

May 15, 2017

### **Meeting Called to Order**

The public meeting convened at 7:00 PM.

### **Resolution #2017-57A (Executive Session)**

Mayor Burden read Resolution #2017-57A to enter into Executive Session at 6:00 PM.

Councilman Anderson motioned to approve Resolution #2017-57A, 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 May 12, 2017 by the Municipal Clerk.

### **Roll Call**

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

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

Absent: Councilman Eddy

### **Salute to Flag**

Led by Mayor Burden

### **Approval of Minutes – May 1, 2017**

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

AYES: Anderson, DerAsadourian & DeSalvo

NAYS: None

ABSTAIN: Meyer & Moran

### **Team Maroon Certificates of Achievement - Kyle Neary, Robert Villaluz, Andrew Costa & Jack Ferrone**

#### **Team Grey Certificate of Achievement - Matthew Cindrario**

Mayor Burden addressed Team Maroon and spoke about the importance of cyber security in today's world. He read Kyle Neary and Robert Villaluz's certificate into the record.

Additionally, Mayor Burden stated that Mr. Villaluz was one of the finalists in the New Jersey League of Municipalities contest and the only person selected in Monmouth County for his essay titled "Future Municipal Leadership in the Borough of Shrewsbury". Mayor Burden proudly announced that Mr. Villaluz is Red Bank Regional's 2017 Valedictorian.

Councilman Meyer congratulated and read Andrew Costa's certificate into the record.

Councilwoman DerAsadourian congratulated and read Jack Ferrone's certificate into the record.

Certificate recipients were applauded and congratulated by all present.

May 15, 2017

**Waive Ordinance to allow 9:00 AM start for the Robert Melita Charity Softball Tournament - July 16, 2017**

Councilman Anderson motioned to waive the ordinance for this event to allow them to start earlier, seconded by Councilman Moran, and approved by the following roll call vote:

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

**Consent Agenda**

**Resolution #2017-56 (Hire Part-Time Court Violations Clerk: Barbara McChesney)**

**Resolution #2017-57 (Participation in the Safe and Secure Communities Program)**

**Approval for Street Closures & Signage for Shrewsbury Classic 5K Race**

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

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

**ORDINANCE NO. 1033 - SECOND READING/PUBLIC HEARING: Bond Ordinance Providing for the Improvements to the First Aid Building for the Shrewsbury First Aid Squad and Appropriating \$15,000 Therefor and Authorizing the Issuance of \$14,250 Bonds and Notes to Finance a Portion of the Costs**

Councilman Anderson explained that this ordinance would be used to purchase a mechanical cot lift for the second ambulance.

**Open the Meeting to the Public**

Councilman DeSalvo motioned to open the meeting to the public to discuss Ordinance No. 1033, seconded by Councilman Anderson, and approved by all Councilmembers present.

**Close the Meeting to the Public**

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

**Motion to Adopt**

Councilman Anderson motioned to adopt Ordinance No. 1033, seconded by Councilman Moran, and approved by the following roll call vote:

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

**ORDINANCE NO. 1034 - SECOND READING/PUBLIC HEARING: Bond Ordinance Providing for the Acquisition of Fire Equipment For the Shrewsbury Hose Company No. 1 and Appropriating \$12,000 Therefor and Authorizing the Issuance of \$11,400 Bonds and Notes to Finance a Portion of the Costs**

Councilman Anderson noted that this ordinance was for turnout gear which has to be purchased per state law.

May 15, 2017

**Open the Meeting to the Public**

Councilwoman DerAsadourian motioned to open the meeting to the public to discuss Ordinance No. 1034, 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 Anderson motioned to close the meeting to the public, seconded by Councilwoman DerAsadourian, and approved by all Councilmembers present.

**Motion to Adopt**

Councilman Anderson motioned to adopt Ordinance No. 1034, seconded by Councilman DeSalvo, and approved by the following roll call vote:

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

**ORDINANCE NO. 1035- SECOND READING/PUBLIC HEARING: Bond Ordinance Providing for the Acquisition of Police Equipment for the Shrewsbury Police Department and Appropriating \$10,000 Therefor and Authorizing the Issuance of \$9,500 Bonds and Notes to Finance a Portion of the Costs**

Councilman Meyer stated that this ordinance would be used to acquire police computers and computer upgrades.

**Open the Meeting to the Public**

Councilman Anderson motioned to open the meeting to the public to discuss Ordinance No. 1035, 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 Meyer motioned to close the meeting to the public, seconded by Councilman Anderson, and approved by all Councilmembers present.

**Motion to Adopt**

Councilman Meyer motioned to adopt Ordinance No. 1035, seconded by Councilman Moran, and approved by the following roll call vote:

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

**ORDINANCE NO. 1036- SECOND READING/PUBLIC HEARING: Bond Ordinance Providing for the Acquisition of a Street Sweeper for the Shrewsbury DPW and Appropriating \$80,000 Therefor and Authorizing the Issuance of \$76,000 Bonds and Notes to Finance a Portion of the Costs**

Mayor Burden stated that this ordinance was for the purchase of a street sweeper. Councilman Moran explained that this would be a shared service with Oceanport.

**Open the Meeting to the Public**

May 15, 2017

Councilman Anderson motioned to open the meeting to the public to discuss Ordinance No. 1036, 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 Meyer motioned to close the meeting to the public, seconded by Councilman Anderson, and approved by all Councilmembers present.

**Motion to Adopt**

Councilman Moran motioned to adopt Ordinance No. 1036, seconded by Councilman Meyer, and approved by the following roll call vote:

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

**ORDINANCE NO. 1037- SECOND READING/PUBLIC HEARING: Bond Ordinance Providing for the Acquisition of DPW Equipment for the Shrewsbury DPW and Appropriating \$65,000 Therefor and Authorizing the Issuance of \$61,750 Bonds and Notes to Finance a Portion of the Costs**

Councilman Moran stated that this ordinance was for a piece of equipment that Council felt was necessary to properly maintain the fields that the Borough had just rehabilitated as well as maintenance of the walking path. Mr. Seaman stated that the acquisition was also a lawn mower and a stainless steel spreader.

**Open the Meeting to the Public**

Councilman Meyer motioned to open the meeting to the public to discuss Ordinance No. 1037, seconded by Councilman DeSalvo, and approved by all Councilmembers present.

Stuart Minis, 35 Thomas Avenue, Shrewsbury inquired if the Borough had explored shared services for this piece of equipment. Councilman Moran noted that they had and the Borough plans on loaning it out to other municipalities for a fee.

**Close the Meeting to the Public**

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

**Motion to Adopt**

Councilman Moran motioned to adopt Ordinance No. 1037, seconded by Councilman Meyer, and approved by the following roll call vote:

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

**ORDINANCE NO. 1038- SECOND READING/PUBLIC HEARING: Bond Ordinance Providing for the Acquisition of Equipment for the Shrewsbury Municipal Complex and Appropriating \$50,000 Therefor and Authorizing the Issuance of \$47,500 Bonds and Notes to Finance a Portion of the Costs**

May 15, 2017

Mr. Seaman explained that this ordinance is for the purchase of audio equipment for Borough Hall. Councilman DeSalvo noted that this would also be used for data backup for the Borough Offices and the Police Department.

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

Councilman DeSalvo motioned to open the meeting to the public to discuss Ordinance No. 1038, seconded by Councilman Moran, and approved by all Councilmembers present.

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

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

### **Motion to Adopt**

Councilman DeSalvo motioned to adopt Ordinance No. 1038, seconded by Councilman Anderson, and approved by the following roll call vote:

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

Mayor Burden explained that the reason so many bond ordinances were on tonight's agenda was the fact that the municipal budget was recently passed and ordinances cannot be introduced and adopted until after the budget is approved. He added that having this many bond ordinances was rare.

### **Administrator's Report**

Mr. Seaman reminded the Council of the newsletter deadline and informed them that the Borough had received additional money from FEMA. He also reported on the bid opening for the generator, where bids came in higher than expected, so other options are currently being explored. Mr. Seaman stated that the Shade Tree Grant application was submitted today.

### **Reports of Council**

Councilman Anderson reported that First Aid's reporting system is again functioning. He noted the timeline with the delivery of the new ladder truck. Councilman Anderson stated that the Shrewsbury Borough School had a successful play. He invited everyone to attend the Memorial Day Ceremony and noted that he had recently attended a shared service summit.

Councilwoman DerAsadourian reported that the Open Space Committee would be meeting with the County, and the Personnel Committee was reviewing policies and procedures.

Councilman DeSalvo reported that the Community Alliance met the previous week and they are planning a music night. He commented that baseball season was running smoothly.

Councilman Meyer had nothing to report.

Councilman Moran reported that DPW was currently working on collecting brush and working on various maintenance projects. He stated that the Borough is waiting for a sign off from the

May 15, 2017

NJDOT for road work at the Avenue of the Common and that the Borough expects to advertise for Marc Court, Corn Lane, and White Road work shortly. Councilman Moran stated that the Borough is near a settlement on COAH.

### **Mayor's Report**

Mayor Burden reported on various meetings and events he had attended over the last few weeks including Weekend in Old Monmouth, the Homesteaders, and the Community Garden meeting. He noted that the Monmouth County Library received a grant for employment counseling which would be based out of the Eastern Branch in Shrewsbury.

### **Correspondence**

Municipal Clerk Krueger reminded all present of the upcoming Borough Wide Yard Sale and also informed the public that the new District 2 polling location has moved from the First Aid Building to the Borough Hall.

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

Attorney Barger briefed the public on the situation concerning Seabrook House on White Street. He stated that on December 14<sup>th</sup> 2016 an application was filed by Seabrook House to open an office called Share Counseling which was strictly for individual and family counseling, which is a permitted use. Mr. Barger stated that the Zoning Officer Dave Cranmer reviewed and approved the application based upon the details presented to him. He stated that it was discovered this week that the operations were not as presented. Mr. Barger stated that the sign erected was different than what was approved; it does not say "Shared Counseling". Additionally, it was identified that operations are offering group counseling, also not approved. He explained that Mr. Cranmer immediately got in touch with Seabrook House and explained that group counseling was not an acceptable use in that zone and if they were going to change the sign to other than what was approved they would have to apply for a variance. Mr. Barger added that he also wrote to Seabrook House's attorney explaining that what had been filed was acceptable because it was a continuation of a professional office but what they were planning on doing was not acceptable and that they would have to file a Zoning application or at least, get an interpretation from the Zoning Officer. He added that he has not received a response at this time.

Attorney Barger stated that they changed the sign so that it now conforms to what was represented on the application. He stated that as far as the Borough knows, no activity has taken place at this location up to this point and the situation is being monitored very carefully to make sure it complies with the zoning ordinance. He stated that if it does not comply, the Code Enforcement Officer will immediately take action.

Attorney Barger reaffirmed that counseling is permitted on an individual or family basis and if it goes beyond that, it is not permitted. He asked the public to keep in mind the procedure in such a situation, it goes to the Zoning Officer, and if in fact he makes a determination that what they are doing is improper or not permitted, then they need to apply for either an interpretation or a variance with the Board of Adjustment.

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

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

May 15, 2017

Mayor Burden noted that due to the large attendance that the Council will be limiting time to 5 minutes per person. He also asked that each individual state their name and address for the record.

Jason Pomaski, 104 Robinson Place, Shrewsbury stated that he has been a resident since 2009 and the answer is 'no' to 21 White Street. He stated that he heard what Mr. Barger said, and that he filed an OPRA to receive the same documents that Council had seen, but that would not explain why Mayor Don Burden was 'glad handing' Governor Chris Christie on Thursday. That is not the Shrewsbury they came to live in and obviously people present are concerned as well. Mr. Pomaski again stated that the answer is 'no' that Seabrook will not be at 21 White Street, and that is the only acceptable answer.

Mayor Burden explained why he was present at Seabrook House's press conference and read his statement from that morning into the record. (Mayor's statement.)

"Today, this event and its accompanying activities will become part of the distinguished history and long standing legacies of the Borough of Shrewsbury. This community dates back to 1662. Its famous historic Four Corners, Sycamore Avenue and Broad Street, have warranted the distinction as the "Cross Roads of Civilization in Monmouth County". Sycamore Avenue was at one time a pathway, known as the Burlington Trail. It was a major Indian trading route for the Lenape Indians and a trail to the sea for the rewards of fish and shellfish once in abundance in the Navesink and Shrewsbury Rivers as well as the Atlantic Ocean.

Shrewsbury hosted both the Patriots and the Tories during the hotly contested Revolutionary War. Several of Shrewsbury's local citizens have sacrificed their lives during our nation's history of wars and conflicts in defense of our democracy. Throughout its distinguished history, our town has been visited by many dignitaries including President Ulysses S. Grant and President Dwight D. Eisenhower along with an array of state and county officials.

Shrewsbury has rapidly shifted from a major rural agricultural community to an attractive commercial and residential community. Despite its accompanying changes, our community retains and maintains its historic significance while adjustments are made to keep Shrewsbury whole. Thank you for your attention and attendance at this event on this beautiful spring morning here in Shrewsbury."

Kate Miranda, 52 Dorchester Way, Shrewsbury asked for a definition of one-on-one and family counseling. She inquired if it was permitted for drug and alcohol recovery or psychological. She asked for more specifics of what was allowed in that space. Councilman Anderson explained that State law does not allow you to discriminate against counseling, and explained that municipalities that do, can be sued for civil rights violations. He stated that one-on-one and family counseling is permitted in the B1 zone and that the property has been used for that purpose for over 30 years. He also explained the process for applicants who plan to use the property more intensely. Councilman Anderson explained to the public why Mr. Cranmer was not present at the meeting.

May 15, 2017

Sharon Marcus Maines, 89 Borden Street, Shrewsbury questioned whether it wouldn't it be prudent, given the application for the use of counseling, to immediately ask about the nature of the counseling. She explained that she was not refereeing to the substance of the counseling but rather if group counseling would be conducted. She stated that this is a simple question knowing that it is not permitted in the zone without a variance. Ms. Marcus Maines asked, assuming there is an application for a variance, can the public assume that the Zoning Board will consider any applicable laws or regulations in concern to school proximity because that is the resident's number one concern.

Attorney Barger restated that group counseling is not a permitted use and went over the process Seabrook House would need to follow to request a letter of interpretation or a variance.

Ms. Marcus Maines stated that if she was a zoning officer that she would have asked for clarification on the type of counseling that would be conducted in that zone to instruct the applicant to apply for a variance if needed.

Attorney Barger clarified that the Zoning Officer received the application and made that determination based upon the application which indicated of a continuation of the previous use which was individual and family counseling. He informed the public that Seabrook was stating that they provided the Borough with a brochure of all their services which they did not.

Ms. Marcus Maines asked if it was fair to assume that the Zoning Board, upon submission of a variance application, would consider any applicable laws and regulations considering the proximity to the school. Councilman Anderson explained that every member of the Zoning Board and Councilmember signs an oath to uphold the Constitution of the United States and the Constitution of the State of New Jersey. He stated that it is their job to apply the laws equally and evenly.

David Ngo, 118 Borden Street, Shrewsbury commented that the Asbury Park Press cited that Mr. Diehl, the President of Seabrook House, has mentioned that there will be group counseling at that facility. He stated that the Zoning Board's decision is just the beginning and stated that he understood that the Borough cannot discriminate. He added that beyond that decision is a whole litany of questions including what happens to the children if Seabrook is allowed to stay and there is no legal recourse against it, will there be additional security during school hours, and will there be more regular patrols from the police who will bear the financial burden. Mr. Ngo stated that they would appreciate some details on these questions or at least the knowledge that they are being considered. He pointed out that he knows that these services are needed with the epidemic in Monmouth County but the location of these services and the close proximity to the school is what is concerning. Mr. Ngo mentioned that the Borough has a police officer that assists with the school crossing at Route 35 and that this issue deserves similar consideration. He stated that he does not know if this is discriminatory and that needs to be asked as well. Mr. Ngo again stated that the Zoning Board is just the beginning and that people want to know what happens after that.

Councilman Anderson acknowledged that he knows the public came looking for answers and shared that there will be no answers at this time. He also pointed out that any answers to Mr. Ngo's questions would be strictly hypothetical at this time.



May 15, 2017

Mr. Ngo stated that the questions he poses would be raised as soon as the facility is operational. He stated that having these conversations now as to what the Borough's response will be, if there were issues, could bring a lot of peace of mind to people in the community.

Councilman Moran stated that if there is group therapy the Code Enforcement Officer will take care of it.

Gabrielle Garofalo, 103 Meadow Drive, Shrewsbury stated that as one of the concerned parents and citizens at the opening that she was disappointed that the Mayor made it sound like he had somewhere else to be right after his appearance at Seabrook House. She stated that with a significant group gathered, whether at the time well informed or not, it was disappointing not to have him come over and say to the residents that 'I hear you and I will try to address your concerns, you guys need to get educated and we can help you, come to a town hall meeting' or even just say 'thank you for coming out and caring about your community'. Ms. Garofalo stated that she was personally distraught and disappointed when Declan O'Scanlan made an effort to come over and hear our concerns. Mayor Burden stated that he did thank the citizens for coming out and explained that he did not avoid anyone and he did speak to several residents. Ms. Garofalo stated that she was right there and that the Mayor did not walk up to about forty people gathered there. She stated that she understands he wants to defend his position but that he did avoid that group.

Ms. Garofalo pronounced that she was looking at a prepared statement from Matthew Wolf, the Vice President of Seabrook House, who describes their counseling service as "...the program consists of four days a week outpatient for three to six hour group sessions, group times are..." which is not an approved use and is what has her concerned for the B1 zone. Ms. Garofalo asked how the Borough will keep an eye on it. She stated that they changed their sign which was super clever of the lawyer and they are now adhering to their application but stated that it seems a little fishy.

Councilman Meyer left the meeting at 7:50pm.

Councilman Anderson explained how another business in town applied for one use and was caught doing another use and how it was handled.

Ms. Garofalo asked that given Seabrook's description of what they do, is it not within the Zoning Officer or Zoning Board's rights to follow up since they say they provide group counseling? Attorney Barger stated that it is being followed up on and the application is being reviewed.

Mike Keller, 73 Trafalger Place, Shrewsbury asked if this facility can be monitored without it being considered discrimination or a violation of HIPA. Councilman Anderson reviewed the powers of the Code Enforcement Officer and how he would respond if any business was suspected of doing something they were not permitted to.

Kelly Moraller, 48 Silverbrook Road, Shrewsbury stated that it is her understanding that the fullness of the parking lot is not a good indication of the type of clientele that is coming in. She

May 15, 2017

explained that her friends that deal with this type of counseling told her that these types of people tend to be dropped off. She reiterated that parking is not a good indication.

Dan Scaggs, 51 Heritage Drive, Shrewsbury stated that he has worked in the field of drug and alcohol addiction for a few years and agrees that looking at the number of cars in the parking lot is not a good indication. He commented that the picture is being painted that these people are going to jump out and grab our kids, they are not. Mr. Scaggs noted that 9 times out of 10, there are no situations to worry about. He stated that these people are dealing with things they have avoided their whole life and they could storm out and leave which could be a concern. He explained that he had worked at Discovery Institute that was located in the old Marlboro Psychiatric Hospital and that they would often have clients run out of a session. He pointed out that Seabrook House is in a school zone, in a residential area, and businesses are nearby.

Mr. Scaggs stated that these people are not monsters and they are not going to grab our kids, but they are dealing with things and are not in their right mind half the time. He pointed out that, on the road to recovery, there are many slip ups and there are other places that could better absorb the slip ups when they happen. Mr. Scaggs stated that in outpatient counseling these people are not ready to give up their drug of choice, could hide things in the bushes, and forget where they hide things in the bushes, which is also a concern. He again acknowledged that their clients are not monsters and they need the help but there are concerns.

Amanda Ngo, 118 Borden Street, Shrewsbury stated that she is hearing a lot about communication and asked the Council to discuss the best way to communicate to the community what they are thinking or hoping to do. She asked if the Borough loses, what are they prepared to do, and what would be the next steps. Ms. Ngo stated that everyone would like to know what is going on. She said to the Mayor, that in hindsight, would have been nice for him to say to the Governor, 'Couldn't you push the opening off a week while we go ahead and figure out some things with the variances?'. She pointed out that if this had happened, our town would not have been shown in that light. Ms. Ngo stated that she is not proud that she shouted at the Governor. Councilman Anderson stated that it was also not fair of the Governor to call her ignorant. Ms. Ngo stated that she had never been called ignorant or intolerant in her life and had lost sleep over it. She stated that she understands that there is some communication that cannot be had, but the Council has a room full of people that will take things into their own hands if the Council does not communicate a little bit better. She mentioned that she finds the Council to be quiet on social media with the exception of Councilman Anderson and asked the Council to speak up some more. Ms. Ngo expressed that more communication would go a long way to address the residents' concerns.

Councilman Anderson stated that the Borough was only made aware on Tuesday morning of the use and the Mayor was not notified that the Governor would be in Shrewsbury until Tuesday night. He explained that the Council was very surprised by the accelerated timeline of the Governor. Councilman Moran stated that there could be litigation concerning this issue and the Council needs to be very careful.

Ms. Ngo stated that she was confident that there would be litigation. She stated that there are several lawyers in this community that would likely volunteer their time and knowledge to help in this matter. Councilman Anderson stated that the Council wants the community input. Mayor

May 15, 2017

Burden affirmed that the he was only contacted by the Governor's Office at 4:26pm on Tuesday afternoon.

Ms. Ngo stated that she understands the position that the Mayor was in but just wished it could have turned out differently. She stated that the Borough needs to explore better ways to communicate that would not compromise the case. She also stated that in regards to this facility, it is needed but in the wrong location, and inquired if there was a way to approach them in a constructive manner that does not compromise the case, and say 'Hey, can you move?'. Ms. Ngo said that the community would be happy to embrace them if they moved to another location in the Borough. Councilman Anderson stated that all available options are being explored by the Council. Ms. Ngo stated that the residents are trying to trust the Council. Mayor Burden thanked her for her support.

\*Councilman Meyer returned to the meeting at 8:09 PM

Bill Dodge, 474 Sycamore Avenue, Shrewsbury stated that he knows it is not in the Council's heart to deceive people. He said that mistakes were made and questioned what should be done next. Mr. Dodge informed the Council that he had thought a lot about what the parent will say when their child says 'Oh, that's where people sick with drugs go to be taken care of, is it okay to do drugs because you can be taken care of?'. He said that if there was ever a time for Shrewsbury to stand up and approach something head on, regardless of the legal issues, it is now because half of the children of Shrewsbury walk by that facility daily. Mr. Dodge said that whenever he sees something like this happening he likes to reflect on where the weakness is in the thought process. He said he was struck by the fact that the ordinance empowers the Zoning Officer. He asked for clarification on the Zoning Officer's role. Attorney Barger explained that the statute authorizes the Zoning Officer to make the determination. Mr. Dodge questioned if there were any checks and balances on the Zoning Officer. Mr. Barger explained that it was like any other municipal official. Mr. Dodge asked if it was against the law in the State of New Jersey for the Borough to provide another set of eyes on the process and questioned if the Borough could do this. He asked if the Chair of the Zoning Board or the Mayor could ask questions that hadn't been considered. Mr. Barger explained the appeal process for zoning applications. Mr. Dodge expressed that what he meant was for the Borough to revise the ordinance to provide for something else other than a unilateral decisions. Mr Barger explained that this was covered under the Land Use Law which established the office of the Zoning Officer. Mr. Dodge inquired whether that statute prohibits broadening that responsibility to another person. Mr. Barger again stated that the statute establishes that position and designates their responsibilities. Mr. Dodge asked if it says "You shall not have anybody else's eyes or ears on this".

Councilman Anderson explained that the Chairs of the Planning and Zoning Boards and Councilmembers could not be used for a check and balance system for the Zoning Officer. He said that the Council could look at the idea but has never heard of such a thing. Mr. Dodge stated that it is an unfair position to put on one person. He stated that he hopes we can have another person there to ask questions so we can stop it before something like this happens again. He thanked the Council for their time.

Neil Groom, 286 Sycamore Avenue, Shrewsbury asked for clarification on the fact that there is nothing that can be done about Seabrook's individual and family counseling since the property is

May 15, 2017

zoned for it. He also inquired what recourse we have in the event that they violate this and hold group meetings. He provided the example of setting up a brothel in his house and having it shut down not just because it is not zoned for it but because it is also illegal and he would be taken to jail. Mr. Groom asked what the punishment was for zoning violations and if there recourse for lying on their application or for knowing group therapy is not allowed and still doing it. He inquired if there was a penalty or are they just told to stop doing that. Mr. Barger stated that it is not a criminal act but there is a cease and desist order in addition to being fined which would have to be done through the Municipal Clerk. He also noted that individual and family counseling is a permitted use which has been in place there for over thirty years.

Mike DeNofa, 23 Borden Street, Shrewsbury questioned if there was a definition of group counseling. He stated that they keep hearing the words "group therapy" but can't a family be considered a group or is it the fact that they are related which makes the difference. Mr. Barger confirmed that their relation is what makes it family counseling.

Stuart White, 24 White Street, Shrewsbury stated that Seabrook is catty-corner to his house and stated that he has many issues with the facility. He stated that the sign on the property has changed but the sign on the building still says "Seabrook House" which seems to be still in violation of the zoning application. The Council was shown a photo of the "Seabrook House" sign on the property. Mr. Barger stated that it was not on the original drawing. Mr. White stated that he has an issue with how the facility came in. He explained at 6pm on Monday night, May 8<sup>th</sup>, there were two gentlemen outside 21 White Street putting up a sign noting that this was done after hours when Borough Hall was closed. He said that the very next day he was getting calls from his wife notifying him that family after family were going into the building. Mr. White expressed that when the Council says there has been no activity at the facility, he finds it hard to believe as it appears that patients have been going in all day on Tuesday. Councilman Anderson stated that it was their understanding that the people on Tuesday were employees and that the Council is always open to any new information.

Mr. White stated that another reason for his concern is that the facility is on a designated Safe Routes to School route which is a federal and state funded program. He explained that this is the route the police and school administration tell parents to send their kids, and on Tuesday afternoon kids were going home, past the building, when it was operational, unbeknownst to their parents. Mr. White stated his concern for everyone in the Borough. He said that he is going to assume that everyone in the Borough cares about their children and their children walking past an intensive outpatient/partial hospitalization program. He added that he is worried about medication being dispensed at the partial hospitalization program. Mr. White stated that he does not have an issue with the facility being in the Borough but does have a problem with it being on a designed Safe Routes to School route and within 1000 feet of a school. He pointed out that putting it in a drug free school zone sets the patients up for failure. He further explained that some of the patients will have their drugs of choice and store them in the bushes; they may get stopped by the police with drugs and they would be facing prison over probation in these instances. Mr. White stated that they do not want to prevent sick people from receiving treatment but it is not the right spot for the children or the patients. He said that he thinks it should be moved to a location by the car dealerships or the medical buildings but not on a designated Safe Routes to School route. He added that they could put it on Route 35 where the kids don't walk.

May 15, 2017

Unknown Public Attendee shouted that they should put it in the abandoned military base.

Mr. White said those were issues and concerns which he shares with many from the community. He stated that he hopes and expects that the Council hears the public's concerns and they will send the Zoning Officer over first thing in the morning, and every morning thereafter, checking on them.

Lauren McNeace, 24 James Street, Shrewsbury stated that she walks to and from school with her children every day. She informed the Council that she has a copy of a fax to Lorraine Kelleher from Matthew Wolf, who is the Vice President of Seabrook House, which says "the group sessions will be ending at 3pm". She said that she is wondering, when she walks home from school at 3pm and this group session is getting out, how protected are our children. Ms. McNeace told the Council that normally she is one, if not the only parent there when school gets out at 3pm, the same time as the group therapy. She noted that the crossing guard and police officers are on the other side of Route 35 in the afternoon, and as a result, they will be walking home without any assistance at 3pm when these groups get out. Ms. McNeace voiced that she wanted to know what the Borough was going to do to protect her children and the other children that she is walking with, literally every day, Monday through Friday. Mr. Barger asked the date on the fax Ms. McNeace referenced.

Councilman Anderson stated that the date of the fax sent to Ms. Kelleher was May 9<sup>th</sup>. He informed the public that Ms. Kelleher works in the Zoning Office and she is not on the Board. He explained that the fax in question was a result of the Borough reaching out to Seabrook and briefly reviewed the letters the Borough sent to Seabrook.

Ms. McNeace questioned how the Borough can be sure that they are only doing what they are allowed to do. She added that a 'best friend', the dentist in the building next door, told her that Seabrook is only doing group therapy. She stated that there were cars there today and no cops there. Ms. McNeace asked who is responsible for making sure they are not doing group therapy and how is the Council reassuring us that it is not happening. She asked are we taking their word for it since they also lied on their application. She asked how is she going to know her kids are safe. Mr. Barger stated that the Code Enforcement Officer would be following up. Ms. McNeace questioned if the Code Enforcement Officer was there today seeing what was happening. She asked if someone is going to be there every day.

Eddie Trzepacz, 31 White Street, Shrewsbury stated that he lives right next to the facility. He stated that he sat at Bagel Masters at 2:40pm this afternoon and watched a white minivan pull up to the facility and sit there, in addition to, a lady sitting in a BMW X-Series X3, with the back door and side door open, just sitting there, twirling her hair. He said that she obviously had an issue and that's fine, we all agree with that, however it is 2:40pm and our children get out at 3pm. Mr. Trzepacz said that it is the wrong time and the wrong place for this facility and it needs to go somewhere else, anyplace else. He said that on Halloween there are children everywhere on White Street, it is mayhem, and this is not the place.

Unknown Male stated that the Council is disconnected with the rest of the Borough not being on Facebook. He inquired what the plan was during the summer when the security of school is

May 15, 2017

gone in addition to knowing where the children are from 8am to 3pm. He pointed out that there is no plan and this is an epic failure. Unknown stated that he is at the point of creating a neighborhood watch and would love to put a camera on the other gentleman's house. He stated that he has no confidence in the Council.

Kelly Morraler, inquired as to the hours and the days the Zoning Officer works. Mr. Seaman stated that he makes appointments and that you can call and schedule them with Ms. Kelleher. Councilman Moran clarified that the Code Enforcement Officer and the Zoning Officer are two different people and explained the difference. Ms. Morraler asked if the Code Enforcement Officer was full time and Mr. Seaman stated that he was part time. Ms. Morraler questioned that a part time employee was the one who will be monitoring the situation and asked for his hours and days. She pointed out that he cannot be there all the time. Councilman Moran stated that the Council hears their concerns.

Danielle Convery, 114 Monroe Avenue, Shrewsbury stated that she has worked in and around outpatient facilities. She said she is not opposed to the idea of people getting help, and people do need help, but most outpatient facilities are on a half-acre or more of land, so people have a place to go when they are feeling emotional after group therapy. Ms. Convery stated that where there are outpatient facilities there are also drug dealers because that is where all their customers are. She commented that not only do they have to worry about patients stashing their drugs outside, but also an influx of drug dealers. She said that these drug dealers will be hanging out in Shrewsbury at Bagel Masters and Starbucks waiting for that afternoon rush of people coming out because they are their customers, and they come to find their customers when they are on the brink. Ms. Convery explained that this is going to cause a larger issue for the Borough's police and our children to be around people who weren't necessarily here before.

Jennifer Naso, 78 Trafford Street, Shrewsbury stated that she will not reiterate any of the comments that were already said because she believes that many of them share her concerns. She asked what the Council's expectations were of them as concerned citizens since she doesn't know what the next steps are. Councilman DeSalvo stated that if you see activity there immediately alert the Borough or police department. He also stated that residents are welcome to speak to any Councilmember at any time and all their information is on the Borough website. Ms. Naso confirmed that if anyone sees anything that is not right to contact the Borough, which the Council confirmed.

Celia Tracy, 168 Spruce Drive, Shrewsbury stated that she is the 'gray haired elephant' in the room tonight. She stated that she hopes that everyone is successful. She pointed out that people with addiction need help so badly and she prays that there is a procedure or pill to help them since they are sick. Ms. Tracy again said she was for the clinic, but not at that location. She suggested that everyone should stay active in this fight until we can relocate them, even if it is within Shrewsbury. She added that there are so many vacancies on Shrewsbury Avenue. Ms. Tracy stated that she was with Mayor Burden on Thursday afternoon, at 1pm, at the Homesteaders meeting. She stated that Mayor Burden was concerned if he did the right thing as Mayor, being there to greet the Governor of this State. Ms. Tracy, expressed how she is always full of good advice, and told Mayor Burden that he did right being there as the Mayor at the ribbon cutting with Governor Christie, whom we elected. She asked those who were offended to

May 15, 2017

give the Mayor another thought as he is very warm and genuine person and was agonizing over this issue. She again urged the public to keep fighting.

Tom Lynch, 96 Robinson Place, Shrewsbury, thanked the Council for volunteering their time and effort. He addressed Mayor Burden quoting Band of Brothers, “You don’t salute the man, you salute the position” stating he understood the position the Mayor was in. Mr. Lynch asked if the Safe Routes to School program could be used to relocate Seabrook House. He stated that there is still a concern even with individual counseling. He added that everyone can agree there is a need for this and noted that he sees what opiates are doing to our children as a high school teacher. Mr. Lynch confirmed there is a need, just not in a school zone. He pointed out that he has some trust concerns with the company, which obviously has some deep pockets and political connections.

Mayor Burden stated that he was not in good shape on Thursday and that it was a very difficult situation to deal with. He asked if the people that were there noticed where he sat, he was nowhere near the Governor which was noted by his staff. He stated that everyone on Council has heard the voices of the public, noting that we will work this out, but it will not be easy and may take some time. Mayor Burden said they were broadsided.

**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 Councilman Anderson, and approved by all Council present.

**Payment of the Bills**

Councilman Meyer motioned to approve the bills list in the amount of \$92,063.51, seconded by Councilman Moran, and approved by the following roll call vote:

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

**Adjourn**

Councilman Anderson motioned to adjourn the meeting at 8:44PM, seconded by Councilman DeSalvo, and approved by Roll Call Vote with all members present voting yes.

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

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