

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
NOVEMBER 5, 2014  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

PRESENT: Mayor Menna and Council Members Murphy, Burnham, Horgan, Zipprich, Lewis and DuPont.

ALSO PRESENT: Administrator Sickels, Municipal Clerk Borghi, Chief Financial Officer Poulos, Attorney O’Hern and Engineer Herrman.

**SUNSHINE STATEMENT**

Mayor Menna 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 1, 2014.

**SUSPEND REGULAR ORDER OF BUSINESS**

Councilman Zipprich offered a motion to suspend the regular order of business, seconded by Councilwoman Burnham.

**ROLL CALL:**

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

Mayor Menna said Red Bank had an extraordinary individual in the community and said Councilman DuPont had brought his recent generosity to the Council’s attention. He reviewed Mr. Ross’s history in the Borough and asked Councilman DuPont to explain further.

Councilman DuPont commended Mr. Ross’s service and commitment to the community. He said Mr. Ross had donated several hundred pairs of shoes to Red Bank’s children and called him a model for the community. He said he had wanted to do a resolution to express the Borough’s appreciation for his generosity.

14-297 Mayor Menna read, “A Resolution Commending Dean Ross and the Staff of Doc Shoppe.”

Councilman DuPont offered a motion to approve the resolution, seconded by Councilman Murphy.

**ROLL CALL:**

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

Mr. Ross said he hoped he had made a small difference and said he had received numerous hugs and “high fives.” He also commended those that had volunteered to assist him.

Councilman Zipprich said the level of excitement thrilled and touched a lot of people in town.

Councilwoman Lewis also thanked Mr. Ross. She said while he had said it was a little thing, she said it was a big thing to the children of the Borough.

Councilwoman Burnham said she had known Mr. Ross since the 80s and said what he had done was phenomenal and appreciated. She said it was a very organized effort.

Councilman Murphy also thanked Mr. Ross for his generosity.

14-296 Mayor Menna read, “A Resolution Authorizing an Emergency Appropriation Pursuant to N.J.S.A. 40A:4-46.”

Mayor Menna asked CFO Poulos to explain the resolution.

Ms. Poulos said it would enable the Borough to provide for tax appeal refunds in the budget.

Councilwoman Burnham asked if there had been a more creative way to provide the funds instead of bonding. She suggested taking the money from the water utility or parking utility.

Mayor Menna explained that the Governor had given the municipality the authority to bond for the expense which was a little or no interest loan. He said the benefit was that it would not affect the tax base because the bonding indebtedness had been reduced since last year by about \$2 million. He noted that it was being done at the recommendation of the CFO, Auditor and Finance Chairman.

Councilman DuPont offered a motion to approve the resolution, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

### **RESUME REGULAR ORDER OF BUSINESS**

Councilman Zipprich offered a motion to resume the regular order of business, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

### **WORKSHOP**

#### **NJTransit—Temporary Closure at Route 35/Broad Street**

Mayor Menna said this item was being removed from the agenda because the project was complete.

#### **Electric Car Charging Station**

Mayor Menna asked Councilman Zipprich to review the project.

Councilman Zipprich announced that he painted the curb and installed signage for a new electric vehicle charging space.

Administrator Sickels said there would be an ordinance to establish a fee for the space and also to designate the space for use by hybrid or electric vehicles only and only while they were using the charging station.

#### **APPROVAL OF MINUTES – September 24, 2014**

Councilman Murphy offered a motion to approve the minutes, seconded by Councilman DuPont.

ROLL CALL:

AYES: Murphy, Burnham, Lewis, Zipprich, DuPont

NAYS: None

ABSTAIN: Horgan

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

#### **APPROVAL OF MINUTES – October 8, 2014**

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

### **MAYORAL APPOINTMENTS**

None.

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

Councilman Murphy had no report.

Councilwoman Burnham said she wanted to give a Code update and reported that there had been 11 complaints, 81 inspections, COs and re-inspection, 2 overcrowding reports and 18 summonses issued.

Councilwoman Horgan reported that there would be a wine tasting benefit at the Library on November 11, 2014 hosted by the Foundation for the Red Bank Public Library. She said sponsors and volunteers were needed.

Councilwoman Lewis said the Parks and Recreation Committee had met on October 15 to discuss Bellehaven Park. She said two representatives of the Environmental Commission had attended. She said they had also discussed Marine Park improvements.

Councilman Zipprich thanked everyone for their notes and prayers during his father's recent health crisis. He congratulated Borough Engineer Ballard on the birth of her son earlier in the day. He also reported he had participated on behalf of the Historic Preservation Commission in a "Save the T. Thomas Fortune House" fundraiser held at the Bates Lodge. He said the Department of Public Works meeting for November would be rescheduled due to the League of Municipalities conference. He said the Shade Tree Committee was coordinating plantings with the New Jersey Tree Foundation. He also noted that the Engineer's Status Report had been distributed to the Council with their packet.

Councilman DuPont congratulated Edward Zipprich and Linda Schwabenbauer for their victories on Election Day. He said he also wanted to thank Juanita Lewis who he said had been played a pivotal role on the Council. He said he had always respected her opinion and said she was articulate, profession and competent. He praised her years of service and community involvement.

Councilwoman Horgan said she agreed with Councilman DuPont's comments.

Mayor Menna said the loss of an extended family member was very difficult. He noted that the official results were not in but he wanted to join in offering his appreciation and commended her service. He also spoke of the hours she had put in, her level of dedication, her contribution to the community and her creative efforts. He also commended Councilman Zipprich for his dedication and extraordinary commitment. He congratulated Linda Schwabenbauer for dedication and commitment to the future of Red Bank.

He said he also wanted to comment on the Library. He said there was a difference of night and day at the Library in just six months. He said they had been criticized by the State Library Association and noted that they had not only backed off but would be holding their State meeting at the Red Bank Library. He thanked the Library Director, staff, users, Councilwoman Horgan and the Board of Trustees for their efforts.

He also urged everyone to join the Council at the Veteran's Day Ceremony on November 11<sup>th</sup> at 11am at the Veteran's Monument at 51 Monmouth Street. He noted that Trinity Episcopal Church would be holding an evening prayer service that same day for all of the veterans.

## **COMMUNICATIONS AND PETITIONS**

By Consent Agenda

- Request from Red Bank Flavour Culinary Alliance to hold their Holiday Event at the Molly Pitcher Inn on December 4, 2014 from 5:30-9:30 p.m., approved by the Special Events Committee.
- Request from Life Vest Inside to extend their November 9<sup>th</sup> event to include Front to White Street on Broad Street (entire street closure would be Monmouth to Front).
- Request from Lunch Break to hang a banner on Shrewsbury Avenue from April 1, 2015 to May 18, 2105 to advertise their annual FoodStock food drive.
- Request from Lunch Break to hang a banner on Broad Street from September 15, 2015 to October 20, 2015 to advertise their annual gala.
- Request from Dublin House to erect a temporary tent on their front patio from November 27, 2014 to November 30, 2014. Approved by Special Events Committee.
- Request from St. Anthony's of Padua to hold Our Lady of Guadalupe procession on Friday, December 12, 2014 at 7pm (Dr. Parker Blvd & Shrewsbury Avenue to Bridge Avenue to St. Anthony's Parish Center). Approved by Special Events Committee
- Request from RiverCenter for permission to install holiday decorations, lights and tree in the downtown business district with removal dates between January 17 and January 31, 2015
- Request from RiverCenter for free parking in the downtown business district from Thursday, December 11, 2014 through December 25, 2014 for holiday shopping

Councilman DuPont offered a motion to approve the requests en masse, seconded by Councilman Murphy.

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

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

Mayor Menna opened the public comment portion of the meeting and asked if anyone would like to speak.

Caryn Cohen—23 Wallace Street-the Metropolitan—said she was appearing to discuss an ongoing issue with the dumpster. She said she had called the police but the problem had not been resolved.

Mayor Menna asked her to hold her comment to the public portion of the meeting.

## **ORDINANCES – First Reading**

2014-21 Mayor Menna read, "Refunding Bond Ordinance Providing Funds for Tax Refund Payments of Amounts Due and Owing to the Owners of Certain Properties in the Borough; Authorizing the Issuance of up to \$675,000 of General Obligation Tax Refunding Bonds of the Borough of Red Bank, County of Monmouth, New Jersey, to Finance the Costs thereof; Making Certain Determinations and Covenants in Connection therewith; and Authorizing Certain Related Actions in Connection with the foregoing."

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

Public hearing and final adoption scheduled for November 24, 2014.

2014-22 Mayor Menna read, "An Ordinance Making the Provisions of Subtitle 1 of Title 39 Pursuant to N.J.S.A. 39:5A-1 of the Revised Statutes of New Jersey Applicable to Walgreens (Block 120, Lot 53.09)"

Mayor Menna explained that this would give the Red Bank Police Department the authority to enforce within the Walgreen's property.

Councilman Zipprich confirmed that this would allow the Police to enforce restrictions set in place by the Planning Board.

Councilman Murphy offered a motion to adopt the ordinance on first reading, seconded by Councilman DuPont.

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

Public hearing and final adoption scheduled for November 24, 2014.

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

2014-19 Mayor Menna read, "Ordinance Requiring Mortgagee Registration Relating to Real Property Mortgages in Default, Providing for Registration and Requiring Maintenance for Certain Real Property by Mortgagees."

Mayor Menna asked if anyone would like to speak.

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

Councilman DuPont offered a motion to adopt the ordinance on final reading, seconded by Councilman Murphy.

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

2014-20 Mayor Menna read, "Ordinance Amending and Supplementing Chapter VII, "Traffic", Section 7-3 "Parking" of the Revised General Ordinances of the Borough of Red Bank to Create Reserved Parking for Electric Charging Vehicles."

Mayor Menna asked if anyone would like to speak.

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

## RESOLUTIONS

By Consent Agenda:

- 14-284 A Resolution Authorizing Acceptance of Performance Guarantee and Inspection Escrow Regarding Grandview at Navesink, Inc., 19 Morford Place, Block 4, Lot 11.01.
- 12-285 A Resolution Authorizing Release of Maintenance Bond Regarding Matrix II, LLC, 224 Bridge Avenue, Block 77, Lot 17.01.
- 14-286 A Resolution Acknowledging Receipt of Best Practices Inventory as Prepared by the Chief Financial Officer.
- 14-287 A Resolution Authorizing Person-to-Person Transfer of Plenary Retail Distribution License No. 1340-44-034-003 (Wayne’s Liquors, Inc. to REKON Limited Liability Company).
- 14-288 A Resolution Authorizing Person-to-Person and Place-to-Place Transfer of Plenary Retail Consumption License No. 1340-33-015-009 (E&S Bar, Inc. to Gotham Lounge, LLC).
- 14-289 A Resolution Authorizing the Preparation and Submission of an Application to the Local Finance Board Pursuant to N.J.S.A. 40A:2-51 et. seq.
- 14-290 A Resolution Regarding the Borough of Red Bank Report of Audit for the Year Ended December 31, 2013 and Corrective Action Plan Required by Federal OMB Circular Reference Number A-133.
- 14-291 A Resolution Requesting Approval of Items of Revenue and Appropriation NJS 40A:4-87 (NJ 2014 Body Armor Replacement Fund Program).
- 14-292 A Resolution Authorizing Renewal of Plenary Retail Consumption Licenses 2014-2015 (Triumph Brewing Company).
- 14-293 A Resolution Requesting the NJDOT to Evaluate the Need for a Traffic Light at the Intersection of State Highway 35/Riverside Avenue and Bodman Place.
- 14-294 A Resolution Authorizing the Tax Collector to Charge a Fee Relating to Tax Sale Notice Mailings.
- 14-295 A Resolution Authorizing the Borough of Red Bank to Enter into a Contract with the Affordable Housing Alliance to Serve as the Borough’s COAH Administrative Agent.

Councilwoman Burnham asked about 14-295. Mayor Menna explained that it would allow the Borough to save money because the service was currently being done by an employee.

Councilwoman Burnham asked about the status of the Borough’s Affordable Housing obligation.

Mayor Menna said it would be a very lengthy explanation because it was a complicated issue. He said the Borough still had varying degrees of responsibility.

Councilwoman Burnham said she also wanted to make sure that it wasn’t Red Bank Affordable Housing.

Administrator Sickels said it was not.

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

Councilman DuPont said he would be abstaining on 14-285 and 14-295.

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

ABSTAIN: DuPont (14-285 and 14-295 only)

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

## PROCLAMATIONS

None.

## PAYMENT OF VOUCHERS

14-298 Mayor Menna read “A Resolution for Payment of Bills Amounting to \$3,421,221.23.” (10/22/2014)

14-299 Mayor Menna read “A Resolution for Payment of Bills Amounting to \$1,190,835.02.” (11/05/2014)

Councilman DuPont offered a motion to approve both resolutions, seconded Councilwoman Horgan.

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

## **OLD BUSINESS**

## **NEW BUSINESS**

## **AUDIENCE**

Caryn Cohen—23 Wallace Street-the Metropolitan

Mayor Menna reviewed the issue with private trash collection contractors consolidating their collections. He said there was also an issue with the time of collection which was often very early. He said RiverCenter was to get the property owners together to try to get one contractor to for all of them. He said the Borough was encouraging them to do that but he did not know if they had been successful. Secondly, he said there was a question if the Borough could set time limits when they could collect.

Councilman DuPont agreed and said if the ordinance was in place, they should have the police enforce it.

Councilman Murphy noted that the garbage was collected on Broad Street early to keep them out of the business district during the day. He said he did not think there was on ordinance covering it. He also suggested there should be a weight limit on Broad Street.

Mayor Menna said he did not think the residents were being unreasonable and would probably prefer a 7 am pick up.

Councilwoman Burnham asked if there was an ordinance that covered it.

Mr. Sickels said he thought it was under the noise ordinance. He said he thought the idea had been to get them in early while there were no cars in the parking lots. He said RiverCenter had been meeting with the property owners and representatives of the Metropolitan to create a centralized trash location with one pick up but it had not yet come to fruition.

Mayor Menna said he thought they should work toward the 7 am pick up.

Ms. Cohen explained the issue she had had with police enforcement.

Councilman Murphy asked for the days that the pick-up occurred. He noted that there had been numerous discussions with RiverCenter but agreed that they could try the 7 am pick up.

Linda Schwabenbauer—58 Leroy Place—said she was looking forward to working with everyone on Council. She thanked Council members Zipprich and Lewis for running an energetic and creative campaign. She said she also had a question about Ordinance 2014-21 regarding bonding for tax refunds. She questioned the Mayor's statement that it would not impact the taxpayers and asked him to repeat his comment.

He said it would not negatively affect the taxpayers and explained that the refunds had to, by law, be given to property owners per the Tax Court of New Jersey. He said there were two ways to deal with that; by either cutting a check for the funds from surplus or borrowing funds from the State and paying it back at a very low interest rate over five years. He said it would not negatively affect the tax rate because, at the end of this year, there would be a substantial reduction of approximately \$2 million that had been paid off.

Ms. Schwabenbauer noted that they were mostly commercial properties, including \$500,000 regarding Presbyterian Homes, and said it appeared it had come "out of the blue."

Mayor Menna said it had not come out of the blue but had been in litigation for five years. He reviewed the case regarding nursing homes and said it had been determined that certain parts of the property were exempt.

Attorney O'Hern agreed and said it went back to 2007. He said the Borough had been hurt in the earlier years but noted the property's assessment had gone back up due to improvements.

Ms. Schwabenbauer asked what the Borough's threshold was for establishing reserves for this type of expense.

Councilman DuPont explained that the Borough sets reserves but also requested a revaluation and participation in the County's Pilot Program. He said due to the recession, they knew that it would be forthcoming. He said he expected that, with the Monmouth County Pilot Program, they would not see the huge swings.

No one appearing, Councilman DuPont offered a motion to close the audience portion of the meeting, seconded by Councilman Zipprich.

## **ROLL CALL:**

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

## **EXECUTIVE SESSION**

None.

## **ADJOURNMENT**

Councilman DuPont offered a motion, seconded by Councilman Zipprich to adjourn the meeting.

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

Respectfully submitted,

Pamela Borghi