

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
JANUARY 13, 2016  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

PRESENT: Mayor Menna and Council Members Burnham, Zipprich, Horgan, Schwabenbauer, Taylor and Whelan.

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

**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 2, 2016.

**WORKSHOP**

**Charter School Expansion Resolution**

Mayor Menna reviewed the issue and noted the truncated time frame. He said the Governing Body was familiar with the matter. He said the Council, at the January 2 Reorganization meeting, had accepted his proposal to create a Blue Ribbon Panel to review the issues/ramifications of the Red Bank Charter School Expansion request on the municipality which, he noted, was less than two square miles. He said the members would be appointed at this meeting and said, in his opinion, the appointees represented good, competent residents and professionals in the community. He said he had received 22 requests to participate and said all were extraordinarily qualified. He said he had tried to come up with a representative sample of the community. He said Councilwoman Horgan, liaison to the Education/Technology Committee, had advised him that there was a proposed resolution that would set forth the parameters of the Council's position on the issue. He said the matter would also be looked into by the Blue Ribbon panel.

Councilwoman Horgan explained how the resolution came to be. She said the previous week the Superintendent of Schools had reach out to Mayor Menna and herself and had subsequently scheduled a meeting with a member of the Board of Education, concerned parents and three Council members. She said they had had an open and good discussion about the possible ramifications if the expansion went through. She said she wanted to state that no one was against the Charter School as it currently existed but said expanding it would result in dire consequences including taxes rising exponentially. She said it would mean the elimination of educational programs including arts, music, sports, instructional resources, homework club, teachers and teacher's aids. She said class sizes would increase with fewer resources available for the kids. She said more time was needed to see whether expansion of the Charter School was feasible which was why the Mayor had proposed the creation of the Blue Ribbon Committee. She said they would be looking at the issue to see if the expansion was necessary. She said after careful consideration, they had drafted a resolution.

16-26            Councilwoman Horgan read, "A RESOLUTION URGING THAT THE RED BANK CHARTER SCHOOL'S REQUEST FOR EXPANSION NOT BE APPROVED AT THIS TIME AS FURTHER ANALYSIS, PUBLIC EDUCATION AND DISCUSSION ARE NEEDED BEFORE FINAL DECISION."

Councilwoman Horgan said she felt the resolution showed support for the expansion not going through at this time because, according to the application by the Red Bank Charter School, the implementation would be eminent. She called for a vote.

Mayor Menna noted that they should entertain comments before moving the resolution.

Attorney Cipriani said she wanted to offer information on the process. She said the decision on the expansion application would not be made by the Governing Body nor by the Charter School or the Board of Education. She said the decision to allow the expansion would be made by the New Jersey Department of Education. She said the reason for the urgency to take action as this meeting was because the Department of Education has sixty days from when they received the resolution from the Charter School Board asking for the expansion which was received by them on December 1, 2015. She said the time was very short before the Department of Education would end its comment period. She said if the Department chose not to accept the requests to not act so quickly, they would make a decision on the application. She also reviewed the appeal process and again noted the Governing Body had no official role in the process. She said the Governing Body was getting involved because it was such a crucial issue for the municipality.

Councilwoman Schwabenbauer confirmed that the Governing Body did not have influence on the matter but said she wanted to explain why they had chosen to take this action. She said she felt the Council had looked at the matter as what they would like to see a Council do if they were not members.

Councilwoman Burnham asked if the panel would have their answer by February 1.

Mayor Menna said the members would be appointed at this meeting and said they were all extraordinarily driven individuals that had a deep concern. He said they would meet but there was a lot of information to be exchanged. He said it may not be ready by that time but added that the Commissioner of Education would be making some decision which would probably not be the end of the discussion. He said the panel would be producing a report and said he intended to make sure the panel moved forward aggressively. He noted that Councilwoman Horgan had explained the urgency in passing the resolution but said the panel would still be convened and would try to dovetail.

Councilwoman Burnham said the Board of Education had done a lot of work and offered a wealth of information.

Mayor Menna said that would all be included.

Councilman Zipprich agreed that time was of the essence.

Mayor Menna suggest they amend the resolution to include language noting the formation of the panel that would be studying the long range consequences of the issues and to ask the Commissioner of Education to grant leeway for that panel to make its findings of fact and reports and to enlarge the period of review.

It was the consensus of the Council to add the resolution to the agenda with that amendment.

Mayor Menna asked if anyone in the audience had any comments on the resolution.

Stephen Hecht—135 Branch Avenue—said felt the resolution was rather ambiguous. He said the resolution stated that the Council was not in favor of the extension unless it was clear that there would be no dire consequences for the community.

Councilwoman Horgan pointed out that she had used the phrase “dire consequences” in her comments but said that wording was not in the resolution. She read the specific wording from the resolution.

Mr. Hecht noted that she had read that the Council could not support the application “unless and until” the district was fully funded. He said the resolution also requested an extension of time. He said if it was “unless and until,” the Council should be able to state that they were not at all in favor of the application. He said he felt asking for more time would invite the Commissioner no to the request for more time. He asked the Council to adopt a resolution in opposition to the application.

Wayne Wooley—196 Mechanic Street—thanked the Council for passing the resolution that recognized the financial hardships that would be imposed on the taxpayers by an expansion of the Charter School. He announced a rally set for 10am the following Saturday to organize a town wide canvas for signatures on a petition opposing the expansion to be delivered to the Education Commissioner. He stated his reasons for opposing the application. He said the Council was taking a prudent stance by requesting the extension of the public comment period and commended the Mayor for seating a Blue Ribbon Panel to review the issue. He pointed out that the Commissioner was in no way obligated to extend the deadline but said he was expected to weigh the financial impact of a Charter expansion. He said the resolution made clear the Borough’s concerns with the expansion. He reviewed details of the possible financial impact including where cuts would likely be made in the public school system. He reviewed the accomplishments of the public school system.

Mary Beth Maida—84 Branch Avenue—said the information to be reviewed by the Blue Ribbon Panel already existed and could be provided quickly. She also review the possible financial impact. She spoke of the benefits of living in Red Bank and expressed concern about the negative image being portrayed about the public schools.

Jared Rumage—Superintendent of Red Bank Borough Schools—thanked the Mayor and Council for taking a position on the issue. He said it was unfortunate the Charter School Expansion request had caused discord in the community. He said he was happy that the Charter School application had given him an opportunity to dispel an old story line. He said, maybe at one time, the public schools were less than the community deserved, but said that was not the case today. He stressed that the district was not anti-Charter nor anti-school choice. He said they were simply opposed to expansion at this time. He said the expansion would result in a burden on the tax payers and would devastate the great work that had been done at the public schools.

Ben Forrest—16 Locust Avenue—said the information the Council needed was contained in the Charter School application and said it was clear that they had realized the impact that it would have on the community. He said he felt it was being done it the wrong way. He said thought the Charter School should have come to the table and shared their proposal and asked for input. He suggested they should have met representatives of the Board of Education and held a meeting where the public was invited so they could explain the financial impact. He called for the Charter School to withdraw their application and education the public on why they thought expansion was a great idea. He commended the public for

coming out to address the issue. He also said it would be a shame to have the school system in the town that was the birth place of Count Basie to have to consider eliminating its music program

Joyce Kalorin—16 South Street—said she loved the Red Bank Public School system and was a proud parent. She spoke of her experience with the district and its teachers.

Maria Santamaria—no address given—noted she had come from another country and said the school had given her children great opportunity and a great education. She asked for support of the school and said it allowed the children to dream big.

Lucia \_\_\_\_\_—no address given—said she felt blessed to have her children in the school system. She thanked the teachers who she said encouraged the children to dream big. She asked the Council to help.

Mayor Menna said the way the school treated children had not changed. He said when he had first moved to the area from Italy, he also did not speak English. He said he remembered the teachers reaching out to his family in the same way the parents had just described.

Tom Labetti—Elm Place—said he had two children in the public schools and spoke of the quality of the teachers. He said it was a desirable place to teach.

Carrie Ludwikowski—President of the Board of Education—16 Marion Street—said she was a proud parent and read a statement from the Board of Education.

Luis \_\_\_\_\_, 10 Locust Avenue—said he had graduated from Red Bank Regional High School which had given him opportunity. He said he had been the first generation in his family to do so. He noted he had had limits when he was in school such as supporting his family and was not able to go on to college but said he was now a parent and wanted to encourage his children. He commended the teachers.

Frank Woods—92 Harding Road—spoke of how the Red Bank Public Schools had benefited his child. He praised the staff for their help. He noted some of the programs she participated in could be cut with a loss of funding due to the proposed expansion.

No one else appearing, Councilman Zipprich made a motion to close the public comment, seconded by Councilwoman Schwabenbauer.

**ROLL CALL:**

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

NAYS: None

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

Councilwoman Burnham made a motion that the resolution be amended to add language about the potential loss of tax revenue since part of the Charter School plan was to purchase an additional building that would be removed from the tax rolls. Councilman Zipprich seconded.

Councilman Whelan said he was concerned that if the tax issue was brought into the resolution, it might take the focus away from the public education issue.

Councilwoman Burnham said she felt it would be a positive.

Councilwoman Schwabenbauer said she was okay with it but was also concerned. She said she felt, if they added that specific fact without adding all of the others, it would seem that that was the biggest issue.

Councilwoman Horgan suggested that the information would be included in the report from the Blue Ribbon Committee.

Councilman Zipprich said he felt Councilwoman Schwabenbauer was saying that the added language might cloud the issue.

Mayor Menna noted that that was also what Councilman Whelan had said.

Councilman Taylor said he agreed that they should not dilute the message.

Councilwoman Burnham withdrew her motion.

Attorney Cipriani read the resolution with the language that had been added earlier in the meeting.

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

**ROLL CALL:**

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

NAYS: None

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

Mayor Menna said he was pleased with the response he had received from individuals who had expressed interest in serving on the panel. He said the all had some degree of relevant experience. He appointed the

following members to the Blue Ribbon Committee to Review the Charter School Application to the Board of Education:

Barbara Boas

Jan Wouters, Esq.

Judy DeHaven

Jesse Garrison

Michael Stasi

Richard Angowski, Esq.

Jennifer Garcia

Council Representative Councilwoman Horgan

Superintendent of Red Bank Schools Jared Rumage

Charter School Principal Meredith Pennotti

Red Bank School Business Administrator Debra Pappagallo

Charter School Business Administrator David Block

Red Bank Borough CFO Eugenia Poulos

Councilman Zipprich thanked everyone for coming out to the meeting and said it was a great show of community togetherness.

Councilman Taylor said he was a proud Red Bank Public School graduate. He said he had graduated before the Charter School was formed and he saw many of his fellow graduates getting re-involved in the community. He said he hoped the Council was echoing the sentiments of those present by supporting the resolution.

Mayor Menna called for a five-minute recess.

Mayor Menna called the meeting back to order at 7:50pm.

## **ROLL CALL**

PRESENT: Mayor Menna and Council Members Burnham, Zipprich, Horgan, Schwabenbauer, Taylor and Whelan.

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

## **WORKSHOP Cont'd.**

### **White Street Parking Lot – Planning Board Investigation**

16-24 Mayor Menna read, "A Resolution Authorizing and Directing the Planning Board to Undertake an Investigation to Determine whether the Delineated Area of Block 31, Lot. 2.01 (White Street Parking Lot) Satisfies the Criteria for Designation as a Non-Condemnation Redevelopment Area."

Mayor Menna said a resolution been proffered to move ahead with the designation of the White Street Parking Lot as an area in need of redevelopment. He confirmed that the issue would be referred to the Planning Board.

Councilman Whelan agreed.

Mayor Menna noted a scoping report had been prepared by CME Associates and said the report clearly stated that the parking lot was an area in need of redevelopment. He said it was quite extensive and had been reviewed by the previous Parking Committee. He said he thought it was great they were moving forward but questioned why they were undertaking a review of something that was already before them.

Attorney Cipriani said, in order to declared an area in need of redevelopment to open up the redevelopment process and receive proposals, the matter must be referred to the Planning Board. She asked if that had been done.

Mayor Menna clarified that he agreed that it should be referred to the Planning Board but said he was suggesting that the existing report could be referred to the Board for review and comment. He said he believed the resolution called for Maser and Associates to do a study or report to the Planning Board. He said he thought they could save money by sending the existing report to the Planning Board.

Attorney Cipriani again noted that the designation required review by the Planning Board. She said the question was what information they wanted to send to the Planning Board along with the request. She said that would depend on the will of the Council. She said if the scoping report that had been received provided all of the information necessary for Planning Board review, then so be it. She said if there was a belief that there was a benefit for additional information regarding the potential for redevelopment to the area, then the resolution would be appropriate.

Mayor Menna suggested they should send the existing report to the Planning Board and ask them to review and offer a report on whether or not it should be an area in need of redevelopment. He said it they agreed and sent it back to the Council, the Council could adopt the appropriate resolution stating it should be an area in need of redevelopment. He said, at that time, they could designate their Planner and Municipal Engineer.

Attorney Cipriani reviewed the procedural options and noted the designation would ultimately be done by the Council.

Mayor Menna noted that both he and Councilman Whelan were on the Planning Board and they could both review the scoping report with the Board.

Councilwoman Burnham called for a review by the Parking Committee.

Mayor Menna said he felt it had been reviewed by the previous Parking Committee.

Councilwoman Burnham disagreed and said she was on the Committee for the last two years and said it had not been reviewed. She suggested it should be tabled until reviewed by the Parking Committee.

Councilman Whelan said there was a Parking Committee meeting the following day.

Councilwoman Burnham made a motion to table the resolution until after the Parking Committee had met and reviewed it. Councilman Zipprich noted he was on the Parking Committee and would not be available for the meeting the next day but said he agreed with Councilwoman Burnham that it should be reviewed by the Committee and seconded the motion.

#### ROLL CALL:

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

NAYS:                   None

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

#### Well/Water Meters

Councilwoman Schwabenbauer said the matter had come up at end of last year when she said the Council was suddenly asked to vote to authorize a well. She said the Finance Committee had looked into the matter to determine why it was a sudden priority. She said they discovered that the Borough had been in discussions with the DEP since May regarding a firm capacity issue. She said, if the Borough failed to have a plan to replace 90 percent of its water meters by the end of the year before March 4<sup>th</sup>, Red Bank would come under water restrictions. She said they also needed to have shovel ready plans for a well by that same date. She said that date was important because in discussions with CFO Poulos she learned that there is a pool of money available and if the Borough can get its application in on time they would have access to funds that had 18 percent principle forgiveness. She said of the remainder, 75 percent would be interest free. She said the issue was that it was a finite pool of funds and was first come, first served. She said they wanted to get the application in as soon as possible. She said, as an example, one project from Newark could soak up the entire fund and added that they had been told by the DEP that there were a couple in the pipeline from Newark so they needed to get going soon. She said she was discussing it in Workshop so that everyone would know what was going on when it came up at the next meeting.

Councilman Zipprich noted that all of the homework had been done on the water meters and the recommendation was in place. He said he also believed that T&M had a lot of done a lot of the work on the design of the well.

Administrator Sickels added that the Council had authorized the application to the New Jersey Environmental Infrastructure Trust and had also authorized T&M to prepare the plans and specifications for the well. He said the ordinance would be the next step to see it through to fruition.

Councilwoman Burnham said she had spoken with Gene Callahan about the matter and said she was told that the water meters and the well were two totally different things. She said all that the DEP was requiring for the water deficit problem was the well. She said he had told her that the Borough had added the meters due to the approval of three new developments. She reviewed conversations she had had with Linda as to why they had added the meters.

Mayor Menna said there were several reasons for the meters.

Councilwoman expressed concern about the cost and said she didn't see what new meters would do for the residents.

Administrator Sickels said there were two different issues. First, he said, the firm capacity issue was regarding the well. He said the water restrictions were based on the unaccounted for flow. He said because of that unaccounted for flow, the Borough was told it would need to go into water restrictions. He said the newly installed meters would give them a more accurate reading of the flow and noted that they would also install them in Borough facilities that were not currently metered which would also reduce the unaccounted for flow. He said that would eliminate the need for water conservation which would mean residents could not use outside water more than two hours per week.

Councilwoman Burnham referred to a letter from February 18, 2015 that she said stated the Borough could not approve any more development or they would be penalized. She said they had continued to approve developments after the receipt of the letter.

Mayor Menna said that was incorrect. He said the developments that were approved had been on a previous list of approvals which had been explained by the former Borough Engineer.

Councilwoman Burnham questioned specific projects.

Mayor Menna confirmed that they had been approved prior to the letter and were on the list of exemptions.

Councilwoman Burnham said she had spoken with NJ American Water and had been told that 17 percent unaccounted for water was not a high number. She told Administrator Sickels that there had been a toilet running on the fourth floor for two years.

Mr. Sickels said she was the first to report it.

Councilwoman Burnham said she reported it two years ago. She cited several areas that could have contributed to the unaccounted for water. She felt the residents would feel the cost of the meters in their taxes.

Mayor Menna said they would not and noted that the Water Utility had to be self-liquidating.

Councilwoman Burnham said she still did not see how the meters would benefit the residents.

Councilman Zipprich said they had spent a great deal of time looking at various meters and said the meter that had been selected and recommended would recognize even the slowest drip and would enable the Borough to notify the customer about the leak. He said that would save customers from spending extra money on a leaky faucet.

Councilwoman Burnham continued to express concern and said she was aware that a project of new townhouses were getting the previous meters.

Mr. Sickels and Councilman Zipprich confirmed that they were getting the new meters.

Councilwoman Burnham said she had heard that they were getting meters that were on hand.

Councilman Zipprich said they had 15 new meters on hand.

Mayor Menna said he had authorized the purchase of a limited number because the Department was running out of meters.

Councilman Zipprich noted that, when they had first brought the matter up a year ago, he had made it known that there was a limited supply of meters left and that they needed the project to go forward. He confirmed that the Mayor had authorized a small quantity to be purchased.

Mayor Menna confirmed that Councilwoman Schwabenbauer was looking for the matter to be on the following agenda and for the Attorney to prepare the ordinance.

Councilwoman Schwabenbauer confirmed that that was the case.

#### **APPROVAL OF MINUTES – December 16, 2015**

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

#### **ROLL CALL:**

AYES: Burnham, Zipprich, Horgan, Schwabenbauer

NAYS: None

ABSENTEION: Taylor, Whelan

There being four ayes, no nays and two abstentions, the motion was declared approved.

#### **APPROVAL OF MINUTES – January 2, 2016**

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

#### **ROLL CALL:**

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

NAYS: None

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

#### **MAYORAL APPOINTMENTS**

No additional appointments were made.

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

Councilwoman Schwabenbauer reported that the Finance Committee had met and reported that, as a result of outsourcing sanitation, the Borough would be saving \$66,000 off of the Workers' Compensation Insurance costs.

Councilman Zipprich asked if that savings was from the Joint Insurance Fund.

Mayor Menna said it was.

Councilman Taylor said he wanted to recognize the new Director of Recreation, Charles Hoffmann, who was in attendance. He said Mr. Hoffmann had a lot of ideas moving forward and would have a newsletter coming out soon. He added that Mr. Hoffmann was attacking his new role aggressively. He said any residents who had not been receiving correspondence from the Recreation Department could leave their information and they would receive regular updates.

Councilman Whelan said he was the Commissioner for Police and Fire. He said he had met with the Police Chief the previous week and had also met with the three Fire Chiefs two nights ago. He said he was excited to work with everyone and to be their Commissioner. He offered assistance in any way possible. He said he had also met several times with the Executive Director of RiverCenter and was looking forward to working with him. He said the first Parking Committee meeting would be the following day and the Human Relation Advisory Committee should be meeting in the next few weeks.

Councilwoman Horgan reported that the Education/Technology Committee had met on Monday evening and continued to make savings and improve the system. She offered details on where the cost savings and improvements had been realized. She also noted that the IT Director had taken over the administration of the Verizon Wireless account and had found several inactive lines resulting in a yearly savings of \$3,360. She also noted they were using paperless agendas for the Planning and Zoning board meetings and added that they had been spending approximately \$460 to mail out the packets. She said they were moving more and more toward doing things electronically. She said they were also looking to have a screen or two at Borough Hall for presentations at Board meetings. She also reviewed programs that were being used to increase efficiency and revenue in the Police Department and Parking Utility. She said IT Director Fagliarone was doing a great job.

Mayor Menna questioned the cost quoted for postage per month and said he thought it was per year.

Borough Clerk Borghi confirmed that the Department had mailed large packages to their Board members for four meetings per month at a cost of up to \$10 each.

Mayor Menna noted the Council received things electronically.

Councilwoman Burnham said she preferred to receive paper.

Mayor Menna said they all had to move with the times.

Councilman Zipprich reported that Christmas trees were being collected throughout the Borough through the first week of February and noted they could not have lights or ornaments on them when they were placed at the curb. He thanked Councilwomen Horgan and Schwabenbauer for a fun Education/Technology meeting the previous Monday. He said it had been informative. He complimented Councilwoman Horgan on the great strides that the Committee had made in the past year. He reported that on Friday, the Police Chief and other Borough Officials would be meeting with the NJTPA on the Street Smart Pedestrian Safety program which he said he had announced last fall. He thanked the Police Chief for taking the reins and thanked the New Jersey Transportation Authority for including the Borough in the program. He said the DPU Committee would meet on January 27 to discuss probably ordinance modifications concerning recycling and bulk waste. He confirmed the information reported by Councilwoman Schwabenbauer that, since privatizing solid waste collection, the Borough had realized \$66,000 in savings and, additionally, the number of job related injuries had been greatly reduced. He said DPU Director Keen had met with various community members and various activities he was working on including reformulating the street sweeping and catch basin cleaning schedules. He also noted that, with the help of OEM Director Welsh, the Borough had sold two aged garbage trucks netting approximately \$16,000. He said DPW Director Keen had also met with representatives of Lucas Construction to ensure that there were no more problems with notices to residents regarding water shut offs. He said the annual newsletter from DPW was almost complete and would be distributed electronically through the website. He also reported that the Shade Tree Committee would be meeting the following night.

Councilwoman Burnham had no report.

## **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from Christopher Hussey for membership to the First Aid and Rescue Squad of the Red Bank Volunteer Fire Department and from Santos Colindres to the Navesink Hook and Ladder Company of the Red Bank Volunteer Fire Department.

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

### **ROLL CALL:**

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

NAYS:            None

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

### **By Consent Agenda:**

Mayor Menna read the following requests which had all been approved by the Special Events Committee subject to final plan approval:

- Request from the Dublin House to erect a tent in their courtyard for St. Patrick's Day, Thursday, March 17, 2016.
- Request from the Dublin House to use a portion of the White Street Parking lot on Sunday, April 17, 2016 from 8am to 1pm for a ceremony to commemorate the 100<sup>th</sup> Anniversary of the Irish Rising of 1916.
- Request from George Sheehan Classic to hold annual 5K Run on Friday, June 17 and Saturday, June 18, 2016 and for the use of Marine Park and Broad Street.

Councilman Zipprich offered a motion to approve the requests, seconded by Councilwoman Schwabenbauer.

ROLL CALL:

AYES: Murphy, Burnham, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

Mayor Menna read a request the Red Bank Volunteer Fire Department to hang a banner on Shrewsbury Avenue from August 15, 2016 to August 31, 2016 and on Broad Street from September 1, 2016 to September 12, 2016 to advertise their annual street fair.

Councilman Whelan offered a motion to approve the request, seconded by Councilwoman Burnham.

ROLL CALL:

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

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 and asked if anyone would like to speak.

Stephen Hecht—135 Branch Avenue—asked about resolution 16-18 concerning the settlement of three years of tax appeals. He noted the change in assessments and asked what that meant in terms of taxes collected.

Mayor Menna reviewed the resolution and said the total refund/credit would be \$7,481 for 2014 and \$9,800 for 2015 for a total refund of approximately \$17,000.

Mr. Hecht said he wanted to state again that the assessments continued to be out of line.

Mayor Menna agreed.

William Meyer—12 Monmouth Street—said he wanted to follow up on the previous conversation. He said he had reviewed the contract with Realty Appraisal Association for the revaluation and said it was waste of money. He said it was a shame that the Borough kept making the same mistake and paying for the bullet that they used to shoot themselves. He said he had gone on record in the past asking the Borough not to do it anymore. He asked the town to take a good look at the appraisal service and the contracts and try to get out of it.

Mayor Menna said they had until April to get out of it and encouraged the Council to have a strong public discussion on the issue. He reviewed the options for conducting appraisals.

Administrator Sickels said he had distributed information he had recently received from the Assessor. He also noted that he and CFO Poulos had attended a meeting on the issue earlier in the day which they would be sharing with the Finance Committee at their next meeting.

Mr. Meyer called for a review of expenditures and said he said items on the agenda that he felt were not needed. He questioned the need for water meters which he said he felt would increase bills. He said he felt that 17 percent was not a lot of accounted water. He said he had learned that many Borough facilities had not meters and also noted there were broken water mains and said water was also being lost through hydrant flushing and sprinkler tests. He said he felt there was no benefit to the tax payer in purchasing new meters. He reviewed his own research on less expensive meters and again questioned the expense.

Councilman Zipprich offered a motion to close the public portion, seconded by Councilwoman Schwabenbauer.

ROLL CALL:

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

NAYS: None

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

## **ORDINANCES – First Reading**

None.

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

None.

## **RESOLUTIONS**

Mayor Menna read the following Resolutions to be voted on by Consent Agenda:

- 16-15 A Resolution Appointing Eugenia Poulos as Fund Commissioner and Eva Biviano as Alternate Fund Commissioner to Central Jersey Health Insurance Fund.
- 16-16 A Resolution Appointing Clifford Keen as Fund Commissioner and Eugenia Poulos as Alternate Fund Commissioner to Monmouth County Joint Insurance Fund.
- 16-17 A Resolution Appointing Part Time Library Assistants.
- 16-18 A Resolution Authorizing Tax Appeal Settlement Regarding Red Bank Crossing, LLC, 46 Newman Springs Road, Block 97.01, Lot 45, Red Bank, New Jersey.
- 16-19 A Resolution Authorizing Change Order No. 6 and Final Related to the Contract with Black Rock Enterprises, LLC for the 2014 Road Improvement Program.
- 16-20 A Resolution of the Borough of Red Bank, County of Monmouth, State of New Jersey, Authorizing the Release of a Site Improvement Performance Guarantee Posted by Red Bank Pharmacy, Inc., and KJD Realty, LLC, for 141-143 Broad Street, Block 59, Lot 2, Upon the Posting of a Two-Year Maintenance Bond.
- 16-21 A Resolution of the Borough of Red Bank, County of Monmouth, State of New Jersey, Authorizing the Release of a Site Improvement Performance Guarantee Posted by Ziek Realty Holding, LLC for 179 Maple Avenue, Block 102, Lot 5.
- 16-22 A Resolution of the Borough of Red Bank, County of Monmouth, State of New Jersey, Authorizing the Release of a Site Improvement Performance Guarantee Posted by Lunch Break, Inc., for 113 & 115 Drs. James Parker Boulevard, Block 96, Lots 1.01, 2.01 and 2.02 upon the Posting of a Two-Year Maintenance Bond.
- 16-23 A Resolution Authorizing the Borough Administrator to Act as Authorized Representative Regarding NJEIFP Loan No. 1340001-001-09 for Water Plant Improvements.

Councilwoman Burnham asked about Resolution 16-23 and asked if Clifford Keen should be the Representative.

Mayor Menna so it had to be someone that could legally sign documents on behalf of the Borough so it would be the Administrator

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

### **ROLL CALL:**

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

NAYS:            None

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

## **PROCLAMATIONS**

None.

## **PAYMENT OF VOUCHERS**

16-24            Mayor Menna read, “A Resolution for Payment of Bills Amounting to \$908,212.33.”

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

### **ROLL CALL:**

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

NAYS:            None

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

## **PAYMENT OF VOUCHERS**

16-25            Mayor Menna read, “A Resolution for Payment of Bills Amounting to \$3,314,883.64.”

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

**ROLL CALL:**

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

NAYS: None

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

**OLD BUSINESS**

**NEW BUSINESS**

**AUDIENCE**

Rose Sestito—190 River Street—said she had an issue with Parks and Recreation. She said since Director Crystian had left the Department and Ms. Bumback had taken over, she and other people in the community had started receiving invoices through the “Community Pass” program. She said she had gotten one dating back to 2013. She said she had discussed the issue with Ms. Bumback and said she was told it would be taken care of. She said she had also discussed the issue with Councilwoman Schwabenbauer. She said she continued to receive bills and said it was bordering on harassment. She asked them to fix them error.

Administrator Sickels said it was the first he was hearing of it and asked if the invoice had been paid.

Ms. Sestito said it had been paid and said there were other people that had the same complaint.

Mr. Sickels reviewed the program and the accounting procedures. He asked for her information and said he would look into it.

Jimmy Dark—48 W. Sunset Avenue—reported that there was a hole in the street on West Sunset Avenue and asked that it be repaired.

Mayor Menna directed Administrator Sickels to follow up.

Michael Ballard—190 River Street—said had coached the 7<sup>th</sup> & 8<sup>th</sup> grade girls basketball the previous year and reviewed how the team had improved over the past three years to an undefeated season. He reviewed some of the achievements of the team and programs they had participated in. He said they had been looking for playing this year but said the team had been eliminated and no one knew about it. He said he had received an email on October 29 as a member of the Parks and Recreation Committee from the Acting Director to inform them of how well sign ups were going. He questioned the reduction of participation and in teams. He said Red Bank residents were being eliminated from the programs and said it seemed like diversity was disappearing. He said he did not know why the girls’ program was eliminated.

Mayor Menna asked Councilwoman Schwabenbauer, who had chaired the Committee in 2015, if she had information on the matter.

Councilwoman Schwabenbauer said she believed the new Parks and Recreation Director had been looking into the matter but said she had not had a conversation with him since she was no longer the Liaison to that Committee.

Councilman Taylor, current Liaison to the Parks and Recreation Committee said they would be meeting on Tuesday, January 19<sup>th</sup> to address both of the issues that had been raised at this meeting. He thanked Mr. Ballard for bringing the matter to the Council’s attention and noted that he had also served on the Committee for the past few years. He said the accomplishments had been well noted and it bothered him as well. He said it was something he wanted to address.

Mr. Sickels noted that the Acting Director had left the Borough on November 11<sup>th</sup> and the new Director had not started until December 19<sup>th</sup> so there had been a gap during that time. He said he was aware that the volunteer Committee had met during that time and said he wasn’t sure why the issue had not been brought up then. He said he knew the current Director was looking into the matter to ensure that the issue was corrected in the future.

Mr. Ballard said he wanted to reiterate that they had been told on October 29<sup>th</sup> that there were already 35 sign ups.

Mayor Menna asked who had told him that.

Mr. Ballard said the Acting Director had sent an email to all Committee members.

William Meyer—12 Monmouth Street—said he wanted to address the redevelopment money that was begin spent. He said taxes had gone up a lot and said he had hoped for a “new order” that would start reducing expenditures. He said it looked like they were going to expand it. He mentioned the redevelopment plan for White Street.

Mayor Menna noted that he had said they should deal with the report they had already rather than spending money on a new report.

Mr. Meyer said he agreed and said he did not think they need to spend more money on experts. He said he felt it was a veiled way of shoving a parking garage down their throats when the people in Red Bank had made their position well known that they were not in favor of a parking garage that the town could not pay for. He said plans seen the past provided major benefits for the people that were going to build it while

using up most of the parking, water, sewer and roads. He said more development did not make taxes go down but made taxes go up. He criticized the fact that the Borough had just spent \$73,000 on soft engineering costs for the project at Bellhaven. He said people in Red Bank were stressed out about property taxes. He said the more property taxes went up, the more the value of the house went down. He said that was why he was against the water meters stating that the cost would have to be absorbed into the water and sewer bills. He said he was against expenditures in any redevelopment project. He said the studies on the White Street lot should be done in house and the matter should be presented in a referendum to see if the people supported it. He also said he had been present for the reorganization meeting and said it seemed more like a coronation. He said the public had been left out of the affair. He said a lot of changes had been made and agreed with the Mayor that the Municipal Court Judge had save the Borough a lot of money over the years. He said the Judge had wanted James Butler appointed as Municipal Prosecutor and criticized the fact that he had not been appointed.

Mayor Menna confirmed that Mr. Butler had submitted an RFP for the position and was on the list of qualified individuals.

Mr. Meyer said there had been a last minute switch and it had all been done in a back room. He said he was offended by that. He criticized those who had stated they would listen to the people. He criticized the way the appointment for Municipal Prosecutor was made to someone didn't even submit an RFQ or RFP. He questioned how that appointment was made over someone he said the Judge had requested. He claimed a political move had been made the previous January to replace Mr. Butler. He asked where the new appointee had come from and what his qualifications were. He asked why none of the appointments were discussed publicly.

Mayor Menna said he was not aware of what had happened in Municipal Court. He said he did not know the gentleman that was appointed and said the name had been given at the last minute. He said, more importantly, there were a number of individuals on the list. He said he respected Mr. Butler and said he had worked with him for 25 years. He said there were also other individuals who had submitted RFPs that had not been chosen but said he did not know why. He again noted that the appointee had not been on the list and said the Council was told that he would be appointed under the Non-Fair and Open process. Mayor Menna said the question that had to be resolved was if any contributions of a reportable nature had been made to any campaign committee in Monmouth County in 2015. He said, if so, the appointment would have been in error.

Mr. Meyer said he would like the matter looked into. He said he had looked at the money flow and had found that it seemed that if someone had given money, they got a job. He said he didn't like that game. He said he had heard that Mr. Butler was taken off of the list at the last minute but couldn't get any information on it. He had heard that it was because he was a democrat.

Councilman Taylor said Mr. Meyer was bordering on the offensive with his allegations about the campaign. He criticized the Mayor as well. He said they could check the ELEC records and said no campaign donations affected any appointments that were made. He pointed out that all appointments were made in a bipartisan manner and unanimously. He also noted that Mr. Butler had been appointed as Conflict Prosecutor. He said the information on everyone who submitted an RFQ was a matter of public record.

Mr. Meyer said he respectfully disagreed. He also noted that there was a resolution that established an 18 percent interest rate on unpaid taxes up to a certain amount and then it jumped to 24 percent. He said he had previously stated that he found that interest rate offensive and unfair to the elderly. He said there were people on the Council that had previously agreed that that was unfair yet they had all voted for it. He asked them to take a look at it.

Councilman Taylor said he had just confirmed with Councilwoman Schwabenbauer, who served as Finance Chair, that they would look into it.

Stephen Hecht—135 Branch Avenue—questioned how an appointment could be made if they did not apply for it.

Attorney Cipriani reviewed the Fair and Open Process which included a request for RFPs and RFQs that were evaluated and an appointment was then made. She said there was an alternate process allowed under the same "Pay to Play" law which was known as the Non-Fair and Open Process. She said the process allowed for appointments to be made without the RFP/RFQ process to a professional of their choosing. She added that someone appointed under that process could not have made any contributions. She said if they had made disqualifying contributions in the year leading up to their service, they would be disqualified. She also noted that once they were appointed under that process, they could not make any reportable contributions. She said if they were appointed under the Non-Fair process, they would have to submit a reportable contribution disclosure form which would be on file with the Borough. She again noted that, during the term of the contract, the individual could not make any reportable contributions. She noted that the individual appointed had submitted for other positions.

Mr. Hecht confirmed that he had not submitted for the position that he was appointed to and again asked how someone could be chosen for a position they had not asked to be chosen for.

The Attorney again said the individual had submitted RFPs for other positions so the information was on file and available to the Mayor and Council for review. She added that it was a basic contract where the something was offered, they accepted and consideration was given. She said the appointment functioned as an offer of employment. She said the municipality could make the offer but had to act with the Public Contracts and Pay to Play laws.

Mr. Hecht summarized the he had not chosen the Borough but that the Borough had chosen him. He asked who had made the choice.

Councilwoman Schwabenbauer said the applicant had put in for Public Defender and they ended up putting him in the Prosecutor spot because they were trying to put Mr. Butler in the Public Defender spot. She said they found out at the last minute that they could not appoint Mr. Butler to the Public Defender spot.

Mayor Menna explained that Mr. Butler could not serve as a Public Defender if he had served as a Municipal Prosecutor in the County.

Mr. Hecht confirmed that Mr. Butler had been appointed to a position in which he could not serve so he was essentially thrown away.

Councilwoman Schwabenbauer confirmed that he had been appointed to the position of Conflict Prosecutor instead.

Mr. Hecht said when Attorney Cipriani had explained the Non-Fair and Open process, it had led him to do some research on the appointee and his firm. He said he didn't find that the appointee much experience in criminal law.

Attorney Cipriani said, if the appointee accepted the position, he must believe he had the necessary experience. She said, if they find that that was not the case, they had the Conflict Prosecutor as a backup.

Mr. Hecht felt he had not gotten an answer to his question and asked if anyone wanted to comment on the Municipal Prosecutor's background.

Councilman Zipprich said he had asked on January 2 if they Council could appoint Mr. Butler to that position. He said he believed the Attorney had said that they could go to the Non-Fair and Open process.

Mr. Hecht said what he would take away from this was that just because it was legal, didn't make it right.

William Meyer-12 Monmouth Street—said he understood the person had no prosecutorial experience and again questioned the appointment and the process. He also questioned the Redevelopment Planner and Redevelopment Engineer appointments. He said he did not believe those appointments had been made the previous year.

Councilwoman Schwabenbauer said they had.

Mayor Menna explained that the appointment the previous year was for a Redevelopment Engineer for the purpose of doing a scoping report for the White Street lot.

Mr. Meyer asked what they would do for the Borough.

Mayor Menna said the report had already been done. He added any future work would be specified by the Council.

Mr. Meyer said he wanted to state again that he did not want to see money spent for things that the people of the town had not said they wanted.

Councilwoman Schwabenbauer said the appointments were free. She told Mr. Meyer that he was within his rights to disagree with some of the appointments. She said she wanted his to understand that all of the appointments were really thought about. She said there were several cases where they had left people in place that were strong supporters of the other party. She also appointments of minorities and women that there had been the previous year.

Mr. Meyer said he felt the public had been left out of the process and again questioned the process and criticized the appointments. He again called for Mr. Butler to be appointed to the position.

Freddie Boynton—365 Shrewsbury Avenue—said last year he had sent letters to the Council to let them know that he had cleared catch basins. He said he had not received any thanks. He criticized the fact that they had publicly thanked others and said he felt it was a slap in the face. He said the only one that had thanked him was the new Director. He also noted that they had reported they were saving money in Public Works but unable to provide speed limit signs as he had previously requested. He also discussed the fact that he had been accused of removing political signs. He reviewed the circumstances where he had been asked to remove one sign by a property owner that had said he did not want it there.

Tom Labetti—Elm Place—said he had been following a case regarding a Morristown hospital. He reviewed details from a settlement from the current week. He asked the Finance Committee to look at the issue and said he felt it had a significant impact on the Borough and its hospital.

**EXECUTIVE SESSION**

**ADJOURNMENT**

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

**ROLL CALL:**

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

NAYS:            None

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

Respectfully submitted,

Pamela Borghi