

FREEHOLD TOWNSHIP COMMITTEE MINUTES

REGULAR MEETING

JUNE 28, 2016

At 7:30 p.m. the Township Committee met in the Mayor's Caucus Room of the municipal building. Mayor McMorrow read the following statement:

"In accordance with the Open Public Meetings Law, (c. 231 P.L. 1975), this meeting was announced on January 6, 2016 by: 1.) posting a notice on the bulletin board in the Municipal Building reserved for that purpose, 2.) by mailing such notice to the offices of the official newspapers of the Township and 3.) by filing such notice with the Township Clerk"

In Attendance: Committeeman Ammiano, Committeeman Cook,
Deputy Mayor Preston, Committeeman Salkin and
Mayor McMorrow

Absent: None

Also in attendance: Mr. Valesi, Township Administrator; Mr. Davison,
Esq., Township Attorney; Ms. Patino, Deputy Clerk
and Ms. Warner, Township Clerk.

Mr. Davison, Esq. read the following resolution:

WHEREAS, N.J.S.A. 10:4-13 of the Open Public meetings Act permits the exclusion of the public from meetings of public bodies in certain circumstances which are set forth in N.J.S.A. 10:4-12 (b); and

WHEREAS, the Township Committee of the Township of Freehold is of the opinion that such circumstances currently exist.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Freehold as follows:

1. The public shall be excluded from the discussion of any action upon the hereinafter specified matters.

2. The nature of the subject matter to be discussed is as follows:

1. ATTORNEY-CLIENT PRIVILEGE

1A. Inspection Contracts

1B. Commuter Parking - Exercise of Eminent Domain - Acquisition of property - Block 50, Lot 25

3. It is anticipated at this time the above-stated subject matter will be made public in approximately thirty (30) days or at such time as any litigation discussed is resolved.

The foregoing resolution was moved by Mr. Salkin and seconded by Mr. Cook.

VOTE: AYES: Mr. Ammiano, Mr. Cook, Mr. Preston, Mr. Salkin and Mayor McMorrow

NAYS: None ABSENT: None ABSTAIN: None

At 7:32 pm the Township Committee adjourned to executive session.

At 7:58 pm the Executive Session ended.

At 8:00 pm the Regular Meeting was called to order.

Mayor McMorrow re-read the following statement:

“In accordance with the Open Public Meetings Law, (c.231 P.L. 1975), this meeting was announced on January 6, 2016: by 1.) posting a notice on the bulletin board in the Municipal Building reserved for that purpose, 2.) by mailing such notice to the offices of the official newspapers of the Township and 3.) by filing such notice with the Township Clerk”

Pledge of Allegiance

In Attendance: Committeeman Ammiano, Committeeman Cook, Committeeman Preston, Committeeman Salkin and Mayor McMorrow.

Absent: None

Also in attendance: Mr. Valesi, Township Administrator; Mr. Davison, Esq., Township Attorney; Ms. Patino, Deputy Clerk, Ms. Warner, Township Clerk and Ms. Hopkins, PIO.

MINUTES FOR APPROVAL

None

REPORTS

Ms. Warner read the Report of the Tax Collector for the Month of May 2016:

Net Receipts:	General Fund \$	10,612,513.12
	Water Account \$	198,351.87
	Sewer Account \$	429,903.93

CORRESPONDENCE

None

PRESENTATIONS

Proclamation – Freehold Township Honors Dr. Ross Kasun, Superintendent, Freehold Township School District – “Monmouth County Superintendent of the Year”

Mayor McMorrow read the proclamation and presented it to Dr. Kasun and thanked him for all the residents of Freehold Township. Dr. Kasun said it was an incredible honor, but it was a team effort by everyone involved, including the parents, teachers and students.

Police Promotion – Patrol Officer James Kolis - Promotion to Sergeant

Committeeman Salkin read the bio for Officer Kolis and presented him with his shield. Ms. Warner administered the oath of office to Sergeant Kolis.

Life-Saving Certificates – Colleen Gewirtz
Shannon Rittberg
Kristen Schandall
Erica Sinatra
Denise Sfrisi

Mayor McMorrow read the Life-Saving Certificate and presented them to each individual. They explained what happened on the soccer field and the actions they took that saved the life of Mr. Vieira.

Certificates of Achievement – U-13 Girls Freehold Arsenal Blue Soccer Team

Mayor McMorrow and Deputy Mayor Preston read the Certificate of Achievements and presented them to each student and congratulated them and their parents.

Certificates of Achievement – U-16 Girls Freehold Celtic Soccer Team

Mayor McMorrow and Deputy Mayor Preston read the Certificate of Achievements and presented them to each student and congratulated them and their parents.

OLD BUSINESS

R-16-134 Resolution Acknowledging Receipt and Review of Planning Board Report Re: Ordinance No. O-16-6

Mr. Cook read R-16-134 and moved it for adoption, seconded by Mr. Salkin.

VOTE: AYES: Mr. Ammiano, Mr. Cook, Mr. Preston, Mr. Salkin and Mayor McMorrow

NAYS: None ABSENT: None ABSTAIN: None

O-16-6 Ordinance Amending Chapter 190 (Land Use), of the Revised General Ordinances of the Township of Freehold, County of Monmouth, State of New Jersey

Mayor McMorrow opened the ordinance to the public and asked for any comments or questions.

JJ Mistretta, 506-8 Harding Road, what is happening with the cell tower?

Mr. Ammiano said this is not about a particular cell town. It is about recent regulations adopted by the FCC regarding cell towers.

Mr. Davison explained recent regulations by the FCC have been adopted that left a door open to exert standards if you adopt an ordinance. This will give us certain input. We can't control it but allows us to have certain standards on cell towers to be complied with if they want to add additional antennae on existing towers.

There being no further comments, Mr. Ammiano moved to close the public hearing on the ordinance, seconded by Mr. Cook.

VOTE: AYES: Mr. Ammiano, Mr. Cook, Mr. Preston, Mr. Salkin and Mayor McMorrow

NAYS: None ABSENT: None ABSTAIN: None

Mr. Salkin moved to adopt Ordinance O-16-6, seconded by Mr. Ammiano.

VOTE: AYES: Mr. Ammiano, Mr. Cook, Mr. Preston, Mr. Salkin and Mayor McMorrow

NAYS: None ABSENT: None ABSTAIN: None

Mr. Davison said he sees that Mr. Wolf is present so we can go ahead and read the following ordinance. He said he had told the Committee Mr. Wolf might be late and we would hold the hearing later on the agenda if necessary for him to be here.

O-16-7 Ordinance Authorizing the Exercise of Eminent Domain, if Advisable, to Acquire a Parking Easement Over a Portion of Block 50, Lot 25, in the Township of Freehold

Ms. Warner stated she received a letter from Mr. Wolf of Bathgate, Wegener & Wolf on behalf of their client Freehold Shopping, LLC in opposition to Ordinance O-16-7, which will be entered into the record and will become part of the proceedings. (see attached letter)

Mayor McMorrow opened the ordinance to the public and asked for any comments or questions.

Mr. Wolf of Bathgate, Wegener & Wolf spoke on behalf of his client, Freehold Shopping, LLC in opposition to the ordinance. He said his client has owned the mall for over 20 years and it is the site of a commuter parking lot for Freehold Township residents. He said this ordinance would have a disastrous effect on the Mall. He stated the taking of the property is likely to result in the Township being required to condemn a fee interest in the premises rather than an easement. He felt this outcome

will dramatically increase the cost to the Township and the residents. He stated his client came before the Planning Board with a new tenant Aldi, and wanted to renovate the exterior for the new tenants. He said his client had to withdraw their application because they felt the Planning Board perceived it in the scope of their ability to impose conditions which were not consistent with the law or were too expansive. He reviewed what the Planning Board application involved. He said his client would like the Township to withdraw the ordinance and they would be committed to working with us and the Planning Board in the interest of his client in order to bring a new vibrant client into our town, the Aldi store. If the Governing Body withdraws the ordinance tonight, his client would be willing to extend the time on the termination notice to end the commuter parking lot.

JJ Mistretta, 506-8 Harding Road, spoke in opposition to the ordinance. She is against eminent domain and the taking of someone's property. She has fought eminent domain in Asbury Park and Long Branch. She said she knows we need commuter parking, but if this business no longer wants to let us have it there it looks like you want to harm him. I don't know the whole story, but that is what it seems like.

There being no further comments, Mr. Salkin moved to close the public hearing on the ordinance, seconded by Mr. Ammiano.

VOTE: AYES: Mr. Ammiano, Mr. Preston, Mr. Salkin and Mayor
McMorrow

NAYS: None ABSENT: None ABSTAIN: Mr. Cook

Mr. Davison said this ordinance allows the initiation of the process. He acknowledged to Ms. Mistretta that a lot of people have this reaction to eminent domain because of the emotions involved in taking of residential property in Asbury Park and Long Branch. This is not residential property. This does not deprive them of another tenant. We have had a lease here for more than 20 years as a commuter lot. The lease was renewed as recently as last year. If there was a detriment to the property, the lease would not have been renewed. The tenant is going into an existing store. Within 24 hours of their client pulling their application from the Planning Board we received notice the lease was terminated. It was not the Township that initiated this. He also pointed out this ordinance authorizes studies to see advisability of proceeding. He explained the law as it pertains to the ordinance and said the Township plans to set up meetings in the hopes to come to a conclusion to benefit all concerned. He explained we could not even purchase property without this ordinance.

Mr. Salkin said in 22 years that he has been here this is the first we have used eminent domain for this type of a taking. He said this Governing Body is very conservative with the powers we have, but we are committed to protecting the commuting public. We have always worked well with businesses also and hope we can continue to work this out with them.

Mr. Salkin moved to adopt Ordinance O-16-7, seconded by Mr. Ammiano.

VOTE: AYES: Mr. Ammiano, Mr. Preston, Mr. Salkin and Mayor
McMorrow

NAYS: None ABSENT: None ABSTAIN: Mr. Cook

NEW BUSINESS

R-16-135 Resolution Authorizing Reduction Change Order No. 4 and Declaring Acceptance of Contract 14-16, for the Department of Public Works Fueling System Upgrades

Mr. Ammiano read Resolution R-16-135 and moved it for adoption, seconded by Mr. Salkin.

VOTE: AYES: Mr. Ammiano, Mr. Cook, Mr. Preston, Mr. Salkin and Mayor McMorrow

NAYS: None ABSENT: None ABSTAIN: None

R-16-136 Resolution Authorizing an Affordability Assistance Loan Repayment Agreement with the Buyer of an Affordable Housing Unit at 4206 Dairy Court

Mr. Preston read Resolution R-16-136 and moved it for adoption, seconded by Mr. Ammiano.

VOTE: AYES: Mr. Ammiano, Mr. Cook, Mr. Preston, Mr. Salkin and Mayor McMorrow

NAYS: None ABSENT: None ABSTAIN: None

R-16-137 Resolution Approving Consolidated Bills List

Mr. Cook read R-16-137, the Consolidated Bills List in the amount of \$2,170,379.52 and moved it for adoption, seconded by Mr. Preston.

VOTE: AYES: Mr. Ammiano, Mr. Cook, Mr. Preston, Mr. Salkin and Mayor McMorrow

NAYS: None ABSENT: None ABSTAIN: None

R-16-138 Resolution Authorizing the Award of a Contract for Special Legal Services

Mr. Ammiano read Resolution R-16-138 and moved it for adoption, seconded by Mr. Preston.

VOTE: AYES: Mr. Ammiano, Mr. Cook, Mr. Preston, Mr. Salkin and Mayor McMorrow

NAYS: None ABSENT: None ABSTAIN: None

O-16-8 Bond Ordinance Authorizing Various Capital Improvements in and for the Township of Freehold, in the County of Monmouth, New Jersey, Appropriating \$7,466,000 Therefor and Authorizing the Issuance of \$6,868,000 Bonds or Notes to Finance Part of the Cost Thereof

Mr. Ammiano made to motion to move Ordinance O-16-8 for public hearing to the Township Committee meeting of July 26, 2016, seconded by Mr. Salkin.

VOTE: AYES: Mr. Ammiano, Mr. Cook, Mr. Preston, Mr. Salkin and Mayor McMorrow

NAYS: None ABSENT: None ABSTAIN: None

O-16-9 An Ordinance Appropriating the Sum of \$1,000,000 Currently Located Within the Water and Sewer Utility Capital Improvement Fund of the Township of Freehold for Upgrades to the SCADA (Supervisory Control and Data Acquisition) System within the Water and Sewer Utility Department

Mr. Ammiano made to motion to move Ordinance O-16-9 for public hearing to the Township Committee meeting of July 26, 2016, seconded by Mr. Preston.

VOTE: AYES: Mr. Ammiano, Mr. Cook, Mr. Preston, Mr. Salkin and Mayor McMorrow

NAYS: None ABSENT: None ABSTAIN: None

CONSENT AGENDA RESOLUTIONS

The "Consent Agenda" section of the meeting agenda shall be preceded by an explanatory note substantially set forth as follows:

"All matters listed under item "Consent Agenda" are considered routine by the Township Committee and will be enacted by (1) motion in the form listed below.

There will be no separate discussion of these items. If discussion is desired of any item, that item will be considered separately."

R-16-139 Resolution Approving Fireworks Displays at the 13th Annual Freehold Township Day and Concert in the Park at Michael J. Tighe Park

R-16-140 Resolution Authorizing the Settlement of the Case Known as Pugh v. Township of Freehold, Docket No. 3:14-cv-03778-FLW-LHG

R-16-141 Resolution Amending 2016 Budget (Chapter 159) to Insert Modification to 2016 Special Item of Revenue and Appropriation for Shared Services Agreements – Public Health Emergency Preparedness (PHEP) Work Plan with the Monmouth County Board of Health

R-16-142-158 Resolution Renewing 2016-2017 Liquor Licenses for Freehold Township

R-16-159 Resolution Authorizing a Contract for Sports Camp Director Services
with Brian Golub

Mr. Salkin read the Consent Agenda Resolutions and moved them for adoption, seconded by Mr. Preston.

VOTE: AYES: Mr. Ammiano, Mr. Cook, Mr. Preston, Mr. Salkin and Mayor
McMorrow

NAYS: None ABSENT: None ABSTAIN: None

There being no further business, Mayor McMorrow opened the meeting to the public and asked for any comments or questions.

JJ Mistretta, 506-8 Harding Road asked when the police negotiations will begin and she said we should be limiting the salaries.

Mr. Valesi said there is not a date set yet for the negotiations.

Richard Pelaia, 3202 Ice House Court, asked regarding R-16-140, the settlement of the Pugh case for \$80,000. Is there going to be any fall out from that or is anything going to come of it?

Mr. Valesi said this is a settlement agreement handled by our insurance company. It is their decision not to litigate and it is their money. We have first dollar coverage, but we are required to sign the agreement since we were sued.

Mr. Pelaia asked how to get an announcement on TV 77.

He was told he can call Administration, but it would have to be for a non-profit group/local community service group such as Freehold First Aid.

Mr. Pelaia said there is a national group called PADD, Parents Against Distracted Driving, and they are willing to put up signs at the entrance to Freehold Township. I worked with the family that lost their daughter who was in the back seat while someone was texting.

Mayor McMorrow told him to contact Lauren Mann from the Municipal Alliance for Substance Abuse, because that would fall under that group.

Mr. Pelaia feels the minutes are not exactly redacted, but don't show everything that is said in a meeting and he can't rely on them to know what happened. He wants to know why we don't televise and/or stream our meetings like all the other towns. It would cost about \$980 per year to stream for 100 people.

Mr. Valesi said the minutes are not a transcript but a summary of the business that took place at the meeting. We have minutes from as far back as the 1900's and they are not transcripts. We do record meetings if you would like a copy.

Mr. Davison said he has been representing municipalities for 44 years and the residents here are happy and have confidence in their government so they don't come out. When there is an issue you will find a crowded meeting room. The residents are not uninformed.

JJ Mistretta, Harding Road, said she has been asking the Committee since 2008 to televise the meetings. She feels in this day and age you have a responsibility to the residents to televise the meeting. She said all the other towns televise them.

Mayor McMorrow said the Committee is out and about with the residents at events and throughout the week. We are seeing them on a daily basis and they ask

their questions then. They can also come to Town Hall at any time to get problems resolved.

It was pointed out that not all towns televise meetings.

There being no further comments or questions, Mayor McMorrow asked for comments from the dais.

Mr. Cook congratulated Mr. Kasun and said we have the best schools in Monmouth County. He congratulated the Finance team for a good audit.

Mr. Davison said he has been an attorney for a number of municipalities for 44 years and it is a handful of towns that achieve an audit with no comments and it is done routinely here.

Mr. Valesi stated since it was brought up in the meeting and is on the record, he wanted to say our Planning Board is made up of very highly qualified set of professionals and they do a great job.

Mr. Ammiano congratulated the soccer team and the life-saving award recipients. He said he concurs with Mr. Cook that our school systems are great. He wished everyone a Happy July 4th and stated Freehold Township Day is scheduled for July 9th.

Mr. Salkin gave kudos to the Finance team on the Audit. He said over the 13 years the Veterans Community Alliance has raised over \$100,000 for local veterans on Freehold Township Day. Come out a support your local veterans.

Mr. Preston concurred with the comments from everyone. He congratulated the High School graduates. He said they are all a credit to our community.

Mayor McMorrow wished everyone a Happy and safe July 4th. She said Freedom Fest is scheduled at the camp and they will celebrate the 4th of July. She congratulated her husband, Patrick McMorrow, for his recent award of Life Member of Knights of Columbus.

Meeting adjourned at 9:20 pm.

Teresa Warner, Township Clerk