

September 21, 2015

### **Meeting Called to Order**

The public meeting reconvened 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 18, 2015 by the Municipal Clerk.

### **Roll Call**

Present: Mayor Burden, Councilmembers DeNofa, DeSalvo, Dodge & Meyer  
Also Present: Clerk Kathleen P. Krueger & Deputy Clerk Bonnie Brookes  
Absent: Councilmembers DerAsadourian\* & Eddy, Borough Administrator Thomas Seaman, and Borough Attorney Martin Barger\*\*

### **Salute to Flag**

Led by Mayor Burden

### **Resolution #2015-65 (Refund of Overpayment of Taxes)**

Councilman Meyer motioned to approve Resolution #2015-65, seconded by Councilman DeSalvo, and approved by the following vote:

AYES: DeNofa, DeSalvo, Dodge & Meyer  
NAYS: None  
ABSTAIN: None

### **Approval of New Member for the Shrewsbury Hose Co. #1: Noelle P. Tyler**

Councilman Meyer motioned to approve Ms. Tyler's membership, which was seconded by Councilman Dodge. Clerk Krueger stated that she was awaiting the results of Ms. Tyler's background check and driving history. Councilman Meyer rescinded his motion. Councilman DeSalvo motioned to approve Ms. Tyler's membership pending the results, seconded by Councilman DeNofa and approved by the following vote:

AYES: DeNofa, DeSalvo, Dodge & Meyer  
NAYS: None  
ABSTAIN: None

\*Councilwoman DerAsadourian entered the meeting at 7:02pm.

### **ORDINANCE NO. 1021 – SECOND READING/PUBLIC HEARING: Bond Ordinance Providing for the Acquisition of a Dump Truck and Equipment for DPW and Appropriating \$141,000 Therefor and Authorizing the Issuance of \$133,950 in Bonds and Notes to Finance a Portion of the Costs**

### **Open the Meeting to the Public on Ordinance No. 1021**

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

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**Close the Meeting to the Public on Ordinance No. 1021**

Seeing no one from the public wishing to speak Councilman Meyer motioned to close the meeting to the public, seconded by Councilman Dodge and approved by all Council present.

**Adoption of Ordinance No. 1021**

Councilman DeNofa motioned to adopt Ordinance No. 1021, seconded by Councilman Meyer, and was defeated with the following vote:

AYES: DeNofa, DerAsadourian & Meyer  
NAYS: DeSalvo & Dodge  
ABSTAIN: None

Ordinance No. 1021 was not approved due to a bond ordinance requiring a majority vote of the full council.

**Approval of Minutes: Council Meeting of September 8, 2015**

Councilman DeSalvo motioned to approve the minutes, seconded by Councilman DeNofa, and approved by the following vote:

AYES: DerAsadourian & DeSalvo  
NAYS: None  
ABSTAIN: DeNofa, Dodge & Meyer

**Approval of Minutes: Correction to Council Meeting of June 15, 2015**

Clerk Krueger explained that there was an error in the minutes that needed to be corrected. The Council decided to wait until Attorney Barger was in attendance before addressing this issue and tabled the correction of the minutes to be revisited later once Mr. Barger arrived.

**Administrators Report**

In Mr. Seaman's absence, Ms. Krueger read Mr. Seaman's business report detailing the businesses coming into and exiting the Borough.

**Reports of Council**

Councilman DeNofa reported on the various engineering issues, informed the Council on a site plan variance, and asked the Council to review information for the Shade Tree Commission for the next meeting.

Councilwoman DerAsadourian had nothing to report.

Councilman DeSalvo had nothing to report.

Councilman Dodge reported that the Police Committee met.

Councilman Meyer reported that negotiations are ongoing with the PBA.

**Mayor's Report**

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Mayor Burden reported on various events and meetings he attended over the past two weeks. Mayor Burden read into the record a letter of resignation from Councilman DeNofa, effective October 1<sup>st</sup> 2015.

### **Correspondence**

Clerk Krueger stated that there was no additional correspondence.

\*\*Attorney Martin Barger entered the meeting at 7:10pm.

### **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.

Keith McGee, 103 East End Avenue, Shrewsbury explained that he and others were at the meeting out of concern for the safety and conditions of the Borough's ball fields. He informed the Council that people are willing to create a committee to fundraise, provide labor, and educate people on proper field care.

Councilman Dodge questioned if Mr. McGee had spoken to the Recreation Committee or other Borough entities. Mr. McGee explained he had met with Recreation but was there to represent the children who use the fields. Councilman Meyer stated that Mr. McGee has also met with DPW and noted that the Borough Engineer would be reviewing the list Mr. McGee had provided with his concerns. Mr. McGee expressed concerns with the engineer's ability to understand the problems involved but was assured by the Council that the engineer was knowledgeable on the issues but must also follow state standards. Mr. McGee inquired how often the engineer assesses the fields which Councilman Meyer responded he does this every spring.

Councilman Meyer explained how the Manson Park Project would have solved many of Mr. McGee's concerns. Mr. McGee stated that he would like to be a part of the process of correcting the items on his list.

Mary Glauber, 153 White Street, Shrewsbury stated that her husband, Keith, had previously brought up some of these concerns to the Council.

Robert Lynch, 55 Park Avenue, Shrewsbury stated that although he was a member of the Recreation Committee he was not representing them at the meeting. He noted that Recreation's concern with the Manson Project was the cost. Council explained that the Mason Park field was grandfathered and any changes could change that status. It was also noted that they had only received compliments on the fields in the past.

Tom Lynch, 8 Robinson Place, Shrewsbury stated that he believed people were giving compliments for their own gain and noted that these issues had been raised before.

John Monahan, 11 Robinson Place, Shrewsbury questioned if the engineer felt these ball fields were safe. Council explained the state safety standards that they are obligated to follow and the

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grandfathering of fields. Mr. Monahan inquired about the frequency of the field inspections. Councilman Dodge ensured the public that the Council's greatest concern is safety.

Derek Fisher, 263 Garden Road, Shrewsbury noted that this issue is about pride in the community which does not show through the upkeep of the fields. Councilman Meyer shared various issues the Borough faces with maintenance of the fields.

Mark Policastro, Attorney representing National Realty Corporation, introduced Mr. Birmingham to the Council.

Jerry Birmingham, Executive Vice President of National Realty & Development, the holding company of the Shrewsbury Plaza and Shrewsbury Business Center, stated that he was asking the Council to recommend the Planning Board consider their request to change the zoning of the business center to include it in an overlay district which would allow retail. He explained that the best use of this property is retail. Attorney Barger questioned why he came to Council first.

Mr. Policastro stated that it was a recommendation from the Zoning Officer. He asked the Council if they could provide a quick presentation from their planner.

Richard Preiss, Vice President and Principal with Philips Preiss Grygiel Real Estate Consulting Firm, presented the Council with a handout. He stated that the property is currently in the L-1 zone and just south of it is the Shrewsbury Plaza in the B-2 zone. Mr. Preiss asked the Council to recommend the Planning Board consider creating an overlay B-2 zone for that property. Attorney Barger informed the Council on the proper way to recommend this matter to the Planning Board.

*Councilman Meyer motioned to send a letter to the Planning Board to recommend reviewing National Realty's proposal, which was seconded by Councilman Dodge, and approved by the following vote:*

AYES:	DeNofa, DerAsadourian, DeSalvo, Dodge & Meyer
NAYS:	None
ABSTAIN:	None

Kathleen Moore, 37 Buttonwood Drive, Shrewsbury inquired about the multiple roles councilmembers have as liaisons and their responsibilities. Mayor Burden explained the liaisons roles.

Ms. Moore asked about how the liaisons report to the Council. Mayor Burden stated that they report on issues in an on need basis.

Karolann Konefal, 24 Blades Run, Shrewsbury questioned if the Council was going into executive session and if any action would be taken after they reconvene. Councilman Meyer clarified that the correction to the minutes would be discussed in public.

**Close the Meeting to the Public**

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

### **Recess**

Councilwoman DerAsadourian motioned to take a short recess, seconded by Councilman DeSalvo, and approved by all Council present. The Council went into recess at 7:54pm.

### **Meeting Reconvened**

The meeting was reconvened at 7:58pm.

Attorney Barger clarified that Ordinance No. 1021 did not pass earlier in the meeting.

### **Approval of Minutes: Correction to the Minutes of June 15<sup>th</sup> 2015**

Councilman DeNofa motioned to accept the correction to the minutes, seconded by Councilman Dodge.

Councilwoman DerAsadourian stated that there was an unfortunate error in transcribing and that she would like the minutes corrected. She added that she would like to also send a letter to the BOE's attorney to explain the mistake and correct the verbiage. *Councilwoman DerAsadourian motioned to have Mr. Barger send a letter to the BOE's attorney, which was seconded by Councilman DeNofa.*

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

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

Karolann Konefal, 24 Blades Run, Shrewsbury inquired about the timing of when the Council receives the minutes prior to approving them. Councilman Dodge stated that they receive them the Friday night before the Monday meeting.

Ms. Konefal questioned if the Council had time to read the minutes prior to approving them. Ms. Konefal inquired if a councilmember is not in attendance at a meeting if they still receive a copy of the minutes. Councilwoman DerAsadourian explained sometimes people are out of town when the packets are delivered. Ms. Konefal asked if the minutes the Council receives are the same set of minutes that are posted on the website.

Ms. Konefal asked if the minutes from June 15<sup>th</sup> 2015 were condensed or verbatim. The Council confirmed they were condensed. Ms. Konefal questioned if the Council read them why this error wasn't corrected prior to now. Ms. Konefal asked if the Council meetings were recorded which Councilman DeNofa confirmed they were. Ms. Konefal stated that someone should have picked up on this mistake prior to approving the minutes. Councilman Dodge said that the Council will make corrections whenever they find there is an error.

Kathleen Ward, 37 Buttonwood Drive, Shrewsbury stated that the minutes mistakenly stated that the Shrewsbury BOE or the Shrewsbury School had requested something it had not. Ms. Ward

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affirmed that the topic should never have come before Council. She noted that last month was first time she was made aware that that there is a BOE liaison.

Ms. Ward said the BOE meetings get poor attendance and she knows who attends their meetings. Councilman DeSalvo stated that the topic was concerning recreation. Ms. Ward asked if they had referenced an incident at the school.

Lisa Barnes, 337 Sycamore Avenue, Shrewsbury explained that she too did not know that there was a Council liaison to the BOE. Councilwoman DerAsadourian said that most members of Council don't make it to every meeting for their committees.

Ms. Barnes stated that she is also on several different committees for which she attends meetings on a regular basis. She asked where the information had come from for the original comment to be made. Ms. Barnes stated that if it was brought up as a Recreation issue and possible suspensions were discussed that the topic came from somewhere. Councilwoman DerAsadourian stated that people in the Borough had expressed concern. Ms. Barnes clarified that the topic came from people talking around town. Councilwoman DerAsadourian stated that people have been asking questions and stated that it was a Recreation issue.

Ms. Barnes asked if the BOE's attorney had asked for a copy of the recording and inquired when they could expect it. Ms. Krueger stated that she is working on it. Councilman Dodge asked if a formal OPRA request needed to be made and Attorney Barger stated that the letter already sent was sufficient.

Ms. Ward asked Attorney Barger if he would confirm that Councilwoman DerAsadourian discussed the topic with him prior to it being brought into the public session. Attorney Barger stated that he is not allowed to comment on any discussion he has with a client since it is attorney client privilege.

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

Councilman DeNofa motioned to close the meeting to the public, seconded by Councilman DeSalvo, and approved by all members of the Council present.

Council voted on the original motion to correct the minutes of the June 15<sup>th</sup> Meeting. The motion was approved by the following vote:

AYES: DeNofa, DerAsadourian, DeSalvo & Dodge  
NAYS: None  
ABSTAIN: Meyer

*Council voted on the motion to have Attorney Barger write a letter to the BOE's attorney concerning this issue. The motion was approved by the following vote:*

*AYES: DeNofa, DerAsadourian, DeSalvo & Dodge  
NAYS: None  
ABSTAIN: Meyer*

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**Payment of the Bills**

Mr. Meyer stated that the bills list was \$116,460.61. Councilman Meyer motioned to approve the bills list in the amount of \$116, 460.61, seconded by Councilman DeNofa, and approved by the following vote:

AYES: DeNofa, DerAsadourian, DeSalvo, Dodge & Meyer  
NAYS: None  
ABSTAIN: None

**Other**

Councilman DeNofa discussed the contents of a binder the Council received from the Shrewsbury Hose Company concerning their request for a new ladder truck. Councilman DeNofa expressed concern over the amount of work the Borough is requiring of its volunteers and noted it is part of the reason he was resigning. He thanked the Mayor and said it had been a pleasure serving the Borough of Shrewsbury.

Councilman Meyer questioned why the ladder truck was not on the agenda. Councilman DeSalvo stated that not all the Council had time to review the request.

**Adjournment**

Councilman DeSalvo motioned to adjourn the meeting at 8:21pm, seconded by Councilwoman DerAsadourian, and approved by all Councilmembers present.

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

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