

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
APRIL 27, 2009
7:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

ALSO PRESENT: Administrator Sickels, Deputy Borough Clerk Borghi, Attorney Pringle, Assistant Attorney Hall, Engineer Ballard and Chief Financial Officer Mason.

ABSENT: Borough Clerk Vivona.

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 Courier, 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, 2009.

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

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

NAYS: None

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

2009 Municipal Budget Public Hearing

Mayor Menna noted that Councilman DuPont, as Chair of the Finance Committee, had previously held a public meeting regarding the budget and noted that copies of the budget has been available for the public to review. He added that, at this time, the budget includes a 3.3 cent municipal increase and the average residential home, assessed at \$407,000, would see a \$134 increase which is \$11 per month. He noted that the budget is subject to change and other figures may be added including state aid. He said other adjustments are still under review. He said there are still certain assumptions in the budget that have to be ironed out and if they don't go through with some of those assumptions, he continued, there will be additional savings. He said the total budget increase from 2008 to 2009 was less than one percent.

Mayor Menna opened the public hearing and asked if anyone would like to speak.

Jim Willis—Harrison Avenue—noted that he sends out a neighborhood newsletter to about 130 families that live around Eastside Park. He said he has been doing that for about a year and has met a lot of his neighbors in the process. He added that there was a wide demographic among those who receive his newsletter. He said the people he spends the most time talking to are those in his own demographic which is mid-thirties with kids and noted that there are a lot of those families that live around the park. He added that a lot of people would like to have been there that night to talk about the budget, but said 7:30 pm was an inconvenient time for people with kids, so he was speaking on their behalf. He said they had been meeting in the park over the last couple of weeks to discuss the budget. He said the consensus he had gathered was that not everyone was opposed to raising taxes and said he feels sometimes there are reasons to raise taxes. He said what he is opposed to is the increasing cynicism. He said what he and other people his age with kids want is to live in a place where people are really excited about being in the town. He noted that that is tough to do if you feel cynicism about how your elected officials are running things. He noted that the budget has hardly increased at all, but added that the things that are causing the increase such as pay increases and health insurance costs are hard to feel excited about since many of the people he talks to work for themselves and have to pay for their own health insurance costs. He told the Council that he thought they had done a great job of keeping the budget costs down but a zero increase would have been better. He added that he thought a small raise in taxes would be okay if it were going toward things that they could feel good about. He said having a tax increase go to salaries and health insurance wouldn't do a lot to reduce cynicism in the opinion of his peers.

Mayor Menna said he appreciated his comments and noted that all of the elected officials live in town and they have the same degree of concern financially. He added that he knows what health insurance costs and he pays a large part of his salary for it. He noted that the budget as proposed encompasses possible adjustments and includes a possible salary increase across the board of two percent which has not been given out. He said they are currently engaged in negotiations with collective bargaining units and have had some very productive, frank discussions but noted that they have not reached an agreement. To be fiscally prudent, he continued, there is an amount which is plugged into the budget for a pay increase because, if they go to arbitration under the existing state of the law, it would be difficult and fool hardy for the Governing Body not to plug in some degree of possible raises in the budget. He added that, even though the budget contemplates a certain percentage increase, they have not reached an agreement at the present time and have certainly not expressed, as a body, that there is any consideration for a two percent across the board increase for non union employees and added that that has never been on the table. He noted that if they go to arbitration on some of these issues with the collective bargaining units, the Borough would not be in the best stand by not having any reserves.

He noted that the budget could have been substantially higher and said Councilman DuPont and the Finance Committee had given a directive for the Departmental budgets to come in at five percent less than last year. He noted that they are looking to make more cuts at Borough Hall and said they are looking at the Board of Health and other ways the Borough can get the same amount of service for a lot less. He said they are also looking at other consolidations of departments, joint services with other municipalities and are reviewing the fees being charged for different things. He noted that most people wouldn't get a raise this year, but added that in the public sector we have to deal with the existing collective bargaining laws and therefore had to plug a number into the budget. He said hopefully the final number will come in a lot less.

Councilman DuPont pointed out that this budget is just for public discussion and added that he knows that 7:30 pm is a bad time for some people. He said it's an interesting question about what time is a good time and noted that there had been many discussions on the subject. He added that he was sympathetic to the fact that it is a tough economic time and said that they understand that taxes are burdensome. He pointed out that they have taken steps to control the budget and gave examples such as going to a four day work week and doing an energy audit. He said they believed they would see big savings in insurance by going to point of service. He said they are still getting those numbers but said it is clear that they can save money. He noted that they have also eliminated positions that were not needed at this time and added that, when business picks up, they will potentially consider re-hiring them. He asked Mr. Willis to let the group he represents know that the Council has heard their cry for relief and sympathy. He also pointed out that the overall budget is up less than one percent and the operating expenses have gone down \$170,000 which shows that they are trying to control costs but, more importantly, that they sympathize with residents regarding taxes. He also commended the Board of Education for coming in with a flat tax rate and said they are hoping the County also comes in with a flat rate.

Mr. Willis said it sounded like the Mayor was saying that there is money in the budget pending these negotiations. The Mayor confirmed that that was the case. Mr. Willis asked who, specifically, is responsible for the negotiating. Mayor Menna said the Borough has Labor Counsel who works with the Personnel Committee of the Council and the Administrator. Mr. Willis asked which elected officials were directly responsible. Mr. Sickels said the entire Council. Mayor Menna clarified that the entire Council does not meet at the same time to review those negotiations and discuss them. Mr. Sickels said the negotiations are reported back through to Personnel Committee who then brings it back to the Council. He said the whole Council then votes on the contract.

Councilman Murphy asked if anyone on the Council received Mr. Willis' newsletter. Councilman DuPont and Zipprich said they did. Councilman Murphy said he used to but doesn't any more. Mr. Willis said he occasionally sends it to all of the Council but said he didn't want to bother them with mundane items such as borrowing a lawn mower which is often in the newsletter. Councilman Murphy said he thought the Council would be interested in seeing the newsletter and asked them to send it to their Borough email addresses. Mr. Willis said when there are notices about meetings in the park to talk about taxes, it would be wonderful if the Council could attend.

Councilman Zipprich noted that when he sees things in the Community Newsletter that he thinks other Council people should see, he forwards it on.

Kim Senkeleski—49 John Street—said she had compared last year's budget to this year's budget and there were two items she had found that really stood out as far as high cost and those were health care and salary. She said she had seen that, in 2008, a 3.5 percent across the board raise was given to all employees. Mayor Menna said that would not happen this year. He noted that that was given to all employees last year because Red Bank did not have a merit system in place so it would be discrimination to give less to employees who didn't perform as well as others. He said they had adopted a merit system last year and now there is a rating so that if an increase is given, it is not a standard across the board increase.

Ms. Senkeleski noted that between 2007 and 2008, salaries increased about a \$140,000 and the proposed

2009 budget shows a salary increase of \$116,000 which makes the total salary increase over two years about \$240,000. She said she understood the points the Council had made earlier, but said she wanted to point out the numbers. She said, regarding insurance costs, this budget showed an increase of \$135,000 and over the last two years there was a total increase of \$275,000. Councilman DuPont noted that as the Mayor had said, prior to 2007 there were no performance evaluations to determine raises and the Personnel Committee had recommended that that be put in place. He said that this will be the first year that there will be personnel evaluations adding that they had to put a number in for raises but the amount budgeted is less than the cost of living. He noted that they have also eliminated positions in the Borough. He also pointed out that one of the Borough's biggest expenses is for utilities and that the energy audit is expected to save the Borough 30 to 40 percent of its energy cost. He said he was also hoping for an update from the Engineer regarding the solar panels. He noted that this is something that is being looked by a number of municipalities and said that he and Councilwoman Horgan suggested a year ago that the Borough need to consider putting in solar panels to reduce utility costs. He said they hoped to have an answer on that by the end of the year. He told Ms. Senkeleski he wanted to make sure she understood that while both those numbers seemed high, they do have a town to run and there are employees who are dedicated and of good faith that do a wonderful job.

Ms. Senkeleski acknowledged that every time she comes to Borough Hall the employees are very helpful. She added that she was not saying they don't deserve a raise, she was just pointing out the numbers for two years and it seemed high to her. She asked, in regard to the negotiations with the union, if there was something that could be done to manage them. Councilman DuPont said they had suggested that the Borough receive more contribution toward health insurance from employees. Ms. Senkeleski asked if the point of service mentioned earlier would be a contributory item. Councilman DuPont said he had just received the numbers and he knew that it would be a substantial savings. She asked if it would change the plan for employees or if it would have them contribute. CFO Mason said it would be the same coverage but on an annual basis would be a \$200,000 savings. He noted that it would take time to implement so the actual savings would be about half of that or \$100,000. Ms. Senkeleski asked again if the employees would contribute. Mr. Mason said all employees hired after 1994 contribute fifteen percent of the premium or five percent of their salary. He noted that that does not include the police but he believes that that is being proposed. Councilman DuPont confirmed that that is being negotiated as part of the union contracts and noted that all union contract are currently up for review. Administrator Sickels noted that there are also contractual obligations for retired employees and that some costs will go up regardless. He added that even if the Borough did away with health insurance entirely, they would still have to honor those existing contracts.

Councilman Murphy asked Ms. Senkeleski what areas she had noticed the biggest increases in. She said it was in salary increases and health insurance. He asked about her use of the term "large increase" and asked what she was comparing it to such as increases in another town or just from last year to this year. She said she was just looking at 2007 to 2008 and 2008 to this proposed budget. Councilman Murphy noted that health insurance, like any other insurance, always goes up. He added that utilities also go up. He pointed out that Councilman DuPont had said that the two percent budgeted was less than the cost of living which was around three or four percent. He said some expenses just go up and they don't have control over it. He said they can't negotiate with the utility companies so the best they can do is investigate options such as solar panels.

Councilman DuPont also noted that every year they go out and ask for quotes to make sure that they are providing the best cost to residents. He noted the health insurance savings as an example. Councilman Murphy also pointed out that the Borough gets a check back every year from the insurance company, noting that last year it was \$162,000, as reward for the Borough's good track record. CFO Mason confirmed that the Borough had received it for the last three years that he had been here. He also said that the health insurance increase was five percent this year and said if one compared that to surrounding towns and back over the last ten years, they would see seven, eight or double digit percentage increases.

Administrator Sickels said the Borough was one of the towns that pioneered the Central Jersey Health Insurance Fund noting that municipalities got together and formed a pool for insurance adding that they don't go out to private contractors. He said the money the Borough gets back is a dividend check based on our claims for two years prior. Ms. Senkeleski asked if the dividend was based on our municipality alone or on the pool. He said it was the pool, but it was proportioned based on our costs. Councilwoman Lee said the Borough had approached other insurance companies but said they couldn't compete with what we had. Ms. Senkeleski said she hadn't realized the dividend was \$162,000. Mr. Sickels noted that it is almost as much as the increase.

Councilman Zipprich said, at the direction of the Mayor, the members of the Personnel and Finance committees have been diligent about looking at costs and containing them. He said the Administrator and CFO had done an amazing job at analyzing this and getting the best bang for the buck. Mayor Menna noted that they are still cutting. Councilman Murphy noted that the policy for the Fire Department had been to change vehicles every twenty years and the Borough had changed the policy to twenty five years. He added that they have also not filled a dispatcher position in the Police Department and are using a light duty officer instead. He also noted that every Department had been requested to cut five percent from their budget.

Ms. Senkeleski said that brought her to her next question. She said she knew that almost every department had cut the five percent requested, but asked the Council if they had thought about asking for ten or fifteen percent so the tax rate wouldn't go up one cent. Councilman DuPont said they had asked about that but noted that they have to provide services and gave the Police Department as an example. He also noted that the debt service went down \$162,000. He said they are not cutting the quality of life services and noted that the police are doing walking and biking patrols which he said was important in our community. He said the Borough has taken steps to curtail some of the spiraling costs which he thought was evidenced in the proposed budget and added that he hoped, through some cost saving steps that had been proposed, there will be further reductions.

Ms. Senkeleski said, given the current state of the economy with people out of work, taking pay cuts, no bonuses, no raises and losing their houses, she was asking everyone on Council to do their absolute best to try to make sure that the taxes don't go up one cent.

Steve Fitzpatrick—92 Hudson Avenue—asked CFO Mason about resolutions on the agenda for tax appeal settlements which added up to about \$2 million worth of reductions in assessments and asked what that would equal in tax revenue. Mr. Mason said those numbers were proposals and until the actual judgments come down from the judge they are not actually paid out and they would either be paid out at the current amount or reduced from the current amount. Mr. Fitzpatrick noted that these were proposed settlements that if the Borough agreed to tonight would go back to the tax court as a settlement and the assessments would drop down to the numbers in the resolutions. He asked again what \$2 million dollars in reduced assessments would equate to, roughly. Mr. Mason said \$227,000 was one tax point and noted that there is a reserve in the budget of over \$1 million which is mandated by the state and helps with these appeals. Mr. Fitzpatrick noted that there were seven resolutions regarding tax appeals on the agenda for tonight but added that there have been other tax appeals and settlements over the past few months. Mr. Mason said he could not project numbers for this year but could say that last year there were about 40 appeals that amounted to less than \$100,000. Mr. Fitzpatrick asked if Mr. Mason anticipated the same for this year. Mr. Mason said he did not know, but again told Mr. Fitzpatrick that there is a reserve in the budget that is mandated.

Mr. Fitzpatrick said he was trying to understand how the appeals worked and noted that some went back to 2007 and 2008 and may not be resolved until this year. He asked if the people had been paying the new assessments or do they have the right to not pay. Councilman DuPont and CFO Mason both noted that they have to have their taxes paid up in order to file. Mr. Fitzpatrick asked if they were successful in their appeal, would they receive a check back from the Borough. Mayor Menna said yes, if that's how it worked out. Mr. Fitzpatrick asked if that was taken into consideration when they prepared the 2009 budget. Mr. Mason said yes. Mr. Fitzpatrick asked if we had increased the reserve for uncollected taxes considering the state of the economy and the number of appeals that have been filed. Mayor Menna said that is was taken into consideration in light of the generally accepted standards in the industry. Mr. Fitzpatrick said he wanted to be sure that the Borough is not faced with making up the difference in the 2010 budget. Councilman DuPont noted that the Municipal Budget increased approximately \$177,000 which was less than one percent and, of that one percent, about 93 or 94 percent was reserve for uncollected taxes and the required pension contribution for employees, which, he added, were both statutory. He said that only three percent was for basic costs that they couldn't control.

Mayor Menna said that if the Council were to grant the request by the Assessor and Attorney on six of the appeals, it would mean a total payout or loss of revenue of \$13,500. Attorney Hall noted that the number would cover all of the years under appeal.

Steven Hecht—135 Branch Avenue—said he also wanted to speak about the tax appeal issue. He said he added up the numbers and it came to \$3,814,800. Mayor Menna and Councilman DuPont both noted that that was the difference in the assessments. Mr. Hecht said he understood and noted that the number was the difference between the current assessment and the assessment the individuals were requesting through their appeals. He said his question was what would it cost Red Bank to have \$3,814,800 less in taxes than they would have had had there not been appeals. Attorney Hall noted that that was not a reduction in taxes, but in assessments and said the amount of lost tax revenue would be \$13,500. Mr. Hecht asked if that was one percent. Councilman DuPont said no and added that one penny equals \$227,000.

Mr. Hecht also questioned the reliability of the assessments and asked who the Assessor was. Mr. Hall said it was Mitchell Elias. Mr. Hecht asked if they had looked at other municipalities where Mr. Elias is the Assessor to see what the record looks like with respect to tax appeals and settlements of those appeals. Councilman DuPont said he wanted to point out that that was not the Tax Assessor's job and said his job was to protect the assessment and added that the appraisals were done the Realty Appraisal Company. Mr. Hall said they are still litigating the reassessment that was done for the 2006 tax year. He added that the company had looked at the Borough as a whole, not each individual property and it is not as accurate as when they look at a single parcel. Mr. Hecht said he just wanted to make sure that his town didn't give away the farm. Mayor Menna said he thought they would see some discussion on some of the appeals this evening. Mr. Hecht noted that three of them totaled \$1.7 million plus and were from one company. Mr. Hall said he could assure him that they hold people's fee to the fire and make them show evidence as to why the assessment should be reduced. Mr. Hecht said it didn't seem that way. Mr. Hall asked him to remember that he was only seeing the ones that the Borough compromises on and noted that when he was

in tax court last week, out of 25 cases, he got withdrawals on three fifths of them. Mr. Hecht said he was only concerned with the ones that the Borough was paying out on. Mr. Hall asked him to remember that those were only the ones that were settled. Mr. Hecht said he felt they were the only ones that mattered because they are the ones that cost the town money. Attorney Pringle said he understood that the ones Mr. Hecht was concerned about were the ones before the Council where a settlement was proposed and noted that those were cases where, for a variety of reasons that would be shared with the governing body, a settlement was advisable. He added that in a case where that is not the case, they do not recommend a settlement. He said many of those are withdrawn and some of them are litigated. He noted that for those that come before the governing body there is a factual reason that, between the Assessor and the Attorney, they recommend a settlement be considered. Mr. Hecht said he understood that there were some issues that were privileged with respect to these negotiations but added that it would be helpful to know why over and over again the town decides not to fight a discrepancy. Mr. Hall said he understood his concern.

Councilman Murphy offered a motion to close the public hearing, seconded by Councilman DuPont.

ROLL CALL:

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

NAYS: None

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

09-112 Mayor Menna read "A RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO THE 2009 MUNICIPAL BUDGET."

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

ROLL CALL:

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

NAYS: None

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

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

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

NAYS: None

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

WORKSHOP

South Street Traffic Calming

Councilman DuPont said the Mayor had graciously allowed the Borough Engineer to come and speak with the residents of South Street and he will set up a meeting. Mayor Menna said they have had similar discussions regarding other streets and noted that the way they have dealt with it was to have the residents, who know the circumstances better, meet at someone's home with a Council liaison and the Borough Engineer to discuss various options. He said he thought that the informal setting would allow them to have a better give and take to determine what is doable and get more suggestions from neighbors who aren't able to attend a Council meeting. He said the suggestions would then come back to the Council and they would talk about it as a body.

Sustainable Jersey Municipal Certification Program for the Environmental Commission

Councilman Zipprich said that, while Councilwoman Horgan was away, he had had a conversation with members of the Environmental Commission regarding an application to join the Sustainable Jersey Grant Program which is funded in part by Walmart. He said the Environmental Commission wanted to find out if it needed to meet with the Mayor and Council to get approval to move forward and apply for the program. He asked Commission member Boris Kaufman to come forward and discuss the program. Mr. Kaufman said the program was put together by the League of Municipalities, the DEP, Board of Public Utilities and Rutgers and noted that it had a lot of input from various organizations. He said the objective was to promote environmental, social and economic welfare of all New Jersey towns. He said to get going, the town would need to pass a resolution saying that they were interested in it, form a green team

and appoint a contact in the town. He also noted that it provides a number of activities that the town can participate in to achieve sustainability. He said if the Council was interested, the Commission would love to make a presentation.

Mayor Menna said he appreciated Mr. Kaufman's comments and asked Councilwoman Horgan, as liaison to the Environmental Commission, to serve as the designated point of contact and municipal representative for the program. He also asked her to meet with the Borough Engineer, the members of the Commission and the Administrator and report back. He said he thought it was important for the members of the Environmental Commission to have a full and comprehensive understanding of some of the Borough's physical and long range plans for municipal facilities as part of that meeting. He said he knew they were fully committed to doing the energy audit which was well under way and hopefully will be completed so that within thirty days they can have that meeting to come back with a plan that makes sense.

Councilman Zipprich noted that there are grant awards that are available in \$10,000 and \$25,000 increments depending on the type of program the committee decides upon. Mayor Menna said that was one of the things he had spoken with the Engineer about and noted that they are fully aware of the programs and that was why he wanted the Engineer involved with the Commission, as well as the Council Liaison Horgan, to see what is doable for Red Bank based on the restrictions and the availability of funding.

Councilman DuPont said he had had a discussion about old shrink wrap that is used on boats at marinas and discovered that there is a shrink wrap recycling program that the State DEP offers and give grants for. He said he did not know if the marina in the Borough recycled the shrink wrap used on the boats and suggested that a grant may be available to implement the program.

APPROVAL OF MINUTES – April 13, 2009

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

Councilwoman Lewis noted that there should be a correction on page 14 regarding a reference to a 20th Century Grant that should read 21st Century Grant.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

ABSTAIN: Horgan

There being five ayes, no nays and one abstention, the minutes were declared approved.

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Murphy had no report.

Councilwoman Lee noted that the Department of Public Works had been working to get the parks up and running and added that she had been working with Councilwoman Lewis to work out a five year plan for park management. She said they had just been doing park maintenance whenever it needed doing and are working on the plan to better organize funding and recycling to make sure the parks and fields are managed in a more efficient manner.

Councilwoman Horgan noted that Councilman Zipprich had attending an informal meeting of the Human Relations Committee the previous Friday night. She said a resident has designed and contributed his expertise to create various t-shirts which will be sold on Red Bank Day, May 16, as a fund raiser for the Committee. She also noted that the Navesink River Municipalities Committee met with Engineer Ballard earlier in the month to talk about the Marine Park bulkhead because the Committee was concerned about the sheathing. She said most people walked away with the feeling that the depth of the sheathing would be adequate and were please with Ms. Ballard's presentation.

Councilwoman Lewis had no report.

Councilman Zipprich noted that April was National Poetry Month and said there was a very exciting poetry reading the previous Friday at Frank Talk on Shrewsbury Avenue. He said the Shady Tree Committee has been busy and has completed their spring planting of nine trees. He thanked the members of the Committee for their dedication to the greening of Red Bank. He also noted that a resident had donated a tree in memory of Lois Bell. He said Earth Day and Arbor Day were celebrated over the past week and noted that the Borough had received recognition from the National Arbor Foundation for the

third year in a row for holding Tree City USA status. He said the Tree City flag was received and flown at Borough Hall last week. He said he wanted to thank the dedicated members of both the Shade Tree Committee and Environmental Commission for their efforts to help keep Red Bank green now and in the future. He also reported that the Board of Health had met the previous week and adopted an amended swimming pool ordinance and also heard a presentation from the Monmouth County Regional Health Commission No. 1 and the Visiting Nurse Association. He noted that the previous Monday, he was proud to represent the Borough, along with the Mayor and the Superintendent of Schools, when they were visited by a delegation of 25 Chinese educators who came to tour the Borough Schools. He said the Historic Preservation Commission is taking nominations for homes to be included on the 2009 Historic Inventory noting that the filing deadline was April 30 and the forms were available on the Borough's website. He said the Borough of Education was having its reorganization meeting the next night and the public portion of the meeting would open at 7:30pm.

Councilman DuPont noted that President Bruce Whitaker of the Red Bank Charter School had received the Marion Donahue Award from the New Jersey Charter Public Schools Association for his leadership role to the Board at President.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from Mt. Zion Church to hold their "Community Outreach" Program on Friday, July 24, 2009 from 6 p.m. to 8 p.m. and Saturday, July 25, 2009 from 12 p.m. to 9 p.m. and to close Tilton Avenue at its intersection with River Street and Catherine Street at its intersection with Leighton Avenue, pending approval of the Special Events Committee.

Councilwoman Lee offered a motion to approve the request, seconded by Councilwoman Lewis.

ROLL CALL:

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

NAYS: None

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

Mayor Menna read requests from Red Bank Elks Lodge #233, St. Anthony's Church, Brookdale Community College Foundation and Friends of the American Cancer Society of New Jersey for raffle licenses.

Councilwoman Lewis offered a motion to approve the requests, seconded by Councilwoman Horgan.

ROLL CALL:

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

NAYS: None

There being six ayes and no nays, the request were declared approved.

Mayor Menna read a request from Leopard Films USA Limited to film an episode of Man Caves on Tuesday, May 26, 2009 and Wednesday, May 27, 2009 at the property located at 22 Madison Avenue, pending approval of the Chief of Police, Parking Authority and Traffic Safety.

Councilman DuPont noted that it was a show highlighting renovations to a garage. Councilwoman Lee said there would be trailers but no generators.

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna read a request from Garmany for usage of three parking spaces located in front of 121 Broad Street for valet parking for an event they are hosting to benefit the American Cancer Society on Thursday, April 30, 2009 from 6:30 p.m. to 8:30 p.m., pending approval of the Chief of Police.

Councilwoman Lewis offered a motion to approve the request, seconded by Councilwoman Lee.

ROLL CALL:

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

NAYS: None

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

Mayor Menna read a request from St. Anthony of Padua Parish to hold the celebration of the feast day of their patron saint, St. Anthony, on the church grounds and parish center and to close Herbert Street from Bridge Avenue east to the railroad tracks on Saturday, June 13, 2009 from 10:00 a.m. to 3:30 p.m., pending approval of the Special Events Committee and the Chief of Police.

Councilman DuPont offered a motion to approve the request, seconded by Councilwoman Lee.

Councilwoman Lee asked if there was a police officer needed due to the new stop signs in place. Mayor Menna noted that it was one block over and shouldn't be a problem adding that they had held the same event last year.

ROLL CALL:

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

NAYS: None

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

PUBLIC COMMENT ON RESOLUTIONS ON THE AGENDA AND ORDINANCES ON THE AGENDA ON FIRST READING

Mayor Menna asked if anyone from the audience wished to address the Council on any resolutions or ordinances on the agenda first reading, no one appearing he closed the public comment portion.

Councilman DuPont offered a motion to close the public comment portion, seconded by Councilman Murphy.

ROLL CALL:

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

NAYS: None

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

ORDINANCES – First Reading

2009-15 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS, SECTION 25-3.4, “FEES.”

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

ROLL CALL:

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

NAYS: None

There being six ayes and no nays, the ordinance was declared adopted on first reading.

Public hearing and final adoption scheduled for May 11, 2009.

2009-16 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XI, BUILDING AND HOUSING, SECTION 11-1, “STATE UNIFORM CONSTRUCTION CODE.”

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

ROLL CALL:

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

NAYS: None

There being six ayes and no nays, the ordinance was declared adopted on first reading.

Public hearing and final adoption scheduled for May 11, 2009.

ORDINANCES – Public Hearing & Final Adoption

2009-13 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER III, POLICE REGULATIONS, SECTION 3-9, “DISORDERLY PERSONS.”

Mayor Menna opened the public hearing and asked if anyone would like to speak, no one appearing he closed the public hearing.

Councilwoman Lee offered a motion to close the public hearing, seconded by Councilman Zipprich.

ROLL CALL:

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

NAYS: None

There being six ayes and no nays, the public hearing was declared closed.

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

ROLL CALL:

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

NAYS: None

There being six ayes and no nays, the ordinance was declared adopted on final reading.

2009-14 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER V, ANIMAL CONTROL, SECTION 5-1, “DOGS” AND SECTION 5-2, “PENALTIES.”

Mayor Menna opened the public hearing and asked if anyone would like to speak, no one appearing he closed the public hearing.

Councilman DuPont offered a motion to close the public hearing, seconded by Councilwoman Lee.

ROLL CALL:

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

NAYS: None

There being six ayes and no nays, the public hearing was declared closed.

Councilwoman Lewis offered a motion to adopt the ordinance on final reading as amended, seconded by Councilman Zipprich.

ROLL CALL:

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

NAYS: None

There being six ayes and no nays, the ordinance was declared adopted on final reading as amended.

RESOLUTIONS

09-96 Mayor Menna read “A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 30, LOT 49.01, 64-68 WHITE STREET LD., 64-68 WHITE STREET, RED BANK, NEW JERSEY.”

Councilman DuPont said that there was a practice when approving liquor licenses for corporations that would set forth the individuals who were part of the corporations to identify potential conflicts. He said he doesn't see that with the tax appeals and feels he would have to abstain from every one of them because wasn't sure if he had any conflicts. Mayor Menna said that was a good point. Councilman DuPont said he understood they could act on appeals for individuals but was concerned about corporate entities.

Councilman DuPont offered a motion to table the resolution, seconded by Councilwoman Lee.

ROLL CALL:

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

NAYS: None

There being six ayes and no nays, the resolution was declared tabled.

A discussion followed regarding the remaining resolutions for tax appeal settlements and possible conflicts. Councilman DuPont again stated that he thought it was important that the Council knows who is behind the entities.

Mayor Menna said he also had a suggestion regarding resolution 09-98 regarding Gemini Group and would like to authorize the Borough Attorney to look into the fact that that property was subject to a substantial use variance to determine whether or not the assessment should not include the benefit to that particular property owner of the use variance. He suggested they should look at what the future benefit is rather than what the present benefit is adding that he thought that would make a difference in how they treated this particular case.

Councilman Murphy offered a motion, seconded by Councilwoman Lee, to table the following resolutions pending the receipt of more information regarding the individuals that were part of the LLC as of the date of the submission of the appeals:

- 09-97 A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 32.01, LOT 1.01, CITY CENTER PLAZA, LTD., 2-150 WATER STREET, RED BANK, NEW JERSEY.
- 09-98 A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 37, LOT 6.01, GEMINI GROUP, L.L.C., BRIDGE AVENUE AND WEST FRONT STREET, RED BANK, NEW JERSEY.
- 09-99 A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 30, LOT 6.01, RED BANK INVESTMENT LTD., 73 WEST FRONT STREET, RED BANK, NEW JERSEY.
- 09-100 A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 30, LOT 12.01, RED BANK INVESTMENT CO., 43 WEST FRONT STREET, RED BANK, NEW JERSEY.
- 09-101 A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 30, LOT 51, RED BANK INVESTMENT CO., 70 WHITE STREET, RED BANK, NEW JERSEY.

ROLL CALL:

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

NAYS: None

There being six ayes and no nays, the resolutions were declared tabled.

- 09-113 Mayor Menna read "A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 37.01, LOT 2, ANJANA AND PATEL BHUPENDRA, 184 MONMOUTH STREET, RED BANK, NEW JERSEY."

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

ROLL CALL:

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

NAYS: None

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

09-109 Mayor Menna read "A RESOLUTION AUTHORIZING APPROVAL OF SIDEWALK CAFÉ FOR BUONA SERA."

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

Councilwoman Horgan asked for clarification as to what tables were being approved. Mayor Menna noted that the proposal was to add four tables to the Maple Avenue side. A discussion followed regarding the number of tables that should be allowed and the possible problems involved. Mr. Mariani of Buona Sera came forward and noted that they had originally made application for five tables and cut it back to four. He also said that the Borough representatives had come out and confirmed that the configuration will well exceed the amount of space that they are required to provide. Councilwoman Lee and Councilwoman Horgan asked several questions about the placement of the tables. Councilman Murphy noted that Mr. Mariani had shown good faith by adjusting his application from 27 seats to 16 seats. He also spoke in support outdoor dining and foot traffic to help draw people into the stores. Mayor Menna commended Buona Sera for bringing change and vitality to the neighborhood adding that if it becomes a problem, they can approach Mr. Mariani and he will address it. Councilman Zipprich noted that he and Councilwoman Lewis were not on the Council last year when the application was reviewed and voted down. He asked Mr. Mariani if the four tables were a new addition to his space. He said they were. Mayor Menna noted that no tables would be placed on Monmouth Street.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Murphy

NAYS: Horgan, Lee

There being four ayes and two nays, the resolution was declared approved.

09-114 Mayor Menna read "A RESOLUTION AUTHORIZING APPROVAL OF SIDEWALK CAFÉ FOR DANNY'S STEAKHOUSE."

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: DuPont

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

09-115 Mayor Menna read "A RESOLUTION AUTHORIZING APPROVAL OF SIDEWALK CAFÉ FOR TORCELLO."

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: DuPont

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

09-116 Mayor Menna read "A RESOLUTION AUTHORIZING APPROVAL OF SIDEALK CAFÉ FOR ZEBU."

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

ROLL CALL:

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

NAYS: None

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

09-117 Mayor Menna read "A RESOLUTION AUTHORIZING APPROVAL OF SIDEWALK CAFÉ FOR WALT STREET PUB."

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

ROLL CALL:

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

NAYS: None

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

09-118 Mayor Menna read "A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM."

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

Councilwoman Lee asked what the purpose of the grant was. Mayor Menna said it was an annual grant from the Justice Department and, if the County decides to join in to coordinate the grant program for 17 other municipalities, the Borough would receive roughly \$18,000 to assist with Police Department overtime and equipment.

ROLL CALL:

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

NAYS: None

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

09-119 Mayor Menna read "A RESOLUTION AUTHORIZING AMENDED APPLICATION TO THE COUNTY OF MONMOUTH FOR A GRANT TOWARD THE COST OF A PROJECT FOR PROTECTION AGAINST BEACH EROSION."

Councilwoman Lee offered a motion to approve the resolution, seconded by Councilwoman Lewis.

Councilman Zipprich asked if this was the project Engineer Ballard had been working on in regard to the bulkhead. She said that it was and that it was amended to reflect bids that have been received. Administrator Sickels noted that it was for the County portion of the grant. Attorney Hall noted that the bids came in lower so they had to amend the resolution.

ROLL CALL:

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

NAYS: None

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

09-120 Mayor Menna read "A RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO EXECUTE A SECOND AMENDMENT TO AN AGREEMENT FOR CROSS-LICENSES FOR ACCESS AND PARKING AND FOR CONSTRUCTION OF IMPROVEMENTS TO THE GOLD STREET PARKING LOT."

Administrator Sickels noted that, as part of our Justice Department review several years ago in regard to handicapped accessibility, the Borough was required to eliminate one parking space in this lot to allow for handicapped parking in the lot. He said after review, they found they had to get approval of another property owner.

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

ROLL CALL:

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

NAYS: None

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

09-121 Mayor Menna read "A RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES AND INSPECTION ESCROW REGARDING ST. JAMES CATHOLIC CHURCH/RED BANK CATHOLIC HIGH SCHOOL, 112 BROAD STREET, BLOCK 46, LOTS 12 AND 33."

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: DuPont

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

09-122 Mayor Menna read "A RESOLUTION AUTHORIZING THE BOROUGH ATTORNEY, THE MAYOR AND THE BOROUGH CLERK TO NEGOTIATE AND EXECUTE A CONTRACT WITH C3 CITIZEN HOLDINGS, LLC TO PROVIDE WEB DEVELOPMENT AND ELETRONIC CITIZEN NOFITICATION SERVICES."

Councilwoman noted that two proposals were received and said C3 was chosen because it was much cheaper, it clearly demonstrated municipal expertise and the RFP response was clearer, more easily understood and addressed more of the Borough's desired features. Councilman Zipprich noted that the fact that they were a New Jersey vendor was also discussed. Councilwoman Horgan agreed and noted that the other vendor was from California.

Mayor Menna noted that resident Vincent Light was in the audience and thanked him for the help he offered the committee. Councilwoman Horgan said he was invaluable.

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

ROLL CALL:

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

NAYS: None

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

PROCLAMATIONS

Mayor Menna read a proclamation proclaiming May 2-9, 2009 as the Paint the Town Pink Week in the Borough of Red Bank.

PAYMENT OF VOUCHERS

09-123 Mayor Menna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$919,955.63."

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

ROLL CALL:

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

NAYS: None

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

OLD BUSINESS

Councilwoman Lewis said she wanted to bring some concerns she had to the attention of the Mayor and other members of Council regarding developments with the Maple Avenue property. She said at this point she feels the project has gained a life of its own and it is troubling to her because of potential constraints with the Borough's obligations with the DEP. She said she would like the Borough to take their obligations under consideration and make sure that the plan that they put in place includes what they

are obligated to do. She stressed that they need to be mindful of DEP regulations. She again said the project is growing and she is getting reports back with limited information. She added that, at the end of the day, the Borough has an obligation to its citizens to make sure they are doing things in the best interest of the Borough's citizens and to make sure that what happens there is under the direction of the Mayor and Council.

Mayor Menna said he had seen some correspondence and reports from the DEP and noted that, many years ago, the former Borough Attorney had established a methodology to undertake a review of any municipal projects. He noted that even Council members who wish to avail themselves of the Borough's professionals must go through the Office of the Administrator to seek permission to do that otherwise it becomes an unauthorized practice for the municipality to engage the services on behalf of the taxpayers. He added that, if that is the case for elected officials, it is certainly an even stronger case for members of the public and they must go through the Administrator. He said he was concerned about some correspondence he received from the DEP, and while admitting he did not have all the facts or details, he said the only decision this Council had made was to commit to retaining the property as open space. He said any future use of the property has to be in an orderly, coordinated and fiscally prudent fashion. He told Councilwoman Lewis that she, as the Chair of the Parks and Recreation Committee, should be in charge of anything that is being discussed or undertaken with respect to future use of the property and called for a dialog with all interested parties and the Borough's Engineer and Planner as well as CFO Mason because if they go too much farther than they have already committed, they will have to start putting aside funds.

Administrator Sickels reported that he had corresponded with the DEP that afternoon and advised them that any correspondence with regard to property owned by the Borough should be directed to the Borough and asked them to keep that in mind should they get any other inquiries about Borough property or potential improvement to Borough property.

Councilman Zipprich said he had also given this matter some thought and, after working with the Environmental Commission on Arbor Day, it occurred to him that our shore area birds are nesting at this time of year and he wanted to express his concerns especially about those birds along the waterfront. He noted that there are other environmental rules and regulations from not only the State DEP but also the Federal EPA that protect the shore birds and added that they need to pay attention to activity that takes place in the brush along the river that could possibly interfere with Mother Nature.

NEW BUSINESS

Mayor Menna said he also wanted to remind the public that the Unity Way Dedication will be on May 6th from 5 to 7 pm and the week after the Borough will be hosting Red Bank Day. He noted that the Unity Way Dedication will include participation from our schools and residents.

Councilman Zipprich said he also wanted to note that the Monmouth County Preservation Council was holding a summit with Monmouth University on Tuesday, May 5 at 7pm. He said the topic to be discussed at the summit was Moving Forward under the American Recovery and Reinvestment Act.

Councilman Zipprich asked the Council and Mayor to think outside the box and look to renewable and sustainable energy alternatives that, in the future, will bring alternative sources of income

AUDIENCE

David Prown—44 Hillside Place—spoke about the C3 contract and, specifically, the emergency contact component of the contract. He said this was something that he been speaking about since 1999 and was one glaring missing component of our municipal government. He noted that the schools and neighboring towns can do it. Councilwoman Horgan assured him that that would be part of it. He asked her for further details including a time line. Administrator Sickels gave details of how the emergency notification would work including citizen registration and the different ways they could opt to be contacted. He suggested Mr. Prown could look at the site from Nutley, NJ, that is using the system now. Mr. Prown asked when it would be a reality. Mr. Sickels noted that the company has the templates ready to go and added that he didn't want to give a date that might be wrong but assured Mr. Prown it would turn around rapidly. Mr. Prown said he was specifically interested in the emergency component. Mr. Sickels said it would all come at once and reminded him that that component would require registration once it goes up. He also assured him it would be user friendly and citizens could register online. Mr. Prown again stressed the need for such a program.

Mr. Prown asked about the five year plan to take care of the fields. Councilwoman Lee said there is currently no plan or budget number and they thought they should work out a five year plan. She said they are looking to share the cost between DPW and Parks and Recreations and pin down where some of the costs are coming from, what time of year and when they are going to hit. Mr. Prown asked how the committee would be comprised. Councilwoman Lee said Councilwoman Lewis would periodically sit in on DPW meetings. She added that they were looking to keep it very simple and work with the Recreation Director. She said they also want to see how other towns do it. She added that they know what they do and they do it regularly, but they haven't had a written plan. Mr. Prown suggested the town look into

working with the Board of Education to use the field behind the Middle School which he said was unused while the Borough's fields are overused. Councilman Murphy stressed that the committee had discussed the need for a line item to maintain the fields so that they are taken care of every year. Administrator Sickels noted that there had been a preliminary meeting with the schools about several shared services and a possible interlocal agreement. Mr. Prown said the field wouldn't need much done to it to serve as a practice field.

Mr. Prown asked for an update in regard to the proposed 20 percent cut in library hours. Councilwoman Lee said it is currently under review by the Library Board noting that there are just been discussion of the library expanding its hours which was followed by a request to cut back. She said the Council had asked the Library Board to consider a way to cut hours. Mr. Sickels noted that there was no mandate to cut the hours, but a request to review their hours and see if there was a way to realize some energy savings. Councilman DuPont said he had spoken with one of the Board members and he personally hoped there would be no cut because, in this economy, it was a valuable resource to both children and adults. Mr. Prown asked the Council to keep on top of it and give a report when it was available.

Mr. Prown also asked for an update on the Boys and Girls Club. Mayor Menna said the organization is currently coordinating with the Administrator. Mr. Prown asked for a time line. Mayor Menna said Mr. Taylor was working with his Board. Administrator Sickels said work is going on on both sides and said the Borough is having the Attorney draft an agreement.

Rev. Eunice Washington—11 Carmen Place—she was also interested in the status of the Boys and Girls Club and asked if there was a designated time that it would be open. Mayor Menna said they are working as quickly as possible and again said that Mr. Taylor is working with his board and the Borough Administrator and the Borough Attorney is preparing an agreement for their Board's review.

Steve Fitzpatrick—asked about the South Street Traffic calming. Councilman DuPont discussed the issues of traffic on South Street and the number of kids that live on the street and that they were looking for solutions. Mr. Fitzpatrick noted that Hudson Avenue has similar problems and asked that that street be included in the discussion. Mayor Menna said it was best to keep the two streets separate because there are other issues on Hudson Avenue.

Vince LaPur—71 South Broadway, Long Branch—commended the Council on the manner in which their meetings are conducted. He said he had a technical question and if the answer was not available, he would come back at the next meeting. Based on documents readily available to the public and the Borough's Assessor, he questioned the assessment on the Hovnanian Headquarters of \$15 million when they held \$25 million in construction mortgages. He compared it to the Red Bank Corporate Center building, with recorded construction mortgages of \$23 million, noting that it was assessed at \$22 million. He asked if anyone could answer the question or if he should come back. He said he wanted it on the public record. Attorney Hall said he did not know the specific reasons for those assessments and that he would have to talk to the Assessor and get back to him. Attorney Pringle asked if his point was that the construction mortgage amount was more that the assessed valuation. Mr. LaPur said he was concerned because the building has mortgages in the amount of \$25 million and the assessed value was \$10 million less. Councilman DuPont asked Mr. LaPur if he was saying the property was under assessed and Mr. LaPur responded, "Absolutely."

Mr. LaPur said, being from Long Branch, he was very familiar with the use of eminent domain and said he understood that in Red Bank there was a denial that eminent domain would ever be used, particularly on the transit overlay district. He said he would like to caution the Mayor, Council members and the citizens of Red Bank and made specific claims regarding a Long Branch law firm saying its clients had gained controlling interest in the property in the Long Branch train station area over the past eight years and accused the Long Branch Mayor of continuing to use eminent domain after pledging not to. He urged the Mayor and Council to be careful.

EXECUTIVE SESSION

09-124 The Attorney read a resolution to adjourn to executive session to discuss contract negotiations, litigation and personnel.

Councilman Murphy offered a motion, seconded by Councilman DuPont to adjourn to executive session to discuss contract negotiations, litigation and personnel. Minutes to be made public in 180 days.

ROLL CALL:

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

NAYS: None

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

Councilman Murphy offered a motion, seconded by Councilman Zipprich to adjourn from executive session.

ROLL CALL:

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

NAYS: None

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

ADJOURNMENT

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

ROLL CALL:

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

NAYS: None

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

Respectfully submitted,

Pamela Borghi