

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
MARCH 14, 2018
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor Menna and Council Members Taylor, Whelan, Yngstrom, Ballard, Zipprich, and Horgan.

ALSO PRESENT: Interim Administrator DeRoberts, Borough Clerk Borghi, CFO Poulos, Attorney Cannon and Engineer Neumann

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, 2018.

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

Eagle Scout Presentation

18-61 Mayor Menna read “A Resolution Commending Benjamin “Jake” Riegelman on Attaining the Rank of Eagle Scout.”

Mayor Menna congratulated Mr. Riegelman on attaining the rank of Eagle Scout and presented him with a copy of the resolution.

Mr. Riegelman thanked the Mayor and Council.

Councilwoman Horgan noted that she and Councilman Yngstrom had attended the award ceremony and had presented Mr. Riegelman with a certificate to commemorate the accomplishment.

Presentation to Red Bank Middle School Girls’ Basketball Team

Mayor Menna reviewed a visit he had had in the public school earlier in the day.

Councilman Yngstrom reviewed the success of the Red Bank Middle School Girls’ Basketball team noting that they had taken the division title for the first time in 24 years and ended the season with a 13-2 record.

Councilman Yngstrom and Mayor Menna presented each team member with a Certificate of Achievement.

Superintendent Rumage thanked the Mayor and Council and talked about the positive attitude and mindset of the staff and students.

Presentation of Proclamation for Colorectal Cancer Awareness Month – March 2018.

Mayor Menna read a proclamation proclaiming March of 2018 as Colorectal Cancer Awareness Month in the Borough Red Bank. He presented the proclamation to Bonnie Woodward. He asked the doctors in attendance how Red Bank could help.

They asked that the Borough spread awareness about programs for the uninsured and underinsured.

RiverCenter Budget Presentation

RiverCenter Director James Scavone and RiverCenter Board of Directors Steve Catania reviewed the 2018 RiverCenter budget. Mr. Scavone noted that no taxpayer dollars contributed to the budget but said the funding came from an additional assessment on properties in the district. He noted that the assessment had been lowered in 2009 in response to the economic crisis at that time. He said it had remained flat ever since. He said, in 2018, they were requesting an increase but said the amount of the assessment would still be lower than the 2008 assessment. He reviewed the need for the increase.

Mayor Menna asked if there were any questions from the public regarding the RiverCenter budget.

Alberto Larontonda—242 Spring Street—questioned the need for RiverCenter and said he viewed it as a lobbying firm for business interests. He said Red Bank businesses had full time representation but the residents did not. He reviewed their mission statement which included a need to provide parking.

William Meyer—12 Monmouth Street—complained about maintenance issues. He suggested the Department of Public Works could help with snow removal. He also expressed concern about parking. He spoke about his vision for a garage and said the Borough's plan would be challenged. He call for RiverCenter to contribute money toward a parking resolution. He said he was against giving away Borough properties to developers.

Councilman Whelan made a motion of close the public comment, seconded by Councilman Zipprich.

18-62 Mayor Menna read, “A Resolution Approving the 2018 Budget of the Special Improvement District of the Borough of Red Bank.”

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

Public Hearing and final adoption scheduled for April 11, 2018 at 6:30 pm.

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Ballard, Horgan

NAYS: None

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

WORKSHOP

Sidewalk Café Ordinance – Councilman Taylor reviewed proposed changes to the ordinance which was on the agenda for introduction. He said those changes included moving to a full year season.

Councilman Yngstrom said it would also include a clause that stated any outstanding balance had to be paid before a new application would be accepted.

Mayor Menna said Shrewsbury Avenue businesses were looking forward to being included.

Councilman Ballard said he didn't necessarily disagree but wanted to note that the square footage fee had been dropped to \$4.00 from a proposed \$5.00 which would reduce revenue.

Councilman Taylor agreed and said he hoped more businesses would participate and help offset any loss.

Councilman Ballard agreed.

Councilman Yngstrom said the year round cafes would be allowed to have heaters as long as it was done properly.

A discussion followed on the benefits of the ordinance.

APPROVAL OF MINUTES – February 24, 2018 Special Meeting

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

APPROVAL OF MINUTES – February 28, 2018

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Zipprich, Horgan

NAYS: None

ABSTAIN: Ballard

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

MAYORAL APPOINTMENTS

Michael Paul Raspanti to the Environmental Commission as full member for an unexpired 3-year term ending 12/31/2019.

Kristina Bonatakis to the Environmental Commission as full member for an unexpired 3-year term ending 12/31/2018.

Roy Meyer to the Environmental Commission as Alternate No. 1 for an unexpired 2-year term ending 12/31/2018.

Nancy Facey-Blackwood to the Environmental Commission as Alternate No. 2 for an unexpired 2-year term ending 12/31/2019 and to the Green Team sub-committee of the Environmental Commission for an unexpired 1-year term ending 12/31/2018.

David Schmetterer to the Green Team sub-committee of the Environmental Commission for an unexpired 1-year term ending 12/31/2018.

Councilman Taylor offered a motion to confirm the appointments, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Mayor Menna offered his condolences to Councilman Ballard on the recent passing of his mother and spoke of the pride she felt in watch her son getting sworn in as a Councilman earlier in the year.

Councilman Ballard thanked the Mayor and thanked everyone for their thoughts. He said he wanted to particularly thank those that had attended his mother's memorial service. He reported the Finance Committee was still working on the budget. He said CFO Poulos had been working diligently around the clock. He said there would be a budget presentation on the 28th. He reported that the Business Administrator search was continuing. He said a meeting to interview candidates had been cancelled by a storm but another meeting had been scheduled for the coming Sunday. He said he expected the search to be concluded within the next two weeks.

Councilman Zipprich discussed recent programs he had attended on issues including the opioid epidemic and drug safety. He thanked the Department of Public Works teams for their recent efforts in the season's third Nor'easter and thanked the Office of Emergency Management team for their preparedness. He also thanked RiverCenter Director Scavone and RiverCenter Board President Catania for their budget presentation and for all the work they do. He thanked Mayor Menna for meeting with him, Mr. Scavone and Mr. Catania the previous week to discuss vision and strategic planning for the business district.

Councilwoman Horgan reported that the Education/Technology Committee had met on Monday, March 5 to discuss issues including a Fiber network being installed by the school district. She reviewed a potential cooperative project and the benefits that could be realized. She also reported that they were looking at replacing the Borough's antiquated phone system and upgrading to a Voice Over IP System. She said the Library had held its second annual Maker Day the previous Saturday. She said it was a state-wide event and reviewed the activities of the day.

Councilman Yngstrom reported that the first public meeting regarding Marine Park would be held on March 21. He said it would be the first of four meetings on the subject. He reported that the Egg Hunt would be held at Count Basie Park at 2pm on Sunday, March 24. He also said the Elks would be presenting a check to Parks & Recreation at the next Council meeting. He said the Parking Committee had met the previous night and said he was happy to announce that RiverCenter President Steve Catania had been added to that committee. He said the Parking Study RFP applications were due by 11am on Tuesday, April 3 and noted that 25 firms had requested RFP packages so far. He said the Committee was also discussing replacing some parking meter heads with smart meter heads so people could use cards rather than digging for change.

Councilman Whelan said he also wanted to thank the Police and Fire Departments for their efforts during the recent storms. He reviewed recent activities by the Human Relations Advisory Committee including their recent participation in DACA clinics. He said the Elks had also donated to the Police Department's canine unit and thanked them for their support. He said he also wanted to respond to comments that had been made regarding certain development projects and noted a project in Metuchen that had encouraged other business to come in and help transform a town that he said had been dying.

Councilman Taylor thanked OEM Coordinator Tom Welsh for his efforts with the Office of Emergency Management Committee during the recent storm. He said Mr. Welsh, along with Building Department Staff Fred Corcione and Kim Farrington as well as Interim Administrator DeRoberts and Public Works Director Keen had also helped coordinate efforts during recent unforeseen issues in the Building Department at the same time that the Borough was dealing with a storm. He said things were now working smoothly. He said the Environmental Commission and its subcommittees had not met but said a work meeting was scheduled for Tuesday, March 27. He said they were continuing work on the Earth Day Expo scheduled for April 21 from noon to 4pm and reviewed planned activities. He said they were looking for sponsorships. He said there would be a Community Garden clean-up day on March 24. He said there would also be volunteers on hand from TCNJ to assist with park clean ups. He also reported on an annual program to collect outdated prescription medication which would take place on April 24.

COMMUNICATIONS AND PETITIONS

Mayor Menna read the following request which had been recommended for approval by Special Events Committee and noted all approvals were subject to final plan review by the Committee:

- Request from “March for Our Lives” to End Gun Violence to hold a march on Saturday, March 24 from Red Bank Train Station travelling on Monmouth, Broad and Front streets and ending in Riverside Gardens Park. Events from 10am to 12noon.
- Request from Red Bank Public Library to hold a Townwide Yard Sale on Saturday, May 5, with a rain date of May 6.
- Request from Red Bank Catholic to hold Making Wishes Come True Benefit Carnival on Saturday, June 2, 2017 in St. James Parking Lot from 9am to 3pm.
- Request from Pilgrim Baptist Church to hold the Annual Community Unity & Bike Blessing Festival and to close Leonard Street from Leighton Avenue to Shrewsbury Avenue on Saturday, June 2, 2018 from 9am to 5pm.
- Request from Red Bank Charter School to hold the following events:
 - Spring Dance at Red Bank Senior Center, Friday, June 8, 2018 from 5 to 10:30pm.
 - Graduation ceremonies at Riverside Gardens, Thursday, June 14, 2018, 5pm (requesting practice in the morning from 9 to 11am and Rain Date of June 15, 2018.)
- Request from Count Basie Theatre to hold their annual Summer Gala on Saturday, June 30, 2018 and to close Monmouth Street from 5:00 am Saturday, June 30, 2018 through 2:00 am Sunday, July 1, 2018 for a tented dinner party in front of the theater.
- Request from Lunch Break to hold Annual Community Picnic/Softball Event at Count Basie Field on Saturday, August 18, 2018 from 8am to 4pm with a rain date of August 19, 2018.

Councilman Zipprich offered a motion to approve the requests en masse, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

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.

Alberto Larontonda – 242 Spring Street—said he wanted to comment on the resolution to authorize the electronic tax sale. He said he had had an ongoing dispute regarding his water bill and repairs that had escalated to the point where his account had been delinquent. He said he had found out that his mortgage company had paid the balance. He said he understood that the Borough was participating with an online company to sell tax liens on the internet. He said the process had been unregulated by the State and said there was only one company in the State offered the service. He said it had been called a pilot program for the past five years. He said the NJ Department of Community Affairs (DCA) had received numerous complaints and had launched an investigation. He said he believed, as a result of the investigation, they had decided to pass some regulations which would take effect this year. He said he understood that the resolution on the agenda was a boilerplate of previous resolutions and did not take into account the new DCA regulations. He urged the Mayor and Council to reword the resolution to state that Red Bank would follow the new regulations. He asked the Council to lead by example.

Mayor Menna said he appreciated Mr. Larontonda’s research. He said he had reviewed the matter with the Borough Attorney. He said they believed the resolution before the Council was adequate, however, he suggested they table the resolution for further review.

Councilman Ballard confirmed that the delay would not impact the ability to move forward with the sale.

Mayor Menna confirmed saying there was still time to take action. He called for a motion to table.

18-64 A Resolution Authorizing Tax Collector to Complete Application to Participate in Electronic Tax Sale Process.

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

Mayor Menna noted resolution 18-65 was a parallel resolution that should be tabled also.

18-65 A Resolution Authorizing the Tax Collector to Charge a Fee Relating to Tax Sale Notice Mailings.

Councilman Ballard made a motion to table the resolution, seconded by Councilman Whelan.

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

John Kalfus—Tower Hill Avenue—said he wanted to speak in regard to Resolution 18-66. He reviewed his background in renewable energy and said he agreed with the resolution that they should support an RPS Standard but said he thought the wording was specious and unnecessary. He said he felt they should support the RPS Standard just as a matter of policy. He said he had some concerns about the Council supporting some of the item in the resolution that he said were speculative at best.

Councilwoman Horgan asked him to identify that areas that he thought were specious.

Mr. Kalfus read from several sections of the resolution. He said he agreed with the Council moving forward with the resolution and said he felt Red Bank could benefit from it in a lot of ways from renewable energy but said he felt the premises presented were concerning.

Mayor Menna reviewed the resolution and said the language he was concerned with would not affect the final resolution.

Councilman Yngstrom said he understood but the gist of it was that they wanted to implement the Renewable Portfolio Standard.

Councilmembers discussed how the resolution could be edited.

Councilman Whelan suggested they should table the resolution based on the fact that another speaker had just expressed concerns about a resolution that was then tabled and said they should give Mr. Kalfus the same courtesy.

Councilman Ballard said they were different circumstances in that this concern was over verbiage while Mr. Larontonda was concerned with regulation.

Councilwoman Horgan asked if the Environmental Commission had reviewed the resolution.

Councilman Taylor said they had not and he would like for them to have the opportunity.

Mayor Menna called for a motion to table the following resolution:

18-66 A Resolution Urging the State of New Jersey to Establish a Renewable Portfolio Standard (RPS)

Councilman Taylor made a motion to table the resolution, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

William Meyer—12 Monmouth Street—asked if the purpose of the resolution was to increase renewable energy in the private sector in Red Bank.

Mayor Menna said it was a general policy statement to encourage both public and private institutions to focus on renewable energy.

Mr. Meyer suggested they should consider encouraging those making improvements to incorporate green initiatives.

Councilman Taylor said both the Environmental Commission and Code Committee had discussed green building guidelines and were working on drafting Borough ordinances to be more reflective of that and to encourage people to be of the green building mindset.

No one else appearing, Mayor Menna called for a motion to close the public comment portion.

Councilman Zipprich made a motion to close the public comment, Councilman Whelan seconded.

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

ORDINANCES – First Reading

2018-07 Mayor Menna read, “An Ordinance Amending Chapter 596: “Special Improvement District” to Include Additional Properties in the Special Improvement District and a New Exhibit A Attached Thereto Listing Said Properties.”

Councilman Zipprich offered a motion to approve the introduction of the ordinance, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

Public Hearing and final adoption scheduled for March 28, 2018.

2018-08 Mayor Menna read “An Ordinance Amending and Supplementing Section 562, “Sidewalk Cafes and Restaurants.”

Councilman Taylor offered a motion to approve the introduction of the ordinance as amended, seconded by Councilman Yngstrom.

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

Public Hearing and final adoption scheduled for March 28, 2018.

2018-09 Mayor Menna read, “Bond Ordinance Amending and Supplementing Bond Ordinance Number 2017-21 Finally Adopted on July 26, 2017 to Increase the Total Appropriation Therein from \$600,000 to \$825,000, to Increase the Total Debt Authorization Therein from \$600,000 to \$825,000, and to Amend and Supplement other Provisions Therein.”

Councilman Zipprich offered a motion to approve the introduction of the ordinance, seconded by Councilman Yngstrom.

Councilwoman Horgan asked if the bond was for the paving of East Bergen Place.

Engineer Neumann explained the need for the additional funds which included sanitary sewer improvements and the need to reinforce the roadway after the improvements.

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

Public Hearing and final adoption scheduled for March 28, 2018.

2018-10 Mayor Menna read, “An Ordinance Awarding a Two-Year Lease, with an Optional Three-Year Extension, to Jubilee Ice Cream, LLC for Concession Rights at Riverside Gardens Park.”

Councilwoman Horgan offered a motion to approve the introduction of the ordinance, seconded by Councilman Taylor.

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

Public Hearing and final adoption scheduled for March 28, 2018.

ORDINANCES – Public Hearing and Final Adoption

2018-06 Mayor Menna read, “An Ordinance to Amend and Supplement the Code of the Borough of Red Bank to Revise Chapter 64, “Fire Department.”

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

Carl Colmorgen—67 Oakland Street—reviewed his family’s history with Relief Engine Company. He said discussions over the past two years regarding the possibility of abolishing the oldest engine company in the Borough were disturbing. He thanked those that had drafted the ordinance and for recognizing the historic value of Relief Engine Company.

Mayor Menna thanked Mr. Colmorgen for his comments and for his service. He agreed that this was the right ordinance at this time due to changing circumstances. He noted the decrease in volunteerism.

Councilwoman Horgan stressed the importance of preserving memorabilia from Relief Engine Company.

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

RESOLUTIONS

18-63 Mayor Menna read, “A Resolution Authorizing Water/Sewer Refund due to Overpayment.”

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

18-67 Mayor Menna read, “A Resolution Authorizing Change Order No. 2 Related to the Contract with A.C. Schultes for the Construction of Well No. 8 and SCADA Improvements.”

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

18-68 Mayor Menna read, “A Resolution Authorizing Additional Work by T&M Associates Related to the Construction of Well No. 8 and SCADA Improvements.”

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

18-69 Mayor Menna read, “A Resolution Appointing Fredrick C. Corcione as Acting Construction Official.”

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

18-70 Mayor Menna read, “A Resolution Appointing Cary Costa as Acting Fire Subcode Official.”

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

18-71 Mayor Menna read, “A Resolution Appointing James McCormick as Acting Electrical Subcode Official.”

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

18-72 Mayor Menna read, “A Resolution Authorizing Transfer of Current Fund Appropriation Reserves.”

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

PROCLAMATIONS

Mayor Menna read a proclamation proclaiming March 2018 as Women’s History Month in the Borough of Red Bank.

PAYMENT OF VOUCHERS

18-73 Mayor Menna read, “A Resolution for Payment of Bills Amounting to \$836,766.87.”

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Zipprich, Horgan

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

AUDIENCE

Alberto Larontonda-242 Spring Street—reviewed an ongoing issue he had been having with the Public Works Department. He said the issue had been going on for over a year and had escalated to the point where his mortgage company had gotten involved. He said the problem stemmed from the requirement that homeowners were responsible for any connection to their home for water that is under the street. He said he had disputed it from the very beginning when he had had a water leak in front of his home. He said he questioned why he should be responsible for a repair that was under a Borough street. He said he could not be insured for that. He said he felt that, at some point, the Water Department decided that the infrastructure that belongs to the water department would become the property of the property owner and the property owner would be responsible to repair it. He said when he bought his home twenty years ago, he was unaware that the rusting, rotting line under the street would be his responsibility. He said he had asked the previous Administrator if he would have an easement to make any necessary repair but said he was told that the Borough had a contracted company that was bonded and had the proper equipment to make the repair. He said he had been asked to sign a letter guaranteeing payment for the repairs. He said

he felt that was a contract and refused to sign. He said he felt the matter was an ethical policy issue and also a contractual issue. He said the Public Works Department does not have a service contract that water users sign which is done in other municipalities around the country. He said he hoped to resolve the issue and was not appearing just to complain. He also noted that, when they had dug up the pipe connected to his property, they had found that it was made of lead. He said that was a hazardous condition that could probably be found in hundreds of other homes. He said it was not just a local issue. He said he had asked why the new water meters weren't used to determine which houses might have lead connections.

Mayor Menna said he was aware of the issue and asked Attorney Cannon if he had reviewed matter.

Attorney Cannon said he had and said he was sorry to inform Mr. Larontonda that the contract for water service would be subject to all Borough ordinances when the water connection fee was paid. He said subsequent homeowners step into the shoes of the previous owners. He said there was nothing the Borough could do about it and said it had been the rule for years. He added that many other residents had paid for the same charge so, due to equal protection issues, they couldn't make an exception for him.

Mr. Larontona said the equal protection issue was his whole point. He said he believe the ordinance was wrong.

Mr. Cannon said he could challenge the ordinance in court.

Mr. Larontona asked if there were Council people he could discuss the matter with.

Mr. Cannon said individual Council members couldn't change the ordinance. He said he was certain that the Borough Engineer, the Director of Public Utilities and Thomas Branch would strongly recommend that the ordinance not be changed for a number of reasons.

Mr. Larotonda again said he felt homeowners should not have to pay for this type of repair and said he felt people were coerced to sign a document during an emergency situation.

William Meyer – 12 Monmouth Street – asked Mr. Larotonda specifics about his repair.

Mayor Menna asked Mr. Meyer to address the Council.

Mr. Meyer said he was concerned about water going through a lead pipe and continued to ask Mr. Larontonda questions.

Mayor Menna again asked him to address the Council.

Mr. Meyer talked about the dangers of lead.

Attorney Cannon asked DPW Director Keen to address Mr. Meyer's concerns.

Mr. Meyer said that was not necessary. He said he was satisfied with the information from Mr. Larontonda that there had been a significant piece of lead in front of his house and probably others. He said Red Bank had wonderful water that was regularly tested but said, by the time it went through the system and was delivered to a home or business, it could have travelled through a lead pipe and was not tested at the level. He said he had previous suggested the places that serve the public should have substantial filters that were checked by inspectors.

Mayor Menna acknowledged that Mr. Meyer had made that suggestion and he said, at that time, it had been referred to the Borough's professionals to look into drafting an ordinance. He said he did not recall the result but agreed that it merited review. He said the matter should be discussed with the Health Officer.

Mr. Meyer said he had talked to various establishments and found that they do not filter to the level of something that would take out lead. He again expressed concern about the potential dangers of lead. He said he implored the Council to look into it.

Mayor Menna said he would follow up on the matter with the Health Officer.

Councilman Whelan said many insurance companies were now offering home owners service line endorsements which would cover certain water line breaks.

Freddie Boynton—PO Box 2074—said he felt that was what people paid taxes for and claimed he had worked for the Street Department when that water main had been put in. He said the ordinance had been changed. He asked what people were paying taxes for.

Attorney Cannon pointed out that the water system was not funded by taxes buy by rent and user charges.

Mr. Boynton said other towns didn't do it that way.

Mr. Cannon said every town he was involved with did with the homeowner being responsible from the main to the house with the work being done a contractor appointed by the municipality.

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

EXECUTIVE SESSION

18-74 Mayor Menna read a resolution to adjourn to executive session to discuss potential litigation; no action will be taken.

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

Councilman Ballard offered a motion to adjourn from executive session and return to regular business, seconded by Councilman Whelan.

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

ADJOURNMENT

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

ROLL CALL:

AYES: Taylor, Whelan, Yngstrom, Ballard, Zipprich, Horgan

NAYS: None

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

Respectfully submitted,

Pamela Borghi