

September 18, 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 September 15, 2017 by the Municipal Clerk.

Roll Call

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

Salute to Flag

Led by Council President DeSalvo.

Approval of Minutes: June 19, 2017

Councilman Anderson motioned to approve the minutes of June 19, 2017, seconded by Councilwoman DerAsadourian and approved by the following roll call vote:

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

Approval of Minutes: July 17, 2017

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

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

Consent Agenda

~~**Request to Waive Ordinance for Hours of Operation at Construction Sites, Chapter 141 for 473 Broad St. to Allow for Work to Start at 7:30AM and to Possibly Include One Sunday**~~

Accept the Resignation of Fred Priessler from the Community Garden Committee Effective 9/10/17

Appoint Patricia Mahon to the Community Garden Committee Effective 9/18/17

Approve a New Member for Shrewsbury Hose Company: William Bruno

Request Approval of Block Party to be held at Heritage Greens on Saturday, Oct. 7, 2017, 4:00 pm – 10:00pm

Resolution#2017-86 (Release of Performance Guaranty for the Enclave)

Councilman Anderson requested that the Request to Waive Ordinance for Hours of Operation at Construction Sites, Chapter 141 for 473 Broad St. to Allow Work to Start at 7:30AM and to Possibly Include One Sunday be removed from the Consent Agenda.

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Councilman Anderson motioned to approve the consent agenda with the one exception, seconded by Councilman Moran and approved by the following roll call vote:

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

Request to Waive Ordinance for Hours of Operation at Construction Sites, Chapter 141 for 473 Broad St. to Allow for Work to Start at 7:30 AM and to Possibly Include One Sunday

Councilman Anderson stated that the reason he had to pull this one item from the agenda was because he needed to abstain from voting. Councilman Moran motioned to approve, seconded by Councilman DeSalvo and approved by the following roll call vote:

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

Councilman Moran stated that he didn't have a problem with this specific request he was just concerned with setting a precedent to which Mr. Barger responded we wouldn't set a precedent as each case is treated individually.

Administrator's Report

Mr. Seaman was not present at the meeting and did not leave a report.

Reports of Council

Councilman Anderson reported there is a SBS Board of Education meeting tomorrow at 8:00PM in the Media Center.

Councilwoman DerAsadourian reported that we have a new Deputy Clerk starting on Monday and she asked everyone to stop by and say hi to her if you can.

Councilman DeSalvo reported he has a RBR Board of Ed meeting to attend tomorrow. He noted that Soccer is underway and he stated that an email was sent out to the parents requesting that they help us out in reference to an incident where children have been riding their bikes on the tennis courts that were just resurfaced. Councilman DeSalvo noted that kids under the age of 16 are not supposed to be on the tennis courts unless they are with a parent. He asked the community to help us with the monitoring of the tennis court misuse. Councilwoman DerAsadourian commented that the combination lock on the tennis courts has been changed and last year we amended the ordinance so that tennis badges for residents are now free. She noted that residents just have to visit the clerk's office and they will set you up with your badge and the current combination for the lock. Councilman DeSalvo stated that the courts now have pickle ball with designated lines. Mr. DeSalvo concluded with a request from the Community Alliance as they prepare for their Red Ribbon Week. He stated that they are actively seeking interested participants for the Community Alliance and asked that people share that information throughout the community.

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Councilman Eddy was not present but Councilman DeSalvo reported that the Insurance Committee is meeting regularly to consider options for the upcoming enrollment period and will be reporting on that in a upcoming meeting.

Councilman Meyer was not present.

Councilman Moran reported that the new Packard Truck has been delivered and is being registered. He noted that the employees are being trained on it and anticipate it will available for use on the streets this week which should create more efficiency in the cleanup of the town. Councilman Moran stated that the work on the Avenue of the Common is underway. Mr. Moran reported that the initial construction on Marc Court, White St. and Corn Lane is completed and they would be moving forward with the rest of the work on these projects.

Mayor's Report

Mayor Burden was not present for the meeting.

Correspondence

Municipal Clerk Krueger referenced a letter received that afternoon from one of the residents containing signatures of several residents on Colonial Drive in reference to the poor road conditions. A copy of the letter was given to the Council members and it spoke to the different concerns with the condition of the road on Colonial. The Clerk noted that she forwarded a copy to the Borough Engineer and he responded that he will be looking into the situation. Councilman Moran stated that he would be following up with the Engineer.

The Clerk informed the Council that she had received approval from the County to allow the Shrewsbury First Aid to hold a charitable canning event on October 21, 2017 and had notified them.

Open the Meeting to the Public

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

Stuart Minis, 35 Thomas Avenue, Shrewsbury expressed to the Council that he comes to these meetings so he will know what is going on in town and to voice his opinions. He stated that at the last meeting he got a little hot under the collar and he would like to apologize for that.

Mr. Minis inquired as to the status of ongoing litigation that the Borough is dealing with in reference the following applications; The Estate at the Shadowbrook, Quick Check and Shop Rite. Attorney Barger responded that the matters he referenced involve the Planning Board or the Zoning Board and not the Borough Council. Councilman Anderson responded that the Shadowbrook lawsuit is still ongoing and pending out in Freehold with Judge Thorton. Councilman DeSalvo responded that with regards to ShopRite the judge has heard the initial arguments and this application may be addressed in the next couple of weeks but it is still in the courts. He offered that this is all we know at this time.

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Mr. Minis questioned the status of the paving of Route 35 and said it was his understanding that it would be addressed in 2017. Councilman Moran responded that the money has been appropriated and they are going to start down in Ocean Township and work their way North. He stated that Shrewsbury will be included in that project and the state said they will do a review of the traffic signals, as well as, other concerns with Route 35. Mr. Minis questioned if the paving would go all the way through Shrewsbury. Councilman Anderson stated that it will run through the Borough to Red Bank. He noted that there is an issue with timing because the asphalt plants close on October 31st for the season because during the cold weather they can't lay the asphalt. Councilman DeSalvo stated the Borough is at the mercy of the state with Route 35.

Mr. Minis questioned the impetus for Ordinance No. 1041. Councilman Anderson responded that Ordinance 1041 was intended to preserve the character of our community. Mr. Anderson stated that it was his belief, and the Council also agrees, that there are just certain things or shops that should not be integrated in the Borough's business plan. He noted that the issue with the vape shop was someone sought to put one within the Safe Route to School and they planned selling devices that looked like candy. He stated that Council worked to deter these different types of businesses, mentioned, in the ordinance from becoming part of our business community. Mr. Anderson stated that he spoke with the Council, the Zoning Officer and Engineer and they were in agreement as to the placement of these businesses and the result was that an Ordinance amendment needed to be considered.

Mr. Minis spoke to the alternative treatment centers which are also included in that Ordinance. Mr. Anderson responded that this is not a referendum on whether or not this should be legal; it is whether or not if it ever becomes legal, if it should be offered for sale in Shrewsbury. Mr. Anderson stated that the Council and I believe this is not the place where these types of items should be sold.

Mr. Minis questioned if medical marijuana was legalized at the state level are you saying that the Borough Council could still have the power to say no as to allowing its sale here? Mr. Anderson cited different businesses that the Borough does not allow for example gas stations, etc. even though they are perfectly legal. Attorney Barger explained that there are businesses that are preexisting uses or nonconforming uses because they predated the adoption of the ordinance. He explained that after adoption of the ordinance's amendment the only way to have such a use legally is to apply for a use variance. He noted that a business owner can always go to the Zoning Board and apply for a use variance and they would decide on its approval.

Mr. Minis stated that he was going to strictly express his opinion and that is that he doesn't see any problem with the sale of medical marijuana in the Borough. Mr. Minis stated that he knows that Councilman Moran will be leaving us soon and he wanted to personally thank him for his service to the Borough. Mr. Moran thanked Mr. Minis.

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 Moran, and approved by all Councilmembers present.

Payment of the Bills

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Councilman Anderson motioned to approve the bills list in the amount of \$112,150.73 and noted that it was lower because there were no quarterly payments to the schools represented, seconded by Councilwoman DerAsadourain, and approved by the following vote:

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

Adjourn

Councilman Anderson motioned to adjourn the meeting at 7:17PM, seconded by Councilman Moran, and approved by Roll Call Vote with all members present voting yes.

Councilman DeSalvo noted that the Council would be going into a brief Executive Session.

Public Meeting Reconvened

The public meeting reconvened at 8:13 PM

Adjourn

Seeing no one present from the public and with no further business to conduct, Councilman DeSalvo motioned to adjourn the meeting at 8:13PM, seconded by Councilman Anderson, and approved by Roll Call Vote with all members present voting yes.

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

Approve: _____
Jeffrey C. DeSalvo – Council President