

The Supplement to the Workshop Meeting of the Mayor and Council of the Borough of Freehold was held on Monday, June 28, 2010 at 7:00 PM in the Municipal Building.

Roll Call

ABSENT	MAYOR MICHAEL WILSON
PRESENT	COUNCILMAN MICHAEL DI BENEDETTO
PRESENT	COUNCILMAN KEVIN KANE
PRESENT	COUNCILMAN JOHN NEWMAN
PRESENT	COUNCILMAN GEORGE SCHNURR
PRESENT	COUNCILWOMAN SHARON SHUTZER
PRESENT	COUNCILMAN JAYE SIMS

Councilwoman Shutzer offered a motion to accept the minutes from Workshop Meetings April 19, 2010 and May 17, 2010 and Regular Meeting June 7, 2010, seconded by Councilman DiBenedetto.

On roll call Council Members DiBenedetto, Kane, Newman, Schnurr, Shutzer and Sims voted its adoption; opposed none; Councilman Sims abstained on the April 19, 2010 Workshop Meeting; absent none. Council President Sims declared the motion adopted.

Council President Sims read Item No. 5 on the Agenda as follows:

“Second Reading and Public Hearing: Ordinance #2010/12 of the Mayor and Council of the Borough of Freehold, County of Monmouth, State of New Jersey, Amending the Rental Property Regulations and Licensing of Landlords.”

Council President Sims opened the meeting to the public.

Charles Gormally, Attorney with Brach Eichler, LLC, represents the Freehold Landlord Association:

“While I think you have corrected some of the inappropriate provisions in your previous ordinance, you really haven’t come to grips with the essential complaint that the landlords have, which is the size of these fees. I think the question should be fairly revealed to the public what the cost of asking landlords to file a piece of paper with the Borough telling them who they are and who their tenants are. What is the cost to the Borough to administer this program? That’s what your landlord licensing and unit registration division is and what you’ve done in this ordinance is reduce an annual inspection, which currently never happened, to an inspection cycle of once every three years. While it makes it 1/3rd less offensive, the position that the association took with the committee, with legal authority that I provided to your council, is that there is no authority to single and target out the multi-family housing industry and inspect them anymore frequently than you would inspect single family homes. That is why the State statute that governs this area says that you are permitted to have an ordinance that requires inspection on turn-over. When there is a turn-over of a unit and a new tenant moves in an inspection can occur. There has been no challenge to that or question about it. But this ordinance, while it may be 1/3rd less offensive than your current ordinance, it is still inappropriate because it targets the multi-family industry for inspections, not in response to complaints, systematic inspections performed once every three years without any reason whatsoever. Even if there has been no

change in occupancy and I think it is invalid in its face. The quantum of fees is a problem. The municipality can adopt and put fees in place that cover the cost of administration of the program. Does the council have a report that tells what it costs to administer this landlord licensing program? Because I made specific requests for why the quantum of fees were raised and while some response was made to my OPRA request, the clerk was directed to provide other information which was never provided. Hopefully that clerk provided it to you so that you can illuminate the public and let us know what it actually costs and how those costs are computed to administer this program. The program has been in effect already, you have already licensed landlords, and you currently changed some of the language of this ordinance. You should have a body of knowledge available to you from the previous years as to what it has actually cost the municipality to have the landlord file a piece of paper with the municipality to say who they are and who their tenants are. Yet that seems to be a closely regarded secret here. But these fees in each unit that you are going to inspect once every three years, you would have collected \$900. So while you might say well it costs something to inspect the unit, it certainly does not cost \$900 over a three year period to file a piece of paper with the town, for somebody in the town to file that away in the municipality and then to send an inspector out once every three years, even if that was an allowed State statute, which I don't believe it is. So I hope you take this opportunity not to move forward with this ordinance, table it and send it back for additional consideration."

Jeff Friedman, 3 Broad Street, stated the following:

"I would just ask that you work in partnership with us. We are not the enemy of Freehold Borough. Andy Kiely is Freehold Borough; there is no one more Freehold Borough than Andy Kiely. Chris LoPresti invests money here, he is from Colts Neck. Isn't Freehold Western Monmouth County's downtown for everyone? Why don't we want him investing here? Why do we want to drive a landlord like that away? I don't understand that. We want to work with you for progress. We have the same goal. Overcrowding is bad for everyone, it hurts everyone. I live here, I see it across the street from me everyday, and it hurts everybody. But when I call, it doesn't get done. It is still overcrowded. That is not my fault. I am a landlord and I call and it doesn't get done. I know you guys want the same thing we do, we want to be safe, we don't want overcrowding, and we want nice apartments that look good, nice properties that look good, nice street lines, nice flags. I know what you want, Andy knows what you want. The majority of the good landlords here know exactly what you want and we are on your team. Do we want to be the doughnut hole or do we want to be the shining star. We can be the shining star. We are here to help you be that shining star. Please don't kick us. I am not a residential landlord. But I see what these guys do and that's why I am supporting them, that's why I've been supporting them from day one. Without landlords like this, what happens to the empty house that no one else buys? Does it just fall to the ground? Do we want that? Does anyone want the house to fall to the ground? No we don't. There are slumlords and they should be punished to the fullest extent of the law. We all agree with that. Revoke their CO's, absolutely. Do everything possible, fine a slumlord all the way, but don't take it out on this woman, or these hard working people that are supporting their families. Our members care about Ted's family. I played in the backyard of my father's property since I was four years old. A safe neighborhood is good for everybody. It will be good for my kids because I am going to buy my house here, because I have always loved it here a lot more than where I grew up in Holmdel, where your neighbors live so far away and you don't know anybody. I always loved coming to Freehold for that reason it is a close knit town. 336 years ago, today, troops were lined up on Throckmorton Street to fight for tyranny, to fight a government that would not listen, that would not dialogue. We are here, we

want to dialogue with you. We don't want to fight with you at all because you are our representatives."

Marc LeVine, 79 Barkalow Avenue, stated that he has walked through this town; gone door to door and has talked to a lot of the residents. Over the past several months he's met with and only heard from 3-5 landlords. He is a member of the Rental Property Review Committee and has asked these gentlemen where is everybody else, where are all the other landlords. Mr. LeVine asked Kerry Higgins how many landlords does Freehold Borough have.

Ms. Higgins responded that she did not know off the top of her head.

Mr. LeVine stated there were hundreds and we are only hearing from these 4 or 5 on a regular basis. We haven't heard from the police officers who ran a restaurant from a home on Mechanic Street. We haven't heard from the landlord who went door to door and ran into Sheryl Mott who said to her, "Sell me your house or I'm going to destroy your neighborhood." Which caused us to look into ordinances to prevent this type of thing from going on. Ordinances like the no knock ordinance were implemented. He stated that on his street there were two landlords who introduced themselves when they first move in and one said that his son was going to be living in the home. This was not the case. After calling code enforcement he found out that people were living in the basement of one of these homes. Mr. LeVine stated that maybe the tenants should be notified for a systematic inspection but should not be notified if there is a complaint. Mr. LeVine encouraged the council to move forward and vote in favor of this ordinance.

Reggie Sims, 120 Broadway, stated he is a lifelong resident of Freehold Borough. He knows almost all of the members on council and feels quite sure that they do not want to do some of the things they have to do. He stated now the landlord association is complaining but where were they when we were having all of these issues. They come in force now when they are being "hit in their pocketbooks".

Frank Pino, 33 Harding Road, stated he owns three properties in the Borough and the reason he has not made the meetings is because he spent the entire day in court because one of his tenants left the garbage can out for an extra day and he received a summons that needed to be paid. He stated he pays \$15,000 per year in property taxes and has spent \$30,000 fixing his properties last year alone. He is in full agreement that the landlords who violate the rules need to be stopped; but for landlords like himself, he is here every weekend driving by his properties. He has painted, weeded, mowed lawns and is constantly making home improvements. He stated if there was someone who would purchase these rental properties then he would sell them; but most of these homes have been made into apartments and they would never sell.

Jeff Friedman stated that when a lot of these rental issues came up he was in high school and the majority of the landlords that represent the Freehold Landlord Association are new.

Dorothy Wright, 89 Barkalow Avenue, stated she hoped the council would go forward with the ordinance.

Teresa Meola, 46 Jerseyville Avenue, Apt. 2D, stated her understanding of the 4th Amendment in the Constitution was that if there was probable cause to search a home then a

search warrant must be obtained. She is very concerned about tenants who have been inspected in the middle of the night without any notification.

Dan Xavier, 2 Brinckerhoff Avenue, stated he is a homeowner who has invested significantly in town and is very active volunteering on committees. He takes offense to comments made about an overwhelming dislike of certain groups of people. He stated as a concerned homeowner, he takes offense to a lot of the comments that were made tonight and understands that the landlords that attended this meeting tonight are probably good landlords. He is upset because the majority of the landlords in the Borough who are not here tonight are bad landlords.

Andy Kiely agreed with Mr. Xavier that everyone should not be lumped together it is not fair. He also directed a comment to Ms. Wright that he has two Afro-American tenants.

Ted Miller stated the most heinous rental property in the Borough was the Mechanic Street restaurant. He stated that landlord should have had his CO pulled. He thinks this ordinance should be passed and if amendments need to be made they can be done at a later time.

Fernando Cabrera, Monmouth Village Apartments stated the following:

“The ordinance that is before you, I agree with the gentleman that spoke previously. There was an ordinance that was put in place in 2003 that ran from 2003 to 2009 and it held bad language in it. It did. It was written that way, okay and there was almost a certain consensus that even though some of the wording in there was improper it helped the bad language caliber with a fee structure. Between 2008 and 2009 without any conversation, without any notification there was a change where every landlord was held to the same standard, whether they were good landlords, whether they were medium landlords or whether they were poor landlords. Now there is an amendment to an ordinance that was put in place last year that had no basis for an increase of 300% per building. Our attorney has spoken about having to clarify where this money is going. The mayor and council received on January 12, 2010, as well as, January 16, 2009 the department reports from Henry Stryker. Last year we were all pretty much aware of where all the municipal spending, where it was going, the limits that were going to be imposed and there was a certain understanding that people were going to have to tighten up their belts. With the information that was compiled by code enforcement, not this organization, not our attorney, there was a significant decrease in fines and court fees between 2008 and 2009, specifically when it came to the code enforcement second shift, which is the night time inspections. In 2008 the total fines collected were \$34,800, again code enforcement’s numbers. In 2009, \$18,850. Now, if you rationalize this, there is no basis for a 300% increase, if anything the rational person would say the department should have shrunk, not expanded and I can speak from personal experience on my last town inspection in 2008 the person who was sent to do the inspection was completely unqualified. That person is contacting me now to do the re-inspection this year. I am personally going to be present during the inspection. If that person continues to demonstrate that they are unqualified to do the inspection, I am going to ask them to leave and ask for someone that is qualified, a senior staff member from the code enforcement department to come and do the inspection. My DCA inspection from the State of New Jersey, in comparison to the one that was performed by the town representative, the town representative’s inspection report was ineligible, unprofessional and it was at least double the size of the report from Trenton. So with all do respect, at minimum, the previous ordinance spoke to keeping accountability to the landlords that weren’t doing what they were supposed to do. That ordinance, almost at the

eleventh hour, was changed and a new ordinance was passed. So to my surprise I received my registration slip a few days before it was due, which is the norm. I said there must be some mistake. Registration went up from \$900 to \$2,700. Now sure enough an ordinance was passed, with no input, no conversation, nothing. So to members of the community that are here it is an effort that needs to be spearheaded, not just by the landlords but also by citizens like yourself that have taken the time to be part of the process. As far as the mayor and council, I apologize but you have a responsibility to every citizen that lives in your municipality, whether they can afford to live in a single-family home, or whether they can afford to rent an apartment. You are responsible to all the landlords who pay taxes in town, just like the private homeowner. So there is a disconnect, there's been comments and statements made on the record where we have a responsibility to the residents of Freehold. I whole-heartedly agree, but that includes the residents of apartments and that also includes the taxpayers, whether they live in Freehold or not. There is an expectation of unbiased municipal government. We pay our taxes; we pay our over-inflated sewer and water fees. We have expectations, also which are not being met. So we hope that we can see cooperative dialog also."

Councilman Kane offered the following Resolution and moved its adoption, seconded by Councilwoman Shutzer:

RESOLUTION TO CLOSE PUBLIC PORTION.

On roll call Council Members DiBenedetto, Kane, Newman, Schnurr, Shutzer and Sims voted its adoption; opposed none; abstain none; absent none. Council President Sims declared the motion adopted.

Councilman Kane offered the following Resolution and moved its adoption, seconded by Councilman Shutzer:

BE IT RESOLVED by the Mayor and Council of the Borough of Freehold that an Ordinance entitled "ORDINANCE #2010/12 OF THE BOROUGH OF FREEHOLD, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING THE RENTAL PROPERTY REGULATIONS AND LICENSING OF LANDLORDS," be, and same is hereby adopted on second reading.

Councilwoman Shutzer stated she has a page of notes and right now is not an appropriate time to speak about the ordinance and she hopes that everyone will stay and listen to what she has to say during the council comments section of the meeting.

Councilman Schnurr stated the \$300 that is in the ordinance covers the cost. That is the reason why the changes were made to the ordinance. It will be demonstrated to the landlords association at some point. The only reason the fees were increased was because the fee was not covering the costs.

Councilman Newman stated the following:

"I think there is a misconception out there by some of the people about what is being voted on tonight. There is currently a landlord registration ordinance that's in place so it is not as if there is not something already there. So when people say you know we have to do something, we got to vote for it, there is something there. What is being voted on tonight are

clarifications basically on that ordinance. There is a clarification that was brought out by Mr. Gormally and several other people about the wording of the ordinance. That wording, whether or not it's for per building or for per landlord. That's one of things that are being voted on tonight. Another thing is about the tier and this is just a clarification, I am sure many people got it, but the tier applies to the fees. People have noted that it was \$100 before, \$300 and \$600 when it first came out and then last year it changed from \$300 to \$600 and the ordinance that is being voted on right now changes the fee to a flat \$300 fee. When I talk about these tiers, when you first come it was the higher fee and then if you had no violations it got lowered until whatever the lowest amount was. So this ordinance tonight changes that.

Another thing this ordinance does is it codifies the systematic inspections. Those systematic inspections are the ones that people talk about when code enforcement comes to them and says we would like to come in and do an inspection of your premises. This is the one that is going from yearly to every three years. That's another change in this ordinance. Another change is that the ordinance asks for (on the Landlord Registration Form) the names of children. This ordinance takes away the names of children because you have to put down all your tenants names, so it no longer asks for the names of children that are in the household, it asks for everyone else in the household. Now for children it just asks for their sex and age. (I am wondering if I left something out.) The other change is that the systematic inspections are announced through the paper and what happens now is that's been codified. What the practice was before is now codified in the ordinance. It says in the ordinance now, this is how the inspections are done on a per street basis in alphabetical order and it is also on the web-site. Tonight's vote is whether to keep the old ordinance or the new ordinance. So a vote "no" keeps the old ordinance and a vote "yes" changes it to incorporate these various changes. There were a lot of things said tonight and no matter what happens tonight I hope this is still going to be a work in progress. I think a lot of ordinances are a work in progress.

Before I came on council there was an ordinance about taxi cabs and then after that was passed it was modified when I became a councilman just a few month later. So a lot of these things are works in progress. I am the liaison to the Rental Property Review Board that's met with the Freehold Landlord Association. I think there has been very good dialogue. Mr. LeVine has spoken tonight about some of the recommendations that were made from that and I happen to agree with some of those recommendations. I think part of our problem here is that what we really need, this is a code enforcement problem, and it is not necessarily a landlord registration problem. I think we have to work with our code enforcement. There have been some complaints that were made tonight that I was not aware of and I think need to be seriously looked into. But those problems are not part of this ordinance, either. So I want to go forward with whatever happens tonight with something that is going to work with this group and foster better landlords, work with them to find out who the bad landlords are and focus in on them. Everyone agrees that we should focus in on the bad landlords, then that's what we should be doing and that's why I think we got to work with our code enforcement to help do that a little bit better. The systematic inspections that are currently being done. Freehold Borough has a history of having some bad landlords, as everyone has acknowledged. There maybe some legal discussion about whether or not those system inspections are really constitutional, legal or however you want to put it. But I think the Borough will come out on the side that those inspections are within the Borough's power to grant an ordinance. In a perfect world I don't think we want to go out and inspect anyone's homes. My biggest problem with those is the way they are announced. I don't think the notice in the newspaper, which is the way it is currently done, gives sufficient notice to the tenants out there and sitting up here I'm trying to wear those shoes right now. I don't like people coming to my house after certain hours and coming in and announcing themselves and I certainly would not like if there was a police car at the curb, especially if it was shining a light on

my property. Even without the light shining on the property I don't feel comfortable with that. I don't feel comfortable with that sort of government intrusion into my personal life. If it was something that was scheduled I would feel much more comfortable with that and going forward, whatever happens tonight, this is not part of this ordinance, is that I would like to see if maybe we could re-work this to schedule these, schedule them with the landlords. The landlord group is here saying they are the responsible ones for the properties, in some respects, schedule them with the landlords. Maybe we can be a little more efficient in how we do things. We've got to be accountable on that part too. It has been brought out that we have to be more accountable as to inspections. So there are a lot of other things that I have notes on. I have a few pages of notes, actually. The problem I have is that a "no" vote brings us back to where we were and a "yes" vote brings us to a point that still may not be completely acceptable and that's where I am stuck right now. We've visited, some people talk about (I am sorry if I am going to take up the majority of the time here, it's getting to be close to 9:00 PM) but previously on the Rental Property Advisory Committee, which I was a member for a short period time is that the issue was about rent control and people are bringing up that there is an exorbitant amount of rents being charged. We've brought in a lot of different people. We've brought in two people who were rent control advocates and those people that were for rent control, who advocated around the State said we don't have a rent control problem, what we have is a code enforcement problem. I think we have to go back to code enforcement on that too. If we have to control some of these things, we've got to make sure that we are vigilant and not just vigilance by code enforcement looking around or by council. It's by the tenants, it's by the landlords and it's by the neighbors. They all have to remain vigilant on these issues.

As of right now that is where I stand on this, I would like the dialogue to continue, unfortunately one of things that really pushes this along tonight is the language that's being clarified as to landlord or building or how that is. So that presents us with a unique problem of going forward with this ordinance. As it is right now, the landlord group is formed and obviously they have an attorney and when you have an attorney you have a threat of a suit. So if we don't go forward that's an open door for that, so I have a lot of different problems. I am on both sides of this issue. I'm treading the line but as of right now my biggest problem that I've talked about is the inspection process and I think that has to be clearly dealt with. Mr. Cabrera, I want to be at that inspection that takes place at your facility. Obviously you have some experience and I'm the liaison on code enforcement and I want to see what's going on. You said someone's there like that, then I want to be present and make sure that (although I'm no expert either), but I want to see how it's done at your facility."

Councilman DiBenedetto apologized to Mr. Ballew. He also apologized to Mr. Hauke about his gestures that were not aimed at him. He stated he first heard from Andy Kiely by phone last week. Councilman Sims also received a phone call and if they really want to meet with us they need to set up a formal meeting and we would all meet together with their association and our council and that is the way I left it. I applaud the landlords that are here tonight; apparently you do have an investment here, as well. As a volunteer fireman, he has responded to many calls and has witnessed a lot of the overcrowding of rental properties and that is what he is basing his vote on.

Ms. Higgins stated that Councilman Newman did clear up a couple of misconceptions that were out there. The first is that the dialogue can continue. This is an interim step, it was the landlords association that requested the removal of the \$600 violation fee and that inspections be every three years instead of once a year. Ms. Higgins stated there are two types of inspections that are being conducted. The first is a systematic inspection which is done street by street, in

alphabetical order and notice is placed in the newspaper and posted in Borough Hall. The change in this ordinance is that it will also be posted on the Freehold Borough website. The second type of inspection is complaint driven and that is when someone calls in a complaint. Every complaint has to be investigated and carried out. All complaints that come in are investigated before an inspection is done. Before the inspection is done the tenant is read a script that has been formulated that states why they are there, what the basis is for the inspection and the tenant is asked their consent to inspect. The tenant is told that if consent is not given we may go back and seek an administrative search warrant. There is also a consent form which states right on the form that the tenant has the right to refuse, that even if they say yes initially, if they are not happy with the way it is going, the inspection can be stopped at anytime. If that is said the inspection will cease. Ms. Higgins said if there are complaints that these protocols are not being followed that is a different story. She meets with code enforcement officials at least twice a year and all protocols are reviewed.

Councilman Newman stated that surveillance and complaint driven inspections were still going to be done. Those inspections are not part of this ordinance. Councilman Newman stated code enforcement does hundreds of systematic inspections a year for the health, safety and welfare of people. He stated that while he thinks they should continue, it is not worth the 11-17 overcrowdings that we got in the last two years to go into peoples houses late at night. He felt inspections should be scheduled. His vote tonight would be symbolic because no one wants it to go back to how it was originally, but he is voting “no” on this ordinance based on the systematic inspections.

On roll call Council Members DiBenedetto, Kane, Schnurr, Shutzer and Sims voted its adoption; Councilman Newman opposed; abstain none; absent none. Council President Sims declared the motion adopted.

Council President Sims read Item No. 6 on the Agenda as follows:

“Resolution Confirming the Assessment Roll of the Special Improvement District.”

Councilman Kane offered the following Resolution and moved its adoption, seconded by Councilwoman Shutzer:

RESOLUTION CONFIRMING THE ASSESSMENT ROLL OF THE SPECIAL IMPROVEMENT DISTRICT.

On roll call Council Members DiBenedetto, Kane, Newman, Schnurr, Shutzer and Sims voted its adoption; opposed none; abstain none; absent none. Council President Sims declared the motion adopted.

Council President Sims read Item No. 7 on the Agenda as follows:

Council President Sims opened the meeting to the public.

“Public Hearing and Resolution Adopting the 2010/2011 Budget of the Special Improvement District.”

Jim Ballew, Jackson, New Jersey, owner of Ballew Jewelers in Freehold Borough asked when a financial report on the SID expenditures would be ready.

Rich Gatto, CEO, Freehold Center Partnership, stated a copy of the audited financial statements is filed with the clerk and at the FCP office.

Mr. Ballew asked if it was mailed to everyone in the Special Improvement District.

Ms. Higgins reiterated that the financial statements are on file with the clerk.

Mr. Ballew strongly suggested that people who are paying for the Special Improvement District should receive a mailed copy.

Mr. Gatto reviewed the budget with Mr. Ballew.

Councilman Kane stated that copies are not mailed out to everyone but they are on file at the Freehold Center Partnership and the clerk's office.

Councilman Kane offered the following Resolution and moved its adoption, seconded by Councilman DiBenedetto:

RESOLUTION TO CLOSE PUBLIC PORTION.

On roll call Council Members DiBenedetto, Kane, Newman, Schnurr, Shutzer and Sims voted its adoption; opposed none; abstain none; absent none. Council President Sims declared the motion adopted.

Councilman Kane offered the following Resolution and moved its adoption, seconded by Councilwoman Shutzer:

RESOLUTION ADOPTING THE 2010-2011 BUDGET OF THE SPECIAL IMPROVEMENT DISTRICT.

On roll call Council Members DiBenedetto, Kane, Newman, Schnurr, Shutzer and Sims voted its adoption; opposed none; abstain none; absent none. Council President Sims declared the motion adopted.

Council President Sims read Item No. 8 on the Agenda as follows

“Resolution Accepting the 2009 Fiscal Year Audit Report.”

Councilman Kane offered the following Resolution and moved its adoption, seconded by Councilman Schnurr:

RESOLUTION ACCEPTING THE 2009 FISCAL YEAR AUDIT REPORT.

On roll call Council Members DiBenedetto, Kane, Newman, Schnurr, Shutzer and Sims voted its adoption; opposed none; abstain none; absent none. Council President Sims declared the motion adopted.

Council President Sims read Item No. 9 on the Agenda as follows:

“Resolution of the Mayor and Council of the Borough of Freehold Approving Renewal of Alcoholic Beverage Licenses July 1, 2010 - June 30, 2011.”

Councilman Newman offered the following Resolution and moved its adoption, seconded by Councilman Schnurr:

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FREEHOLD APPROVING RENEWAL OF ALCOHOLIC BEVERAGE LICENSES JULY 1, 2010 – JUNE 30, 2011.

On roll call, Council Members DiBenedetto, Kane, Newman, Schnurr, Shutzer and Sims voted its adoption; opposed none; abstain none; absent none. Council President Sims declared the motion adopted.

Council President Sims read Item No. 10 on the Agenda as follows:

“Resolution Authorizing Fireworks Display – Italian American Association of Monmouth County.”

Councilman DiBenedetto offered the following Resolution and moved its adoption, seconded by Councilwoman Shutzer:

RESOLUTION AUTHORIZING FIREWORKS DISPLAY – ITALIAN AMERICAN ASSOCIATION OF MONMOUTH COUNTY.

Councilman DiBenedetto stated the fireworks will be held on Sunday, July 18, 2010 at the Freehold Racetrack.

On roll call, Council Members DiBenedetto, Kane, Newman, Schnurr, Shutzer and Sims voted its adoption; opposed none; abstain none; absent none. Council President Sims declared the motion adopted.

Council President Sims read Item No. 11 on the Agenda as follows:

“Resolution Authorizing Fireworks Display – Freehold Center Partnership.”

Councilman Kane offered the following Resolution and moved its adoption, seconded by Councilman DiBenedetto:

RESOLUTION AUTHORIZING FIREWORKS DISPLAY – FREEHOLD CENTER PARTNERSHIP.

Councilman Kane stated the fireworks will be held on Sunday, July 4, 2010 at the Freehold Racetrack.

On roll call, Council Members DiBenedetto, Kane, Newman, Schnurr, Shutzer and Sims voted its adoption; opposed none; abstain none; absent none. Council President Sims declared the motion adopted.

Council President Sims read Item No. 12 on the Agenda as follows:

“Resolution Authorizing the Purchase of Firefighter Turnout Gear.”

Councilwoman Shutzer offered the following Resolution and moved its adoption, seconded by Councilman DiBenedetto:

RESOLUTION AUTHORIZING THE PURCHASE OF FIREFIGHTER TURNOUT GEAR.

Councilman DiBenedetto stated this is a Federal grant that was received last year for \$64,000. He thanked all three fire chiefs for going out and acquiring the grant.

On roll call, Council Members DiBenedetto, Kane, Newman, Schnurr, Shutzer and Sims voted its adoption; opposed none; abstain none; absent none. Council President Sims declared the motion adopted.

Council President Sims read Item No. 13 on the Agenda as follows:

“Resolution Confirming Personnel Actions:

- a. Appointment of Richard J. Gartz, CPA as Chief Finance Officer for the Borough of Freehold, effective July 1, 2010.**
- b. Appointment of Derek A. Stahl as a member of the Freehold Fire Department Junior Firefighter Program, effective June 28, 2010.**
- c. Appointment of John Zuber as a member of the Freehold Fire Department Junior Firefighter Program, effective June 28, 2010.”**

Councilwoman Shutzer offered the following Resolution and moved its adoption, seconded by Councilman Kane:

RESOLUTION CONFIRMING PERSONNEL ACTIONS 13A THROUGH 13C.

On roll call, Council Members Kane, Newman, Schnurr, Shutzer and Sims voted its adoption; opposed none; Councilman DiBenedetto abstained; absent none. Council President Sims declared the motion adopted.

Council President Sims read Item No. 14 on the Agenda as follows:

“Resolution Approving the Following Applications:

- a. Raffle License #10-10, Freehold High School PTSO 9/25/10, held at Freehold High School.**
- b. 5K Run/Walk, West Monmouth Cares, Saturday 10/9/10, (course on file in clerk’s office).**
- c. Halloween Spooktacular Parade, 10/24/10, 12:00 PM – 2:00 PM starting on Manalapan Avenue and ending on Lafayette Place.**

- d. **Halloween Spooktacular Hay Rides, 10/16/10, 12:00 PM – 5:00 PM, starting and ending at the Wachovia Bank Parking Lot, 72 West Main Street.**
- e. **Halloween Spooktacular Jack-o-Lantern Event, 10/23/10, 4:00 PM – 9:00 PM at the Hall of Records.**
- f. **Banner Application, West Monmouth Cares, 9/24/10 – 10/10/10.**
- g. **Banner Application, Spooktacular, 10/10/10 – 11/6/2010.**
- h. **Permanent Taxi Driver License, Luis C. Herrera, Freehold.**
- i. **Temporary Taxi Driver License, Pedro Toscano, Freehold.**
- j. **Temporary Taxi Driver License, Edward Kuncken, Freehold.**
- k. **Temporary Taxi Driver License, Stephen Daniel Buda, Matawan.**
- l. **Temporary Taxi Driver License, Pedro Escriba Cruces, Freehold.”**

Councilman Newman offered the following Resolution and moved its adoption, seconded by Councilwoman Shutzer:

RESOLUTION APPROVING APPLICATIONS 14A THROUGH 14L.

On roll call, Council Members DiBenedetto, Kane, Newman, Schnurr, Shutzer and Sims voted its adoption; opposed none; abstain none; absent none. Council President Sims declared the motion adopted.

Council President Sims read Item No. 15 on the Agenda as follows:

“Approval of Bills.”

Councilman Kane offered the following Resolution and moved its adoption, seconded by Councilman Newman:

BE IT RESOLVED that the bills from June 28, 2010 on the attached list in the amount of \$1,639,160.70 be paid as presented.

On roll call Council Members DiBenedetto, Kane, Newman, Schnurr, Shutzer, Shutzer and Sims voted its adoption; opposed none; abstain none; absent none. Council President Sims declared the motion adopted.

Council President Sims asked the council for their comments.

Councilwoman Shutzer apologized for her rude outburst that was made when the majority of the audience left after the rental property ordinance vote and she wanted to make it clear that she was not speaking about Dorothy Wright or Barbara Oliver. She stated she is the longest member on council and yes she was with the council that considered this before and filed and passed the ordinance. She had questioned back then about the good landlords and was told that unfortunately you cannot separate the good guys from the bad guys. She resents the idea that the council is not talking. This issue has been talked about over and over again.

Councilwoman Shutzer stated throughout the public hearing she took notes and addressed the following people:

Mr. Kiely you made this personal because you pointed out that you are the landlord for my sister-in-law and she speaks very highly of you. She stated she is very familiar with the property and it is well taken care of. Mr. Kiely said that no one is talking and we are tired of being stereo-typed. Councilwoman Shutzer said that she never received a phone call and that you only contacted Councilman Newman and Councilman Kane.

Mr. LoPresti stated that we should work with the landlords, which is exactly what we have been doing.

Councilwoman Shutzer stated that there are too many talking heads here. This ordinance is being talked about on the internet, by personal phone calls and she has not received one phone call. She thinks the reason she has not received a call is because she made herself perfectly clear about where she stands on this issue. She has continually said she was not elected to serve the landlords in this town, she was elected by the citizens to represent citizens and that is what she is doing. She stated the quality of life in this town has been profoundly affected by some of the absentee landlords. If we were dealing with strictly good landlords than we would not be here.

Mr. Friedman held up the Constitution and said my heart is for these words and she wanted him to know that she is holding a sign that says "I am a resident of this town, first and foremost," and she will do everything that she has to do to ensure the quality of life for the people who live in this town. She will not worry about landlords who don't live in this town and who only worry about their income.

Mr. Gormally is sending emails and letters full of legal innuendo and threats and she does not know of anybody that reacts well to that.

Councilwoman Shutzer stated there have been personal phone calls made out to council people that she doesn't understand. She thinks maybe it is to divide and conquer, come over to my side, but she hasn't received any of these calls. She stated there is a campaign being carried out on the internet.

Councilwoman Shutzer wanted everyone to know that she is here to protect the health, safety, well being and quality of life for every resident, which includes homeowners and tenants, in this Borough and she will continue to do so.

Councilman Schnurr stated that he is in favor of the 2.5% cap on real estate taxes because he is a tax payer too. He is also in favor of this cap for all levels of government.

Councilman Schnurr said he had a discussion prior to the meeting with Councilman Newman and he feels the landlord ordinance is a work in progress. He stated that he and Mr. Friedman are in agreement with quite a few issues on the ordinance but he understands the main one in question is the cost of the fee. Councilman Schnurr stated he feels very comfortable with the fee that we are assessing the landlords. As far as the inspections, he is surprised about the 9:00 PM inspections, he thought they were supposed to end earlier. He stated he would be in favor of changing the latest inspection time to 8:00 PM. As far as the inspections that are complaint driven, our code enforcement department is not JCP&L, Verizon, etc. and they should not be scheduled. Councilman Schnurr stated he did agree that some of the complaints were due to subtle racism.

Councilman Newman stated the proposed zoning change issues are not going on tonight they will be addressed at the next Workshop Meeting on July 19, 2010.

Councilman Newman is the liaison to the library and the library is collecting worn flags on behalf of Girl Scout Troop 66. The troop is having a flag retirement ceremony which will be held at the Girl Scouts of the Jersey Shore Activity Center on Yellowbrook Road in Farmingdale on August 9, 2010 at 7:00 PM.

Councilman Kane thanked everyone for coming to the meeting. He stated on Sunday, July 4th at 9:00 A.M. the reading of the Declaration of Independence will be held at the Municipal Building. The Freehold Center Partnership will be hosting fireworks at the racetrack on July 4th. He thanked Bill Mehr for personally going out and fundraising all the money for the fireworks.

Councilman Kane stated on June 30, 2010 there was a terrible tragedy on South Street. There was a home invasion which killed two local family members. He was there from the very beginning as police commissioner and due to the outstanding police work of Detective Otlowski, Detective George and the entire 3:00 PM – 11:00 PM shift, the police were able to apprehend the two suspects before they could get on a bus heading back to Manhattan. These officers did a tremendous job. Councilman Kane also thanked Mr. Bellina for his contacts with Senator Chris Smith's office who is trying to obtain a visa for the wife of one of the victims so she can get here before the funeral.

Councilman Kane stated as he looked upon the room he did not see anyone he recognized from 7- 8 years ago when the residents were coming to the council meetings pleading for us to do something about the landlord problems. He stated this ordinance was right 6 years ago and it is still right today.

Councilman DiBenedetto applauded the landlords that were here tonight. He personally thanked the Freehold Borough and Freehold Township police and the citizens who helped catch the two suspects in the South Street murders.

Councilman DiBenedetto assured the residents that yes they adopted the ordinance, but it can be amended and probably will be amended. He would like to have a more open dialogue with the landlord association.

Councilman Sims thanked the residents for helping apprehend the two suspects in the South Street murders. These residents listened to their police scanners and were very diligently looking for these suspects. He also thanked the Freehold Police Department for the excellent job they did.

Councilman Sims read a prepared speech:

“In the late 90's and early 2000's Freehold Borough was besieged with overcrowded and sub-par rental housing as well as other quality of life issues. The governing body undertook a multi-faced approach to address the social concerns affecting our residents. A Quality of Life Initiative was created. As part of the initiative, in 2003, the governing body enacted the Rental Property Registration ordinance that established strict regulations and accountability for all landlords. The ordinance was used to identify and prove overcrowding and other violations in rental properties. The Borough began an aggressive pursuit of unscrupulous landlords who permitted substandard conditions and who took advantage of vulnerable tenants. This initiative provided protection for tenants, landlords and all residents by holding all landlords accountable for their property which they offer to rent to our residents.

The declining number of property maintenance code violations since the program has been in place is clear evidence of the success of the program. To verify compliance with our property maintenance code, the program includes something that was recommended by the Rental Property Advisory Committee – a committee that was created to study the status of rental housing in Freehold and other recommendations. That recommendation is systematic inspections of all rental units. To that end, the Quality of Life Team was established. A full time code enforcement officer and full time special police officer were hired strictly for the purpose of addressing these quality of life issues. Borough taxpayers should not have to foot the bill to hold

landlords accountable for the condition of their rental properties, for which they earn good money.

It is hard to argue with the success of these initiatives. Yet the landlords are here to do just that. By catching violators in previous years and by putting landlords on notice that someone is watching closely, the condition of our rental housing stock has improved greatly. And that helps all of us, landlords included. To undermine that system is cynical and shortsighted and shows little regard for the residents of the Borough, including the tenants, the people who have to live with the consequences of absentee landlords.

The supplemental portion of the agenda was adjourned at 9:45 PM.

Respectfully Submitted,

TRACI L. DIBENEDETTO, RMC
BOROUGH CLERK

TLD:aj