

November 16, 2015

Meeting Called to Order

The meeting was called to order at 5:45 PM.

Resolution #2015-NR (Executive Session)

Councilman Meyer motioned to approve Resolution #2015-NR, seconded by Councilman DeSalvo, and approved by all Councilmembers present. The Council entered into Executive Session at 5:45 PM.

Public Meeting Reconvened

The public meeting reconvened at 6:00 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 November 13, 2015 by the Municipal Clerk.

Roll Call

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

Salute to Flag

Led by Mayor Burden

Approval of the Minutes: Council Meeting of November 2, 2015

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

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

Appointment to Planning Board: Audena B. Reger as Alt. #1

Appointment to Planning Board: Michael Forrest as Alt. #2

Mayor Burden appointed Audena B. Reger as Alternate #1 and Michael Forrest as Alternate #2 to the Planning Board.

Administrator's Report

Mr. Seamen informed the Council of an upcoming seminar and stated that the budget worksheets would be going out to the various departments soon. He noted that the Code Enforcement Officer, Assessor and Construction Office's report were distributed to everyone.

Reports of Council

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Councilwoman DerAsadourian updated the Council on the status of the Manson Park project. She stated that some of the changes to the original plan included using the upper field as only a practice field and the addition of side by side basketball courts for a total cost of \$218,000. She referenced maps created by the Borough Engineer, Dave Cranmer, for possible locations for the courts. *Councilwoman DerAsadourian motioned to have the Council move forward with the Manson Park Improvement Project, which was seconded by Councilman Meyer.*

Mr. Cranmer came forward and spoke concerning the possible locations for side by side basketball courts. He explained that from an engineering standpoint there are no differences in the locations and that the one location, between the shed and the garden, would require some trees to be removed. He noted that this revised project would only cost slightly more than the original project but noted that the Borough has a \$104,000 grant from Monmouth County.

Mr. Cranmer discussed with the Council why the backstop would not be replaced and how the field would be moved about 15 feet from the backstop. The Council discussed the effect that moving the field 15 feet would have on the usage of it, and the impact it would have on other fields. Mr. Cranmer suggested that the Borough include the backstop as an optional, additional bid item. The Council discussed with Mr. Cranmer the costs of the project.

Councilman Dodge asked Recreation Chair, Brendan Gilmartin, to explain to the Council why they felt the basketball courts were necessary. Mr. Gilmartin stated that Recreation would like to replicate the successful summer basketball programs other surrounding communities offer their residents. He noted the issues with using the school facilities. Mr. Gilmartin reviewed the reasons why the Recreation Committee needed side by side basketball courts and why Manson Park would be the best place for them.

Councilwoman DerAsadourian explained why this plan is better than the original improvement plan for Manson Park. The Council discussed other uses for the courts, whether a fence should surround the courts, and non-residents participation in the Recreation's programs.

The Council discussed the Borough's parks and other projects that need to be completed in the future. Councilwoman DerAsadourian explained to the Council why this project is a good idea, and fit, for Open Space funds. The Council discussed the procedure for getting this project approved, with guidance from Attorney Barger.

Returning to the original motion, Councilwoman DerAsadourian motioned to move forward with the concept for the Manson Park Improvement Project, with the design to be decided at a later point in time, and to reach out to Monmouth County with this decision, seconded by Councilman Meyer, and approved by the following vote:

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

Attorney Barger left the meeting at 7:02pm.

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Councilman DeSalvo reported that he met with First Aid to discuss issues with the Meridian Nursing Home not following the developer's agreement and that a letter would be sent from the Borough addressing this issue.

Councilman Dodge had nothing to report.

Councilman Meyer provided the Council with quotes for replacement chain-link fence fabric and protective rail cap for Sickles Park. *Councilman Meyer motioned to accept the quote from Taylor Fence Company for \$8,720, seconded by Councilman DeSalvo, and approved by the following vote:*

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

Councilman Meyer stated that a number of Borough benches and tables need to be replaced. *Councilman Meyer made a motion to replace six backless 6 foot benches, two square tables with attached chairs, and eight 8 foot benches with backs for a total of \$8,771.08 from Boyce Associates who are under state contract, seconded by Councilman Dodge, and approved by the following vote:*

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

Councilman Meyer also updated the Council on the Borough's COAH expenses.

Councilman Moran reported on the Planning Board's decision concerning a subdivision on Corn Lane.

Mayor's Report

Mayor Burden thanked everyone for their concern over his safety while in Paris.

Correspondence

Clerk Krueger reminded Council that the money for the Shrewsbury Borough School yearbook ad was due.

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.

Robert Zeller, 124 Garden Road, Shrewsbury stated that he received two tax cards recently in the mail, the assessment card and a notice of inspection, and that he had three concerns. He explained that he received a postcard stating that his house would be inspected for the upcoming assessment and two weeks later he received a card with his new assessed value without anyone coming to see the home. Mr. Seaman explained that the inspection would be for the next year. Mr. Zeller expressed concern about the increase of his assessed value, which he stated was raised

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\$75,000 in two years. In addition he raised concerns that Mr. Fitzpatrick's business has interests in a firm that makes money off the resident's taxes. He discussed the Asbury Park Press article about Mr. Fitzpatrick's potential conflict of interest. He also expressed distain that Monmouth County is the sacrificial lamb for the new tax revaluation program.

Mr. Zeller stated that the jump in his assessed value makes him concerned over the increase he will see in his taxes and ultimately how it will effect his budget. He questioned the Council as to what will be done in regards to Mr. Fitzpatrick and if there would be any tax breaks. Mayor Burden stated that they are aware of the situation and would be meeting with Mr. Fitzpatrick in December to discuss this issue. Councilman Meyer advised Mr. Zeller that the tax rate would be set when the budget is determined in the spring. Councilman Dodge advised Mr. Zeller that much of the discussion with Mr. Fitzpatrick would not be in public session.

Virginia Zeller, 124 Garden Road, Shrewsbury stated that she was shocked over the reassessment since this was the most it went up in 50 years. She stated that she read in the paper that many towns in Monmouth County are refusing to participate and threatening to sue the state over the new program and asked why Shrewsbury is going along with the program. Mr. Seaman explained how the new assessment program works. Councilman DeSalvo stated that this program was a state mandate and that is why Shrewsbury is participating. A few councilmembers noted that they are not pleased with the new reassessment program either.

Louise Usechak, 20 Corn Lane, Shrewsbury stated that over 40% of the property owners within 200 feet of 30 Corn Lane have filed a protest of the variances and waivers that were approved by the Planning Board for 30 Corn Lane at their last meeting. She stated that she has filed the petition with the Municipal Clerk twice in the last week to notify elected officials of their objection to the sub division. Ms. Usechak requested that the Council deal with this issue at the next Council meeting, prior to the Planning Board meeting memorializing the decision. She asked that the Council direct the Planning Board to reschedule the finalization of this decision until the Council can hear their constituents. Ms. Usechak stated that the Planning Board was made aware, on the record, of the petition and the Board rejected it and dismissed the concerns of the property owners. Ms. Usechak stated that this petition is based on legal advice and Municipal Land Use Law 40:55D-63. Councilman Moran stated that the Planning Board had no choice since their attorney stated that all the people who signed the petition needed to be at the meeting to testify. Ms. Usechak stated that the people who were not present were out of state.

Philip San Filippo, Esq., stated that he represents the Moore's, the property owners of 30 Corn Lane, and stated that the Municipal Land Use Law that Ms. Usechak quotes is not applicable in a Planning Board matter and quoted the law. He explained why this law was not applicable and noted that if you object to an application you need to be present to be cross examined. Mr. San Filippo stated that everyone who was present at the Planning Board meeting had an opportunity to speak and the board voted 6-0 to approve the minor subdivision. He stated that it is beyond the scope of the Council to consider this petition and tell the Planning Board not to memorialize it. The Council stated that they would discuss the matter with their attorney.

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Ms. Usechak, stated that this was the legal advice she was given and stated that it is important that the constituents be heard. She stated that their concerns were overlooked by the Planning Board and that it is in the Council's best interest to allow this as an agenda item. Ms. Usechak offered to provide the Council with a copy of the law.

Council requested that the Borough Engineer, Dave Cranmer, come forward to speak about the application. Mr. Cranmer reviewed the events of the Planning Board meeting and noted that the issue was that petitioners were not present to be cross examined.

Close the Meeting to the Public

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

Payment of the Bills

Councilman Meyer stated that the bills list was \$202,165.95. Councilman Meyer motioned to approve the bills list, seconded by Councilwoman DerAsadourian, and approved by the following vote:

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

Adjournment

Councilman DeSalvo motioned to adjourn the meeting at 7:37pm, seconded by Councilwoman DerAsadourian, and approved by all Councilmembers present.

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

Approve: _____
Mayor Donald Burden