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### **Meeting Called to Order**

The public meeting convened at 7:00 PM.

### **Presiding Officer's Statement**

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 June 16<sup>th</sup>, 2017 by the Municipal Clerk.

### **Roll Call**

Present: Mayor Burden, Councilmember's Anderson, DerAsadourian, DeSalvo, Meyer & Moran  
Also Present: Borough Attorney Martin Barger, Borough Administrator Thomas Seaman & Clerk Kathleen Krueger  
Absent: Councilman Eddy

### **Salute to Flag**

Led by Mayor Burden.

### **Presentation by the Municipal Auditor Robert Allison**

Mr. Allison stated that he was pleased to report that once again the Borough had a clean report with no formal comments or recommendations. He noted that one thing that came up during the audit was there were a few capital ordinances that were older than 5 years old requiring funding and his understanding was that they were funded in the 2017 budget. He stated this was good as this is money not covered by bonds. The Council questioned how many he was referring to and Mr. Allison replied 4 or 5. Mr. Seaman explained how they are being funded. Mr. Allison stated they have a clean opinion in regards to the Borough's accounting principles.

Mr. Allison stated that because it is a government audit they also report on the internal controls and compliance with statutes and state regulations. He noted that nothing came to their attention that would tell them that the controls have deficiencies or matters of noncompliance with regards to state federal statutes.

He stated the Borough is a fairly consistent municipality and that the surplus at the end of last year was \$944,000.00 and it dropped slightly to \$861,000.00 which was an improvement from the previous year where there was a bigger drop from 1.3 down to 9. Councilman Meyer questioned Mr. Allison as to if he had a professional opinion on the balance. Mr. Allison responded every town is different and as long as you are consistent and don't have a lot of volatility and your fund balances are as small as possible that indicates good accounting principles. He stated that he tends to defer to what the rating agencies look at.

Mr. Allison explained how this evaluation works. The Borough's current rating is Aa and he advised the Council that you want to stay in that range. Mr. Allison commented that he observed the Borough is no longer differing the school tax which he felt was good as that indicates stabilization of operations.

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Mr. Allison stated that the tax collection rate has improved again noting that 2 years ago the Borough was at 98.76 and went to 99.14 and is currently at 99.32. He pointed out that the local tax rate is 2% below what it was two years ago which was at .663 and has dropped to .662. Mr. Seaman explained that this was due to the ADP program where the values are going up so the tax rate comes down a little. Mr. Allison and the Council discussed the Pension liability for the actuaries. He concluded his presentation to the Mayor and Council stating it was a good audit and he likes seeing that the Borough continues to drop the surplus. He stated that he welcomed any questions even going forth during the coming year. The Mayor and Council thanked Mr. Allison for his input and time.

### **Consent Agenda**

Resolution #2017-63 (Accept the Annual Audit Report)

~~Resolution #2017-64 (Summer Recreation Salaries)~~

Resolution #2017-65 (Authorize Mayor to Sign NJDEP Application for Sunrise Dev., LLC)

Resolution #2017-66 (Authorize Mayor to Sign NJDEP Application for SBC Holdings, LP)

Approve a New Member for Shrewsbury First Aid Squad: Thomas M. Lonergan

Councilman DeSalvo requested that Resolution #2017-64 be pulled from the Consent Agenda.

Councilwoman Anderson motioned to approve the consent agenda with the exception of

Resolution #2017-64, seconded by Councilman DeSalvo and approved by the following roll call vote:

AYES: Anderson, DerAsadourian, DeSalvo, Meyer & Moran

NAYS: None

ABSTAIN: None

### **Resolution #2017-64 (Summer Recreation Salaries)**

Councilman DeSalvo noted that he needed to abstain from Resolution #2017-64. Councilman

Anderson motioned to approve Resolution #2017-64, seconded by Councilwoman

DerAsadourian and approved by the following roll call vote:

AYES: Anderson, DerAsadourian, Meyer & Moran

NAYS: None

ABSTAIN: DeSalvo

### **ORDINANCE NO. 1039 - INTRODUCTION/FIRST READING: Ordinance Creating an “On-Line Purchase Exchange Zone” for Internet-Based Transactions at the Shrewsbury Municipal Complex**

Councilman Moran motioned to introduce Ordinance No. 1039. As no one from the Council seconded this motion Ordinance No. 1039 was carried to the next meeting of July 17, 2017.

### **Administrator’s Report**

Mr. Seaman reported that the Borough was awarded a 2017 Clean Communities Grant in the amount of \$8,080.81 which is a little more than was received last year. Mr. Seaman discussed the bid results for the generator and because of the 60 day time element the Council would either have to reject or award the bid to the lowest bidder. He explained that he and the Borough Engineer have been working on alternate solutions with the only solution being to redesign the specs for a smaller generator. Mr. Seaman stated the lowest bid was \$173,000 and the highest

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was over \$233,000. Administrator Seaman suggested that he could use FEMA money to fund the difference. Councilman Anderson explained for the benefit of the public present the plan to move the existing generator from the Municipal Complex to the Department of Public Works and install a new generator at the Municipal Complex. The Council and Mr. Seaman discussed what needed to be done and ultimately decided to reject the bid.

Councilman Anderson motioned to reject the lowest bid for the generator, seconded by Councilman DeSalvo and approved with a roll call vote:

AYES: Anderson, DerAsadourian, DeSalvo & Moran

NAYS: Meyer

ABSTAIN: None

The Council decided to have Borough Engineer Dave Cranmer attend the next Council meeting to discuss this issue. Mr. Seaman reported that Barbara Miceli the Borough's Welfare Director will be retiring at the end of June from Middletown Township and the Borough. Mr. Seaman thanked Ms. Miceli for all her years of service and dedication to the Borough and wished her well in her retirement.

Mr. Seaman reported for Councilman Eddy who was not present at the meeting that there has been an ongoing dialogue with our Horizon representative as well as our insurance representative to investigate different health benefit options. He noted he would be summarizing this information for the Insurance Committee soon.

### **Reports of Council**

Councilman Anderson reported on a trailer that DPW inherited from the Police Department that they in turn would like to donate to the Boy Scouts who are interested in it.

*After a short discussion Councilman Anderson motioned to transfer the ownership of the trailer for \$1.00 from DPW to the Shrewsbury Boy Scouts, seconded by Councilwoman DerAsadourian and approved by the following roll call vote:*

AYES: Anderson, DerAsadourian, DeSalvo, Meyer & Moran

NAYS: None

ABSTAIN: None

Councilwoman DerAsadourian stated that she is working with the Borough Engineer on designing some upgrades for Sickles Park which she hopes to have for the next meeting.

Councilman DeSalvo had nothing to report.

Councilman Meyer reported Chief Ferraro retired as Chief on June 30<sup>th</sup> and in the interim Lt. Robert Turner has been the officer in charge.

*Councilman Meyer motioned that with the consent of Council on July 1<sup>st</sup> Lt. Robert Turner in addition to his current duties be named Senior Officer in Charge of the Shrewsbury Police Department, seconded by Councilman DeSalvo and approved by the following roll call vote:*

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

Councilman Moran reported on various DPW projects including road work for Avenue of the Common and the road program for Marc Court, Corn Lane and White Rd. which were both advertized recently for bids. He noted that at the next meeting contracts for both projects will be awarded. He noted that White Rd. would be the first to be worked on so that hopefully it would be completed before school begins. Mr. Moran stated the road work for Avenue of the Common would be scheduled closer to Thanksgiving. Councilman Moran reminded the public that there is a prompt on the DPW page on the website to report pot holes. The Council discussed the status of the repaving of Route 35. Mr. Moran reported that we continue the monitoring of traffic connections to Route 35 and Monroe and North Monroe.

### **Mayor's Report**

Mayor Burden reported on all the meetings, events, and activities he attended in the past two weeks. The Mayor stated that with the retirement of Barbara Miceli a decision was made to move the Local Assistance previously handled by Ms. Miceli to the County at a cost savings of \$5,000 a year. He reported that the Shrewsbury Community Garden is doing well and as of June 12<sup>th</sup> had a balance of \$9,419.66 in their budget. He updated the public on different meetings that have been rescheduled. Mayor Burden stated that he would like to obtain Council approval on the quote for the painting of the Wardell House. The Mayor stated that they had reached out to 6 contractors and received 2 quotes with one in the amount of \$18,900 from Alan D. Drake who did the work on the Presbyterian Church and FB Home Improvements at \$25,573. He pointed out that by doing this work it serves to protect the Borough's investment in the windows recently installed as well as the appearance of the building. Mr. Seaman stated that these funds are certified and would be paid for with the reserve for the Wardell House with no additional money coming from the taxpayer. Mr. Seaman noted that he money was received from the County. The Mayor reviewed all the grant monies received from the County for the preservation of the historic four corner buildings.

Councilman Anderson explained to the public that the Wardell House is one of the buildings on the National Historic Registry and by law we can't do anything to it.

*Councilman Meyer motioned to approve the quote for D. Drake Inc. to power wash and paint the Wardell House, seconded by Councilman DeSalvo and approved by the following vote:*

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

The Council discussed the plan for the removal of the trees before the painting of the Wardell House proceeds.

### **Correspondence**

Municipal Clerk Krueger commented that voting for District 2 was held for the first time at Borough Hall for the Primary Election and that it went very smoothly. She noted the transition was easy for all involved. Clerk Krueger acknowledged Deputy Clerk, Bonnie Brookes' would be leaving the end of the week to take her new position in Highlands Borough. She wished Ms. Brookes all the best and thanked her for her contributions here in Shrewsbury Borough.

### **Open the Meeting to the Public**

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

Gregory Langley, 40 Elm Lane, Shrewsbury stated that Elm Lane is his wife, MaryBeth, and his third address in Shrewsbury Borough. He added that he is a 29 year Borough resident. Mr. Langley noted that his wife has lived in Shrewsbury for 45 years with 30 being on Elm Lane. Mr. Langley stated his presence at the meeting was to ask for the Council's help in resolving a hazardous problem caused by his next door neighbor at 50 Elm Lane. He stated that his neighbor is colonizing honey bees very close to the property line, next to the busiest part of his home the side entrance and driveway. He noted that both he and his son-in-law have been chased on his property and stung. He commented that both his daughters live in Shrewsbury and that both they and their small children have been terrorized by the bees on their daily visits to the Langley home. Mr. Langley commented on how his wife has been inconvenienced and he has had to postpone routine yard work due to the bees. Mr. Langley maintained that the condition created by the bees is a hazard and a nuisance. He referred to the visits by MaryBeth Langley to Borough Hall seeking relief. He noted that on April 24<sup>th</sup> a violation letter was sent to his neighbor to get rid of the honey bees. He noted that sometime in the last two weeks that violation letter was rescinded and the hazardous condition left in place. He distributed an email to the Council, dated May 25, 2017, which recapped all the events that led to Mr. Langley's visit to Borough Hall on May 24<sup>th</sup> where he engaged Mr. Seaman on this matter.

Mr. Langley stated that the reason for his presence at this meeting was for the following reasons:

- 1) The Langley's want the Borough Council to know about this situation directly from them. He noted that Mr. Seaman, Mr. Woods and Mr. Cranmer have all been involved and that he had an impromptu meeting with Mayor Burden where his email was discussed.
- 2) He asked the Borough Council to address this matter and have the violation relief withdrawn. He stated that the violation notice must have been issued for a good reason in order to have been issued at all. He questioned the withdrawal which was based on the fact no zoning rule was violated. He added that the assessment by the state never addressed what Mr. Langley and his wife maintained was an unnecessary manmade hazard and nuisance. He questioned the decision by the Borough administration to justify its relief based on pending state law about honey bees that didn't make any sense to them. Mr. Langley stated that they paid \$26,000 in property taxes to the Borough last year and not to the state and therefore request relief and protection from the Borough from this situation.

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- 3) The Langley's request that if the Borough Council will not cause the violation relief to be rescinded altogether than at least make the relief conditional on his neighbor moving the colony far away from the property line. He noted that his neighbor has 1.3 acres. Mr. Langley noted that according to his neighbor and the state bee expert the bees require water and sunlight. Mr. Langley questioned how this couldn't be accommodated elsewhere on the property.

Mr. Langley stated that he is fighting for his family's safety and peace of mind. He regarded this as a hobby and not a livelihood. He questioned if it was too much to require his neighbor to add a water valve, prune some trees and relocate his colony elsewhere on his property? He concluded his statement by asking for the Council's assistance.

Mr. Seaman added that the Borough Engineer contacted the individual at the state to come out and assess the situation while providing suggestions on what could be done. He noted that the final analysis reached was it was perfectly okay as is. Councilman Meyer questioned why the hazardous assessment letter issued by Mr. Woods was rescinded? Mr. Seaman responded because of the decision by the state. Mr. Seaman reviewed all the information involved in this situation for the Council.

Councilman Anderson stated that they have no enforcement power as the Council. Mr. Meyer questioned Mr. Langley as to the proximity from the hive to the nearest point of his property? Mr. Langley responded that initially it was 3 or 4 feet and now it has been moved to maybe 15 feet away. He noted that a couple of weeks prior they experienced a situation where the bees swarmed about 150 feet over his property line. He noted that when they swarm the direction and how far they go is undetermined. Mr. Langley recited some of the questions the state asked him. He noted that it is right next to their driveway and their side door and that this neighbor's driveway is parallel to theirs separated by some shrubbery.

Councilman Anderson questioned if the state agent stated that it was a matter of law that they have a right to have the bees there. Mr. Langley responded he didn't recall as he had excused himself from the meeting that day because he felt it was going negatively. Councilman Anderson suggested having Mr. Barger contact the individual from the state and get the report from the state. He added that New Jersey does have some quirky laws with regards to agriculture, farming, etc. Mr. Anderson sited that it might have applicability under the nuisance law even if they did have a right to do this on their property.

Mr. Barger questioned if they moved the hive to the other side of the property? Mr. Barger stated he would be contacting the bee expert at the state who was involved. He noted that on one hand we have the Langley's rights as a property owner and we have to determine where the jurisdiction lies. If the jurisdiction lies with the state and not the municipality, the state has to have standards as to placement of the hive so that people are not affected. He stated that he didn't have that answer, but would look into it.

Mr. Langley thanked Mr. Barger and the Council and was told that the Administrator would get back to him once they could gather more information.

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Larry Freeman, 141 Beechwood Drive, Shrewsbury inquired about the Seabrook facility while acknowledging the legal restraints but stated he was wondering if anything could be shared with the public at this point. He added that on Saturday while at Sickles Park with his two children and noted that there were several other people there with their children and that there was a gentleman lying on one of the benches. He added that he had no way to judge the situation. He just noted that he has never seen that before and had concerns given the controversy going on. Mr. Barger responded that there are very strenuous negotiations which are ongoing in an attempt to resolve it. He noted that he has been in contact with their attorney on several occasions and if we can resolve this all the better but otherwise there could be litigation. He noted he was working on it almost daily. Mr. Freeman thanked him for his time.

**Close the Meeting to the Public.**

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

**Payment of the Bills**

Councilman Meyer motioned to approve the bills list in the amount of \$76,162.16, seconded by Councilman Meyer, and approved by the following vote:

AYES: Anderson, DerAsadourian, DeSalvo, Meyer & Moran

NAYS: None

ABSTAIN: None

**Adjourn**

Councilman Anderson motioned to adjourn the meeting at 7:58PM, seconded by Councilman Meyer, and approved by Roll Call Vote with all members present voting yes.

**Attest:** \_\_\_\_\_  
Kathleen P. Krueger, RMC – Municipal Clerk

**Approve:** \_\_\_\_\_  
Donald Burden – Mayor