

August 15, 2016

### **Meeting Called to Order**

The meeting was called to order 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 August 12, 2016 by the Municipal Clerk.

### **Roll Call**

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

Also Present: Administrator Thomas Seaman & Municipal Clerk Kathleen P. Krueger

### **Salute to Flag**

Led by Mayor Burden.

### **Approval of Minutes: Council Meeting June 20<sup>th</sup> 2016**

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

AYES: Anderson, Eddy & Moran

NAYS: None

ABSTAIN: DerAsadourian, DeSalvo & Meyer

### **Approval of Minutes: Council Meeting July 18<sup>th</sup> 2016**

Councilman Anderson asked that date within his report be amended. Councilman Meyer motioned to approve the minutes as amended, seconded by Councilman Eddy, and approved by the following vote:

AYES: Anderson, DeSalvo, Eddy, Meyer & Moran

NAYS: None

ABSTAIN: DerAsadourian

### **STC Guidelines & Resident Tree Hazard Notification Presentation – Bill Gerth**

Mr. Gerth gave a brief history of how the Borough has handled trees that have become a hazard. He noted that Shade Tree has created a document that defines the difference between a ‘borough tree’ and a tree in the borough’s right of way and who’s responsible for tree maintenance. Mr. Gerth stated that in the last few months the Shade Tree Commission has become aware of a number of unsafe trees in the Borough. He explained that because it is no longer DPW’s responsibility to maintain these trees, the property owner needs to be informed of the dangerous situation and their responsibility.

Mr. Gerth referred to the letter provided to the Council that the Shade Tree is using to inform a property owner of guidelines, definitions and explanations concerning trees in the Borough. He reviewed the letter and the procedure for notifying residents, which includes giving them thirty days to remove the tree before the situation is turned over to the Code Enforcement Officer. Mr. Gerth noted how Shade Tree supplies information to help the property owners in this situation. Mr. Gerth stated that they will be working with DPW to identify trees that need to be removed.

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Mr. Gerth stated that even though DPW doesn't have the resources to attend to the trees, they need to be the eyes and ears for the Borough. He discussed the program and procedures currently being used with the Council. The Council stated that they were supportive of the Shade Tree's policy and the discussed the involvement of Code Enforcement. Mr. Gerth commented to the Council on all the education initiatives they have done in the past, and continue to do, to inform residents of the appropriate ordinances and proper tree maintenance. Mr. Gerth thanked the Mayor and Council for their time.

**Consent Agenda:**

**Resolution #2016-69 (Recycling Tonnage Grant)**

**Resolution #2016-70 (Disposal of Surplus Property at Auction)**

**Resolution #2016-71 (Hire DPW Part-Time Summer Employee)**

**Resolution #2016-72 (Retirement of Public Works Employee Ole Olsen)**

**Resolution #2016-73 (Refund of Overpayment of Taxes)**

**Approve SPTG Tiger Pride Signage Request**

**Approval of New Jr. Member for Shrewsbury First Aid Squad: Derek Bradshaw**

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

AYES: Anderson, DerAsadourian, DeSalvo, Eddy, Meyer & Moran

NAYS: None

ABSTAIN: None

**ORDINANCE NO.1030 - SECOND READING/PUBLIC HEARING: Bond Ordinance Providing for the Acquisition of a Vehicle for the Shrewsbury DPW and Appropriating \$150,000 Therefor and Authorizing the Issuance of \$142,500 Bonds and Notes to Finance a Portion of the Costs**

**Open the Meeting to the Public**

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

**Close the Meeting to the Public**

Seeing no one from the public wishing to speak, a motion was made by Councilman Meyer to close the meeting to the public, seconded by Councilman DeSalvo, and approved by all Councilmembers present.

**Adoption of Ordinance No. 1030**

Councilman Meyer motioned to adopt Ordinance No. 1030, seconded by Councilman Moran and approved by the following vote:

AYES: Anderson, Eddy, Meyer & Moran

NAYS: None

ABSTAIN: DerAsadourian & DeSalvo

**Administrator Report**

Mr. Seaman reported on the deadline for the next newsletter. He stated that the Community Garden would like to use the inside of the building for the Harvest Fest in the event of rain which the Council agreed was fine. Mr. Seaman explained to the Council that many people are not

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using the credit card option for taxes due to the surcharge and noted that he is looking into other options.

Mr. Seaman explained that he is going to set up a complaint log for complaints that Council has been receiving from residents. He asked the Council to forward all complaints to him and that he would ensure the right department would be notified and the resident would receive a timely follow up to the complaint.

Mr. Seaman informed the Council that the Developer's Agreement has been created by the Zoning Board attorney with the new owners of Shrewsbury Manor, CSH Shrewsbury, LLC (CSH). *At this point Councilman Meyer opened the meeting to the public to allow the attorney representing CSH to discuss the proposed Developer's Agreement, seconded by Councilman DeSalvo, and approved by all members present.*

### **Open meeting to the Public**

Robert Podvey, of Podvey Meaner who represents CSH Shrewsbury, LLC, stated that he brought the plan in front of the Board of Adjustment and also negotiated the Developer's Agreement along with Mr. Kennedy and Mr. Cranmer.

Councilman Moran asked for confirmation that the hours of construction would be Monday to Friday 8am to 4pm and Saturday from 6am to 8pm. He expressed concern over the times that deliveries were permitted. Mr. Podvey explained that they did not know what time the deliveries would come and hence the extension of hours. Councilman Moran stated that the wording was confusing and asked for it to be clarified which Mr. Podvey agreed.

### **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.*

*Councilman Meyer motioned to authorize the Mayor to sign the Developer's Agreement with CSH with the clarification, seconded by Councilman Anderson, and approved by the following vote:*

<i>AYES:</i>	<i>Anderson, DerAsadourian, DeSalvo, Eddy, Meyer &amp; Moran</i>
<i>NAYS:</i>	<i>None</i>
<i>ABSTAIN:</i>	<i>None</i>

### **Reports of Council**

Councilman Anderson reported that the Council received the First Aid and Hose Company's monthly reports and also noted that the new ambulance had been delivered.

Councilwoman DerAsadourian reported that the construction on the Sickles basketball courts has started and that the Manson Park construction is on track to be completed by September 1<sup>st</sup>.

Councilman DeSalvo had nothing to report.

Councilman Eddy reported that the date of the Tax Workshop would have to be changed.

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Councilman Meyer reported on vandalism that occurred in the area of Patterson Avenue and noted that damage was also done to Patterson Avenue Park. He informed the Council that they caught the perpetrators who were four minors and that the park has been cleaned up. Councilman Meyer discussed the idea of placing cameras in the parks for security. He explained that the police committee discussed it and were not in favor and explained the cost that would be incurred. He asked the Council for their thoughts on the topic. Councilwoman DerAsadourian stated that the cost of the cameras and the clarity of the video discouraged her from supporting the cameras in the park. Councilman Meyer noted that the Chief and Lt. Turner were in favor of the cameras. The Council and the Police Committee was unanimous in agreeing that they were not in favor of placing cameras in the parks for these reasons.

Councilman Meyer informed the Council that the racial profiling complaint posted on Facebook is still being investigated internally and the Chief has been in communication with the complainant. He stated that after the Mayor requested the designation of a “safe exchange zone” be placed in the parking lot of Borough Hall for internet transactions as other municipalities have provided this. However the concept was discussed with our insurance carrier MEL JIF who had reservations and will not sign off on the area due to possible liabilities to the Borough should an incident occur in the zone known as a “safe zone”. Councilman Meyer also informed the Council that there was a power surge in the building that fried the police’s recorder and that they are looking to replace it at a cost of \$3,380. *Councilman Meyer motioned to allow the police to purchase the new system with a surge protector, seconded by Councilman Moran, and approved by the following vote:*

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

Councilman Meyer reported that Oceanport has asked to extend their contract for use of our court for an additional year.

Councilman Moran updated the Council on the status of COAH. He reported that the new development by CSH would provide the Borough eleven COAH units. Councilman Moran informed the Council on a drainage issue and a grant opportunity.

Councilman Moran asked Councilman DeSalvo to update the Council on Recreation’s concerns over field maintenance which Councilman DeSalvo discussed with the Council. He noted that DPW would be creating a maintenance plan.

### **Mayor’s Report**

Mayor Burden reported on the new plantings on Obre Place and thanked Ms. Dorian McDermott, owner of Shore Footed for the planting and the planter. Mayor Burden reviewed the meetings and events he attended in the past month. He informed the public that Shrewsbury Borough would not be holding a September 11<sup>th</sup> Memorial but would rather be attending the County’s at Mount Mitchell in Atlantic Highlands. He also recognized the work of Ms. Krueger and Ms. Brookes for sorting through the old Borough records this summer and acknowledged the DPW and Ms. Kelleher’s help with this process.

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### **Correspondence**

Ms. Krueger stated that there was no additional correspondence.

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

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

Bill Gerth, 33 East End Avenue, Shrewsbury stated that he was a walker and expressed concern over some safety issues at different points when crossing some of our major roads. Mr. Gerth stated the three areas that immediately come to mind with one being the intersection of White Road and Route 35 and he discussed the different scenarios that are particularly dangerous for pedestrians there. He stated that we have traffic lights but that there isn't any crosswalks signage or overhead indicators for the cars to yield to pedestrians. He also pointed out that there are issues with pedestrians trying to cross at Shrewsbury Avenue at Apple St. by the McDonalds and McLoones in addition to the area of Avenue of the Common (south end) and Shrewsbury Plaza. He asked if the Police Safety Committee could look into these situations. Councilman Meyer explained that the Borough has no jurisdiction on Shrewsbury Avenue, which is a county road, nor Route 35 which belongs to the state. Councilman DeSalvo stated that they would ask them to assess the situations. Mr. Gerth stated that although the Borough permits the county and state to go through the Borough it is still their town. The Council discussed with Mr. Gerth how difficult it is to work with the DOT. Mayor Burden suggested these three hot spots be reported to the traffic safety officer and ask for a report on them and that he would discuss it with Senator Beck and the County as he will be meeting with them.

Stuart Minis, 35 Thomas Avenue, Shrewsbury, stated that, in regards to Manson Park, there was grant money available and the Borough went after it. He stated that Recreation's input was requested but stated that he doesn't know if the Shade Tree Commission, the Environmental Commission, or the Community Garden was asked for input. He acknowledged that the meetings are open to the public but people don't know what is going on. Mr. Minis stated that the minutes are posted on the website, but slowly. He stated that the Mayor and Council are derelict when it comes to situations like this. He noted that in the July 18<sup>th</sup> meeting some residents wanted a bocce court and that only people at that meeting would have had any say on the Council deciding to build one. Mr. Minis stated that the Council is not doing their job if they can't get the information out to the public.

Robin Blair, 69 Thornbrook Drive, Shrewsbury stated that she is on the Environmental Commission, who was unaware of the changes to the original plan and did not have an opportunity to speak on those items. She stated that there is definitely a lack of communication and that Shade Tree was not notified as well. Ms. Blair commented that she was told that the trees removed were 'junk trees' and their removal would help with the poison ivy but the main issue is communication. She commented that the Council did not allow others the opportunity to comment on the project and instead just went with what Recreation wanted.

Councilman Meyer stated that the Manson Park project was discussed at eleven different meetings and noted that both Mr. Minis and Ms. Blair were at least three of these meetings. He stated that in regard to the trees, he believed that Mr. Cranmer and Mr. Gerth walked the property to discuss which trees would be removed.

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Mr. Gerth commented that he walked through the day construction had begun. He stated that the Shade Tree Commission found out about this for the first time when the construction crew was there clearing trees. Councilman Meyer stated that Mr. Minis, also on the Shade Tree Commission, was at several of the meetings so is confused how they didn't know about this. Mr. Gerth asked the Council to think of the irony that the Borough asks businesses seeking changes to come to the Planning Board for input from various groups, such as the Shade Tree Commission, but the Borough never did it for their own project. He stated that he is a member of the Open Space Committee and it never came to that group at all. Mr. Gerth stated that there were some missteps from a process standpoint. He noted that the Environmental Commission would have questioned why there was more impervious coverage being added to the Borough when the three other courts that already exist don't get use. Councilman Meyer and Mr. Gerth debated the need for additional courts and the placement of the courts. Mr. Gerth asked why other locations were not looked at for the additional courts. Councilman Meyer explained that the wetlands at Sickles Park and space limitations at Patterson Avenue Park kept the Borough from placing it there. Mr. Gerth stated that there are consequences to the Council's actions. He suggested there was other uses for the grant money including controlling invasive vines, taking care of the trees that need maintenance there as well as management program to take care of other problem areas that needed to be addressed at Manson Park. He pointed out that the public is clamoring for a respite from a busy life and they aren't going to get that from basketball courts. He listed other uses for the grant money like restoring the fountain in front of the Wardell House. He noted that the Borough had fitness stations twenty years ago that were never used. Mr. Gerth stated that he had to agree with Mr. Minis and Ms. Blair on the lack of communication and input with the community on the planning process. He acknowledged that everyone is well intentioned and that we can learn from this process and change things going forward. He stated in the future the Council needs to make sure there is broader community input. Mr. Gerth stated that he has heard from some members of the community that attended the meetings that their voices were not heard or there are those people who did not know about the project at all. He stated that people who have an interest in the environment did not have a voice.

Councilman Eddy stated that if the Shade Tree Commission has suggestions for plantings they should get it to the Council. Mr. Gerth stated that the Shade Tree should have been a part of the planning from the beginning. Councilman Eddy stated that what is done is done and now is your time. Mr. Gerth stated that the Council wants this information by September suddenly after they have known about it for two years.

Don Sena, 132 Dorchester Way, Shrewsbury stated that we have a Shade Tree Commission and Environmental Commission in town and people with strong ideas. He stated that he was at the meeting when Recreation stated their recommendations and they were not very favorable to the Manson Park expansions as they too had other ideas. He suggested that in the future all the interested parties be part of a discussion where there is a formal report for the record where the different entities could state their position and whether or not they were in favor of the plan and be on the record for their point of view similar to what the Council did with the cameras; consulting and presenting. He suggested getting all the concerned parties involved and have them take a vote, whether or not Council listens would not be the point as it wouldn't have to be binding but it would make the process more transparent. Mr. Sena stated that Shade Tree was

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called in the day the bulldozers were brought in which is ridiculous for a project that has been ongoing for two years. He asked why the Borough has these Commissions if the Council is not going to let them vote, even if it is not binding at least you get it on the record and not have a situation like this occur again.

Councilwoman DerAsadourian asked Mr. Gerth when he was asked to come and look at the trees. Mr. Gerth said he was asked the same day the bulldozers came on site. He also stated that if this plan had come before the Planning or Zoning Board, the Shade Tree would have insisted that there be tree protection around the 80 year old spruces. He asked the Council to look at the condition of the ground around the spruce trees and added that the Borough will be lucky if those magnificent spruce trees survive in a year. Mr. Gerth stated that if they had been afforded the opportunity to be part of the planning then Shade Tree would have planned for the long term. He also pointed out that if the Shade Tree was aware of the plan, and had heard all the evidence, then maybe they would have been on board. He acknowledged the parts of the plan that were good.

Councilman Eddy asked why the Shade Tree only had until September to come up with a plan. Mr. Gerth replied that was the date he was given. Mr. Gerth stated that there maybe some confusion as to the date. Mayor Burden stated that Mr. Cranmer reached out to the Shade Tree Commission and they would be having a sit down to discuss the landscaping.

Ms. Blair asked if there was a landscape plan for this project. Councilman Meyer stated that there was a plan but they are flexible on it and are looking for Shade Tree's input. Councilwoman DerAsadourian explained the steps the Borough was taking on the landscaping and a maintenance plan. Ms. Blair asked if the costs of the landscaping were included in the budget. Ms. DerAsadourian reiterated that the September 1<sup>st</sup> was the date they were insisting that the project be done because the school and recreation would need that soccer field for their schedule. She stated they were committed to the landscape plan and explained that there isn't a deadline on those plans and they would most definitely want the input of Shade Tree and Environmental Commission in that stage of planning.

Mr. Gerth pointed out that the Borough did not follow their own process they require from businesses entering the Borough and also noted that those businesses also hire landscape architects. He noted that it is not just the trees but all the other property to be considered in totality of the municipal complex.

Mr. Blair expressed her concern over the invasive species that is a major problem in New Jersey and expressed concern they will damage the mature trees in the Borough.

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

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

### **Payment of Bills**

Councilman Eddy motioned to approve the bills in the amount of \$2,125,040.38, seconded by Councilman DeSalvo, and approved by the following vote:

AYES: Anderson, DerAsadourian, DeSalvo, Eddy, Meyer & Moran

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NAYS: None  
ABSTAIN: None

**Resolution #2016-73A (Executive Session)**

Mayor Burden read Resolution #2016-73A to enter into Executive Session at 8:39 PM.

Councilman Moran motioned to approve Resolution #2016-73A, seconded by Councilman Eddy, and approved by all Councilmembers present.

**Public Meeting Reconvened**

The public meeting reconvened at 8:52 PM.

**Adjourn**

Councilman Meyer motioned to adjourn the meeting at 8:55 PM, seconded by Councilman Eddy and approved by all Councilmembers present.

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

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