

JANUARY 18, 2011

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

Salute to Flag

Mayor Burden led the Salute to the Flag.

Approval of Minutes of December 20, 2010

A motion was made by Councilman Menapace to approve the meeting minutes of December 6, 2010 with the amendment of the minutes on page 216 where "protectors" should be "detectors." The motion was approved with Councilman Menapace voting yes. Councilmen DeNofa, DeSalvo, Meyer and Pellegrino abstained. The Mayor stated for the benefit of those present that as a point of clarification those who abstained were not at the meeting of December 20th therefore they were not eligible to vote. He pointed out that we have three new members of Council.

Certificate of Appreciation – S. Thomas Westerman, MD, PA

Mayor Burden asked Dr. Westerman to come forward. The Mayor read the Certificate of Appreciation which read: "The Borough of Shrewsbury does hereby recognize S. Thomas Westerman, MD, PA, for twenty years of dedicated and outstanding service to preserve and advance the quality of life of the Shrewsbury community through his services as a member of the Shrewsbury Board of Health serving as leader of the committee on working groups on health affairs. His selfless devotion to the Shrewsbury community was evident during his more than twenty years of service as a member of the Shrewsbury Board of Health. It is with gratitude and fondness that we thank Dr. Westerman for his selfless contribution during his tenure on the Shrewsbury Board of Health"

The Mayor shook Dr. Westerman's hand, thanked him and presented him with the Certificate of Appreciation which was met with applause from all. The Mayor posed with Dr. Westerman for pictures.

Authorize Mayor and Clerk to Sign the Contract Renewal for Borough Attorney Services

A motion was made by Councilman DeNofa, seconded by Councilman Pellegrino to authorize the Mayor and Clerk to sign the contract renewal for Borough attorney services for the year 2011. The motion was approved by Roll Call Vote with all members present voting yes.

Authorize Mayor and Council to Review/Approve the Signage located in the Municipal Right-of-way for the Staples Shopping Plaza

Attorney Barger commented that the reason it was before Council instead of the Board of Adjustment is because the sign itself is located in the "Borough Right of Way". As this is a decision that must be made by the Mayor and Council it was necessary to bring this before Council for a vote.

Open the Meeting to Public

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A motion was made by Councilman Menapace, seconded by Councilman Meyer to open the meeting to the public to allow Martin McGann Esq., attorney for the applicant, to address this issue with the Council. The motion was approved by Roll Call Vote with all members present voting yes.

Mr. Martin McGann, Esq. addressed the Mayor and Council on behalf of Staples Plaza. He explained the location of the two signs with one being on the corner of Highway 35 and Avenue of the Common and the other being further down on the entrance as you come off Avenue of the Common, which he noted was a rather small sign. The Council had received copies of the signs in question and the projected signage to replace those signs. In response to Councilman Meyer's question as to whether these signs would be lit, he responded that to his understanding the new signs would be lit in the same fashion as the existing signs.

Mr. McGann noted that they currently have applications before the Board of Adjustment for the main sign. As this signage is on Borough property the Zoning Board did not have jurisdiction to hear that application and would require approval by the Council before that could be considered. He explained that the signage had been there many years at this point in time and he explained the importance of these signs to the plaza. He stated that it has been tuff to make a profit there in recent years.

Councilman DeNofa inquired if there was paperwork anywhere that states the Borough had allowed signage there. Mr. McGann responded that he was not aware of any but he could explore that through the Open Public Records. Mr. Barger responded that he wasn't aware this ever came before Council for approval; he thinks the signage just appeared there in the past. Mr. McGann explained the problem with pushing back either sign which was that they would be harder to see and the wetlands preventing signage from being placed further back.

The Council and Mr. McGann discussed the size of the signs which had not changed and Mr. McGann stated that would be going before the Board of Adjustment to request framing the signs for the sake of compatibility.

Councilman Menapace stated that if the signage remained in the same location there would be an issue of foliage growing around it. He questioned if Staples Plaza was going to maintain that foliage on the "Borough Right of Way"? Mr. McGann responded that you can see the sign as you are traveling southbound the problem right now is that you can't see the sign if you miss the entrance when you are going northbound. He pointed out the trees there need to be trimmed. In response to Councilman Menapace's question, he said they would take responsibility to trim the foliage if the Council gave permission.

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.

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Councilman Menapace motioned, seconded by Councilman DeSalvo to authorize the Mayor and Council to approve the signage located in the “Municipal Right Of Way” for the Staples Shopping Plaza. When the Mayor asked if there was any further discussion, Councilman DeNofa responded he had some concerns and one of them being if the Borough approves this request it would open the Borough up to the issue of giving a private entity permission to put signage on our property. Attorney Barger stated that this would be handled on a case by case basis. Councilman DeNofa stated that he had concerns about this. Attorney Barger responded that this situation was somewhat unique because of the location and how hard it is to see the entrance for the plaza where most of the properties on Route 35 have entrances that are easy to see. The Council discussed the problems associated with pushing the sign back on Rt. 35. Councilman DeNofa stated that he has never had a problem with missing that shopping center regardless of which direction he was going and he questioned the validity of that sign period. Mr. McGann agreed that local people are more familiar with things than people who come from a greater distance and he stated that is what the need for the sign is all about.

Roll Call vote by the Council resulted in a vote of “no” by Councilman DeNofa, and 3 “yes” votes by Councilmen DeSalvo, Menapace, and Meyer. Councilman Pellegrino abstained as he had personal dealings with Mr. McGann.

Mr. McGann discussed with Attorney Barger that he would send the “Hold Harmless” documents to Mr. Barger to review. Mr. McGann thanked the Mayor and Council for their time.

Mayoral Appointments w/Consent of Council:

a) Member - Environmental Commission - Hans J. Zweerink, 2 yr term

b) Associate Member #1 - Environmental Commission - Mark F. Degenhart, Sr., 2 yr term

The Mayor appointed to the Environmental Commission: Hans J. Zweerink as a Member on the Environmental Commission for a 2 year term, and Mark F. Degenhart Sr. as an Associate Member #1 for a 2 year term.

ORDINANCE NO 954 - FIRST READING/ INTRODUCTION: Amending the Code of the Borough of Shrewsbury by Amending Chapter 9, Boards, Committees and Commissions

The Mayor explained that this was to allow for the addition of some Alternate positions to a couple of the Boards which would provide backup going forward. The Mayor announced that the Public Hearing would be held on February 7, 2011. A motion was made by Councilman Pellegrino, seconded by Councilman DeNofa to introduce Ordinance No. 954 at first reading amending the Code of the Borough of Shrewsbury by amending Chapter 9, Boards, Committees and Commissions. The motion was approved by Roll Call Vote with all members present voting yes.

ORDINANCE NO 955 – FIRST READING/INTRODUCTION: Amending the Code of the Borough of Shrewsbury, by Amending Chapter 88, Construction Codes, Uniform

Mr. Seaman explained that the Borough’s Construction Official, Cary Costa, reviewed this Ordinance with the Borough Attorney. He stated that this amendment would raise some of the fees currently being charged to the State suggested rate as some of these fees had not been changed in many, many years. A motion was made by Councilman DeNofa, seconded by Councilman

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Pellegrino to introduce Ordinance No. 955 at first reading, amending the Code of the Borough of Shrewsbury, by amending Chapter 88, Construction Codes, Uniform. It was noted that the Public Hearing would be held on February 7, 2011. The motion was approved by Roll Call Vote with all members present voting yes.

RESOLUTION #2011-15 (Appropriation Reserve Transfer No. 2)

Mr. Seaman explained that this was appropriation reserve transfer No. 2 of our budget of 2010 for a total of \$4,800.00. A motion was made by Councilman Meyer, seconded by Councilman Menapace to approve Resolution #2011-15 authorizing the Appropriation Reserve Transfer No. 2. The motion was approved by Roll Call Vote with all members present voting yes.

RESOLUTION #2011-16 (Authorize Rate Increase for Fill-In Dispatcher: Jesse Elowson)

Councilman Menapace stated that this rate increase is a recommendation by the Chief of Police as dispatcher Jesse Elowson has completed his training as a fill-in dispatcher and is eligible for an increase in his hourly rate to \$16.00. A motion was made by Councilman Menapace, seconded by Councilman Pellegrino to approve Resolution#2011-16 authorizing a rate increase for Fill-In Dispatcher, Jesse Elowson to \$16.00 per hour. The motion was approved by Roll Call Vote with all members present voting yes.

Administrator's Report

Administrator Seaman inquired if the Council had received the paperwork for the MEL-JIF Liability Seminar for elected officials. He asked if everyone would consider attending the February 23rd meeting as the Borough receives a \$250.00 credit per attendee. Additionally he noted that a copy of the tentative Directory had been placed at all the Council's places for review. Mr. Seaman asked if the Council would review the draft and get any changes back to him by the next week as the Directory would be ready to go by the end of January.

Reports of Council

Councilman DeNofa reported that due to the storm on January 12th, Zone 2 Recycling was pushed off until the following Saturday, the 15th. He noted that DPW placed a message explaining the change due to the storm, as well as sent a message via the "Two River Alert System" informing the residents and all went well. Councilman DeNofa stated that the tennis court locks are ready to be installed by Dunlap and as soon as there is a break in the weather this would be done. Mr. DeNofa stated that the wind screens for the tennis courts would also be installed weather permitting.

Councilman DeNofa reported that the December 26-27th storm resulted in one of the DPW trucks ending up out of service but that the parts had been ordered and that truck would be back in service shortly. He noted that a new hose and nozzle on the gas pump had been installed at DPW. On the engineering side, Mr. DeNofa stated that "Qudoba" had opened for business and the parking lot where "Trader Joes" will be has issues that need to be resolved before they can open. He reported that the Borough Engineer plans to hold up the certificate of occupancy until those issues are resolved. Mr. DeNofa stated that Hovnanian is still working on the outside permits. He shared that he had attended the RBR Board of Education meeting on January 5th at which they approved the

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Interim Superintendant, Dr. Westervelt, until a replacement can be found. Dr. Lucks presented his goals and objectives for the school year of 2010-2011 with a power point presentation. Mr. DeNofa stated that he had attended the local government seminar with Mayor Burden which was held by Freeholder, John Curley, on January 15th which he found very interesting but that he would let Mayor Burden speak to that.

Councilman DeSalvo reported that the Environmental Commission had met for the first time this year and they focused on their "Sustainable New Jersey" as well as putting some ideas together for the Earth Day Fair and Recycling Day for 2011. Councilman DeSalvo stated that the Shrewsbury Drug & Alcohol Alliance has issued their new meeting schedule which will be held quarterly with the first meeting for 2011 being held on March 12th.

The Mayor questioned Mr. Seaman about the budget process in the absence of Councilman Dodge. Borough Administrator Seaman stated that the Finance Committee was in the process of setting up meetings with the individual departments on their budgets and he was putting together the budget for 2011 at this time.

Councilman Menapace read a letter from Chief Wilson regarding the performance of the Police Department and a number of its officers as well as the dispatchers in regard to the blizzard that recently occurred. It read:

COMMENDATION OF OFFICERS: Lt. Louis Ferraro, Sgt. Allan Morris, Sgt. Daniel Calicari, Ptlm. Michael Gallagher, Ptlm. Robert Turner, Ptl. Maryellen Rumola, Ptlm. James Ramsey, Ptl. Jessica Boyd, Ptlm. Ryu Washburne, Dsp. David Leshot and Dsp. Ryan Cullinane

Mr. Menapace, I am writing you this letter to commend the actions of the above listed members of the Shrewsbury Borough Police Department. As you are aware, on December 26, 2010, our area received 30 - 32 inches of snow in a 24 hour period, ending on December 27, 2010. As you are also aware, the snow removal process in the state and more particular, our area, was less than ideal. As a matter of fact, traffic in our area was brought to a virtual standstill. This does not include the borough's effort on our side streets. The Department of Public Works managed to keep all the streets in the borough open. Our officers and dispatchers came from as far away as Freehold and Hazlet to get to work during this time period.

I am extremely proud of how our Police Department handled all the phone calls, alarms, motor vehicle crashes and every other emergency that occurred during this time period. I was kept up to date of the situations existing in our town and could not have asked them to do any better. All of the above mentioned men and women deserve hearty and sincere congratulations on a job well done.

Please put this on record at the next council meeting. I also include letters written by Lt. Ferraro and Sgt. Calicari. I also included the report taken for the blizzard. All of these documents will be place in the personnel files of each member.

Respectfully submitted,

John D. Wilson, III
Chief of Police

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Councilman Menapace expanded on the Chief's letter pointing out that some of the officers and dispatchers live in areas removed such as Freehold and Hazlet and several of the officers actually walked from their homes out to main routes to be picked up by other departments and relayed to Shrewsbury so that they could be here in time to work their shifts. He acknowledged that everyone did a great job across the board. He stated that DPW kept the streets open and we had a fully staffed Police Department through the whole storm which he felt was commendable. He stated he was happy to honor the Chief's request to read his letter into the record.

Mr. Menapace stated that residents of Silverbrook Road have complained repeatedly about the speed and volume of cars that travel on their street which is primarily caused by cars turning right from the northbound land on Route 35/Broad Street. He noted that drivers use eastbound Silverbrook Road as a cut through to Sycamore Avenue to avoid the light and Broad and Sycamore. Councilman Menapace explained that a number of months ago the Council had formed an Ad Hoc Traffic Committee to study Shrewsbury traffic and pedestrian safety issues. The Committee recommended prohibiting right turns from northbound Broad Street on to eastbound Silverbrook Road between the hours of 6:00 AM and 9:00 AM and 3:00 PM and 6:00 PM. He noted that Chief Wilson was directed to have the Traffic Safety Officer, Sgt. Morris, send a letter to the NJDOT requesting an investigation of that issue since Silverbrook Road intersects with Route 35 and any changes there with signage being posted would be up to the NJDOT. Mr. Menapace stated that the residents of Silverbrook Road were surveyed by letter regarding the idea of restricting these right turns during those hours. He reported that the response of the survey was 22 in favor and 3 opposed. Mr. Menapace stated that the Borough had received a letter from the NJDOT dated January 10, 2011 which he read into the record.

In the second paragraph of the letter it states that the staff of the Bureau of Traffic Engineering and Investigations (BTEI) had completed an investigation. Based upon a review of Sgt. Morris's submitted documentation and the field investigation conducted by their office, their findings support his request and it is recommended that the Right Turn Prohibition be implemented. And that in order to legally establish the right turns prohibition; the New Jersey Department of Transportation (NJDOT) is required to promulgate a Traffic Regulation Order (TRO). An initial step in the TRO process is to receive a Resolution of support from the municipal governing body. It is therefore requested that a certified adopted Resolution of Concurrence be submitted to their office to read substantially as follows:

TURN PROHIBITONS:

No person shall turn at the below described location as indicated.

<u>Intersection</u>	<u>Turn Prohibited</u>	<u>Hours</u>	<u>Movement Prohibited</u>
Route NJ 35 and Silverbrook Road	Right Turns	6AM to 9AM 3PM to 6PM (Monday to Friday)	Northbound on Route NJ 35 to eastbound on Silverbrook Road

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The letter noted that once their office was in receipt of the certified adopted Resolution of Concurrence from the Shrewsbury Borough Governing Body, a Traffic Regulation Order will be promulgated.

Mr. Menapace stated that he brings this before Council because the NJDOT requires a Resolution of Support from the Municipal Governing Body.

Councilman Menapace stated that he was looking for consensus of Council to direct Mr. Barger to draft a Resolution on this for presentation to Council. The Council voted by consensus to agree to have Attorney Barger draft the Resolution of Support for this signage to be posted restricting the right hand turn from Route 35 onto Silverbrook Avenue during the hours designated.

Councilman Menapace stated that in addition to that letter the Borough received another letter from the NJDOT when they were performing their field study where they also determined that according to their records we also have a left turn lane from Route 35 South into Silverbrook Road which has never been the subject of their traffic regulation however he pointed out that the Borough has never adopted it. He stated that in the letter they have requested that while the Borough is addressing the right hand turn issue that we also pass a Resolution to allow the left hand turn lane from route 35 South into Silverbrook Road legally. *It was decided that Attorney Barger would address both.*

Councilman Menapace stated that he had attended the Shade Tree Commission meeting on January 8th and items of note is they have spent \$3,460.00 to purchase and plant 10 trees during the 2010 calendar year. He noted that during 2011 that they will be looking for the same level of budgetary funding because they would also like to hire the services of an arborist on an as need basis.

Councilman Menapace stated that they intend to plant a tree and place a plaque in honor of Hermann Allen. Mr. Menapace stated that he couldn't begin to name all the activities that Mr. Allen was involved in within the Borough during his 90 plus years of service. Mr. Menapace stated that he was involved in the Environmental Commission and Shade Tree Commission as well as the Shrewsbury Historic Society.

Councilman Menapace noted that Nancy Schmaltz would be directing the Borough's application for the Tree City USA for another year and that we are busy putting together a Community Forestry Management Plan which if completed, submitted and approved will make the Borough grant eligible regarding some trees in the town.

Councilman Meyer reported that acknowledging the letter read into the record by Mr. Menapace, he was not personally in town on December 27th but he understands that the Administrator and others were in work on that day and so he would like the record to reflect that the Borough was not closed for business on the 27th of December 2010. Mr. Meyer stated that the Personnel Committee has not met on a formal basis but he and the Administrator have discussed a couple of items of a confidential nature. Councilman Meyer stated that Shrewsbury Board of Education has had some discussions with Mr. McConnell but there was nothing to report. Regarding the Recreation Committee he noted that he has had a conversation with Mr. Granese, the Chair, to let him know that he would be available for whatever he may need.

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Councilman Pellegrino reported on the insurance and benefits end that there is a Volunteer Tuition Credit program available in New Jersey which is P.L. 1998, Chapter 145 which is a State sponsored program which allows a tuition waiver at a community college for active members of a volunteer fire company, first aid and rescue squads who are in good standing and this also includes their dependent children and spouses. He explained how the program works with the county colleges, vocational schools or technical institutes. They are given tuition credit not to exceed \$2,400.00 for the member, children or spouse, so that would be \$2,400 per family spread out over a four year time period. Councilman Pellegrino explained that in order for the Borough to be able to offer this to their volunteers we would need to pass a resolution which would enact this program, and assign a municipal official responsible for maintaining the program files and authorize the volunteer participation. Mr. Pellegrino explained that in turn the volunteer has to sign an agreement to pledge four years of volunteer service in exchange for this opportunity. Mr. Pellegrino noted that this was cost free to the Borough as it comes out of State funds. He noted that the student has to maintain a certain grade level. Councilman Pellegrino stated that one of the down falls he sees of the program is that the student cannot pre-register for courses but must wait till the last day to pick their courses. Mr. Pellegrino requested permission to have Attorney Barger create the required resolution and he felt this was a way to give a little break to the volunteers who service our community.

The Council voted unanimously by consensus vote to have the Borough Attorney draft the resolution for the Volunteer Tuition Credit Program.

Councilman Pellegrino reported that on the Local Emergency Planning Committee they haven't had their official meeting to start the year yet although they did have a little recap meeting.

Mayor's Report

Mayor Burden stated that he attended the Shade Tree Commission meeting on January 8th to welcome the new members and thank the other members for their continuous service. Mayor Burden reported that on that same day the Two River Council of Mayors meeting which he had planned to attend was postponed due to the weather until February 5th. He noted that he would not be able to attend that meeting however; Council President, Tom Menapace will attend that meeting in his place.

The Mayor reported that on January 12th he attended the Environmental Commission Meeting and those issues have already been shared. He stated that on January 13th he held an internal review of the handling of the blizzard storm with the Police, the Emergency Management group, the Fire Department, First Aid and the Borough Administrator reviewing what worked and what didn't. Mayor Burden stated that on January 15th he and Councilman DeNofa attended the Government Officials seminar at Brookdale Community College which was sponsored by Freeholder, John Curley. The Mayor stated that about eight experienced individuals from within the County spoke about various administrative issues, law and the Open Meeting Act information. The Mayor stated that he found the meeting extremely informative. Mr. Burden stated that if the program is offered next year he would encourage everyone to attend.

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Mr. Burden reported that New Jersey American Water has noticed the Borough that there will be new rates effective January 1, 2011 an increase of \$3.24 per month for every 7,000 gallons used. He noted that our assessment for fire hydrant will increase to \$518.04.

The Mayor stated that he would like to congratulate Boy Scout Troop 50 and he noted that in 2010 there were five Eagle Scouts that achieved that rank, which was one of the highest number achieved in Monmouth County. The Mayor stated that he would like to thank Isadora Grieco for her work on the Newsletter and he noted that although we are not mailing them out the Borough will have it on line however, there are copies available in the Borough Hall for anyone who would like one.

Mr. Burden noted that he had attended the Senior Homesteaders meeting last week and he distributed copies there. The Mayor commented that there were 29 Homesteaders in attendance. The Mayor stated that he would encourage everybody to get the word out that we are saving money by having this up on the website and we are trying to encourage people to use the website. He noted that we hope to insert more information in the Directory about the Newsletter.

Correspondence

The Clerk stated that she had no additional correspondence.

Open Meeting to the Public

A motion was made by Councilman Menapace, seconded by Councilman DeNofa to open the meeting to the public.

Tim Umbehauer, 60 West End Avenue, Shrewsbury, stated that he wanted to come tonight to show some appreciation. He stated that he realizes many times when people come it is to complain. Mr. Umbehauer remarked that many years ago he started the "Keep Kids Alive, Drive 25" campaign in Shrewsbury and that they set out to accomplish some goals. He stated that he had been involved in the request and pushing for the blinking lights by the school, the smart lights that have been installed and some of the work at the school with the drop off and pick up zone.

He stated that he wanted to come tonight to thank the past Councils and the past Mayors and this Council and this Mayor and the Police department and any Police officers that were involved in helping achieve these endeavors. He stated that he wanted to thank our Police officers and the Mayor and Council for anything they have done and continue to do to contribute to traffic safety which affects the quality of life in Shrewsbury Borough. He stated again that he wanted to say "thank you" and put the wind at their backs for some of the things the Mayor and Council is working on and he pointed out the Silverbrook issue that was covered during the meeting. He continued thanking them for all the traffic safety issues they are working on "for our children, parents and all of us in Shrewsbury".

Mr. Umbehauer stated again "thank you because it does matter and for all the people that come here and make complaints and get their way and yet don't come back to thank you". He stated that he felt it incumbent upon himself to acknowledge that some of these things have gotten done and to

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say thank you to Council, thank you to the Police Department and thank you to past Council members and past Mayors.

The Mayor thanked Mr. Umbehauer and said it was much appreciated. He added one of the things he has learned is that some of these things just take time and he pointed to the Silverbrook issue as an example of that with how many months and years the Borough has worked on this with the Department of Transportation. Councilman Menapace commented that in addition to what the Mayor said there are other initiatives pending which we are still waiting to hear from the County and NJDOT on. He noted hopefully they will honor our requests and you will see some additional changes, positive changes.

Close meeting to the Public

Seeing no one else to speak, 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.

The Council discussed putting an ad in the "Ivy" at Shrewsbury Borough School and they decided what size they would select. The Council decided to request a half of page and they would divide the cost of the ad amongst themselves.

Payment of Bills

A motion was made by Councilman Meyer, seconded by Councilman Menapace to authorize payment of all bills as submitted by the Chief Financial Officer, which amounted to \$149,498.50. The motion was approved by Roll Call Vote with all members present voting yes.

ADJOURNMENT

A motion to adjourn at 8:23 PM was made by Councilman Menapace, seconded by Councilman DeNofa and approved by Roll Call Vote with all members present voting yes.

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

Approve: _____
Donald Burden, Mayor