

FREEHOLD TOWNSHIP COMMITTEE MINUTES

REGULAR MEETING

AUGUST 9, 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 June 1, 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 Preston,
Committeeman Salkin and Mayor McMorrow

Absent: Committeeman Cook

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

Mayor McMorrow handed out assignments for the meeting.

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 June 1, 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 Preston,
Committeeman Salkin and Mayor McMorrow.

Absent: Committeeman Cook

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

MINUTES FOR APPROVAL

Mr. Salkin moved to approve the Township Committee Minutes of June 15, 2016, seconded by Mr. Ammiano.

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

NAYS: None ABSENT: Mr. Cook ABSTAIN: None

REPORTS

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

Net Receipts:	General Fund \$	10,886,422.92
	Water Account \$	229,707.41
	Sewer Account \$	580,664.77

CORRESPONDENCE

None

PRESENTATIONS

Proclamation – “Alcohol and Drug Addiction Recovery Month” – September, 2016

Mayor McMorrow presented the proclamation to John Soviero, the Principal of the Barkalow School. Mayor McMorrow said he is an important member of the Municipal Alliance. He thanked the Township Committee and explained what the Alliance does for education of the students.

Proclamation – “Charcot-Marie-Tooth Disorder Awareness Month” – September, 2016

Mayor McMorrow said we would hold this proclamation until later in the meeting to see if Mr. Willis arrives.

Certificates of Achievement – 2016 Eisenhower Girls’ Softball Team

Mayor McMorrow and Committeeman Preston read the Certificate of Achievement and presented them to the members of the 2016 Eisenhower Girls’ Softball Team and congratulated the students and parents.

OLD BUSINESS

R-16-181 – Resolution Acknowledging Receipt and Review of Planning Board Report
Re: Ordinance O-16-10

Mr. Preston read Resolution R-16-181 and moved it for adoption, seconded by Mr. Salkin.

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

NAYS: None ABSENT: Mr. Cook ABSTAIN: None

R-16-182 – Resolution Acknowledging Receipt and Review of Planning Board Report
Re: Ordinance O-16-11

Mr. Preston read Resolution R-16-182 and moved it for adoption, seconded by Mr. Salkin.

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

NAYS: None ABSENT: Mr. Cook ABSTAIN: None

O-16-10 – An Ordinance Amending Chapter 190, (Land Use), of the Revised General Ordinances of the Township of Freehold, County of Monmouth, State of New Jersey

Ms. Warner, Township Clerk, stated she has received two letters in opposition to Ordinance O-16-10; one from Philip and Rae Solomon at 37 Juniper Drive and the other from Chris Swenarton at 53 Bar Harbor Road. She said both letters will be entered into the record and will become part of the proceedings.

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

Jim Franklin, 119 Lancaster Road asked what the two resolutions regarding the Planning Board were. He doesn't understand them.

Mr. Munoz explained the Planning Board met and said the two Land Use ordinances amendments are consistent with the Master Plan.

Chris Swenarton, 53 Bar Harbor Rd., reviewed the points in his letter of opposition to the ordinance. He said this property had been up for the same change previously and it was denied. What is different now.

Mr. Valesi explained the Master Plan Committee meets regularly and reviews zoning throughout the town. He said as property becomes scarce, they also have to look at potential zoning lawsuits. We don't want to become involved in a lawsuit where we would have to zone what the Judge decides.

Mr. Swenarton, said he understood it that no residential units would be allowed. Is that correct.

Mr. Valesi said yes.

Mr. Swenarton said the ordinance redefines Highway MUD to include Rt. 524. How would this be possible considering the 75ft. landscape buffer strip requirement.

Mr. Munoz said that would be up to Monmouth County whether they would allow it.

Mr. Valesi said the HMUD exists on the opposite corner and this is an expansion to Route 9, Rt. 524 and Jackson Mills Road. It might not call for any of Route 524. A site plan would have to be presented to Planning Board where the residents would be notified and buffers would be discussed there.

Mr. Salkin said he couldn't see access to Route 524 because the buffer is double the size in the new zone to 150 feet.

Mr. Swenarton said the current zoning for this tract is Corporate Multi-Use, which is the Same zoning used for the Juniper Business Plaza that is 90% occupied. It seems it would be economically feasible to keep this type of zoning on Route 9. Why is it necessary to change the zone and add gas stations?

Mr. Valesi said a study was done on the Route 9 corridor. We had too many CMX zones that were viable for development. It is opening us up to zoning by litigation.

Mr. Munoz said the proposal in the last lawsuit was for a 35 foot buffer.

Mr. Swenarton asked why add gas stations and fast food restaurants?

Mr. Valesi answered it is because of the Route 9 corridor. This is to zone for the future. You have to anticipate changes that are taking place in the market place. That is from planners on what needs to get done. It is an economically smart approach.

Eric Jenette, 27 Juniper Drive, said he agreed with everything Mr. Swenarton said previously. He asked if the setbacks would be 150 feet from the building and 75 feet from parking lot.

Mr. Munoz said yes.

Mr. Jenette said there could be a Wawa with constant lights and odors next to residences. He said if a gas station or restaurant is put up on Route 9 they will lose value on their home. He

said he has seen someone cutting trees right behind him and asked if there is an application submitted yet for this property. He said they have wet basements already.

Mr. Ammiano said there is no application before Planning Board.

Mayor McMorrow said you would be noticed if one comes before Planning Board.

Mr. Valesi said in a couple other Planning Board applications the residents formed a group and we worked with the group and the developer so that the neighbors are not at odds with the developer.

Mr. Ammiano said on one of the applications the developer heard all their concerns and took care of them.

Mr. Jenette said he knew eventually something would go up there, but he checked the zoning. He said the owner is not a friend to the neighbors. The Township would have to make it happen.

Noelle Ramos, 25 Bar Harbor Road, said she thought nothing could be developed there because it is wetlands. She has a drainage ditch behind her. She had called the property owner and he has been nasty. The ditch fills up and there were old tires in it. Feels it should be fenced. It has since been cleaned. He has told them not to come on his property.

Mr. Valesi said they will have to go to the DEP to look at the wetlands. They can buffer it and re-establish it. Drainage ditch is not a wetland.

Mr. Munoz explained process owner will have to do to go before DEP and said it is a tough process.

Dan Coughlin, 101 Juniper Dr., has been a resident forever. He moved away and then came back. Do you feel if someone took you to court for the current zoning would you lose?

Mr. Munoz reviewed some previous law suits. He said this is part of the process. You look from time to time what is around you. You need to make changes from time to time. We try to be proactive.

Mr. Salkin said there are no specific plans submitted now. We have to be prepared and be in control of it. Unfortunately none of us want change and would all like it to stay an empty lot. We have to have a plan that can hold up in court.

Teri Guth, 35 Bar Harbor Rd., asked if the Planning Board report is the same they received. Can she get a copy of the Master Plan.

Mr. Munoz said the Planning Board gets the same ordinance and they look at it to see if it is consistent with the Master Plan. They then do a resolution stating if it is consistent or is not.

Mr. Valesi said the Master Plan is on our website under the Planning Board.

Concetta LaBella, 17 Juniper Dr., said she does not want the zoning changed. Would never have moved here if the zoning was going to be changed. She appreciates you want to include them, but she does not agree to the change. She would accept an office building but not this change.

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

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

NAYS: None ABSENT: Mr. Cook ABSTAIN: None

Mr. Salkin moved to adopt Ordinance O-16-10, seconded by Mr. Ammiano.

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

NAYS: None ABSENT: Mr. Cook ABSTAIN: None

O-16-11 – Ordinance Amending Chapter 190 (Land Use), Article XIX (Conditional Use Permits), of the Revised General Ordinances of the Township of Freehold, County of Monmouth, State of New Jersey

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

There being none, Mr. Ammiano moved to close the public hearing, seconded by Mr. Salkin.

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

NAYS: None ABSENT: Mr. Cook ABSTAIN: None

Mr. Ammiano moved to adopt Ordinance O-16-11, seconded by Mr. Salkin.

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

NAYS: None ABSENT: Mr. Cook ABSTAIN: None

O-16-14 – Ordinance Amending Chapter 10 (Boards, Committees and Commissions), Article XII (Human Relations Council), Section 10-50 (Powers and Duties) of the Revised General Ordinances of the Township of Freehold, County of Monmouth and State of New Jersey

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

There being none, Mr. Ammiano moved to close the public hearing, seconded by Mr. Salkin.

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

NAYS: None ABSENT: Mr. Cook ABSTAIN: None

Mr. Ammiano moved to adopt Ordinance O-16-14, seconded by Mr. Salkin.

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

NAYS: None ABSENT: Mr. Cook ABSTAIN: None

NEW BUSINESS

R-16-183 – Resolution Approving Consolidated Bills List

Mr. Ammiano read Resolution R-16-183, the Consolidated Bills List in the amount of \$14,841,459.29 and moved it for adoption, seconded by Mr. Preston.

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

NAYS: None ABSENT: Mr. Cook 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-16-184 – Resolution Awarding Contracts for the Furnishing and Delivery of Turf Maintenance Supplies
- R-16-185 – Resolution Awarding a Contract for Senior Center Accessibility and Parking Lot Improvements – FY2015 Community Development Block Grant Program
- R-16-186 – Resolution Authorizing Award of a Contract for T-Shirts and Various Items for Township Departments
- R-16-187 – Resolution Amending Resolution R-16-71 Constituting an Agreement with Certain State Contract Vendors
- R-16-188 – Resolution Amending Resolution R-16-121 Adopted on 5/31/16 Authorizing Award of Contract for GEO3.0 Municipal Software Implementation and Maintenance for Various Township Departments and the Fire Bureau
- R-16-189 – Resolution Authorizing Execution of Developer's Agreement for Stanley Realty Holdings, LLC (Freehold Dodge Subaru), Site Plan No. 685-1-15, Block 72, Lot 1
- R-16-190 – Resolution Authorizing Release of Performance Guarantees for R.C. Realities North, LLC (Catena Lexus), Site Plan No. 713-03
- R-16-191 – Resolution Denying Request for Release of Performance Guarantees, and Reducing Performance Guarantees for Enclave at Freehold Clubhouse, Site Plan No. 838-1-13

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

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

NAYS: None ABSENT: Mr. Cook ABSTAIN: *Mayor McMorrow abstained on R-16-191

MOTION

Approval of Request for Waiver of Variance Application Fees – Block 9, Lot 8 - 105 Waterworks Road

Mr. Salkin made a motion to approve the waiver of Variance Application Fees for the above lot and block, seconded by Mr. Ammiano.

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

NAYS: None ABSENT: Mr. Cook ABSTAIN: None

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

Mr. Franklin, 119 Lancaster Road, stated he still did not understand R-16-181 and 182.

Mr. Munoz explained Land Use Ordinances have to go to Planning Board to review if they are consistent with the Master Plan. Then Planning Board does a resolution. We have the Township Committee acknowledge receipt of the report from the Planning Board by resolution.

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

Mr. Preston said the Recreation golf outing is scheduled for September 15, 2016 at the Pine Barons so everyone come out.

Mr. Salkin said the Freehold Township Little League won the State championship. He also reminded everyone we are having a ceremony on September 11th at the 9-11 Memorial for the 15th anniversary. He thanked the residents that attended tonight for being so respectful.

Mr. Ammiano said the Township Committee were taking donations to help with the travel expenses for the Freehold Township Little League and over \$15,000 was raised for them. He thanked everyone.

Mayor McMorrow added congratulations to the Little League who have brought honor to Freehold Township, along with the girls' softball team. She also stated Freehold EMS hosted a presentation that was a great day. She thanked the Freehold Township PBA for a successful National Night Out. She also explained what all the bows around Town Hall and the surrounding area are representation, Ovarian, Breast and Pancreatic Cancer awareness.

Meeting adjourned at 9:20 pm.

Teresa Warner, Township Clerk