on the Beautification Program. You'll find information on the 2<sup>nd</sup> Annual Participatory Budgeting Program. And I'd just like to say with Kevin's help as the co-facilitator on that with Councilman Kane we've gotten three new members on the committee and we're looking to have a bigger and better year, this year, with the program. I would state that I would agree with Councilman Schnurr that we do need to get more inspectors available. I don't know if the problem is getting them or the problem is that we haven't done it. But the bottom line is, I'm involved with Hudson Manor and I know we have problems occasionally getting plumbing inspectors in and that's a non-profit, but we treat it as a business and that's the only way you succeed with a non-profit. If inspections are delayed, we can't rent the rooms or the apartments. So I agree with that. I think we have to look at other towns and what they're doing and see if we can improve it. I wish it would have been discussed in the meeting room before we came out instead of used as some part of a game. But the bottom line is we do need to make improvements and I recognize that. I would agree that we need to do something better as far as our permitting and all of that. Thank you."

Council President Shutzer stated "First I want to offer my condolences, our condolences to the Biddle family, with the passing of Janet Biddle. Janet was a long time Borough resident, whose husband served for years and years on the Shade Tree Commission. She passed away last Friday and we're very sorry to hear that, so my condolences to her. The bandshell at the Pond is absolutely beautiful and promises to see some exciting times out there, including the return of Olde Freehold Day.

I want to thank you, those of you who spoke on my behalf, for your nice comments. I'm absolutely certain that I will be blamed for trying to get you here and I didn't, as you know. I didn't say anything to anybody so, I thank you for your nice comments. I am disappointed to hear Rob's recorded message. I have never known Rob, as Kevin said when he spoke, I've never known Rob to be intimidated by anything and I've never known Rob to not open his mouth and say what he thinks. I am quite sorry that he feels this way and it's too bad.

The Seniors Bus Schedule is here for the month if any of you want to see it. All you have to do is call the number on here and schedule a time to be picked up to be taken to where you need to go. The McGackin Awards are coming up and we are honoring this year, Rob Kash and Babe Warrington. Many of you know Babe Warrington as well and the Freehold Borough Education Foundation and the Freehold Borough YMCA Community Center. That ceremony is on May 18<sup>th</sup> at 6:30. I have a packet here if somebody wants to take it with the information, the ad journal and the RSVP card. If you want to take it, take it and if anybody wants me to mail them copies of this, I will be more than happy to do so if you give me your name and address. That's May 18<sup>th</sup> and it is a wonderful ceremony. The Alliance Golf Outing is coming up on May 21st. We need golfers, we need sponsors and we need gifts for the baskets. The Alliance Against Substance Abuse, as you've heard me talk before, does wonderful things and programs for the Township and the Borough schools. So, I will put these up here if you want to see those. SCAN Seminar, first Friday seminars, are this Friday starting at the YMCA Community Center and the two programs are Why Weight-Healthy Eating Community and Every Healthy Choice Leads to Another. These are very informative, they are free but you do have to register and reserve a spot. These are up here if you would like to see those. Senator Gopal sent a letter and we did send it out once on the Borough email, but he's very concerned that everybody who is eligible for a Veterans \$3,000 tax exemption get that. You still have time to apply for that. I will leave his letter and copies, and by the way, Assembly people Houghtaling and Downey are pushing, they have applications as well right down at their office. But I will leave these right, here if anybody needs to see those.

The last thing I have to say is that last Wednesday, as you've already heard, Councilman Kane and I went with the Board of Education members and parents to Trenton for the Assembly Budget Testimony at which time our superintendent, along with our senator testified in front of the committee. I was trying to figure out, I don't know if this is my 9<sup>th</sup> or 10<sup>th</sup> trip to Trenton through the years. As Councilman Kane said, every time we think it's the last and then we got very shorted on State Aide again this year. So we are fighting it. We wear orange shirts that say "Our Kids Matter Too" and we were so certain that we had made the difference last year that a couple of people said 'I got rid of my shirt', so know we have to go buy more shirts to have bright orange shirts showing up. Thank you very much and thank you to the Recreation Commission for the Easter Egg Hunt which was this last Saturday under not so nice conditions. It was held over at the school, you know there is construction going on, we've had some wet weather so especially we thank you. And by the way, while she's here, Susan Greitz who spoke before, is the lady who chairs the fireworks display for us in July so you might want to thank her for that hard work as well. That's all I have, well that's all I'm going to say."

Mayor Higgins stated "If there is no further business to come before the governing body we will entertain a motion to adjourn."

Councilman Sims made a motion to adjourn, seconded by Councilman Griffiths.

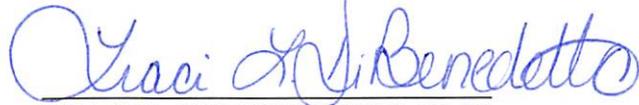
Mayor Higgins reopened Public Comments at the request of Former Mayor Kane. Mr. Kane announced there would be an annual spring clean up at Lake Topanemus on Saturday at 9:00 AM and it would be appreciated if everyone could come out help.

Mayor Higgins stated there is motion to adjourn.

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

Meeting adjourned at 8:07 PM.

Respectfully Submitted,



TRACI L. DIBENEDETTO, RMC  
BOROUGH CLERK

TLD:lc