

August 21, 2017

Meeting Called to Order

The public meeting convened at 7:00 PM.

In accordance with the requirements of Section 4(a) of C.231, P.L. 1975, the required 48 hour advance notice of this meeting was given by mailing/faxing a copy of the agenda to the Asbury Park Press and the Two River Times, in addition, to posting on the bulletin board in the Municipal Building on August 18th, 2017 by the Municipal Clerk.

Roll Call

Present: Mayor Burden, Councilmembers Anderson, DerAsadourian, DeSalvo & Moran

Also Present: Borough Attorney Martin Barger, Borough Administrator Thomas Seaman & Clerk Kathleen Krueger

Absent: Councilmen Eddy & Meyer

Salute to Flag

Led by Mayor Burden.

Presentation by Rick Brandt on the “The Rivalry Series” formally known as “The White Road Cup” Flag Football Tournament to be Held on November 24, 2017

Mr. Brandt addressed the Mayor and Council and thanked them for having him at the meeting. He noted that he has attended our Council meetings over the last 4 or 5 years, always after Thanksgiving to award Shrewsbury the trophy which he displayed at the meeting and noted that Shrewsbury continues to win this event. He stated that it is a community oriented flag football game which has been going on for the last 16 consecutive Black Friday's after the Thanksgiving, holiday. Mr. Brandt informed the Council that this year the event has been expanded. He stated that for 15 years it has been Little Silver VS. Shrewsbury and he reviewed last year's tremendous success with games for the moms and dads as well as the kids. He explained how it became this fun family day and it has evolved to where this year it is expanding with the addition of Fair Haven and Rumson making it a true tournament. Mr. Brandt acknowledged the support that Shrewsbury has always offered between sponsorship and having the Police and Fire in attendance as well as community members. Mr. Brandt stated that the best part of this is that it is a fund raiser for Lunch Break and you can register on line. The Mayor clarified that the event would be held at the Count Basie Field which Mr. Brandt acknowledged it would be.

Councilman Meyer motioned to approve the PBA's Food Truck Festival Event scheduled for September 30th at the Municipal Complex, seconded by Councilman Moran and approved by the following consensus vote:

AYES: Anderson, DerAsadourian, DeSalvo, Meyer & Moran

NAYS: None

ABSTAIN: None

Consent Agenda

Request from Shrewsbury PBA Local #308 for Permission to Hang a Banner on

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Patterson Avenue from September 1st through the 30th to advertise the Food Truck Festival Event Scheduled for September 30, 2017
Request to Waive Ordinance No. 852, for their Community Garden Harvest Fest on 10/01/17
to Allow for Beer and Wine
Memorialize Approval of Block Party Held at Robinson Place on Saturday, August 12, 2017, 2:00pm - 9:00pm
Memorialize Approval of Block Party Held at Queen Anne Drive on Saturday, August 12, 2017, 4pm - 10pm
Request Approval of Block Party to be held at Crest Drive between Park and West End Ave. on Saturday, Sept. 9, 2017, 2:00 pm – 8:00pm
Authorize Mayor to Sign the Contract between Shrewsbury Borough and the Affordable Housing Alliance
Approval of New Jr. Members for Shrewsbury First Aid Squad: Amira & Helnya Ibrahim and Full Membership for Shrewsbury First Aid Squad: Chase Woodward
Resolution #2017-77 (Shrewsbury First Aid Squad Canning Fundraiser on County Rd.)
Resolution #2017-78 (Hire Deputy Municipal Clerk) - TABLED
Resolution #2017-79 (Refund for Overpayment of Taxes)

Councilman Moran motioned to remove “Authorizing the Mayor to sign the contract between Shrewsbury Borough and the Affordable Housing Alliance” from the consent agenda and Councilwoman DerAsadourian motioned to remove Resolution #2017-78 (Hire Deputy Municipal Clerk) from the consent agenda, seconded by Councilman DeSalvo and approved by all Council members present.

Councilman DeSalvo motioned to approve the consent agenda with these items removed, seconded by Councilman Anderson and approved by the following roll call vote:

AYES: Anderson, DerAsadourian, DeSalvo & Moran
NAYS: None
ABSTAIN: None

Authorize Mayor to Sign the Contract between Shrewsbury Borough and the Affordable Housing Alliance

Councilman Moran stated that he wanted to make it clear that this was separate from the recent contract signed with the Fair Share Housing. He reiterated that this was a different contract with a different group. This is the agent that is required under law that ascertains the eligibility of clients that want to go into affordable housing.

Councilman DeSalvo motioned to approve the Mayor signing the contract between Shrewsbury Borough and the Affordable Housing Alliance, seconded by Councilman Moran and approved by the following roll call vote:

AYES: Anderson, DerAsadourian, DeSalvo & Moran
NAYS: None
ABSTAIN: None

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Resolution #2017-78 (Hire Deputy Municipal Clerk)

Councilwoman DerAsadourian explained that this is a matter of Personnel that needed to be discussed in Executive Session. She indicated that we will return to Regular Session after the Executive Session with the possibility of further action to follow.

ORDINANCE NO. 1039 - SECOND READING/PUBLIC HEARING: Ordinance Creating an “On-Line Purchase Exchange Zone” for Internet-Based Transactions at the Shrewsbury Municipal Complex

The Mayor explained that this ordinance is a result of many citizens in town asking for a place to exchange items sold through social media where they could do the exchange without having the person coming to their home. Mayor Burden stated this will be a designated parking spot on the side of the Borough building by the Police Department where video camera can see and record activity in that area. Councilman Anderson pointed out that there is no added increase in the cost of this to the taxpayer as the parking space is there with the video camera already.

Open the Meeting to the Public

Councilwoman Moran motioned to open the meeting to the public to discuss Ordinance No. 1039, seconded by Councilman DeSalvo, and approved by all Councilmembers present.

Close the Meeting to the Public

With no one from the public wishing to speak, Councilman DeSalvo motioned to close the meeting to the public, seconded by Councilman Anderson, and approved by all Councilmembers present.

Motion to Adopt

Councilman DeSalvo motioned to adopt Ordinance No. 1039, seconded by Councilman Anderson, and approved by the following roll call vote:

AYES: Anderson, DeSalvo, & Moran
NAYS: None
ABSTAIN: DerAsadourian

ORDINANCE NO. 1040 - SECOND READING/PUBLIC HEARING: An Ordinance Amending the Code of the Borough of Shrewsbury Chapter 170 Parks and Recreation Facilities

Councilwoman DerAsadourian explained that this Ordinance was amended to change some of the language which made references to dated things like CD players and added other things like drones. In essence we modernized it and we also stipulated things like only DPW and the Police are allowed to drive on the fields along with some other minor changes.

Open the Meeting to the Public

Councilman Moran motioned to open the meeting to the public to discuss Ordinance No. 1040, seconded by Councilman DeSalvo, and approved by all Councilmembers present.

Close the Meeting to the Public

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With no one from the public wishing to speak, Councilman DeSalvo motioned to close the meeting to the public, seconded by Councilman Anderson, and approved by all Councilmembers present.

Motion to Adopt

Councilwoman DerAsadourian motioned to adopt Ordinance No. 1040, seconded by Councilman DeSalvo, and approved by the following roll call vote:

AYES: Anderson, DerAsadourian, DeSalvo & Moran
NAYS: None
ABSTAIN:

ORDINANCE NO. 1041- INTRODUCTION/FIRST READING: Ordinance to Amend and Supplement Chapter 94, Land Use and Development Regulations, of the Code of the Borough of Shrewsbury, to Amend Prohibited Uses

Councilman Anderson explained how a vape shop had applied to open a shop on the route that the kids use for school. It didn't go in but it could have based on review of the ordinance as to what would be permitted and where in the B1 Zone. Mr. Anderson stated that this is necessary after reviewing the existing zoning ordinance versus what we believe fits the character of the town. With the help of our Borough Engineer, our Land Use Attorney and our Borough Council we came up with some proposed non-permitted uses in the Borough. This Ordinance, as proposed, would ban body art, electronic smoking device stores, liquid nicotine stores, liquid nicotine container stores, pawn shops, vapor products, alternative treatment centers such as medical marijuana distribution, cannabis oil and things of that nature. Also prohibited would be the sale or retail trade of firearms, explosives or ammunition, whether conducted in retail establishments, or through home businesses. Mr. Anderson stated this is a first reading of an ordinance that is generating a number of prohibited uses in Shrewsbury. He explained this ordinance will go to the Planning Board next for review and comment. Due to the 35 day review period, the date for the Public Hearing on the Ordinance was not set at that time. Councilman Anderson motioned to introduce Ordinance No. 1041, seconded by Councilman Moran and approved by all Councilmembers present.

Administrator's Report

Mr. Seaman reported that the Newsletter deadline was September 12th and requested any articles be forwarded to him as soon as possible.

He reported that the Tax bills went out on July 20th. He thanked the Mayor and the Borough staff for processing the mailing of them. Mr. Seaman informed the Council that he had processed the Body Armor Grant Application and the Bulletproof Vests were purchased and he was requesting payment in the form of a **XXXXXX** for them.

Mr. Seaman informed the Council that the Borough's OEM Coordinator Jerzy Chojnacki was working on his new Hazardous Emergency Materials Preparedness Grant (HEMP) and that he was planning to get a resolution for the grant on the agenda for the September 5th meeting along with a Chapter 159 resolution. Mr. Seaman explained that the Chapter 159 is a special line item that would be added to the budget. Although he noted that it will be totally offset by revenue and

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appropriations so it will not affect the budget but we will have the ability to spend on that grant in 2017.

Reports of Council

Councilman Anderson reported that the Borough's new ladder truck came on line on Sunday and was used already on Tuesday.

Councilwoman DerAsadourian reported that the Personnel Committee was in the midst of looking to hire a new Deputy Clerk and the interviews have started and she noted that this would be discussed in Executive Session after the Regular Meeting concludes.

She informed the Council that they had been seeking a grant for Sickles Park to give that park a face lift on a smaller scale than what was done at Manson Park. She noted that work was still underway on that endeavor.

She acknowledged the Shade Tree Commission and the efforts of Mr. William Gerth in obtaining a \$30,000 grant for reforestation along with other work for the Borough. Ms. DerAsadourian noted that the Tennis courts would be resurfaced so they would be unavailable from August 22 through Labor Day. She explained that this is required every 5 years and is necessary to keep our warranty in place. She noted that this information is posted on our Borough website. Councilman Moran noted that they would be painting an area on the tennis courts for pickle ball.

Councilman DeSalvo reported that soccer season is approaching and reminded anyone who has children who would like to play that signups would be starting. He noted that they had just wrapped up the basketball camp at Manson Park and that it was a great success. He stated that the Shrewsbury Community Alliance is earnestly looking for volunteers and asked if anyone knows anyone who would be interested, to please consider volunteering.

Councilman Moran reported on various DPW projects, collecting the leaves and brush and following it up with cleaning the streets. Mr. Moran stated that we have begun to look into shared services with other towns as an alternative to the Borough absorbing the entire cost of capital equipment that is needed. He informed the public that we have entered into a joint purchase agreement with Oceanport to purchase a street sweeper and a jet vac as opposed of purchasing it on our own. Councilman Moran stated this is the beginning of shared services that we expect to continue.

Mr. Moran spoke of the 25 year plan for the roads and apologized to the residents for any inconvenience they have experienced with the work being done on White Road but explained how that has become a main artery into town and needed quite a bit of work. He explained that the Borough hoped to spare the residents any more inconvenience by working on the road at night. He stated that Corn Lane, Marc Court, and Avenue at the Common, are the next road improvement projects. Mr. Moran went on to say that Council is looking into obtaining a grant for the work needed on Obre Place to be scheduled for 2019.

Mayor's Report

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Mayor Burden reported on the numerous meetings, events, and activities he attended in the past month. These included meetings with the Monmouth County Library, Planning Board, Shared Service discussions with Oceanport, Borough staff meetings, Shade Tree Commission, Shrewsbury Community Garden as well as numerous preconstruction meetings for different things. The Mayor stated that he participated in two tapings with Comcast promoting Shrewsbury. He informed everyone that he had meeting with JCP&L in reference to streetscape lighting; a possibility in the future, and a walkthrough of the Wardell House after the outstanding paint and repair job just completed. The Mayor expressed his gratitude to Mr. Bill Gerth for all the work that he put into the Borough's Reforestation Grant. Mr. Seaman went on to explain the grant that was acquired due to Mr. Gerth's efforts. Mr. Seaman stated that the grant was for \$30,000 and that \$14,000 is in the Shade Tree budget already which will be used for trees and pruning work that is necessary.

Correspondence

Municipal Clerk Krueger reported on the correspondence she received from Kaplan , Gaunt & DeSantis Architects who had designed the current Borough building. They were seeking a point of contact they could use for references and a possible walk through for a potential candidate for another municipal building where they are being considered as the Architects. The Mayor stated that he would be willing to be the contact for them.

Open the Meeting to the Public

Councilman Moran motioned to open the meeting to the public, seconded by Councilman DeSalvo, and approved by all Council present.

Tony Bonatoro, 331 Dorn Drive, Shrewsbury spoke about the dismal road conditions on Avenue of the Common. He encouraged the Council to move up the priority of addressing the Avenue of the Common. He reviewed statements Council made about the road being addressed. He spoke about his concerns of the tax rate increases that the Enclave has experienced. He stated that their reassessment went up 7.5 % which he felt was very unfair. Mr. Bonatoro stated that even though the Municipal rate went down, their taxes went up an average of about 9%. He spoke to the additional taxes the Borough would receive from the residents at the Enclave.

Mr. Bonatoro stated that the conditions on the Avenue of the Common are worse due to the dumping of brush in the road and he cited an incident recently where branches were sticking out into the road and he had to get out and move them. He stated that the brush lays there for weeks on end and isn't picked up and he encouraged DPW to monitor the situation there more diligently. He returned to his concerns with the condition of the road there. He stated the residents of the Enclave are not a burden to the Borough as they do not have children in the school system and he questioned what they were getting in return for their tax dollars. He requested that the road be done immediately.

Mr. Bonatoro spoke about the safety issue of the visibility that is lacking coming out of Trader Joes Plaza. Drivers have to look both ways but the Trader Joes sign impairs their ability to see whose coming in from the right, which causes them to creep out half way into the road to see past the sign and is an accident waiting to happen.

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Councilman Moran responded that the paving of Avenue of the Common would be very soon. He noted that this is not a minor repair. He stated that is going to be a major project. Mr. Moran explained that they would be milling the road and reinforcing the sub base which makes this a several hundred thousand dollar project. Councilman DeSalvo interjected that what would be done is basically reconstructing the road not just paving it. He explained all the things involved, the DOT, going out to bid and other details before they could move ahead on this project.

Mr. Bonatoro stated that he was not being critical but that they have patiently waited a long time for this. Mr. Moran explained the 25 year road program. Councilwoman DerAsadourian requested that Mr. Moran have the Borough Engineer take a look at the issue with the Trader Joes sight line issue with the sign. Mr. Moran stated he would advise the Engineer to look into this.

Shannon Marcus Maines, 89 Borden Street, Shrewsbury questioned if Seabrook House had ever filed a variance. Councilman Anderson responded they had not. Ms. Maines stated that she has had neighbors call there and they have confirmed that they do conduct group counseling there. Ms. Maines stated that it is her understanding that they are continuing to operate as a group counseling center and she is aware that they were reached out to and advised that if that is the case they need to apply for a variance.

Councilman Anderson stated that they have had meetings with the principals of Seabrook House and their attorneys. He explained that if you have a psychologist office and they decide to have counseling sessions with 4 or 5 people, that is arguably a permitted use under our Zoning Ordinance.

Councilman Anderson stated that the question the Borough has been asked to deal with is the fact that Seabrook House is a substance abuse treatment facility which is different than a regular psychologist office. Ms. Maines stated that she thought that group counseling was prohibited regardless of the nature of the counseling. She continued that group counseling by a psychologist in a non drug setting or otherwise was not a permitted use. She continued that she understood that you cannot discriminate or even ask about specifics of the counseling but one of the things that everyone was counting on was that they would have to apply for a variance because group counseling period is not a permitted use.

Mr. Anderson stated that no one has ever said that because the fear is that if we ever get to the point of litigation that anything we say from the dais would be used in subsequent federal lawsuit against us. One of the issues that has come up in group counseling, what is it and is it permitted? He continued that hypothetically the psychologist office wants to meet with a family, and there are 5 or 6 people in the family and they want to have a meeting that is arguably a permitted use in the zone.

Ms. Maines continued that she was operating on the premise that group counseling is not permitted and she doesn't understand how a group of people family or otherwise isn't group counseling.

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Attorney Barger stated that none of us have said that but it is one of the issues being considered. He stated that he agreed with Councilman Anderson that we can't make that determination and would not at this forum.

Councilman Anderson stated that they have one more issue they were dealing with right now and hopefully when that is resolved we will be able to tell you exactly where we are at on this Seabrook issue. He noted that they were not trying to be coy but the reality of this is that this a potential landmine for federal litigation that could cost the Borough an insane amount of money potentially if we were to lose.

Ms. Maines stated that she understands and restated her concerns that they are operating as group counseling, which is not a permitted use. She questioned as to who is not being honest here. Mr. Anderson reassured her that for at least 12 years his three children will be walking this street and he stated that he takes this with the gravity and seriousness that everyone else in this room does. Mr. Anderson stated that he disagreed with her that they are being secretive and instead are working very, very hard to ensure compliance with federal law and state law and to do their absolute best to ensure the safety of our children. He continued that he felt he was doing a bad job if he hasn't absolutely conveyed to her the seriousness to which he and the Council are treating this issue.

Ms. Maines stated she is just looking to get to the bottom what she was told. She returned to the information they were given, that group counseling is not a permitted use at that site, and now she is being told that's not necessarily the case. She questioned "is it or is it not a permitted use?" Marty Barger responded they cannot answer that at this time as it is still in negotiations, it's still in discussion. He stated a determination has to be made and you are asking Mr. Anderson a question that in all fairness he cannot answer.

This question was repeated over again. Ms. Maines stated that she lives on Borden Street and they have just under 20 small children on their street. She noted that they also have teenagers on their street and coming down their street is a major hazard. She noted that Borden, Robinson and White, with the school year approaching and that there are so many cars on their street, the children cannot ride their bikes down the street because there is a visibility issue as they are small children. She noted that everyone has their cars parked on the street, at any point in time. She noted that the rules had been relaxed to allow people to park on the street year round but she is concerned that a tragedy will occur and asked the council to revisit this issue. She stated that with the school year coming and because White Street is so narrow and they have so many people walking up and down with strollers, garbage cans out and everything else, there really is a limited amount of space to walk and bike. She stated that she would appreciate the Council looking into changing this to make it safer.

Larry Freeman, 141 Beechwood Drive, Shrewsbury questioned what the status was of the proposed Shop Rite plan. Mr. Anderson stated the Zoning Board approved it and they have been sued. It is in a holding pattern at this point.

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Close the Meeting to the Public.

Seeing no one else wishing to speak, Councilman DeSalvo motioned to close the meeting to the public, seconded by Councilwoman DerAsadourian, and approved by all Council present.

Payment of the Bills

Administrator Seaman stated the total on the bills list is \$2,459,547.80 and he noted that it included a lot of prepaid bills since we hadn't had a meeting in a month. This included a lot of the utilities, the school and County bills are included that were paid in advance. Councilman DeSalvo motioned to approve the bills list as stated, seconded by Councilman Anderson, and approved by the following vote:

AYES: Anderson, DerAsadourian, DeSalvo & Moran
NAYS: None
ABSTAIN: None

Adjourn

Councilman Anderson motioned to adjourn the meeting at 7:40PM to enter into Executive Session, seconded by Councilman DeSalvo, and approved by Roll Call Vote with all members present voting yes.

Public Meeting Reconvened

The public meeting reconvened at 8:08 PM

Adjourn

Seeing no one present from the public and with no further business to conduct, Councilman DeSalvo motioned to adjourn the meeting at 8:10PM, seconded by Councilman Anderson, and approved by Roll Call Vote with all members present voting yes.

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

Approve: _____
Donald Burden – Mayor