

SEPTEMBER 8, 2009

Mayor Cooperhouse called the meeting to order at 7:30 PM. Mayor Cooperhouse read the Presiding Officer's Statement. Present were Council Members Dodge, Keegan, Menapace and Murphy. Council Members Burden and DeNofa were absent. Also present was Borough Administrator Thomas Seaman and Borough Attorney Martin Barger.

RESOLUTION #2009-96 (Executive Session)

Mayor Cooperhouse read Resolution #2009-96 to enter into executive session.

Reconvene Public Meeting

Mayor Cooperhouse reconvened the regular meeting at 8:05 PM. Mayor Cooperhouse read the Presiding Officer's Statement. Present were Council Members Dodge, Keegan, Menapace and Murphy. Council Members Burden and DeNofa 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: July 6, 2009

A motion was made by Councilman Menapace, seconded by Councilman Dodge to approve the regular meeting minutes of July 6, 2009. The motion was approved by Roll Call Vote with all members present voting yes except for Council member Murphy who abstained.

Certificates of Appreciation: Firefighters

The Mayor read into the record a letter from the Shrewsbury Borough Fire Chief Pete Gibson in reference to the fire that occurred on June 12, 2009 at 44 Patterson Avenue in which four of the Shrewsbury Firefighters; Jerzy Chojnacki, John Merris, Bruce Mc Donald and Frank Salerno acted heroically putting their own safety at risk. Chief Gibson stated that the quick action of these firefighters resulted in saving the life of a 28 year old male resident of the Borough. Mr. Gibson recounted how these four fire fighters risked their own personal safety to locate the young man in the house. Chief Gibson acknowledged the high level of skill and the quick response by these four fire fighters, as well as, the police officers and First Aid personnel on the scene at the fire.

Chief Gbson informed the Mayor and Council that these four firemen; Jerzy Chojnacki, John Merris, Bruce Mc Donald and Frank Salerno have additionally earned a "Life-Saving Award" which is one of the most prestigious awards a fireman can obtain.

Mayor Cooperhouse also read a letter dated July 8, 2009 from borough resident, Richard Litwin, 44 Patterson Avenue thanking the firefighters for their courageous and professional actions on June 12, 2009. He thanked each firefighter for saving the life of his son, Matt Acerra, and for all they did to contain the fire in his house. Additionally he acknowledged Chief Pete Gibson for his outstanding leadership at the scene.

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The Mayor presented certificates of appreciation and gratitude from the Mayor and Council to the four firefighters to the applause of the filled Court room. The Mayor noted that it has been 50 plus years since the last time Shrewsbury Firefighters had to rescue somebody from an active fire.

Chief Gibson spoke he noted that a week prior to the day of this tragic fire Shrewsbury had dealt with the Bowling Alley fire which was the biggest fire Shrewsbury had experienced in 28 years. He spoke about the heroic actions of the firefighters exactly one week to the day when they once again were called to duty. He noted the phenomenal job performed by each of these courageous firemen and he expressed how proud he was of them. Chief Gibson thanked the Mayor and Council for recognizing them in this way.

The Mayor invited anyone from the public who wanted to speak as it related to the actions of these firefighters. Councilman Daniel Levine of Little Silver who also belongs to the Fire Company in Little Silver spoke of his pride of being able to be present in recognition of the four firefighters. He read a statement he had prepared about the heroic deeds of these four firemen. He spoke of their commitment and dedication and how deserving they were of our admiration and celebration for their valor. He spoke of their character and duty to this profession.

Mr. Levine then proceeded to read the Fireman's Prayer for everyone present. He congratulated all four firemen and thanked the Mayor and Council.

Chief Gibson announced that Matthew Accera, the fire victim rescued by the four firemen was released from St. Barnabas Burn Unit that day after a little more than 3 months. He reported that he was doing very well and that he would begin rehabilitation for his burn wounds at Jersey Shore Medical Center. Chief Gibson wished Matthew and his family the best of luck on the long road ahead of them. Chief Gibson then extended an invitation to the Mayor and Council and everyone in the community to join the Fire Company at the Fire House for refreshments after the meeting.

Mayor Cooperhouse again thanked the firemen and the Fire Company on behalf of all the residents of the Borough of Shrewsbury. Again the room broke into applause.

The Council thanked the fire company. Councilman Menapace spoke about Matt Accera being a friend of his son's from school days and that he has known Matt all his life. He thanked the firemen for saving Matt's life and for their bravery in service for all residents of Shrewsbury.

The Mayor stated that the Council would take a two minute break at 8:19 to allow those who would like to leave to go join the celebration at this time to do so.

Mayor Cooperhouse reconvened the regular meeting at 8:21 PM. Present were Council Members Dodge, Keegan, Menapace and Murphy. Council Members Burden and DeNofa were absent. Also present were Borough Administrator Thomas Seaman and Borough Attorney Martin Barger.

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ORDINANCE NO. 932- SECOND READING/PUBLIC HEARING/ADOPTION: Amend Chapter 94, Zoning and Land Development, 94-10.4, Permitted Uses, Trailers

Open/Close Hearing to the Public

A motion was made by Councilman Dodge, seconded by Councilman Menapace to open the meeting to the public to discuss Ordinance No. 932. The motion was approved by Roll Call Vote with all members present voting yes. Seeing no one to speak, a motion was made by Councilman Murphy, seconded by Councilman Dodge to close the meeting to the public. The motion was approved by Roll Call Vote with all members voting yes.

Adopt

A motion was made by Councilman Murphy, seconded by Councilman Dodge to adopt Ordinance No. 932, AN ORDINANCE AMENDING CHAPTER 94, ZONING AND LAND DEVELOPMENT, 94-10.4, PERMITTED USES, TRAILERS. The motion was approved by Roll Call Vote with all members present voting yes.

ORDINANCE NO. 935- SECOND READING/PUBLIC HEARING/ADOPTION: Providing for Equipment for the Police Department, and Appropriating \$ 20,500.00

Open/Close Hearing to the Public

A motion was made by Councilman Menapace, seconded by Councilman Keegan to open the meeting to the public to discuss Ordinance No. 935. The motion was approved by Roll Call Vote with all members present voting yes. Seeing no one to speak, a motion was made by Councilman Murphy, seconded by Councilman Menapace to close the meeting to the public. The motion was approved by Roll Call Vote with all members voting yes.

Adopt

A motion was made by Councilman Murphy, seconded by Councilman Dodge to adopt Ordinance No. 935, AN ORDINANCE PROVIDING FOR EQUIPMENT FOR THE POLICE DEPARTMENT, AND APPROPRIATING \$ 20,500.00. The motion was approved by Roll Call Vote with all members present voting yes.

CAPITAL ORDINANCE NO. 936 – SECOND READING/PUBLIC HEARING/ADOPTION: Providing for the Purchase of a Security System for the First Aid Squad, and Appropriating \$ 3,800.00.

Open/Close Hearing to the Public

A motion was made by Councilman Murphy, seconded by Councilman Dodge to open the meeting to the public to discuss Ordinance No. 936. The motion was approved by Roll Call Vote with all members present voting yes. Seeing no one to speak, a motion was made by Councilman Murphy, seconded by Councilman Menapace to close the meeting to the public. The motion was approved by Roll Call Vote with all members voting yes.

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Adopt

A motion was made by Councilman Murphy, seconded by Councilman Dodge to adopt CAPITAL ORDINANCE NO. 936 – AN ORDINANCE PROVIDING FOR THE PURCHASE OF A SECURITY SYSTEM FOR THE FIRST AID SQUAD, AND APPROPRIATING \$ 3,800.00. The motion was approved by Roll Call Vote with all members present voting yes.

ORDINANCE NO.937- FIRST READING/INTRODUCTION: Amending Chapter 122, Flood Hazard Areas

A motion was made by Councilman Menapace, seconded by Councilman Keegan to authorize the introduction/first reading of Ordinance No. 937, AMENDING CHAPTER 122, FLOOD HAZARD AREAS. The motion was approved by Roll Call Vote with all members present voting yes. Second Reading Public Hearing will be on September 21, 2009 at 8:00 PM.

Resolution #2009-97 (Request that NJ Transit Use Omnibus Funding for Environmental Impact Study with Regard to Rail Service to Central New Jersey)

A motion was made by Councilman Dodge, seconded by Councilman Keegan to adopt Resolution #2009-97 requesting that NJ Transit use the Omnibus appropriation funding to officially include the Monmouth Junction station platform connection alternative and the South Amboy alternative in the Draft Environmental Impact Study as two new potential alternatives to provide passenger rail service to Central New Jersey. The motion was approved by Roll Call Vote with all members present voting yes.

Resolution #2009-98 (Resolution to Hire Part Time Court Assistant)

A motion was made by Councilman Menapace, seconded Councilman Dodge to approve Resolution #2009-98 hiring Lisa Casler as an outside contractor at \$75.00 per session as a part time court assistant on court days to run the recorder and keep the log. The motion was approved by Roll Call Vote with all members present voting yes.

Resolution #2009-99 (Performance Guaranty Release; Crowley Enterprises)

A motion was made by Councilman Murphy, seconded Councilman Menapace to approve Resolution #2009-99 to release the Performance Guaranty for Crowley Enterprises Inc. based on the recommendation of the Borough Engineer as the improvements have been satisfactorily completed. The motion was approved by Roll Call Vote with all members present voting yes.

Resolution #2009-100 (Release Business Surety Bond-Shrewsbury Car Wash)

A motion was made by Councilman Murphy, seconded Councilman Dodge to approve Resolution #2009-100 to release \$2,000 to GBD Properties posted for Shrewsbury Car Wash as the two year duration of posting the bond/check has expired. The motion was approved by Roll Call Vote with all members present voting yes.

Resolution #2009-101 (Release Business Surety Bond- Matisse Salon)

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A motion was made by Councilman Menapce, seconded Councilman Keegan to approve Resolution #2009-101 to release \$2,000 to Hongrim C. Kram, owner of the Matisse Salon and Spa as the two year duration of posting the bond/check has expired. The motion was approved by Roll Call Vote with all members present voting yes.

Resolution #2009-102 (Release Business Surety Bond Coutour Exchange)

A motion was made by Councilman Murphy, seconded by Councilman Dodge to approve Resolution #2009-102 to release \$2,000 to The Coutour Exchange as the two year duration of posting the bond/check has expired. The motion was approved by Roll Call Vote with all members present voting yes.

Emergency Authorization: Approval of Repair of DPW Building

Councilman Menapace related to the Council the meeting he had with the DPW Director and Borough Engineer on August 21, 2009 at which time they inspected and discussed the serious situation of the cracking on the DPW garage wall near the doors where the cinderblock was actually cracking apart and risking the structure of the building itself. This meeting prompted the need to bringing in a structural engineer to inspect the building cracks which resulted in the proposal from **KSI Engineering** for \$7,000 to conduct a study and prepare an estimate for the repair of the DPW building. Mr. Menapace explained that \$5, 540 will be payable to KSI Engineering who will work as a subcontractor to the Borough Engineer, Dave Cranmer. Cranmer Engineering will receive \$1, 460 of the \$7,000. Councilman Menapace explained that this was an emergency authorization in view of the potential compromise of the building. Mr. Menapace noted that although they are not sure what the ultimate cost of the fix will be that the engineers' estimate it will be in the neighborhood of \$25, 000 to \$30,000 to repair the building. *A motion was made by Councilman Menapace, seconded by Councilman Dodge to authorize \$7,000 in emergency authorization to pay the engineering fees to perform a study and prepare an estimate for the repair of the DPW building. The motion was approved by Roll Call Vote with all members present voting yes.*

Approval: Raffle Applications # 2009-09 for Monmouth Medical Center Foundation @ The Shadowbrook on October 22, 2009

A motion was made by Councilman Menapace, seconded by Councilman Keegan to approve Raffle Applications #2009-09 for the Monmouth Medical Center Foundation to be held at The Shadowbrook on October 22, 2009 at 1:30 PM. The motion was approved by Roll Call Vote with all members present voting yes.

Administrator's Report

Administrator Seaman reported that the October newsletter deadline is September 10, 2009. Mr. Seaman provided the Council with an update on the County and State judgments. He stated that at this point Shrewsbury's judgments are \$48,362.00 of tax revenue lost on judgments. Mr. Seaman explained that he was still waiting for the majority of the State appeals to be processed. Borough Attorney Barger stated that there were still a couple of State cases to be completed but that there were no County cases left. He noted that this is less than Tax Assessor, Steve Walters

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anticipated and far lower than most of the surrounding communities. Mr. Seaman reported that there were 13 judgments' against the Borough which he noted was considered pretty good.

Administrator Seaman informed the Council that the Borough has applied for the Green House Gas Reduction Grant. He noted that two parts have been submitted, one being \$28,000 for the DPW tubular lighting system at the Borough garage. He noted that also the Environmental Committee had submitted for \$5,000 for Reducing the Carbon Footprint Education Program that they setup.

Reports of Council

Councilman Dodge reported that on August 19, 2009 there was a meeting of the Planning Board that he was not able to attend but in review of the transcript and recordings he would like to point out the portion of the meeting where Michael Jedziniak, Shrewsbury's special counsel for COAH presented the information in a more understandable way. Councilman Dodge encouraged all members of Council and the public to review that portion of the proceedings to obtain a clearer understanding in regards to COAH what our obligations are under this legislation. The Mayor explained that there were a lot of misconceptions and misinformation as to what COAH is and to what role it plays in the State and in Shrewsbury.

Mr. Dodge stated that he found the information to be a great reference document and simplified the subject matter for him. The council discussed the proposed development behind the Avenue of the Common briefly. They discussed the Statue that specifies the requirements of the developers in what was age restricted construction of 66 single family homes. Councilman Menapace stated that the soil importing to the development site is active again but he noted this stage could last months and months.

Councilman Keegan reported the Recreation Committee had received four quotes for the fall equipment order. He noted that three of the quotes were incomplete and the only complete quote was from Athletes Alley in the amount of \$8,795.37. *Councilman Keegan motioned to approve the quote from Athletes Alley in the amount of \$8,795.37, seconded by Councilman Murphy. The motion was approved by Roll Call Vote with all the members voting yes.*

The Mayor discussed the email received from Ray Soya that Ed Daly has officially resigned from the Recreation Committee. Councilman Keegan noted that Chris Kelly was interested in replacing him on the committee.

Councilman Keegan motioned to accept the resignation of Ed Daly with regret and to appoint Chris Kelly to replace Ed Daly on the Recreation Committee to a term expiring 12/31/11, seconded by Councilman Dodge. The motion was approved by Roll Call Vote with all the members voting yes.

Councilman Menapace reported that the work had commenced on the renovation

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of the tennis courts at Sickles Park. Mr. Menapace spoke with the job supervisor who stated that the job is anticipated to take approximately 45 days, weather permitting.

Councilman Menapace reported that the DPW Wheel Loader purchased for the DPW should be delivered as early as the end of the month. Mr. Menapace pointed out that this would mean they would be operational well in time for Fall leaf collection.

Mr. Menapace stated that the White St. Culvert job is almost complete. He informed the Council that the only remaining work is the opening of the roadway to cover the culvert pipe with aluminum sheeting at the joints to prevent break up of the road surface. He noted that the work would be done by the County and the portion affected by the repair will then be patched and paved. Mr. Menapace acknowledged the patience of the residents in the affected neighborhood stating that it was unfortunate that it took so long to resolve.

The Council discussed the part of the curb that is cracked and Mr. Menapace explained that the Borough Engineer informed him that the road has to be relevelled and regrated and it will be addressed at that time. Mr. Menapace noted that that portion of the curb was a preexisting situation. The Mayor expressed his concerns and asked that it be revisited by the Borough Engineer because of the safety issues involved. Councilman Menapace agreed to revisit that issue with the Borough Engineer.

Councilman Menapace stated that he had met with the DPW Manager Bob Wentway who informed him that the material to replace the Borough sign on Sycamore Avenue could be purchased for less than \$450 and additionally the work could be done by the DPW personnel. Mr. Menapace informed the Council that the material would consist of maintenance free, heavy gauge, PVC that looks like wood. He noted that it would be much longer lasting and maintenance free. The work would include removal of the hedge that is currently in front of the sign and that two Alberta Spruces would be planted on each side of the sign. Mr. Menapace discussed the idea of his plan to approach the Garden Club about doing some ornamental plantings in front of the sign which would be much more attractive than what is currently there. As the amount was well below a \$1,000 it does not require the approval of Council.

Councilman Murphy reported that the Drug and Alcohol Alliance together with the Kiwanis Club produced a resource booklet titled "A Family's Guide For the Prevention of Alcohol, Tobacco and Other Drug Use" that was presented to all the freshmen at Red Bank Regional High School. Mr. Murphy explained how they had put a lot of work into it and were excited to have it ready for the beginning of the school year. They are hoping to be able to distribute it to all the families in the school next year. Councilman Murphy announced that a substantial portion of the cost was donated by the Kiwanis Club in memory of Bucky Mass. Councilman Murphy distributed copies to the Mayor and Council. Mr. Murphy acknowledged Karen Lloyd for the great job she did working on this project.

Mayor's Report

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Mayor Cooperhouse reported that he received correspondence from Christine Gallagher that she is resigning from the Environmental Commission, effective immediately. The Mayor asked if there had been discussion as to replacements for the Environmental Commission. *A motion was made by Councilman Dodge, seconded by Councilman Keegan to open the meeting to the Public. The motion was approved by Roll Call Vote with all members present voting yes.*

Mr. Jay Eaton, 916 Broad Street, Shrewsbury stated that the Environmental Commission had conducted discussion upon her announcement of her resignation but that there were no long term replacements at this point in time. The Mayor asked the Deputy Clerk to forward names of interested residents wishing to serve on the Environmental Commission to Mr. Eaton.

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

The Mayor stated that he had received a letter from Mr. Patrick DiBello who is resigning from the Planning Board as well as the Environmental Commission and that his resignation was also effective immediately.

A motion was made by Councilman Menapace , seconded by Councilman Murphy to accept the resignation of Patrick DiBello from the Planning Board as well as the Environmental Commission. The motion was approved by Roll Call Vote with all members present voting yes.

A motion was also made by Councilman Menapace, seconded by Councilman Murphy to accept the resignation of Christine Gallagher from the Environmental Commission. The motion was approved by Roll Call Vote with all members present voting yes.

The Mayor explained that the Planning Board is his appointment and that he planned to look at the Talent Bank entries as well as speak to the Chairman to get feedback from him and then he would seek the approval of Council on any recommendation he makes.

The process was discussed as a result of a question from Councilman Keegan as to how the process would proceed to fill these vacancies.

The Mayor announced receiving the resignation of the Municipal Clerk, Lynn Spillane, effective 10/31/09 and that with regret he shares this information with the Council and Public.

Mayor Cooperhouse asked for a volunteer to attend the Monmouth County Work Force Investment Boards meeting on 9/14/2009 at 9:00 AM. He noted that this has to do with the Fort Monmouth employment and retention committee. He explained that this committee was formed in 2007 to represent the interest of the work force and planning for the BRAC. Mr. Cooperhouse noted that Monmouth County has received several million dollars for retraining. He advised the Council that Eileen Higgins, the Executive Director, had called him and indicated that in the past the Mayors

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from Oceanport, Tinton Falls and Little Silver, or their representatives were invited to these meetings. Ms. Higgins felt that although we do not have land in Fort Monmouth that she felt it was beneficial that we also have representation there. The Mayor noted that as he works in New York he would not be able to attend and asked for a member of Council to think about serving as a representative for Shrewsbury. In the event that no member of Council is available to attend Mayor Cooperhouse asked Borough Administrator Seaman if he would attend. Mr. Seaman agreed that he would.

Correspondence

Deputy Clerk Krueger stated that a notice from the NJLM had been received stating the pre-registration deadline for attendance at the League was Oct. 1st and that any member of Council interested in attending should let the Clerk's office know as soon as possible.

Open/Close Meeting to the Public

A motion was made by 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. Seeing no one to speak a motion was made by Councilman Menapace, seconded by Councilman Murphy 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 Dodge 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.

ADJOURNMENT

A motion to adjourn at 9:17 PM was made by Councilman Keegan, seconded by Councilman Menapace and approved by Roll Call Vote with all members present voting yes.

Attest: _____
Kathleen D. Krueger, RMC, Deputy Municipal Clerk

Approve: _____
Terel Cooperhouse, Mayor