

April 19, 2010

Mayor Terel Cooperhouse called the meeting to order at 8:00 PM. and read the Presiding Officer's Statement. Present were Council Members Burden, Dodge, DeNofa and Menapace. Councilmen Keegan and Murphy were absent. Also present were Borough Administrator Thomas Seaman and Borough Attorney Martin Barger.

Salute to Flag

Mayor Cooperhouse led the Salute to the Flag.

Approval of Minutes of April 5, 2010

A motion was made by Councilman Menapace, seconded by Councilman DeNofa to approve the meeting minutes of April 5, 2010. The motion was approved by Roll Call Vote with all members present voting yes.

Presentation of Certificate of Distinguished Volunteer to Art Fitzpatrick by Councilman Burden

Council President Donald Burden stated that it was a pleasure on the part of the Borough Council as well as the Shrewsbury Police Department to present this "Certificate of Distinguished Volunteer" to Mr. Arthur Fitzpatrick for all the work he has done in a volunteer capacity for the past eleven years and how it was fitting that this week being "National Volunteer Appreciation" week it was most fitting that Mr. Fitzpatrick be recognized. Councilman Burden presented Mr. Fitzpatrick with the Certificate as well as a special framed plaque from the Police Department honoring his years of service. The room erupted in applause for Mr. Fitzpatrick.

Presentation of Certificate of Appreciation to Robert Lamura by Councilman Burden

Council President Burden also presented to Mr. Robert Lamura a "Certificate of Appreciation" from the Shrewsbury Police Department for valiant actions involving an accident that occurred in the Borough. Mr. Burden explained that Mr. Lamura prevented an accident from becoming more serious than it already was when he took action on a moving vehicle with a fatality inside. In this instance Mr. Lamura jumped into the car and pulled the emergency break thereby preventing the car from traveling into the window of the CVS store in the Shrewsbury Plaza. Mr. Burden congratulated and thanked Mr. Lamura for his actions. The room responded again with applause.

Discussion with Senator Jennifer Beck and Assemblyman Declan O'Scanlon

Although next on the agenda this discussion was delayed until later in the meeting as Senator Beck was still in route to the meeting. Assemblyman O'Scanlon was not able to attend due to a conflict in his schedule.

Deer Population Discussion – Lt. Louis Ferraro, Shrewsbury Police Department

Lt. Louis Ferraro of the Shrewsbury Police Department introduced himself. Mayor Cooperhouse explained that this item was being revisited as follow up on discussions that occurred at a previous Council meeting in reference to the deer population in Shrewsbury. Mr. Cooperhouse stated that there was concern from both the Police Department and residents with reference to the deer population and its effect on car accidents and property damage within the Borough. He noted that

April 19, 2010

Lt. Ferraro made a presentation at a Council meeting on March 1, 2010 and that this agenda item was advertised throughout the Borough as a follow-up to allow people the opportunity to attend and ask questions or comment on this topic. At the Mayor's invitation Lt. Louis Ferraro reviewed the information that he had gathered and presented at the Council meeting where the deer population was discussed. Lt. Ferraro again presented an overview of the possibilities and reviewed the document which is an evaluation of the deer management options. He explained that he had contacted the State Department of Fish and Game for information and they referred him principal biologist, Susan Predel, who is in charge of their Community Based Deer Management Program. Lt. Ferraro reviewed information provided to him by Ms. Predel and contained in the booklet "An Evaluation of Deer Management Options" published by the Northeast Deer Technical Committee (available in the Clerk's office) which detailed the different options that are available to the Borough. Lt. Ferraro explained the Community Based Program which has been used throughout the State in which Municipalities apply to the State and are able to establish some form of control management outside the normal hunting season.

Lt. Ferraro spoke about the biological carrying capacity versus the cultural carrying capacity issue related to the deer population. Biological being the number of deer a given area can sustain biologically with food, terrain and water and cultural being the number of deer that can coexist with the population.

Lt Ferraro spoke about their offer of a Community Based Deer Management Program in which the Borough would go to the State and make some recommendations on how they intend to manage and cull their deer herd. He noted the application process involved and how this would be required if attempting to implement this process outside the normal deer season.

Lt. Ferraro discussed the "Trap and Transfer" option whereby deer are captured and relocated to other locations. He explained that the problem with this choice is its expense and the issue of what to do with the deer once they are captured.

Lt. Ferraro discussed the "Trap and Euthanize" which again is expensive and involves the use of Fertility Control Agents to regulate the deer populations which again is cost prohibitive with very limited success. "Shooting by Authorization" is another program where sharpshooters are brought in to systematically cull the deer by skilled marksmen who are highly trained professionals and approved through the State currently this method is employed by a company called White Buffalo. Again the cost of this kind of program can be very expensive.

Lt. Ferraro discussed the "Hunter Based Program" which would require addressing our current Ordinance to allow hunting under specific, very restrictive guidelines. Lt. Ferraro stated that Holmdel had recently utilized such a program. He explained how this could be implemented and the different options for consideration. He spoke about the issue of the required buffer zone of 450 feet from a school or playground or property line and explained how this could be addressed and reviewed the guidelines required for this method.

April 19, 2010

Lt. Ferraro discussed the “Limited Control Access” option which requires a Discharge Ordinance which allows certain people on a controlled access basis to come in within the deer season manage the herd.

Lt Ferraro referred to the last meeting where Councilman Menapace inquired about the number of injuries attributed to the deer issue and he summarized that from his research he found around 90 deer related accidents have occurred in the Borough since 2006. He noted that to his knowledge none of these accidents involved bodily damage to the occupants in the cars. Lt Ferraro concluded that his recommendation considering all the issues involved would be for the “Limited Control Access” during a season the State sets.

At the prompting of the Mayor Lt. Ferraro pointed out the fact that Fish and Game Law’s state that you are not allowed to hunt within 450 feet of a dwelling or school playground which translates to having to be 150 yards away before you can discharge a weapon. This is considered a safety zone and you are not permitted to shoot into a safety zone or shoot from a safety zone without written permission from the land owner.

Again at the prompting of the Mayor, Lt. Ferraro touched on the differences between shotgun and bow and arrow culling. Lt. Ferraro stated that with bow and arrow it is a lot quieter but the deer do not typically die where you shoot them and they will tend to run off for varying distances. He noted that with a shotgun they typically die instantly but he noted that his recommendation would be to use an elevated platform in either case.

Councilman Burden commented that this concern was brought to the Council as well as the Board of Health and the Borough School which is concerned with droppings on the field where the children play. Additionally the Environmental Commission and the Shade Tree Commission has shared concern over some of the issues involving the deer. Mr. Burden urged the public to check the Shrewsbury Borough website where there is a place where residents are able to report if there is a deer down in the neighborhood or on one of the borough streets. He noted that this information is important because the Borough is tracking the numbers here and trying to ascertain what direction the Borough might want to go in the future.

Lt. Ferraro explained that the hunting season involving bow and arrow begins around the first week of September and runs until the middle of February. He stated that the shotgun season is broken down by the State into Deer Management Zones and that the Borough’s zone allows about 51 days in which it is permitted to operate but he noted that the main week known as buck season runs from the first Monday in December to that Saturday. He pointed out that there is a permit season which extends all of December into February.

Councilman Menapace questioned if the Borough was to file a Fish and Game application how long it would take before approval was granted and he inquired as to the cost. Mr. Menapace further asked if they would perform a site study of the Borough and look at its wooded areas and accept or reject whether this is a good situation for a hunt. Lt. Ferraro responded that he believes that the State will only accept or reject the Borough’s plan.

April 19, 2010

The Mayor and Council discussed the different issues that would have to be addressed including amending the Ordinance in the event that a hunt was decided to be the course of action the Borough chooses to take. They discussed the issue of whether to open it up to hunting clubs or to just the residents of the Borough.

The Council discussed the limit on the number of deer that could be hunted by a particular hunter on any given day. Information from the State indicates that a hunter is able to hunt as many doe's as they would desire as the doe's are considered unlimited however only one buck per season is permitted with the exception if you hunt all the permitted seasons a hunter would be able to hunt up to six bucks. However, Lt. Ferraro stated that we would not be looking to hunt all the seasons.

Councilman Menapace voiced his concern that if it was open to residents he would have real concerns about the proficiency of those being allowed to hunt. He questioned how that issue would be handled. Lt. Ferraro responded that no junior hunters would be permitted to hunt and he discussed different scenarios for determining the proficiency of a hunter.

The Mayor questioned the Borough Attorney as to the liability of the Borough. Mr. Barger responded that if someone was hit that the Borough would be liable and he pointed out that there is little open area in the Borough anymore. He noted that most the town would be off limits anyway because of the 450 foot limit stipulation. The Mayor questioned the Council for additional comments or preferences in regard to this issue.

Councilman Menapace stated that he was uncomfortable with this and that he wanted to be convinced on the testing of the hunters' proficiency and he wondered if the Borough could investigate the possibility of professional hunters being used. He reiterated that he was seeking a comfort level on this because the last thing in the world he would want to see is someone getting hurt.

Councilman Dodge questioned the Borough Attorney as to what extent the Borough might be liable if the Borough used outside professional hunters if at all. Mr. Barger responded that whether we used local hunters or professional hunters that a good plaintiff's attorney would still bring suit against the Borough. He noted that if we did everything by the book and did everything as Lt. Ferraro has set forth and we have permission from the State he still could not predict if a suit would be successful. He noted probably not, however he noted there is no way to predict what a jury would decide.

The Mayor stated for the public's information that the current count of deer in the Borough is between 60 and 100 deer.

Lt. Ferraro stated that deer normally double in a year and he explained the process which involves the weather and food source component that affects the population. He stated that deer typically live about 8 years.

April 19, 2010

The Mayor stated that at the last Council meeting that this topic was discussed that about ten of our residents spoke and that they spoke in favor of the culling of the deer herd. The Mayor recommended that if the Council wants to proceed down this path he would suggest that we hold one more public meeting where this topic can be discussed.

Councilman Dodge stated that he wasn't sure what we should do yet but he believes that the residents deserve some relief from the problems associated with road kill, disease transmission with the tics and the property damage. He would encourage that we hold another meeting where the public can come forth and express their opinion on this subject.

Councilman Burden agreed and stated that he would also like to recommend that we contact some of the other municipalities that have gone through this process and he pointed out Manalapan and Holmdel as examples to ascertain the issues they dealt with. The Mayor suggested Mr. Seaman or Lt. Ferraro contact these municipalities before the Council hold's another public meeting to discuss this issue.

Councilman DeNofa stated that when considering bringing in professional hunters we need to keep in mind that this problem will continue to reoccur. The Council discussed Princeton's use over the years of the White Buffalo service for deer control. Lt. Ferraro reviewed the reason the process is so costly as it not only involves having the hunters come in and cull the deer herd but they also bring in an entire set up where they clean, butcher and send the deer meat that is recovered off to a food bank all at the same time. He noted that this involves bringing in equipment and personnel to accomplish this process.

Open Meeting to the Public

A motion was made by Councilman Burden, seconded by Councilman Dodge to open the meeting to the public to comment on the deer issue. The motion was approved by Roll Call Vote with all members present voting yes.

Carol Clark, 203 Garden Road, suggested looking into small towns that are highly populated to see how they have dealt with deer issues as the Borough does not have the open space Holmdel has and therefore we wouldn't be talking about comparing apples to apples otherwise. She referred to the issue surrounding duck hunting in Red Bank which raised all kinds of issues. She stated that in a 2.2 square mile town that has a lot of children we should be well aware of all the considerations that surround such a hunt. Ms. Clark questioned the doubling of the deer herd and questioned why we haven't been overwhelmed with them more than we are if that was the case. She noted that there haven't been any serious accidents related to deer and with the number that have been hit by cars or found dead it wasn't adding up for her. She questioned if this action was necessary. She suggested plantings that are deer resistant for the people who are experiencing property damage. She additionally suggested that those affected residents have their property treated for things that don't hurt the deer at their own expense as opposed to the town's expense in keeping the deer off their property. She suggested other ways to keep the deer off people's property like fences. She asked if the Shade Tree and Environmental Commission could help out with plantings and provide other suggestions for things residents could apply to their shrubs to keep the deer out.

April 19, 2010

Paul Goodhue, 272 Sycamore Avenue, stated that he had come to the meeting to hear Senator Beck speak. Mr. Goodhue noted that he can walk out of his house any evening and he will have a herd on his lawn. He stated that he has lived in the Borough for seventeen almost eighteen years and that a number of deer have been hit right in front of his house. Mr. Goodhue stated that he is very much in favor of culling the deer. He stated that he was concerned about bringing professional hunters in and explained his concern with the scope of a rifle's range. Mr. Goodhue stated that he was much more in favor of limiting the hunt to a number of residents who have proficiency and a number of years experience who could prove proficiency with handling a shotgun because of the safety range. He reiterated that he would have a much bigger concern about bringing in companies such as White Buffalo.

Joe Lamberti, 51 Brady Road, stated that he was in favor of culling the herd. He stated that he lives behind the Grove and moved there a dozen years ago and at that time there were no deer to be found but he pointed out over the last five or six years there isn't a weekend that he steps outside that he doesn't see deer. He commented that if the Borough does have a controlled deer hunt it should be people with proven proficiency in shooting. Mr. Lamberti stated that the herd is only going to get bigger and that even though people do not feel that there is that much open land in Shrewsbury that there is plenty of land to sustain the herd.

The Mayor stated that he wanted to clarify that Lt. Ferraro was asked to research what options were available to the Borough. He pointed out that the request to have this problem looked into came from many groups and he named them as being The Environmental Commission, The Shade Tree Commission, The Board of Health, The Board of Education and the Police Department. Mayor Cooperhouse reiterated that no decision has been made and that they are seeking as much input as can be acquired. He noted that this has been an ongoing issue here in town going back 5 or 6 years ago when professional hunters and associations came in when there was an issue and approached the Borough about the problem. The Mayor stated that he wanted to clarify that this isn't something that Lt. Ferraro is promoting this is something that he was given orders to research.

Shelley Canonico, 201 Beechwood Drive, stated that she came to the meeting to express again her concerns and to state that she is against the culling of the deer. She stated that she feels this would put the residents and their children in danger. She stated that if it is necessary to control the population she felt there must be better ways although she offered she didn't have the knowledge to know what those ways were. She reiterated what she stated at the March meeting that to go out with bows and arrows and guns is not something that she wants to expose the children of the Borough to.

Doug Kodama, 83 Sunnybank Drive, stated that the deer being out of control is a regional problem not just a Borough problem. He stated that there are so few areas where hunting would be possible that he doesn't see how there could be an effective harvest of deer. Mr. Kodama stated that if hunting was allowed he would want it carried out utilizing elevated tree stands. He stated his concerns with having a hunt carried out using ground level hunting. He registered his safety concerns and added that the deer will simply move to the safer areas where they know they won't

April 19, 2010

be hunted. Mr. Kodama added that he feels this problem which is regional in nature needs to be addressed regionally.

Joe Cerasa 5 Marc Court, questioned if they had looked into trapping the deer. He suggested trapping them in the areas where they typically feed. Lt. Ferraro responded to his question with the information on the trap and transfer program. In response to the suggestion of utilization of poison, Lt. Ferraro responded that he would imagine there are EPA issues as well as all kinds of environmental issues that would be associated with that. They continued to discuss the suggestion of trapping but the conclusion was that it would not be a viable option.

Marge Levy, 21 Adams Way, stated that she was curious where this hunt would take place and stated that there are lots of deer over where she lives in Thornbrooke. Lt. Ferraro stated that the area she lives in would be eliminated as a possibility because of the 450 ft. rule without the written permission from everybody that is within that safety zone however he noted that there are some areas in town where you can get the written permission or be outside that 450 ft. zone which would be safe to hunt.

Councilman Murphy stressed that there is no hunt planned and that it was something that would be discussed in public as the Council proceeds.

Lt. Ferraro stated that the main focus of the Police Department is and always will be the safety of the town residents and the safety of everyone coming through the Borough and he pointed out that they were just trying to help solve the problem that was brought to them.

Close Meeting to the Public

A motion was made by Councilman Murphy, seconded by Councilman Menapace to close the meeting to the public for comment on the deer issue. The motion was approved by Roll Call Vote with all members present voting yes.

The Mayor stated that they will publicize when the deer population will be discussed again.

Discussion with Senator Jennifer Beck

The Mayor introduced Senator Jennifer Beck and acknowledged receiving information that Senator Beck was interested in attending a Council meeting about a week ago. The Mayor welcomed Senator Beck to the meeting.

Senator Beck thanked the Mayor and Council and stated that it was good to see the good citizens of Shrewsbury Borough again. Senator Beck stated that in light of the discussion on the deer issue she would like to extend her services along with the Department of Environmental Protection in helping to provide any assistance she can in dealing with this issue. She acknowledged the problem within the surrounding area.

Senator Beck stated that her purpose for coming was to talk about the very difficult financial situation at the State and local levels as well as the schools. She stated she wanted to talk a little bit

April 19, 2010

about what she believes we are going to see in the next couple of months as well as the coming year. She acknowledged the significant cut in municipal aid that Shrewsbury experienced as well as the other municipalities that she represents. She acknowledged that part of the problem is the growth of government in base salaries, benefits and annual increases is beyond what the taxpayer is able to keep up with. She noted that reality has met the fiscal crisis and that there is just no money left. Senator Beck gave a historical review of the philosophy of government since she came into office.

She stated that negotiations whether it is with the public employees or the police department that the arbitration process does not favor local governments. She cited examples of where this has affected the fiscal situation. She stated that we will see tools implemented for our local governing bodies and our school boards so that in the course of negotiations they have to respect the cap which the State is looking to constitutionally amend to 2 ½% instead of 4. She noted that looking at benefits they will be part of the consideration of falling under that cap.

Senator Beck stated that the school boards are going to be given back the last best offer which is something that they had as a tool in the past and found was successful in managing costs. She noted that the initial numbers in revenue are not good. She stated that the budget was introduced in March and that they expected sales tax revenue to go up slightly and they are not seeing that. She added that the sales tax revenue for this year is off by 90 million dollars. She noted that there are some suggestions that we may need to seek another 250 million dollars in cuts to our State budget.

She acknowledged that New Jersey is unique in the region with the highest unemployment numbers compared to Pennsylvania, New York, Delaware and Maryland. She spotlighted the private sector bankruptcies that were almost equal to the State of New York. She stated that the size of our deficit is larger than almost any state in the United States of America with the exception of California. She commented that New Jersey is facing an absolute catastrophe.

She stated that she has been taking many, many calls from school boards, teachers, mayors and business administrators about the very real struggle they are dealing with. She pointed out that about 1.4 billion of the 11 billion dollar hole was dealt with by cuts to municipal aid and about 450 million in cuts to schools at 820 million. The other 10 billion dollars was handled by other cuts to State government. She noted that the State would not be making contributions to pensions this year which equates to 3 billion dollars in contributions that should be made. She commented on the fact the Homestead Rebate Program has been suspended for a year.

Senator Beck shared that the food banks of Monmouth and Ocean County in October through December of 2009 saw a doubling of the people coming in for food from the year before. She spoke with them this past week and they informed her that they are seeing an increase on a steady basis in the last couple of months. Senator Beck referred to Passaic County where the entire Police Department agreed to waive their step increases and freeze salaries for this year. She noted how this was unprecedented but acknowledged that this was their response to the budget crisis and rather than see their officers risk losing their jobs they had arrived at this decision.

April 19, 2010

Senator Beck commented that the arbitrators that help in the negotiations when you can't come to an agreement are being instructed that no longer are they to look at surrounding towns as their barometer when they are trying to negotiate contracts instead they are looking at the cap. Senator Beck further stated that the benefits that are awarded along with salaries and salary increases are considered one number not separate. Additionally she stated if that in aggregate pushes the municipality above its cap then the contract can't be accepted. She acknowledged that it will be a different way of doing business. She acknowledged that the private sector has been doing this for a long time.

Senator Beck stated that the 1.5 % contribution to health benefits and changes in pension that were made were signed into law are prospective and don't effect current employees, however, she noted there are some proposals that may change this. She acknowledged that they decrease our 90 million liabilities for outstanding pension and health significantly. Senator Beck stated that she would be sure to keep everyone in the loop of the legislation as it moves through May and June of this year. She noted that they are working very hard to make sure that government does not shut down on June 30th.

At this point Senator Beck invited questions from those present from the public and she thanked the Mayor and Council and residents for having her at this meeting. The Mayor suggested that members of Council who had questions should ask them now and then he would open the meeting to the public.

Councilman Murphy asked Senator Beck why the Governor cut off aid and then came out with these very helpful suggestions after contracts had already been negotiated and municipalities are trying to get their budgets done and then have to figure in the lost State Aid. He pointed out that it forces municipalities to go back over the process when they are already battling with the unknowns such as whether you go to arbitration and it almost seems like it is happening backwards. To Councilman Murphy's comment Senator Beck replied that some of it is just timing. She pointed out that the Governor took office on Jan 26th and had to deal with the budgetary decisions made by former Governor Corzine including all the money that was given to him in the stimulus package. She spoke to the 11 billion dollar hole which is a third of the budget. She noted that we have a 29 billion dollar budget and we are missing 11 billion from that. She commented that he didn't have any other choice. She further stated that he was able to get the pension and health benefits reforms in place but that they won't help until the next contract. She alluded to the 5 week time restraint that he had to try to fix an 11 billion dollar hole that was left to him by prior administrations. She stated that the tools are in place but he simply did not have the luxury of time to get things done any sooner.

Councilman Burden asked Senator Beck what her perspective was on the changes that might be made for COAH. Senator Beck explained the affordable housing requirement that had been previously been established. She clarified that the number which was 1 out of every 5 units had to be affordable and that affordable does not mean a Section 8. She pointed out that to get an affordable unit you have to have a job, you have to have an income and you take on a mortgage but

April 19, 2010

it is a subsidized number. She explained that “S1” is going to reform some of this in that it gets rid of the obligations that were assigned to every town. Senator Beck stated that it allows for regional contribution agreements that were underway at the time the bill was passed back in 2007 to be taken to fruition. She noted that it is what they call a strict growth share formula in that as your town builds residences it’s required that 1 out of every 5 is affordable. If you don’t build any residences, you don’t build any affordable housing.

Senator Beck commented that the bill is changing and she offered to the public that if your attorney or members of Council have ideas that you would want her to take back to the bill sponsors to contact her as the bill is changing and they are considering amendments.

Councilman Murphy inquired if they had done anything in respect to the density? He noted that it is not that municipalities don’t want to provide affordable housing but the zoning would have to be changed because in order to make enough units you would have to address the density issue because where you could have one house per acre then you were talking 8 houses per acre because you gave them the opportunity to build in affordable units. He questioned if the bill would address a less dense approach?

Senator Beck stated that the way the bill was introduced no longer will Shrewsbury Borough have a number that they have to meet. She continued that no longer would there be an obligation to build “X” number of units but she pointed out if the Borough should approve new housing somewhere in this Borough and say it’s 10 units that one in every 5 would have to be affordable housing.

Councilman Menapace spoke to the closing of Fort Monmouth and he referred to the Restoration Advisory Board (RAB) and he explained their mission of addressing the environmental issues involved with the closing of the Fort. He spoke to how he has attended several meetings and they have identified 23 sites on Fort Monmouth for potential environmental issues. Mr. Menapace noted that one involves landfills that are on the south bank of Parkers Creek. He pointed out that the north bank of Parker’s Creek is Shrewsbury and the RAB had just received funding to do a Tier 1 environmental study to investigate these sites to include the one in Parkers Creek to see if there is an issue. Councilman Menapace stated that if they come back with positive results then they have a mandate to go to a Tier 2, which is to evaluate the extent of the damage and how it is going to be dealt with. Mr. Menapace stated that in looking at maps that have been provided to him at these meetings most of the sites seem to be self contained on the fort and is property that is going to go to Eatontown, Tinton Falls and Oceanport. He questioned if we do indeed have issues to do with Parkers Creek because of these landfills he pointed out that Shrewsbury would have potential for pollution to have migrated onto the Shrewsbury side and affected the ground water. Councilman Menapace noted that he was not presuming any bad faith but just concern that if Shrewsbury should end up with a major ecological problem his concern was that the army could have left all responsibility to this situation by then. He state that he hopes that they don’t find anything but if they do he hopes the appropriate cleanup is mandated by the Department of Defense.

April 19, 2010

Senator Beck reviewed her involvement with this issue and stated that she is happy to be an advocate on this issue. She pointed out that what happened with the BRAC and Forth Monmouth left her confidence in the process shaken. She stated that she would be happy to work with Shrewsbury on the issue as she felt it was an issue that she took seriously.

Open Meeting to the Public

A motion was made by Councilman Menapace, seconded by Councilman Murphy to open the meeting to the public to allow for discussion with Senator Beck. The motion was approved by Roll Call Vote with all members present voting yes.

Michael Bell, 43 Trafalgar Place, stated that in reference to COAH that “S1” was a good start however, he questioned that since the creation of COAH why hasn’t the Senate and the Assembly looked to pass a constitutional amendment to overturn COAH? He stated that the Constitution doesn’t guarantee anybody the right to live anywhere at somebody else’s expense.

Senator Beck responded this was a good question and she replied that there has been support among some of the legislature to abolish COAH but there were never enough votes to get it through. She stated that the bill does abolish COAH but does not get rid of the Fair Housing Act which establishes the land use structurally says that everybody should have an opportunity to live someplace. She noted that there has been support over the years and many bills suggesting reform to affordable housing but there was not broad support in the legislature for reform. Senator Beck stated that because the Supreme Court made a decision it forces some requirements we must be in compliance with. She noted that there was a little bit of grey between the jurisdiction of the legislature and the judicial branch and that they are disagreeing with each other on issues.

Mr. Bell continued that everybody has a right to live somewhere however they are not entitled to live anywhere. He gave examples of 30 years ago where apartments were being built all over New Jersey and discussed the current situation where if someone wants to build a 20 unit subdivision they have to put 20% of those units aside for affordable housing. Mr. Bell pointed out this means they are subsidized by the taxpayers of the town for someone to be entitled to it. Mr. Bell stated that there should be a Constitutional amendment that allows the voters to decide on this.

Senator Beck clarified that the housing is not funded by the taxpayers. She stated that at the time a developer proposes housing an assessment is made and it goes either into the local housing trust or they have to create that housing as part of their development. She noted that part of the Fair Housing Act says that taxpayers cannot fund this. Senator Beck gave historical information on earlier versions of reform on COAH which did obligate taxpayers but explained how this is undergoing reform.

Carol Clark, 203 Garden Road, commented how in the private sector they have been making contributions and in many cases large contributions to healthcare and how they no longer have retirement programs. She stated that they do not have health care for life and she feels it is about time if you are thinking of putting something out to vote she questioned why taxpayers have to take care of all the local, state, teachers and all the government and all their retirement needs when

April 19, 2010

they can't even take care of themselves. She stated with the taxes in New Jersey everybody regardless of party has reached a breaking point that they are struggling with the entitlement program of government.

Senator Beck stated that she agreed and spoke about the lack of growth in different employment sectors pointing out that New Jersey has lost some of its best paying jobs particularly the pharmaceutical industry which use to be 14% of New Jersey's employment. She pointed out that this has been cut to about 7%. Senator Beck stated that government is the only sector that has continued to grow. She stated that we have to get government back in check with the taxpayers needs.

Joe Cerasa 5 Marc Court, stated that he just wanted to commend Senator Beck as he has lived in the town fro 34 years and can't remember ever seeing a member of the legislature at a Council meeting. Mr. Cerasa stated that he felt that she was doing a great job. He also requested that Senator Beck please stay conservative and that he would like to see budgets cut wherever she can. He relayed his own personal circumstances and then pleaded with the Senator and Council to please cut, cut, cut and stay conservative and stay the course.

Tom Lynch, 98 Robinson Place, stated he was a high school Science teacher and he felt there were a lot of unfair accusations towards teachers and it seems as if Governor Christie may have an axe to grind with the Teachers Union but at the expense of the teachers. He noted that the administration and the Teachers Union are totally separate; however people tend to put them together. Mr. Lynch agreed that there is some fat that needs to be taken care of but he then shared his reasons for going into teaching as a career. He noted that although teaching has provided benefits and job security he pointed out that as a science teacher he could have made other choices and gone into the corporate world in areas such as pharmaceuticals and probably made a lot more money. However Mr. Lynch stressed his calling was teaching. He pointed out the success of New Jersey schools when compared with schools nationwide and he stated that now he is made to feel ashamed for his profession. Mr. Lynch requested that Senator Beck try to keep Governor Christie fair in how he is addressing things as it almost feels personal to the teachers. He acknowledged there are things to address but he didn't feel teachers are directly responsible for the taxes being out of control across the state.

Senator Beck acknowledged a lot of the good points Mr. Lynch made. She stated that the problems have been upper rank and file teachers and their base salaries. She explained the issue is the growth of the salary structure at 4 1/2% per year along with step increases that can be as much as 11% at a time in our society when the taxpayer has to fund all that and they are not getting raises or are taking salary cuts is where the problem arises. She explained that taxpayers can't afford in this year a 4 1/2% increase and when you consider a school budget is capped at 4% and your increase is 4 1/2 % that the only thing you are going to have in your school budget is salaries and the salaries will grow faster than the cap allows. Senator Beck acknowledged that many teachers she talks to are more than willing in this absolute crisis to take a salary freeze for a year because they understand the current crisis New Jersey is dealing with.

April 19, 2010

Senator Beck pointed out again the unemployment figures and that is was not that the teachers were not appreciated but more the fact that the growth in benefits and salaries for public employees, not just teachers, is growing faster than the economy in the state of New Jersey and she stated we can't afford it. She stated it simply means we need to bring certain things back in line with the ability of the tax payer to pay and that is what is happening here. Senator Beck stated that there is no one in the private sector who does not pay for their health benefits. She spoke to the contrast between the environments of the private sector versus the public sector. She gave different scenarios of different municipalities who had made poor decisions in the current environment.

Senator Beck stated that if public employee would accept wage freezes and a contribution toward their benefits it would alleviate the need to lay people off.

She thanked the Mayor and Council and residents for welcoming her to the meeting. She stated that she would be leaving the contact information for herself as well as Assemblywoman Casagrande and Assemblyman O'Scanlon for anyone who would like it. Senator Beck closed with the statement we may not always agree but that she always listens and would work really hard to represent everyone.

Close Meeting to the Public

A motion was made by Councilman Burden, seconded by Councilman Menapace to close the meeting to the public for discussion with Senator Beck. The motion was approved by Roll Call Vote with all members present voting yes

Resolution 2010-38 (Affirm the Borough of Shrewsbury's Civil Rights Policy)

A motion was made by Councilman Menapace, seconded by Councilman DeNofa to approve Resolution 2010-38 a resolution to affirm the Borough of Shrewsbury's Civil Rights Policy with respect to all officials, appointees, employees, prospective employees, volunteers, independent contractors, and members of the public that come into contact with municipal employees, officials and volunteers. Mr. Seaman stated that this is a requirement by the MEL JIF to have this as part of our personnel policy and procedural manual. The motion was approved by Roll Call Vote with all members present voting yes.

Resolution 2010-39 (Authorizing a Shared Services Agreement between Shrewsbury Borough and Eatontown Borough for the Processing of Brush by Eatontown Borough)

A motion was made by Councilman Menapace, seconded by Councilman Murphy authorizing a Shared Service Agreement between Shrewsbury Borough and Eatontown Borough for the processing of brush by Eatontown Borough. Mr. Seaman explained that landfill cost for the Borough was \$26,000 last year and he had discussed this with the Public Works Foreman, Frank Clark. They contacted the Borough of Eatontown's Borough Administrator and Public Works Director and they agreed to provide brush pickup at a reduced cost from what we pay now. They estimate that Shrewsbury Borough will save at least \$5,000 and would be able to get the process in place immediately. Councilman Menapace referred to this decision as a "no brainer" and commended Tom Seaman and Frank Clark for putting this agreement in place. Mr. Menapace

April 19, 2010

stated that the tub grinder that is needed to grind up the brush is pretty expensive and that this was a good opportunity to use shared services. The motion was approved by Roll Call Vote with all members present voting yes.

Resolution 2010-40 (Authorize the Refund of Overpayment of Taxes)

A motion was made by Councilman Menapace, seconded by Councilman Murphy to authorize the refund of the overpayment of taxes by Andrew and Sheri Kirkpatrick in the amount of \$ 2,638.29. The motion was approved by Roll Call Vote with all members present voting yes.

Resolution 2010-41 (Emergency Temporary Budget Appropriation #4)

A motion was made by Councilman Murphy, seconded by Councilman Keegan to approve Resolution 2010-41 Emergency Temporary Budget Appropriation #4 for \$35,000 for parks, salaries and wages and \$1,000 for environmental expenses for a total of \$36,000 and bringing the grand total of the temporary budget to \$4,924,909. 65. The motion was approved by Roll Call Vote with all members present voting yes.

Approval of (2) New Members for Shrewsbury Hose Co. #1: John P. Merris and Megan D.

Merris A motion was made by Councilman Menapace, seconded by Councilman DeNofa to approve the addition of two new members for Shrewsbury Hose Co. #1. The Council acknowledged the generational connection of service the Merris family has provided to Shrewsbury Hose Co. #1. The motion was approved by Roll Call Vote with all members present voting yes. It was noted that John P. Merris Junior is also a member of the Shrewsbury First Aid Squad. Councilman Menapace stated that he really is to be commended for his dedication to public service.

Administrator's Report

Administrator Seaman reported that going along with the model civil rights resolution that was just voted on tonight that this is the time of year that we do our MEL JIF employment practices risk control update checklist and that he had gone over the list with Mr. Barger. He stated that he had signed off on this as this is the normal process of updating our policies and procedures and sending it to the JIF. He acknowledged that this had been completed.

Mr. Seaman reviewed the New Jersey American Water letter which discusses the possible rate changes they will be submitting to the BPU. Mr. Seaman explained that they are proposing three different towns initially be involved in this conservation program and that Shrewsbury was one of these towns selected where they will set up three different rates based on water usage. Mr. Seaman noted that there are three different categories of usage and if the Borough participates in this program residents would be charged according to their water usage. Mr. Seaman stated that he would be attending a meeting on April 21st at the New Jersey Water Company in reference to this pilot program and would then report back to the Council with more information.

Mr. Seaman reported that the Clerk and the Code Enforcement Officer had reviewed the issue of the Surety Bond's required for new businesses in the Borough. He pointed out that for over 30 years a Surety Bond had been part of the initial business license process however he noted that it

April 19, 2010

has been determined that this bond is not serving the purpose as intended and if anything is a deterrent to new businesses in the Borough. Administrator Seaman noted that a meeting had taken place with the Borough Attorney and members of the staff involved with the business license process and after discussion of the different considerations on this issue it was concluded that the original protection intended by this bond requirement was not being served. Mr. Seaman stated that after review it was decided that continuing this process did not make good business sense. The Council discussed the different issues that forced this conclusion. *As a result, Councilman Murphy motioned to authorize the Attorney to amend the Ordinance that requires a new business to obtain the \$2,000 bond for a two year period and instead to delete this requirement from the Ordinance as a requirement, seconded by Councilman Burden. The motion was approved by Roll Call Vote with all members present voting yes.*

Councilman Burden reported that the Traffic Safety Committee met on April 13th and he wanted to thank that group for their efforts. Mr. Burden stated that on April 22nd he would be attending the Two River Water Reclamation Authority meeting open house and he stated that the same night the Non Toxic Lawn Forum would be held here at the Borough Hall sponsored by the Environmental Commission.

Councilman Burden motioned to authorize Attorney Barger to start drafting the ordinance of the curfew hours surrounding Mischief Night and Halloween to be compatible with Red Bank and Little Silver, seconded by Councilman Murphy. The motion was approved by Roll Call Vote with all members present voting yes.

Councilman DeNofa had no report

Councilman Dodge had no report

Councilman Menapace reported that the Department of Public Works is busy with spring clean up and refurbishing of the Borough Hall property and Borough parks. He noted that sport fields are being prepped and play ground needs are being addressed and he pointed out that two new swings are on order for Sickles Park. Mr. Menapace stated that the Borough is looking into the purchase of 100 yards of mulch for the playgrounds, beds and trails. He noted that the benches and picnic tables at Sickles Park have been painted and the benches at Patterson Avenue will be painted soon.

Councilman Menapace reported that the Borough is investigating having a DPW employee take the Rutgers University certification course for fertilizers and pesticides. Currently he noted these services are contracted out and there is the thought that there would be a cost saving by doing it in-house. Mr. Menapace stated that also in recognition of Earth Day and with the Borough's focus at being environmentally friendly they would be able to select what is used.

Councilman Menapace stated that he attended the Fort Monmouth Restoration Advisory Board (RAB) meeting on April 8, 2010. He commented that they are in the process of conducting field

April 19, 2010

sampling as part of a Tier 1 study and that over 20 sites on Fort Monmouth, including Parkers Creek areas will be studies in the BEE. He reported that analysis of samples taken will probably be available when the RAB meets again on July 8, 2010.

Mr. Menapace informed the Council that based on the sampling analysis; the RAB will make a determination if a Tier 2 study is warranted. He explained that this could include downstream testing. Mr. Menapace reported that we will see what is required once the results of the testing are received and he pointed out his desire to be on top of the process.

Councilman Murphy reported that the Audit had been distributed to all the Council and he noted that the bill for that was on the bills list this meeting and he pointed out that there were no recommendations to be addressed. Mr. Murphy stated that he hoped all the Council would take the time to review it and contact him if anyone had any questions.

Mayor's Report

Mayor Cooperhouse reported that there would be a buffet dinner hosted by the Monmouth County Improvement Authority on April 26th at 6:00PM to discuss some of their programs for 2010.

Mr. Cooperhouse noted that he had a conversation with Mayor Tarantolo from Eatontown about Fort Monmouth's plan to hold a closing ceremony and that they had asked for representatives from surrounding communities to participate in the event planning and he noted that Councilman Burden had offered to serve as Shrewsbury's liaison on that planning committee.

The Mayor reminded the Council that everyone's Financial Disclosure Statements are due later this month. He also noted that the Council needs to view an anti-harassment training video by April 30th. Mr. Seaman pointed out that the Council can view this online just by logging into the site.

The Mayor reported on his conversation with Councilmen Menapace and Burden on the recommendations made by the Traffic Ad Hoc Committee and he stated that it was his understanding that the Police Department would be submitting a document to the DOT. The Mayor stated that it was his position that no statement or documents should be sent to the State agency unless full Council has had the opportunity to review those recommendations. The Council agreed with the Mayor on this issue.

Correspondence

The Clerk stated there was none. However she requested clarification on Memorial Day as to the date the Borough would be observing it and the time of the event. The Council agreed that the observance of Memorial Day would be on the 31st of May but the Mayor suggested that the time might be something we want to address as he has heard it said repeatedly that the ceremony starts too late. He gave the history as to why the Borough had chose 10:45 A.M. After discussion it was decided that the time would be changed to 10:00 A.M.

April 19, 2010

Open Meeting to the Public

A motion was made Councilman Menapace, seconded by Councilman Murphy to open the meeting to the public. The motion was approved by Roll Call Vote with all members present voting yes.

Michael Bell, 43 Trafalgar Place, stated that he had been present at a First Aid Trustees meeting earlier this evening and he wanted to thank the Council that Laurel Avenue is finally coming to fruition to be addressed. Mr. Bell noted that for 7 to 14 days Laurel Avenue would not be useable for the ambulances to use the First Aid building so they had made arrangements with the Fire Department to use one of their bays during that period of time. Mr. Bell questioned who he needed to talk to in order to schedule the Court Room for the First Aid Meeting. He was directed to the Clerk's office.

Mr. Bell thanked the Council for having Senator Beck at the meeting; he stated how much he appreciated that. The Mayor commented that Senator Beck contacted the Borough and asked if she could attend.

Close Meeting to the Public

A motion was made by Councilman Menapace, seconded by Councilman DeNofa to close the meeting to the public. The motion was approved by Roll Call Vote with all members present voting yes

Payment of Bills

A motion was made by Councilman Murphy, seconded by Councilman Keegan to authorize payment of all bills as submitted by the Chief Financial Officer. The motion was approved by Roll Call Vote with all members present voting yes.

Adjourn to Executive Session

A motion was made by Councilman Burden, seconded by Councilman Menapace to enter into executive session at 9:56 PM. The motion was approved by Roll Call Vote with all members present voting yes.

RESOLUTION #2009-42 (Executive Session)

Mayor Cooperhouse read Resolution #2009-42 to enter into executive session.

Reconvene Regular Meeting

Mayor Cooperhouse reconvened the public meeting at 10:30 PM. Present were Council Members Burden, DeNofa, Dodge, Keegan, Menapace and Murphy. Also present were Borough Administrator Thomas Seaman and Borough Attorney Martin Barger.

ADJOURNMENT

A motion was made by Councilman Menapace, seconded by Councilman Murphy to adjourn at 10:31 PM. The motion was approved by Roll Call Vote with all members present voting yes.

**BOROUGH OF SHREWSBURY
MUNICIPAL CENTER
MAYOR AND COUNCIL**

71

April 19, 2010

Attest: _____
Kathleen P. Krueger, RMC – Municipal Clerk

Approve: _____
Terel J. Cooperhouse, Mayor