

March 6, 2017

### **Meeting Called to Order**

The public meeting convened at 7:00 PM.

### **Resolution #2017-34A (Executive Session)**

Mayor Burden read Resolution #2017-34A to enter into Executive Session at 6:30 PM.

Councilman Moran motioned to approve Resolution #2017-34A, seconded by Councilman DeSalvo, and approved by all Councilmembers present.

### **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 March 3, 2017 by the Municipal Clerk.

### **Roll Call**

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

### **Salute to Flag**

Led by Mayor Burden.

### **Approval of Minutes: February 6, 2017**

Councilman Anderson motioned to approve the minutes, seconded by Councilman Eddy and approved by the following roll call vote:

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

### **Approval of Minutes: February 21, 2017**

Councilman Moran motioned to approve the minutes, seconded by Councilman Eddy and approved by the following roll call vote:

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

### **Presentation on ShopRite Supermarket by Mr. Marc Policastro**

Mr. Policastro, representing the owner of the proposed ShopRite to be built on Shrewsbury Avenue, requested the Council waive the Borough ordinance to permit additional hours of operation. He stated that the Borough ordinance currently permits hours of operation from 6am to 10pm and they are requesting that the ShopRite be permitted to stay open until midnight.

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William R. Vogt Jr., ShopRite's project engineer, stated that he created the site plan, which he then reviewed with the Council. He explained how the deliveries would be made, the location of the delivery bays, and a 14 foot barrier wall which would reduce sound and light from affecting the neighbors. Mr. Vogt stated that the store would be occupied 24 hours a day by employees but closed to customers from midnight to 6am. Councilman Moran questioned what time the deliveries would be scheduled. Mr. Vogt said that they would be between 6am and midnight. He also explained to Council that they would be updating the entire property. Councilman Eddy asked where employee parking would be. Mr. Vogt stated that they would be advised to park in the spots furthest from the entrance and noted that they traditionally have 100 employees per shift. Councilwoman DerAsadourian questioned how many employees would be working on that midnight to 6am shift, to which Mr Vogt stated, it would be about 25 with all their work located inside the building.

Councilman Anderson pointed out that one of the reasons that the waiver was necessary was due to the fact the store would be located within 500 feet of a residential zone. Mr. Vogt confirmed that the building will sit to the North West of the Brandywine Assisted Living facility which has a fifty foot landscape buffer that they would be maintaining and improving. He noted that they have a double row of very large evergreen trees in addition to other trees. Attorney Barger questioned if Thornbrooke would be within the 500 feet, to which Mr. Vogt responded it was not. Mr. Seaman questioned if the apartments are within the 500 feet, and Mr. Vogt confirmed they were. Attorney Barger pointed out it wouldn't concern us as that is a different municipality. Councilman Anderson verified that ShopRite would expend all efforts to minimize the impact to the community during that additional two hour period that they are requesting an extension. He reviewed the promises that ShopRite made which included no idling, minimization of noise as much as possible, and the installation of a fourteen foot masonry wall to buffer the sound. Mr. Vogt confirmed this list. Mr. Vogt also confirmed that they would be keeping the 20 foot emergency access lane for the Brandywine. Councilman Anderson inquired about the lighting that would be used to which Mr. Vogt stated that it was all LED down lite and dark sky compliant.

Councilman Moran questioned if there would be refrigerated trailers parked at the loading docks. Mr. Ed. Turkot, ShopRite Senior Vice President for Real Estate and Senior Development, stated that there would be some refrigerated trailers next to the building that are run on electricity to reduce the noise that is produced. He stated that they would have refrigerated trailers at different times of the year including meat sales and Thanksgiving which would stay on the property for longer periods of time. Mayor Burden questioned who would be in charge of property maintenance. Mr. Turkot stated that it would be ShopRite employees.

#### Open the Meeting to the Public

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

Stuart Minis, 35 Thomas Avenue, Shrewsbury questioned why ShopRite needed the additional two hours. Mr. Turkot stated that they found that there is a generation of customers who like to

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shop at those hours, in addition to being competitive to other markets outside the Borough's borders.

Beverly Akerblom, 50 Patterson Avenue, Shrewsbury questioned if any other stores in Shrewsbury are open until midnight and how will this impact other businesses hours. Mayor Burden stated that the Council has allowed exceptions for businesses in the past to allow them extended hours during holidays. Ms. Akerblom asked what the traffic and crime impact would be with the extended hours. Mr. Vogt stated that the County had looked at their traffic plan and already approved it. Councilman Moran also informed Ms. Akerblom that the Planning Board already approved it. Councilman Eddy stated that the ACME in Tinton Falls, across the street, is also open until midnight.

Majorie Clark, 213 Garden Road, Shrewsbury asked if there was a similarly designed ShopRite in the area that she could compare to the proposed one. Mr. Turkot stated that they built one in Plainfield and that there are also ones like it in Hazlet and Holmdel. He explained how this would be different from the ShopRite's in Neptune or Middletown. Ms. Clark asked if the new ShopRite would have any impact on the existing Shrewsbury Plaza. Mr. Vogt stated that the two buildings would share a driveway for deliveries. Mayor Burden stated that the party store and the old muffler shop would be demolished. Mr. Vogt stated that this would create a safer driveway. Ms. Clark asked if there would be a new light to enter the plaza. Mr. Vogt stated that there would be no new lights and that there are existing traffic signals to assist people entering and exiting the plaza.

James Irving, 44 White Road, Shrewsbury stated that he is hoping the Council takes into account the families who are working shift work that will find the odd hours very convenient.

#### Close the Meeting to the Public

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

*Councilman Anderson motioned to approve the proposed Resolution that was provided by ShopRite to allow them to extend their hours, seconded by Councilman Moran. The Council asked Attorney Barger to read the Resolution into the record. Attorney Barger paraphrased it as follows: "Whereas the Zoning Board of Adjustment approved this; and Whereas the ordinance has limitations to 10 o'clock; and Whereas the ShopRite will be within 500 feet and they are asking that this section be waived so that it goes to midnight for deliveries and open to the public from 6am to midnight and for employees to work in the store between midnight and 6am; and Whereas the Mayor and Council determined it is beneficial. Now, therefore be it resolved that we waive this particular part of the ordinance and the Clerk is authorized to provide a copy to the Borough's Code Enforcement Officer". The motion was approved by the following roll call vote:*

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

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Mayor and Council wished ShopRite the best of luck with their business and welcomed them to Shrewsbury.

**Consent Agenda**

**Proclamation in Recognition of Read Across America**

**~~Resolution #2017-31 (Support of NJ Assn. of Counties Complaint on Unfunded State Mandate)~~**

**Resolution #2017-32 (Authorizing Monmouth County Aerial Mosquito Control Operations)**

**~~Resolution #2017-33 (Appropriation Reserve Transfer #4)~~**

**Resolution #2017-34 (Interim Part-Time TACO: Judith Matthews)**

**Approve New Member for Shrewsbury Hose Co. No. 1: Jana Meyers**

Councilman Anderson motioned to approve the consent agenda, seconded by Councilman Eddy and approved by the following roll call vote:

AYES: Anderson, DerAsadourian, DeSalvo, Eddy & Moran

NAYS: None

ABSTAIN: None

**Resolution #2017-31 (Support of NJ Assn. of Counties Complaint on Unfunded State Mandate)**

Councilwoman DerAsadourian questioned if this was causing undue burdens in Shrewsbury. Councilman Anderson explained the bail reform act to the council and some of the requirements. He stated that he has heard mixed reviews on this and note that he does not know how much it directly impacts our community. Mayor Burden explained that the NJLM has asked that all municipalities pass this resolution. Councilman Moran motioned to approve Resolution #2017-31, seconded by Councilman Anderson and approved by the following roll call vote:

AYES: Anderson, DerAsadourian, DeSalvo, Eddy & Moran

NAYS: None

ABSTAIN: None

**Resolution #2017-33 (Appropriation Reserve Transfer #4)**

Mr. Seaman stated that this was to cover additional expenses to the 2016 budget. He stated that there are bills for porta potty's and there was no additional money in the budget. Councilman DeSalvo asked if this was budgeted for. Mr. Seaman explained some of the issues with the 2016 parks budget. Councilman Eddy motioned to approve Resolution #2017-33, seconded by Councilman Moran, and approved by the following roll call vote:

AYES: Anderson, DerAsadourian, DeSalvo, Eddy & Moran

NAYS: None

ABSTAIN: None

**Request Planning & Zoning Boards Application Fees Waiver for Proposed Lunch Break Offices at 648 Broad Street**

Mayor Burden stated that all the work will be conducted in the Habitat for Humanity office. Councilman Anderson noted that Lunch Break is a non-profit and noted that Borough Engineer Dave Cranmer agreed to waive his fees as well. Mayor Burden stated that this location would be

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used for training programs. Councilman Anderson motioned to waive the fees associated with the Planning & Zoning Board related application fees, seconded by Councilmen DeSalvo and approved by the following roll call vote:

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

### **Administrator's Report**

Mr. Seaman reported that the Borough's Local Assistance Director Barbara Miceli would be retiring effective June. He stated that he would have a Resolution on the next agenda stating the Borough's welfare needs will be coordinated by the County which will reduce the cost to the Borough by \$5000.

Mr. Seaman stated that the Borough needs to start working on field preparation for the spring Recreation Leagues, in addition to the 2017 road improvement projects. He explained all the work that needs to go into planning for the road improvements to Corn Lane, Marc Court, and White Road before it goes out to bid. Councilman Moran commented that the Avenue of the Common roadwork bids will go out in April and he wanted to have all the prep work conducted for the next phase. Councilwoman DerAsadourian questioned if Patterson Avenue was complete and Councilman DeSalvo explained that they are still awaiting final DOT approval after a few items are corrected by the contractor. The Council discussed how grants need to be closed prior to getting new grants. The Council decided that they were not going to move forward on the Corn Lane, Marc Court, and White Road project until Patterson Avenue is closed. They also discussed how to move forward with the current open grants.

Mr. Seaman asked if the Council was okay with him moving forward with an ordinance to allow DPW to purchase the field equipment. The Council discussed the urgency of the request. Councilman Anderson explained what the machine does and how it helps maintain the investment the Borough made in the fields last year. Mr. Seaman stated that it would also be used for the walking path. It was decided that three quotes would be obtained before the next meeting.

### **Reports of Council**

Councilman Anderson reported on the Shrewsbury Hose Company meeting and noted that the ladder truck should be arriving by the end of March. He explained that they are looking to have a celebration to introduce the new emergency vehicles to the community. Councilman Anderson stated that the Shrewsbury Borough School has no update on the failed referendum vote.

Councilwoman DerAsadourian reported that she is working with the Borough Engineer on repairs to the Sickles basketball courts and the walking path.

Councilwoman DerAsadourian stated that at the last Council Meeting, during Executive Session, it was decided there would be reimbursement on a personnel matter. *Councilwoman DerAsadourian motioned to reimburse the Borough employee for a personal matter, seconded by Councilman Anderson, and approved by the following roll call vote:*

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

Councilwoman DerAsadourian updated the Council on the status of the park signs.

Councilman DeSalvo stated that Little League and lacrosse is starting and that the Community Alliance would be looking into holding adult programs.

Councilman Eddy reported that committees and departments would be asked to do a quarterly budget report. He also noted that the Borough is looking into various insurance options that would provide for cost savings.

Councilman Moran reported that due to the nice weather, the DPW has started collecting brush. He stated that because DPW has some blank signs which will save the Borough money. He also commented on some DPW personnel issues and noted that both the new employees received their CDL's. Councilman Moran informed the Council that the Planning Board would be hearing an application for Lighthouse Academy off of Shrewsbury Avenue. Councilman DeSalvo commented that the construction at Shrewsbury Manor would start soon along with the Sunrise Assisted Living.

### **Mayor's Report**

Mayor Burden reported on the most recent Homesteader's and Local Assistance Board meetings.

### **Correspondence**

Municipal Clerk Krueger stated that she had no additional correspondence.

### **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.

James Irving, 44 White Road, Shrewsbury questioned the life expectancy for the field machine that DPW is requesting. He pointed out that many people have grown up playing on those fields just fine. Council explained why they felt it was important to have this machine to maintain the fields and noted that it has multipurpose functions.

Mr. Irving stated that he saw on the Borough's website that the annual inspections are being conducted for property assessments and was concerned that he did not receive his card yet. Mr. Seaman discussed the inspection process with him. Mr. Irving stated that he would like to see Patterson Avenue finalized so that the improvements to White Road can move forward.

Councilman Moran noted that DPW was going to clear the path at Esther Hymer.

Marjorie Clark, 213 Garden Road, Shrewsbury inquired as to whether the spraying referred to in Resolution #2017-32 by the Monmouth County Mosquito Commission, was safe to humans and

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animals. She also asked if the Borough would advise the residents as to the days and locations of the spraying. The Council stated that they did not have the exact dates for the spraying at this time but could use the Two River Alert to notify residents. Councilman Eddy explained that if the spraying is to occur the Borough is notified. Councilman DeSalvo stated that the Borough would coordinate with the County. Councilman Anderson explained that this Resolution covers all the various functions the Mosquito Commission performs.

Stuart Minis, 35 Thomas Avenue, Shrewsbury asked Councilman Moran about the early brush pickup. He noted that in Borough directory it says April 1<sup>st</sup> but it seems that DPW picks it up continuously which encourages people to put it out at any time. Councilman Moran noted that it does create this issue but they are trying to be proactive due to the recent storms.

#### **Close the Meeting to the Public**

Councilman Anderson motioned to close the meeting to the public, seconded by Councilman Eddy, and approved by all Councilmember's present.

#### **Payment of the Bills**

Councilman Eddy motioned to approve the bills list in the amount of \$1,257,076.85, seconded by Councilman DeSalvo, and approved by the following vote:

AYES: Anderson, DeSalvo, DerAsadourian, Eddy & Moran

NAYS: None

ABSTAIN: None

Councilman Anderson noted that there are five residents at tonight's Council meeting and one young lady present for a school assignment.

#### **Adjourn**

Councilman Anderson motioned to adjourn the meeting at 8:25PM, seconded by Councilman Moran, and approved by Roll Call Vote with all members present voting yes.

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

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