

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
SEPTEMBER 14, 2016  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENT:** Council President Burnham and Council Members Zipprich, Horgan, Taylor and Whelan.

**ALSO PRESENT:** Borough Administrator Sickels, Borough Clerk Borghi, Chief Financial Officer Poulos, Attorney Cipriani and Engineer White.

**ABSENT:** Mayor Menna and Councilwoman Schwabenbauer.

**SUNSHINE STATEMENT**

Council President Burnham requested the minutes reflect that, in compliance with Public Law 1975, Chapter 231 (Open Public Meetings Act), notice of this meeting has been provided by notifying the Asbury Park Press, the Two River Times and the Star Ledger and by placing a notice on the bulletin board and filing same with the Borough Clerk on January 2, 2016.

**WORKSHOP**

**NJ Transit License Agreement**

Attorney Cipriani explained that the Borough had been contacted by NJ Transit regarding a five-year licensing agreement for signage on their property. She said all that was required at this time was for the Borough to let them know that they were interested in renewing the agreement. She said she had reviewed the old agreement and found there was no payment required. She said the Borough needed to sign the letter of interest before NJ Transit would send the new license agreement. She said the old agreement provided for two signs but said the Borough needed more information before the agreement was presented to Council. She said it would be appropriate to have a motion to authorize letting NJ Transit know that the Borough was interested in renewing the agreement.

Councilwoman Horgan asked what signs were covered by the agreement.

Attorney Cipriani said it was unclear.

RiverCenter Director James Scavone said he was not sure why the agreement had been sent to the Borough because the previous agreement had been signed by RiverCenter. He said it was regarding the information kiosks that RiverCenter had located on NJ Transit property.

Attorney Cipriani said she felt the previous agreement may have been done incorrectly because it did not reference RiverCenter but references the Borough. She said it had been signed by a representative of RiverCenter on behalf of the Borough. She said she felt the Borough should let them know there was interest and then possibly let them know they were dealing with the wrong entity.

Mr. Scavone said they were definitely interested in renewing the license agreement. He added that RiverCenter had provided insurance for the last agreement and would do that again.

Councilman Zipprich made a motion to advise NJ Transit that the Borough was interested in renewing the license agreement and asking them to forward the new agreement, seconded by Councilman Taylor.

**ROLL CALL:**

**AYES:** Burnham, Zipprich, Horgan, Taylor, Whelan

**NAYS:** None

There being five ayes and no nays, the motion was declared approved.

**Pedestrian Safety**

Councilwoman Horgan said she had been speaking with residents who had expressed concern about people speeding on their streets. She said she had spoken with the Police Chief and wanted to bring it to the attention of the Police Commissioner. She said she had given the Chief the list of specific streets and said he had told her he would put a traffic trailer or patrol cars in the areas she was concerned about to encourage drivers to slow down

Councilwoman Burnham said she had heard the same comments as she had been meeting with residents also. She said four-way stops were something people seemed to be interested in.

Councilman Zipprich said he had heard similar issues from residents. He said he would also forward the list of streets to the Police Chief.

**APPROVAL OF MINUTES – August 24, 2016**

Councilman Zipprich offered a motion to approve the minutes, seconded by Councilman Whelan.

**ROLL CALL:**

AYES: Burnham, Zipprich, Horgan, Taylor, Whelan

NAYS: None

There being five ayes and no nays, the motion was declared approved.

### **MAYORAL APPOINTMENTS**

No appointments were made.

### **REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilman Zipprich reported that the Shade Tree and Historic Preservation committees would be meeting the following Tuesday. He said the Department of Public Works Committee would meet the following Wednesday at 7pm. He said the DPW staff was busy preparing for leaf season. He said the Committee would be reviewing other fall clean up needs at its meeting. He said the Director had been evaluating sign clutter throughout the Borough and reviewing requests for "Children at Play" signage. He said he was excited about the roll out of the new website. He reported on a Red Bank Borough Education Foundation fundraiser scheduled for September 30<sup>th</sup> at the Red Bank Elks Club on Front Street. He also noted there would be a T. Thomas Fortune fundraiser at the Oyster Point Hotel on October 2.

Councilwoman Horgan reported that September was Library Month. She said the Summer Reading Program had been very successful with over 2,000 books having been read. She reviewed children's programs and reported that the newsletter was out.

Council President Burnham reported that Red Bank, as part of the Navesink River Municipalities Committee, was moving to get ahead of the water pollution issue regarding the Navesink and Swimming rivers. She said Red Bank was serious and committed on the issue. She said the Committee had met with Clean Ocean Action and Red Bank Public Works on September 1 to review the plan to bring in feces sniffing dogs on the 18<sup>th</sup>. She reviewed details of the plan and the history of previous efforts. She said she was recommending the Red Bank current storm water management plan be revisited. She also reported on the raised bed gardens at the Senior Center and said they were flourishing. She said the Center would be partnering with the Parks and Recreation Department for an End of Summer cookout on the 16<sup>th</sup>. She said they were also sponsoring a trip to Atlantic City that was open to the public on Saturday, November 5.

Councilman Whelan reported that the Public Safety Committee had been keeping up to date on the information for Hurricane Hermine and said he had been in contact with the Office of Emergency Management Coordinator and the Police Chief. He commended both on their preparation efforts. He said he had also spoke with the Fire Chief and said Red Bank was well prepared in the event of a storm. He said, in regard to Parking, as of this date, all parking meters in the Borough could be paid for through a phone app. He said they had heard complaints from business owners that customers had trouble having enough coins. He said new meter heads that would accept credit card payments would have cost about \$350,000 whereas the app was free. He also reported that the Council would be adopting an ordinance at this meeting to create three additional spaces on Bodman Place.

Councilman Zipprich asked if the meters would still accept smart cards.

Councilman Whelan confirmed that they would. He said parking fees could be paid by coin, phone app or smart card. He said the Committee was also looking into bring in more charging stations for smart cars. He thanked Councilman Zipprich for that suggestion.

Councilman Taylor welcomed the new intern that would be working in the Parks and Recreation Department. He also reported on a fundraising concert scheduled for Saturday, September 17 that would feature local bands. He said proceeds would go to the Department's scholarship fund. He said the following Saturday, there would be an art show in the park featuring art work by local students. He said it would be a juried art show with gift cards for all participants and prizes for the winners. He reported on fall sports programs and thanked CFO Poulos for her assistance with implementing credit card payments on line. He said the office would reinstate late hours on Wednesdays beginning in October. He said the Halloween Parade would be held on October 23 and said there would also be a Halloween Egg Hunt on Friday evening October 21. He also reported that the Red Bank Borough Education Foundation would have tables at both the concert and art show.

### **COMMUNICATIONS AND PETITIONS**

Council President Burnham read a request from the residents of Elm Place to hold a block party on September 17, 2016 and to close Elm Place in its entirety from 2pm to 11pm.

Councilwoman Horgan offered a motion to approve the request, seconded by Councilman Zipprich.

### **ROLL CALL:**

AYES: Burnham, Zipprich, Horgan, Taylor, Whelan

NAYS: None

There being five ayes and no nays, the motion was declared approved.

### **PUBLIC COMMENT—Ordinances on First Reading and Resolutions Only**

Council President Burnham opened the public comment portion of the meeting and asked if anyone would like to speak.

James Scavone—RiverCenter Director—asked for clarification on the easement in Ordinance 2016-18.

Administrator Sickels reviewed the location.

Bill Meyer—12 Monmouth Street—also asked for more detail on Ordinance 2016-18.

Mr. Sickels said it was regarding driveway access to a Parking Garage. He said the Borough would be allowing access through the municipal lot.

Mr. Meyer questioned why the easement was being granted without consideration.

Attorney Cipriani said it was a non-exclusive easement for access only. She reviewed the fact that it was a condition of approval from the Zoning Board and reviewed specifics of that approval.

Mr. Meyer—said he had a problem with it and said it would preclude the Borough from using the property. He again criticized the fact that no consideration was given. He said he felt it was inappropriate and closed options.

Attorney Cipriani said she understood his point. She noted that the issue dated back to 2012 and said the Zoning Board had felt that the reduction in the project and the creation of a rateable was desirable. She again noted it had been done in 2012 and said this was a condition of the approval.

Mr. Meyer again criticized the lack of consideration and said it should not be permitted.

Tony Bush—38 West Front Street—said the reason for the easement was to prevent traffic from the project flowing onto Mechanic Street which was a one way street. He said the easement would allow traffic to flow out in various directions. He said the Borough would still have complete use of the parking lot.

Councilman Zipprich confirmed that it would allow access to the parking lot from new structures.

Mr. Bush reviewed details and benefits of the easement including access for garbage pickup and fire apparatus.

Administrator Sickels confirmed that it was more desirable to have vehicles exit through the parking lot.

Council President Burnham questioned why the Borough would give an easement rather than sell it.

Administrator Sickels said he did not remember the details of the testimony but said he did remember that it would have significantly reduced the project and would have impacted Mechanic Street adversely.

Council President Burnham asked if it wasn't illegal to give away Borough property.

Attorney Cipriani clarified that the general rule was that, if the Borough was going to offer an interest in Borough land, it would be put out to bid. She said, in this case, that would make no sense because the value was specific to this project. She said, procedurally, it would have been good to have the Borough involved when the condition was made in 2012, however, she said they could not go back in time. She said it was a condition of approval and the benefit was specific to that site. She said it was not a question of having received consideration because there was a benefit to the municipality by not having all of the traffic flow onto Mechanic Street.

Council President Burnham expressed concern about people speeding through parking lots.

Mr. Bush said he did not think that had any effect on the easement. He said the reason for the easement was that it was thought to be in the best interest of the town.

Barbara Boas—135 Branch Avenue—asked for a simplistic clarification. She said she understood that the Zoning Board had given an easement to just drive over the lot.

Attorney Cipriani clarified that the Zoning Board could not give an easement but that was essentially correct and that was why the matter was before the Council.

Ms. Boas asked for confirmation that there was no transfer of property and no parking issues.

Attorney Cipriani said that was correct.

Councilman Whelan said Mr. Meyer made a good point but said, in this particular case, Borough was benefitting as well.

Bill Meyer—12 Monmouth Street—said he wanted to clarify that, while it wasn't a transfer of property, he said it was a property right affecting that property. He said it would limit the Borough's use of the property in the future. He said the restriction of the property without consideration was inappropriate.

Attorney Cipriani said she agreed that it could impede the right of access.

No one else appearing, Councilman Zipprich offered a motion to close the public comment portion, seconded by Councilman Taylor.

ROLL CALL:

AYES: Burnham, Zipprich, Horgan, Taylor, Whelan

NAYS: None

There being five ayes and no nays, the motion was declared approved.

**ORDINANCES – First Reading**

2016-18 Council President Burnham read, “An Ordinance Authorizing the Grant of a Reciprocal Easement Agreement with Riverwalk Commons Red Bank, LLC.”

Councilwoman Horgan offered a motion to adopt the ordinance on first reading, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Zipprich, Horgan, Taylor, Whelan

NAYS: None

ABSTAIN: Burnham

There being four ayes, no nays and one abstention, the motion was declared approved.

Final reading and public hearing to be held September 28, 2016.

2016-19 Council President Burnham read, “An Ordinance Adopting a Codification and Revision of the Ordinances of the Borough of Red Bank, County of Monmouth, State of New Jersey; Providing for the Maintenance of said Code; Repealing and Saving from Repeal Certain Ordinances not Included Therein; Establishing a Penalty for Altering or Tampering with the Code and Making Certain Changes in Previously Adopted Ordinances.”

Attorney Cipriani explained that the 2016-19, 2016-20 and 2016-21 were related to updating the Borough Code which she noted had not been done for ten years. She said it would be available on line and easily searchable. She said 2016-20 added the position of Municipal Clerk which was a statutory position but had not been included in the municipal code. She said 2016-21 replaced the title of the position of Corporate Council with Municipal Attorney.

Councilwoman Horgan said the Code would be on the updated website being launched in the near future.

Municipal Clerk Borghi clarified that, even though the Code would not be formally adopted until September 28<sup>th</sup>, it was already on line on the existing municipal site and would also be available on the new site.

Councilman Zipprich thanked the Clerk and Administration for their efforts on the project.

Councilman Taylor offered a motion to adopt the ordinance on first reading, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Burnham, Zipprich, Horgan, Taylor, Whelan

NAYS: None

There being five ayes and no nays, the motion was declared approved.

Final reading and public hearing to be held September 28, 2016.

2016-20 Council President Burnham read, “An Ordinance Amending the Code of the Borough of Red Bank by Adopting a New Article I, Municipal Clerk, to be Added to Chapter 90, Officers and Employees.”

Councilman Zipprich offered a motion to adopt the ordinance on first reading, seconded by Councilman Taylor.

ROLL CALL:

AYES: Burnham, Zipprich, Horgan, Taylor, Whelan

NAYS: None

There being five ayes and no nays, the motion was declared approved.

Final reading and public hearing to be held September 28, 2016.

2016-21 Council President Burnham read, “An Ordinance Amending the Code of the Borough of Red Bank by Adopting a New Article XVII, Municipal Attorney, to be Added to Chapter 90, Officers and Employees.”

Councilman Zipprich offered a motion to adopt the ordinance on first reading, seconded by Councilman Taylor.

ROLL CALL:

AYES: Burnham, Zipprich, Horgan, Taylor, Whelan

NAYS: None

There being five ayes and no nays, the motion was declared approved.

Final reading and public hearing to be held September 28, 2016.

#### **ORDINANCES – Public Hearing and Final Adoption**

2016-17 Council President Burnham read, “An Ordinance Amending and Supplementing Chapter VII, “Traffic,” Section 7-3.3, “Parking Prohibited at all times on Certain Streets,” Schedule I, “No Parking.”

Council President Burnham opened the public hearing and asked if anyone would like to speak.

Denise Palaia—Colony House—said she was happy for the additional three spots. She thanked the Council and, specifically Councilwoman Horgan and Councilman Whelan, as well as the Police Chief. She said she mostly wanted to thank Cliff Keen for this help. She said she realized it was only three spots but said they were very grateful.

No one else appearing, Councilman Zipprich offered a motion to close the public hearing, seconded by Councilman Taylor.

**ROLL CALL:**

AYES: Burnham, Zipprich, Horgan, Taylor, Whelan

NAYS: None

There being five ayes and no nays, the motion was declared approved.

Councilman Zipprich offered a motion to adopt the ordinance on final reading, seconded by Councilman Taylor.

**ROLL CALL:**

AYES: Burnham, Zipprich, Horgan, Taylor, Whelan

NAYS: None

Councilman Whelan reviewed how the issue had come up and said it had been a team effort. He confirmed that it was only three spots but stressed the importance of those spots to the residents.

There being five ayes and no nays, the motion was declared approved.

### **RESOLUTIONS**

16-237 Council President Burnham read, “A Resolution Authorizing the Monmouth County Prosecutor’s Office to Conduct all Criminal Investigations Regarding Animal Cruelty which Occur in the Borough of Red Bank.”

Administrator Sickels asked that the resolution be tabled so the Personnel Committee could discuss the matter before action was taken.

Councilman Taylor offered a motion to table the resolution, seconded by Councilman Zipprich.

**ROLL CALL:**

AYES: Burnham, Zipprich, Horgan, Taylor, Whelan

NAYS: None

There being five ayes and no nays, the motion was declared approved.

### **By Consent Agenda:**

16-236 A Resolution Authorizing the Release of Cash Bond for Acelero Learning Center, Block 77, Lots 23 and 24.

16-238 A Resolution Appointing Full Time Level 1 Police Department Dispatcher.

16-239 A Resolution Appointing Per Diem Part-Time Dispatcher.

16-240 A Resolution Authorizing the Execution of a Developer’s Agreement with Riverwalk Commons Red Bank, LLC, c/o Langan Development, LLC.

16-241 A Resolution Authorizing the Execution of a Developer’s Agreement with Metrovation.

16-242 A Resolution Authorizing Place-To-Place Expansion of Premises Transfer of Plenary Retail Consumption License No. 1340-33-011-005.

16-243 A Resolution Authorizing Renewal of Plenary Retail Distribution Licenses for 2016-2017.

Councilman Zipprich offered a motion to approve the resolutions by consent, seconded by Councilman Taylor.

**ROLL CALL:**

AYES: Burnham, Zipprich, Horgan, Taylor, Whelan

NAYS: None

There being five ayes and no nays, the motion was declared approved.

### **PROCLAMATIONS**

Council President Burnham read a proclamation proclaiming September 2016 at Childhood Cancer Awareness Month.

### **PAYMENT OF VOUCHERS**

16-244 Council President Burnham read, “A Resolution for Payment of Bills Amounting to \$1,690,790.97.”

Councilman Zipprich offered a motion to approve the resolution, seconded by Councilman Whelan.

ROLL CALL:

AYES: Burnham, Zipprich, Horgan, Taylor, Whelan

NAYS: None

There being five ayes and no nays, the motion was declared approved.

## **OLD BUSINESS**

## **NEW BUSINESS**

### **AUDIENCE**

Danny Murphy, Danny's Steakhouse, and Steve Catania, The Cheese Cave—Mr. Murphy said the issue to allow food trucks had been on a Council agenda in July but said they had appeared with a number of restaurant owners to strongly oppose it and it had been removed from the agenda. He said he understood that, last month, the issue had been brought up again. He said they would be submitting a petition to oppose the issue but also asked that they be notified if the issue was going to be on an agenda.

Councilwoman Horgan said it had not been on the agenda but that someone had come up to talk about it.

Administrator Sickels said it had never been on the agenda.

Councilman Whelan agreed that the matter had been pulled in July and said the Mayor had added it to Workshop at the last Council meeting. He said the matter had then been referred to Parking and Parks & Recreation committees for further review and discussion. He said there was nothing on for action adding that it was just Council people talking about the idea. He said, if it got to the next level, they would bring in RiverCenter and the Red Bank Business Alliance. He told Mr. Murphy he would be informed every step of the way.

Councilman Zipprich confirmed that the Council had asked that it be referred back to Committee and that they eventually include RiverCenter and the Business Alliance.

Councilman Taylor said they would be meeting the next week to discuss.

James Scavone—Executive Director, RiverCenter—thanked the Parking Committee for the new app. He said he also wanted to offer any clarification needed regarding an offer relating to the Firehouse proposal. He said he understood the Council would have to discuss the matter in Executive Session and asked that they give the proposal consideration.

Councilwoman Horgan said she did not have any questions but said they would take everything under consideration.

Tom Labetti—45 Elm Place—thanked the Council for the approval of the Block Party request. He asked if the street sweeper could clean the street before the event.

DPW Director Keen said it would be taken care of.

Mr. Labetti said, in regard to the Red Bank Borough Education Foundation, he would like to thank all of the donors to the event.

Councilwoman Horgan said donations were still being accepted.

Mr. Labetti asked for a recap of the process in place regarding the White Street Parking Lot. He said he understood that a Consulting Company was working on a plan and asked if that plan would then be sent to the Planning Board.

Attorney Cipriani said any plan would be presented to the Council. She said, if the Council was in favor, it would be adopted as a Redevelopment Plan ordinance. As a land use regulation, she continued, it would then be sent to the Planning Board for review and comment. She said, if they sent back a letter of approval, it could go for a second reading. She said they could also suggest changes which the Council could consider. She summarized that, when an acceptable plan was received, it would be considered as a Redevelopment Plan ordinance and would be adopted by the Governing Body after input by the Planning Board.

Mr. Labetti asked at what stage the public could give input on the matter.

Attorney Cipriani said comment be given throughout the process from first reading at the Council, at Planning Board meetings and at final adoption by the Council.

Councilman Whelan noted that that was just for the Redevelopment Plan. He said there would also be opportunity for comment if the Council decided to go out for an RFQ or RFP.

Attorney Cipriani agreed adding that the Redevelopment Plan would be conceptual only and specific proposals would come later.

Mr. Labetti again asked about the comment opportunities and the adoption process.

Attorney Cipriani clarified the process.

Mr. Labetti asked about binding versus non-binding referendum.

Attorney Cipriani confirmed that they could only do non-binding referendum under the Red Bank for of government. She also noted that people could publicly comment at the meetings.

Mr. Labetti also commented on a pending tax appeal case and said two articles had been posted with comments. He said he wanted to clarify noting that the Mayor had commented regarding concession stands within the property. He said that was not what the Morristown case had been about. He said he wanted to make sure that Attorney Cipriani knew that it was not about the gift shop or concession stands.

Attorney Cipriani said they were aware of the Morristown case.

Councilman Taylor said he also wanted to thank the local businesses for their contributions to the Red Bank Borough Education Foundation fundraiser.

George Lyrstis—Bistro/Teak—said he had not known about the fundraiser and had wanted to donate. He asked how the information could be distributed better.

Councilman Taylor said the onus was on the foundation. He said they had been soliciting donations for months but also noted it was only the second year for the event.

Mr. Lyrstis asked if there was a Facebook page.

Councilman Taylor said there was and gave information on that.

Mr. Lyrstis called for a better way to combine efforts.

Attorney Cipriani clarified that the information would have to come from the foundation. She said the Borough could not pick which organizations to sponsor so it could not be the source of the notifications.

Councilman Taylor said the foundation was not technically affiliated with the Borough. He said it was just happenstance that half of the Council served on the foundation.

Victor Kuo—Temple—asked about the timeframe regarding the parking lot.

Attorney Cipriani asked if he was referring to completion.

Mr. Kuo said not completion but for the RFQ.

Attorney Cipriani said it was hard to answer but said it could be four to five months.

Councilman Whelan reviewed the process.

Councilwoman Burnham asked about the \$40,000 contribution from RiverCenter.

James Scavone—Executive Director, RiverCenter—said he had discussed the matter with their liaison, Councilman Whelan. He confirmed that they were still working on it. Mr. Scavone said he also wanted to announce that the Guinness Oysterfest would be held on September 25 in the White Street Parking Lot.

Bill Meyer—12 Monmouth Street—said he would like to see principles get together to consider an agreement between businesses to have employees parking outside of the customer parking areas. He said he was surprised to see the number of employees parking in the area. He suggested they should park outside of the area and be shuttled in.

Freddie Boynton—365 Shrewsbury Avenue—said he had concerns about the municipal court system and said it was not fair regarding a recent dismissal. He said he had not been treated fairly. He said African-Americans were not being treated fairly in the town. He criticized a specific hire in Public Works and their hiring practices in general. He started to address comments to the Chief of Police regarding a recent incident.

Attorney Cipriani asked Mr. Boynton to address his comments to the Council.

Mr. Boynton said the Borough trucks were not safe and said he felt he would have to contact OSHA. He also criticized the lack of crosswalks on Shrewsbury Avenue and said nothing was being done. He also asked about railroad tracks on West Bergen Place that he said were in need of repair but said nothing was being done.

Council President Burnham explained that Shrewsbury Avenue was a County road.

Mr. Boynton said he knew that and cited other county roads that had crosswalks. He expressed concern about senior citizens that crossed Shrewsbury Avenue. He noted he had also previously asked for “Children at Play” signs.

Council President Burnham said those signs were coming.

Mr. Boynton commended two members of the Public Works staff for their efforts but criticized others. He took issue with the fact that there had been a march for some shooting victims but not others. He said there was division in town and criticized police activity. He called for more walking patrols. He again reviewed specific police incidents throughout the years. He criticized court decisions particularly in regard to his family. He asked that something be done.

Attorney Cipriani noted that neither the Council nor the Administrator had authority over the Municipal Court. She said the authority lied with the Administrative Office of Courts.

Mr. Boynton said he understood that but noted that the Judge and the Prosecutor worked for and got paid by the Borough.

Attorney Cipriani said the Borough did not directly supervise them.

Mr. Boynton criticized the Judge. He again claimed racism.

Bill Meyer—12 Monmouth Street—said he knew something about the incident Mr. Boynton had mentioned that he believed had to do with a section sidewalk. He said he agreed with Counsel in regard to control over the court but said there was something known as discretion with regard to citing someone. He said the episode came out of a code violation that had been issued against Mr. Boynton. He reviewed the details of the case as he understood them.

Attorney Cipriani said it was not for the Council to comment on Municipal Court cases. She said Mr. Meyer had the first amendment right to say what he wanted at the microphone.

Mr. Meyer said there were issues with people knowing when they needed a permit. He said he felt that Mr. Boynton had been innocent in his actions and said he felt the fact that he had gotten in trouble was bothersome. He called for education on the matter.

John Romano—14 Tilton Avenue—said he had replaced a water line about seven years ago from his house to the street. He said he wanted to echo some of Mr. Boynton's comments. He asked for a recap on the process for when the Borough decided to upgrade or replace a water line.

Administrator Sickels said, when a street was going to be paved, the Borough would check underground utility lines and reviewed details of that process. He said they also do flow tests and hydrant flushing. He said they would investigate based on those results.

Mr. Romano said he was having an issue with low water pressure to the house. He said he had had low pressure and, as a remedy had replaced the line from his house to the street.

Mr. Sickels asked if he had replaced the pipe all the way to the main or just to the curb.

Mr. Romano said he thought it was the curb.

Mr. Sickels said the issue probably lied between the curb and the main.

Mr. Romano reviewed specific issues in his neighborhood and of water pressure issues. He again asked how the decision was made to replace lines and asked if he should submit pressure readings from his house.

Mr. Sickels said the house lines are separate from the main lines. He said the Borough maintained the main lines but noted the homeowner was responsible for lines from the house to the connection. He said, if Mr. Romano had only replaced a portion of the line, there was probably still a restriction in the pipe. He suggested he discuss the matter with DPW Director Keen.

Council President Burnham said there were often problems with the pipe to the main and recounted her own experience. She said Mr. Romano should see a big difference if he replaced that pipe.

Mr. Romano said he assumed that would have been replaced when he ordered the work.

Mr. Sickels pointed out that he had contracted with a private plumber.

Several Council member noted both portions of the pipe had to be replaced and a discussion followed on what work may or may not have been done.

Mr. Romano cited a condo project in the area and work that had been done.

Mr. Sickels reviewed the work that had been done at the developer's expense. He also reviewed upgrades the Borough had done in recent years.

Ben Forrest—16 Locust Avenue—discussed public participation at meetings and the previous discussion of time limits. He noted that he was on the Board of Education and acknowledged that that board had time limits. However, he said he was opposed to limits and said it was important for the Council to listen. He called for no restrictions to be put in place.

Councilman Taylor said he understood the need for a public forum and supported the First Amendment right to speak. He acknowledged that the Council had workshopped the idea of a time limit but said was not in an attempt to curb people from bringing issues forward. He said the idea was to give more people an opportunity to comment.

Robert Lowe—77 East Bergen Place—said he had a sidewalk that a town tree was lifting up. He asked how to go about correcting the situation.

Mr. Sickels referred him to DPW Director Keen.

Councilman Whelan offered to close the audience portion of the meeting, seconded by Councilman Zipprich.

**ROLL CALL:**

**AYES:** Burnham, Zipprich, Horgan, Taylor, Whelan

**NAYS:** None

There being five ayes and no nays, the motion was declared approved.

**EXECUTIVE SESSION**

16-245 Council President Burnham read a resolution to adjourn to executive session to discuss contract negotiations and personnel; possible formal action to be taken.

Councilman Zipprich offered a motion to adjourn to executive session, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Burnham, Zipprich, Horgan, Taylor, Whelan

NAYS: None

There being five ayes and no nays, the motion was declared approved.

Councilman Whelan offered a motion to adjourn from executive session, seconded by Councilman Taylor.

ROLL CALL:

AYES: Burnham, Zipprich, Horgan, Taylor, Whelan

NAYS: None

There being five ayes and no nays, the motion was declared approved.

16-245A Council President Burnham read, "A Resolution Authorizing the Award of the Bid for 32 Mechanic Street through an Auction Process."

Councilman Whelan offered a motion to approve the resolution, seconded by Councilman Taylor.

ROLL CALL:

AYES: Burnham, Zipprich, Horgan, Taylor, Whelan

NAYS: None

There being five ayes and no nays, the motion was declared approved.

#### **ADJOURNMENT**

Councilman Taylor offered a motion to adjourn the meeting, seconded by Councilman Whelan.

ROLL CALL:

AYES: Burnham, Zipprich, Horgan, Taylor, Whelan

NAYS: None

There being five ayes and no nays, the motion was declared approved.

Respectfully submitted,  
Pamela Borghi