

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
FEBRUARY 10, 2016
6:30 P.M.**

PLEDGE OF ALLEGIANCE

Councilwoman Burnham explained that Mayor Menna had a previous engagement and said she would be presiding.

ROLL CALL

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

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

ABSENT: Mayor Menna.

SUNSHINE STATEMENT

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

WORKSHOP

Sign Ordinance

Council President Burnham explained that the sign ordinance had been in discussion for over two years. She also noted that Planning & Zoning Director Carter was present to answer any questions the Council may have.

Councilwoman Horgan noted it was on the agenda for First Reading and asked if the ordinance had been reviewed by the Committee and if the Committee was in agreement.

Council President Burnham said Councilwoman Horgan had been on the Committee the previous year and noted their last meeting had been held September 9th. She said the meeting had included representatives of RiverCenter and the new Planning/Zoning Director. She said everyone had been in agreement. She said she had kept Councilman Zipprich in the loop as the representative to the Historic Preservation Commission because she was concerned about preserving the character of the town. She said she had also discussed the matter with Councilman Whelan but acknowledged that the Committee had not officially met. She added that the ordinance was only on for Introduction and then would be referred to the Planning Board which could take up to a month. She said she had spoken with the Mayor and said he had recommended to list it for Introduction and discuss it. She said it would then be referred to the Planning Board. She said, if they made any changes, it would come back to the Council. She said she felt they could benefit from the input from the Planning Board and said she thought they should introduce it to get the ball rolling.

Councilwoman Horgan said she hoped the Planning Board would streamline it. She noted the document was ten pages and said she felt it was complicated and difficult to follow. She said they wanted to encourage businesses to come to town and again said she felt the ordinance was difficult to understand. She said she didn't know if they had taken into account the content the business community wanted. She asked for clarification on the Planning Board referral.

Attorney Cipriani confirmed that the ordinance would need to go to the Planning Board. She said the statute required the referral between the first and second readings. She said she felt Council President Burnham was suggesting the ordinance could be introduced and sent to the Planning Board for comment and the Committee could also meet during that time to offer their comments. She said when the ordinance came back to the Council, if there had been substantial changes, it would be considered the First Reading of the amended ordinance.

Council President Burnham said she had been working on the issue since she first came on Council in 2013. She noted the amount of money that had been spent on the process. She suggested if anyone had questions, they should speak with Planning/Zoning Director Carter. She also said, when Councilwoman Horgan had previously requested that it be streamlined, she had asked her where she suggested the changes. She noted the amount of work that had gone into the amendment.

Councilwoman Horgan asked Director Carter if he felt the ordinance had been streamlined at ten pages.

Mr. Carter said he felt both the existing ordinance and the process the Borough used was complex. He said, in reviewing the file, he found the process had started about three years before. He said a conscious decision had been made at that time to work within the framework of the existing ordinance rather than scrapping it and starting anew. He said changes had been made to make it simple but said it was still a

complex ordinance. He questioned the logic of starting over after the expense incurred over the past three years. He said he felt the proposed ordinance was better than what was currently in place. He noted he had successfully worked to simplify the approval process which he said he felt was the most problematic area of the Department. He summarized that he felt it was still complex but better than it was. He said, as he reviewed applications and found areas in need of improvement, he would suggest an ordinance change. He suggested the Council not consider the adopted ordinance as written in stone but as a starting point but as a document that could be amended as they went along.

Councilman Zipprich requested a Committee meeting the following week where they could review the ordinance with Mr. Carter and Mr. Sickels to make any necessary modifications before the Council took action.

Council President Burnham said she had wanted to get it introduced so the Council could discuss it. She said she had a Code Committee meeting planned for the following Tuesday so they could discuss it there. She pointed out the \$18,000 had been spent on the project so far and said she wanted to see it move forward. She again called for Introduction so it could be forwarded to the Planning Board.

Councilwoman Horgan said she felt the matter should be reviewed by the Committee first.

Councilman Zipprich said he appreciated the effort the Council President Burnham had put into the ordinance but requested that the Committee members review it.

Councilman Whelan said he understood where everyone was coming from and said he felt they should follow protocol and review the matter as a Committee before putting before the Council.

Council President Burnham agreed to table the matter.

Attorney Cipriani said, as presiding officer, Council President Burnham could remove it from the agenda.

APPROVAL OF MINUTES – January 27, 2016

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

ABSTAIN: Zipprich

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

MAYORAL APPOINTMENTS

None.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Zipprich reported that the DPW Committee would meet the following Wednesday. He also reported that he had attended the Board of Education meeting Monday night. He said the Red Bank Borough Education Foundation would be the recipient of the proceeds from RiverCenter's International Food Festival event at the end of April. He thanked them for their consideration. He said the Shade Tree Committee would be meeting the following Thursday to discuss spring planting, pruning programs and insect control. In regard to the Historic Preservation Commission, he expressed condolences to the family of Kal Pipo for the loss of a family member. He also reported on a raffle being held by the Red Bank Borough Education Foundation.

Councilwoman Horgan reported that the Library's Author Series would be starting that evening. She reporting on a Valentine's Day program for children and said Police Chief McConnell would be attending the next "Let's Talk About Race" program. She also noted that a bag pipe program was coming in March and reported on a showing of the movie "Inocente." She also said there was a resolution on this agenda to award a contract for a new website. She said the matter had been reviewed by the Education/Technology Committee and reviewed the details of the process including four days of on-site employee training.

Councilman Taylor asked if there would be continuous support going forward.

Councilwoman Horgan said they would be available 24/7.

Councilman Whelan reported the RiverCenter had held their Board meeting that morning and he was excited about the event for the upcoming year including the upcoming Restaurant week from February 21 to March 3. He also noted the Red Bank Fire Department would be holding a banquet for the Fire Chiefs the following Saturday. He said the Parking Committee had been reviewed complaints about the White Street lot and said the Human Relations Advisory Committee would be meeting in two weeks.

Councilman Taylor thanked St. Anthony's Church on behalf of the Parks and Recreation Department for the hospitality as the Department held a Town Hall at their premises in a combined effort with the Library. He said Council President Burnham had also attended and spoken on behalf of the Senior Center. He said it had been a bi-lingual service. He said the Department also recently hired a bi-lingual staff member. He

reviewed other upcoming programs including the Sweetheart Dance and Couch to 5K program. He also reported that information about an ongoing photo contest were on the Borough website.

Councilwoman Schwabenbauer said the Departments were currently working on their budgets and said a draft budget would soon be presented. She said the Annual Audit was also underway and she would have a report once it was finalized.

COMMUNICATIONS AND PETITIONS

Councilwoman Burnham read the following requests that had been reviewed by the Special Events Committee: (All events are subject to final plan review by the Special Events Committee)

- Request from Indie Street Films, in cooperation with the Count Basie Theatre and Red Bank RiverCenter, to hold a film festival from Weds. July 6, 2016 through Sun. July 10, 2016.
- Request from Riverfest Music & Food Festival to amend their request previously approved on August 12, 2015 regarding their festival to be held on June 3, 4 & 5, 2016 to include a Wine & Beer Café with all proceeds going to Red Bank Parks & Recreation Department.
- Request from St. Anthony of Padua Church to close Herbert Street from 10am to 3pm on Sat. June 11, 2016 in conjunction with a procession for the Feast of St. Anthony beginning at 10am from St. James School on Peters Place and crossing Maple Avenue to their Chestnut Street parish with picnic to follow.
- Request from Red Bank Street Fair to hold their event on Sun. September 11, 2016 from 11am to 5pm on Broad and Monmouth streets.
- Request from Monmouth Day Care to hold their 7th annual Touch a Truck event in the Red Bank Middle School Parking Lot on Saturday, September 24, 2016 from 10am to 2pm.
- Request from Red Bank RiverCenter for the following events:
 - Red Bank Restaurant Week, February 21-March 3, 2016
 - Red Bank Wedding Walk, March 20, 2016
 - Red Bank Farmers Market, May 8-November 20, 2016
 - Streetlife Performances Saturdays, June 4, 11, 18, 25, July 2, 9, 16, 23, 30, August 6, 13, 20, 27
 - 5th Annual International Food & Beer Festival, April 24, 2016 with a rain date of May 1, 2016
 - Sidewalk Sale/Celebrate Red Bank, July 23, 2016-July 31, 2016
 - 7th Annual Red Bank Guinness Oyster Festival, September 25, 2016 with a rain date of October 2, 2016
 - Girls Night Out, October 20, 2016
 - 23rd Annual Holiday Express Concert/Town Lighting & Santa Express, November 25, 2016.
 - Holiday Christmas Scavenger Hunt, November 25, 2016-December 21, 2016
 - Holiday Horse & Carriage Rides, Saturdays, November 25-December 24
 - Holiday Harmonies, Saturdays, November 25-December 24

Councilman Zipprich said he wanted to note that the Middle School would be used as a venue in the Indie Street Film Festival.

Councilman Zipprich offered a motion to approve the requests, 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.

Council President Burnham read a request from Local Smoke BBQ to install temporary “Coming Soon” 72” x 32” sign through April 1, 2016 in the corner of their lot located at 244 West Front Street to promote their new business.

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

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

Council President Burnham opened the Public Comment and asked if anyone would like to speak.

No one appearing, Councilman Zipprich made a motion to close the Public Comment period, seconded by Councilman Taylor.

ORDINANCES – First Reading

ORDINANCES – Public Hearing and Final Adoption

2015-01 Council President Burnham read “A Bond Ordinance Providing an Appropriation of \$1,825,000 for Water Plant Improvements at Chestnut Street and Tower Hill for and by the Borough of Red Bank, in the County of Monmouth, New Jersey and Authorizing the Issuance of \$1,825,000 Bond or Notes of the Borough for Financing Part of the Appropriation.”

Council President Burnham opened the public hearing.

Suzanne Viscomi—19 Morford Place—said it had been previously suggested that the bond ordinances include line items for transparency. She said, that way, if more money was requested in the future, they could see where they ran short.

Councilwoman Schwabenbauer clarified that Ms. Viscomi was asking for more documentation. She said it was a good point and asked the Attorney if a bond could be drafted that way.

Attorney Cipriani said the ordinance could not be written that way. She added that a break down could be provided regarding what would be purchased with the bond which, in this case was the purchase and installation of the well. She said the ordinance was essentially a financing document and the breakdown could not be part of the ordinance.

Councilman Zipprich asked if that would be part of the bid specification.

Attorney said the specification may not include what account each item was coming from. She said the award would show which budget line things were coming from. She again noted the ordinance was only dealing with the financing and said the expenditure would be authorized by separate resolution.

Ms. Viscomi said she was looking for the exact accounting but pointed out a recent project that had required additional funding. She again asked for transparency on where the money would be going.

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

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

Councilman Taylor questioned why the matter was coming before the Council now when the issue had been discussed since early 2015. He said he felt the ordinance was being “thrown onto” the new council. He reviewed some of the history of the proposed ordinance and said he wasn’t sure why it had taken this long to get to this point.

Councilman Zipprich said the matter had been discussed in Committee for quite a long period of time and went back to concerns that were raised the previous February regarding firm capacity. He asked Mr. Sickels to address the DEP’s guidance on the well and its production.

Mr. Sickels said it had been a long process because there were various factors that influenced the project. He explained that for many years, the Borough had relied on New Jersey American Water as a backup supplier. He said that company now had its own firm capacity problems and had notified the Borough that they could no longer provide that guarantee. He said that had raised a red flag with the DEP and they had notified the Borough that it would need to have a backup well.

Councilman Taylor said he fully understood that but noted that he had been in the audience last year and had seen that it was on the agenda and had not moved forward. He asked why it had not been addressed by the prior Mayor and Council.

Mr. Sickels said they had attempted to address it through both the Public Works Committee and the Finance Committee. He said various questions had been asked when it was introduced and it had gone back to the Committee. He said they had also gone back to the DEP with questions and returned to the Committees. He said each time it had been introduced, there had been questions. He said he believed they had answered all of the questions. He also noted that the urgency now was that there was a chance for low interest/principle forgiveness financing. He reviewed the Borough’s issues that were before the DEP and said the well was a piece of the solution. He summarized that he felt all of the answers to questions had been given to the Committee to the ordinance had been listed on the agenda.

ROLL CALL:

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

NAYS: None.

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

Councilwoman Burnham explained that she had a conflict. She noted she had voted against introduction but said she would now be abstaining from the vote to adopt. She explained that she had formerly been married to a Neptune Water Meter salesman and he was currently paying child support. She said abstaining was the ethical thing to do. She said she was torn and would vote “no” if she could.

Attorney Cipriani explained that Councilwoman Horgan, as the senior member of the Council, would preside over the vote.

2015-02 Councilwoman Horgan read “A Bond Ordinance Providing for Acquisition and Installation of Water and Sewer Utility Meters by the Water/Sewer Utility of the Borough of Red Bank, in the County of Monmouth, State of New Jersey; Appropriating \$1,900,000 Therefore and Authorizing the Issuance of \$1,900,000 Bonds or Notes to Finance the Cost Thereof.”

Councilwoman Horgan opened the public hearing.

Jill Spinelli—17 Alston Court and Lori Parrella—10 Alston Court said they felt it was a lot of money and questioned the need for new meters. They also asked why the Borough didn’t switch over to New Jersey American Water.

Administrator Sickels explained that the Red Bank taxpayers owed the utility and it made money for the Borough. He said, in the past twenty years, New Jersey American had incurred broken mains and had had to get water from the Borough. He said the utility had served its purpose to the residents of Red Bank and also generated revenue from those properties that did not pay taxes. He said the Borough was also able to share costs with the utility which reduced tax bills. He noted 17 percent of the Borough’s properties were tax exempt including the hospital, the YMCA, the Visiting Nurse Service, the Salvation Army and the schools. He said they did, however, pay their water bills. He said the utility helped to support the town. He also noted that over 50 percent of the meters were over 25 years old and said the industry standard was to replace them every ten years. He stressed the importance of accurate billing and said they were aware that many of the meters were not giving accurate readings.

Ms. Spinelli asked why New Jersey American customers paid so much less for their bills.

Mr. Sickels explained that the Red Bank water utility bills included sewer fees and said the New Jersey American customers got separate sewer bills.

Ms. Spinelli said she had lived in Freehold for ten years, had never had a problem getting water delivered and said her bills were not as high as Red Bank.

Ms. Parrella said she felt the Red Bank water bills were very high.

Mr. Sickels said the purchase of the meters would not affect rates.

Ms. Spinelli asked if the homeowners would be charged for the new meters.

Mr. Sickels said they would not. He said it was being paid for through the water utility. He said it would not affect the tax and said there was no plan to increase water rates.

Paul Balanikas—Wallace Street—said he opposed the new meters. He said the existing meters were working fine. He said he understood the need to generate revenue but said it was the residents that were paying for it. He asked the Council to look in their hearts. He said there were many viable solutions and remedies prior to replacing meters. He said they could replace some meters or do a study. He compared his taxes to those for properties in other towns. He urged the Council to vote against the meters. He said he felt the well was controversial as well and said he felt development had contributed to that. He again said he felt there were viable alternatives to the purchase of the meters.

Jimmy Dark –48 West Sunset Avenue—asked who would be getting the contract to change the meters.

Mr. Sickels said it would go out to bid.

Mr. Dark asked if a property would have two meters if the Borough couldn’t get access and an outside meter was installed.

Mr. Sickels said the Borough had two options if they could not get access to a house to change a meter. He said the first option would be to install a meter outside and the second would be to shut the water off until they could gain access.

Mr. Dark said he just wanted to confirm that meters could be read from outside the house. He also asked about the \$44 rental fee and asked if it would be increased.

Mr. Sickel reiterated that there was no projection to increase the rates and said that had been confirmed by the Auditor and the CFO.

Mr. Dark asked if he could guarantee that it would not increase over the next few years.

Mr. Sickels again said there was no projected increase and noted there was debt service coming off in the water utility that would offset the new expense.

Mr. Dark asked for confirmation that the people would not have to pay for the new meters that were being installed.

Mr. Sickels said the users would pay for it but the rate would not change.

Mr. Dark noted that gas company had recently installed new meters that could be read from outside and said he had been told customers would not be charged. He also noted that water tasted differently in Tinton Falls versus Red Bank. He said he had talked to people in other states and said they do not pay a rental fee.

Mr. Sickels said he could not answer questions about water systems in other areas.

Mr. Dark questioned high water bills and asked why they kept putting the burden on the people. He questioned the debt that was being incurred. He asked about the tax exempt status of specific properties.

Mr. Sickels noted that many of the tax exempt properties were the largest water users and said they had the oldest meters. He said he was trying to ensure that they paid their fair share. He also noted that the meters could be read from Borough Hall.

Mr. Dark said he had heard the new system would be able to identify a leak but said people would see that on their bill. He also asked what facilities did not have meters.

Mr. Sickels reviewed the current procedure for reading meters versus the more efficient procedure that would be in place with the new meters.

Mr. Dark asked if the contract award would be public.

Mr. Sickels said it would. He said the ordinance on this agenda would only authorize the town to borrow the money. He said they would subsequently go out to bid and the matter would go back to the Council to award the bid.

Mr. Dark asked when the matter would be finalized.

Mr. Sickels said the specification were out.

Mr. Dark again asked if the public would be notified of who was awarded the bid.

Mr. Sickels said they would and noted it would be done at a Council meeting.

Mr. Dark asked about the warranty on the meters.

Mr. Sickels said it was in the specs but believed it was a ten year warranty.

Mr. Dark asked if they would go out again in ten years.

Mr. Sickels said the warranty may be for longer than that and said he did not have the specs in front of him.

Freddie Boynton—365 Shrewsbury Avenue—noted that many of the meters were old. He asked who would be responsible if pipes were damaged during the replacement.

Mr. Sickels said any repairs needed during the installation were included the bid specs.

Mr. Boynton asked if meters were going to be installed in the borough's firehouses because he said he had seen people washing cars at the firehouses and felt taxpayers were paying for that.

Mr. Sickels said they would and added that all Borough facilities would be metered including the firehouses.

Mario Cirillo—66 Peters Place—asked if the new meters would help with the water pressure. He said he felt that was what the borough needed to look at.

Councilwoman Horgan said property owners would have to pay for that improvement themselves and noted she had recently done it.

Mr. Sickels said the Borough examined water mains before doing road work. He said they had improved the main in Mr. Cirillo's area. He said, if he was having problems, it was most likely an issue from the house to the street.

Mr. Cirillo said that would cost about \$2,000 and asked why they hadn't made the improvement when the work on the street was done.

Mr. Sickels said they had notified all of the properties owners when they were doing the paving that that was the time to make improvements.

Tom Wieczerzak—26 Oakland Street—said he was in favor of the meters but was requesting the ability for property owners to purchase a second meter for outdoor water usage. He cited the fact that sewer rates were based on water usage and outdoor water never touched the sewer. He asked that it be done before the summer.

Councilman Zipprich said he had advocated for that in the discussions over the past couple of years.

Mr. Sickels said there were provisions for that in the bid specs.

Paul Balanikas—Wallace Street—asked if the bid was tied to Neptune brand meters.

Mr. Sickels said the specs were based on Neptune meters because their research had shown that those meters were far superior and were compatible with the system. He said if someone came up with something that "meets or equals" they would look at it.

Mr. Balanikas asked if Mr. Sickels was aware of a class action law suit against the company that had been filed in Atlanta.

Mr. Sickels said he was not aware of it and was not aware of any problems with Neptune installations in New Jersey.

Mr. Balanikas questioned why the Borough was not aware and suggested they research the issue.

Mr. Sickels said they had time to do that before awarding the bid.

Mr. Balanikas questioned why, if they may not award for Neptune meters, Councilwoman Burnham could not vote.

Attorney Cipriani said it was because the specs were based on that meter and compatibility with existing Neptune products which created the likelihood of a benefit to Neptune and created a conflict.

Mr. Balanikas urged the Council to vote "no" and said it was financial immature and financially disruptive to the town.

Freddie Boyton—365 Shrewsbury Avenue—also questioned the conflict issue.

Attorney Cipriani again explained that, even though Councilwoman Burnham was divorced from the individual, they had a mutual child that benefit from child support and benefitted from her father's continued employment.

Mr. Boynton said the issue had previously been discussed when Councilman Murphy was in office. He said Councilman Murphy had worked for New Jersey American Water and questioned why he would have been allowed to vote.

Ms. Cipriani said she was not present at that time and couldn't offer an opinion because she did not have the facts.

Mr. Boynton asked about the water pressure issue and asked if homeowners had to pay for improvements from the house to the street.

Mr. Sickels said they did.

Mr. Boynton questions what their taxes were paying for.

Mr. Sickels noted they were discussing the water utility which was a separate entity and not paid for by taxes.

Mr. Boynton said, years before when he had worked for the Borough, they had put in a water line from the street to a house. He said the homeowner had not paid and said it was covered by taxes.

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

ROLL CALL:

AYES: Zipprich, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None

ABSTAIN: Burnham

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

Councilwoman Schwabenbauer thanked everyone for their comments. She said this issue had been brought up in December of 2014 when she was newly elected and had not yet taken her seat. She said when the issue was first raised, it had been stated that the Borough would save money and said she had questioned that. She said when she came on the Council, the narrative had changed to the fact that the Borough needed to replace meters because it was an inefficient system. She said she had asked to be shown and said she had met with the CFO see how the books were done. She said she felt the current system was "medieval." She said the other part of the problem was the fact that the Borough didn't have any more meters and noted that they were also estimating readings all over town because they could not access the properties to get a reading. She said people who were having their meters read were subsidizing those that were not being read. She also noted that someone earlier had commented that water was cheaper in Freehold. She pointed out that Freehold had had these types of meters for over twenty years and said it was a very efficient system. In addition, she continued, even without the meters, the Borough had held their rates flat since 2010. She said she did not feel the current system was efficient. She also noted that when she had run for election, she had called for an operational review and for the possibility of selling the utility. She said she didn't know how they could do that if they did not know how much water was coming out where because it was unmetered. She said it there were success with selling, the new meters would be considered an asset of the sale and they would get some of the funding back. She said it was part of a long range plan and she felt it was important that they do this. She also noted that they currently have access to some very cheap money. She reviewed details of the

funding including the fact that 75 percent would be interest free. She summarized that the Borough would get the benefit of staging the cost of installation over many years while getting all of the meters at once. She also said there was a Memorandum of Agreement in place with the Department of Environmental Protection. She said she was enraged that the two new Councilmen were being asked to vote on these issues now when the matter had been hanging for a year and the Memorandum had not been talked about. She said she felt it was deliberately dumped in their laps and said they now had to make a decision on a very unpopular issue. She said the Memorandum of Agreement was about the well but said the DEP had asked the Borough to put to waters restrictions in place. She said they had told the Borough that, if they installed the meters, they would remove the need for water restrictions.

Councilman Zipprich thanked her for her thorough explanation. He said he wanted review some history. He noted that Council President Burnham had stated earlier that it was difficult to get things moved through the Governing Body. He said the project had come up two years ago and reviewed the different meters they had looked at. He said it seemed that the municipalities they had looked at that had started with different meters had had difficulties and had replaced them with Neptune meters.

Councilman Taylor said he wanted to renew his objection. He said the Memorandum of Agreement was a legally binding contract with the DEP so the meters had to be replaced or residents would receive water restrictions. He said he had never seen the Memorandum of Agreement and believed Councilman Whelan had not seen the agreement. He said it had been signed in December of 2015 and said he felt the former Council fully intended to dump the issue in their laps. He said he had been on Council for five weeks and had not participated in a Department of Public Utilities meeting. He also noted there was a new Director of that Department that was water certified and said he believed he had not seen the agreement either. He questioned why the issue was being brought up in 2016 when it could have been addressed earlier. He also asked why the meters had been included in the first place. He asked Councilman Zipprich to address his questions.

Councilman Zipprich said a DPU meeting had been cancelled because he was unable to get back to town due to a snow storm and said Councilman Taylor had also been unable to make a subsequent meeting that had been scheduled at the time the meetings had usually been held.

Councilman Taylor noted it was scheduled during the work day.

Councilman Zipprich said Councilwoman Schwabenbauer had been invited to the December meeting when the Memorandum of Agreement was discussed and said he was surprised Councilman Taylor hadn't been given a copy of it. He said, at the meeting, the Mayor had said he was in agreement with the DEP and would execute the agreement as soon as he was able to. He said the matter had involved two and a half years of work and said the issue had been on the agenda, removed from the agenda and gone back and forth to the Committee. He said they had also gone back and forth with Mr. Sickels on a number of issues concerning the meters. He said at one point in time there were no meters and said the Mayor had made a "Band-Aid" decision to purchase a hand full of meters at that time. He said, as new construction goes on or existing meters need to be replaced, those meters will be consumed.

Councilman Taylor asked for confirmation that the Mayor had signed the Memorandum of Agreement that would marry the well and meters together.

Administrator Sickels said he wanted to correct the information. He said the Memorandum of Agreement had not been executed because they were waiting for final sign-off by the DEP. He said there was a verbal agreement in regard to the terms but said it had not been signed.

Councilman Taylor summarized that there had been a firm capacity issue and the Borough needed to build a well. He said they had just voted and approved that. He asked why the meters were being married to the well if the agreement had not been executed. He asked why they didn't go back to the DEP since there was a new Council.

Mr. Sickels said the issue was not just the well. He said the Borough had a high rate of unaccounted for flow and, because of that, there were going to be water restrictions. He said they were already looking into obtaining the meters because it was the prudent thing to do to make the water utility the properly run business that it should be. He said it had also been discussed that the installation of the meters would help address the issue of the unaccounted for flow. He said the Borough had asked if that would remove the need for the restriction and said the DEP had said "absolutely." He said that was how it had come up and said it had been a business decision. He noted that New Jersey American Water had replaced their meters twice in the last twenty years and the Borough had not replaced theirs in more than twenty years. He said it was a good business decision to make sure that the biggest users were getting accurate readings.

Councilman Taylor asked if there would be additional cost to installing them outside rather than inside the homes.

Mr. Sickels explained that, if they were installed outside, they would go into a pit. He said it would cost more and they would rather put them in the building. He said the specs were prepared for either way.

Councilman Taylor said he was aware that there was an issue with the fact that the Borough was estimating bills for homes they could not get into. He suggested they put more teeth into the ordinance. He said he wasn't in favor of turning off the water because he felt it was typically the landlord that wasn't paying and

the shut off would affect the tenant. He said he would like to see an ordinance that would address the inability to access their own system in people's houses.

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

ROLL CALL:

AYES: Zipprich, Horgan, Schwabenbauer, Taylor, Whelan

NAYS: None.

ABSTAIN: Burnham

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

Councilman Taylor and Councilman Whelan both noted they were voting in favor "reluctantly."

Councilwoman Burnham resumed presiding over the meeting.

Councilwoman Burnham said she had been calling for an operational review for three years which would cost \$15,000. She said she felt that should be done before they spent \$4 million on water work. She also said she had previously suggested selling of the 250 homes on the system that were located in Fair Haven. She said she understood that it would be a one-time revenue generator but said they would get rid of a capital expenditure. She said the money could be used to help the residents.

RESOLUTIONS

Councilman Zipprich made a motion to vote on all of the resolutions with a single vote on a Consent Agenda, seconded by Councilwoman Schwabenbauer.

- 16-41 A Resolution Authorizing Water/Sewer Refund Due to a Billing Error.
- 16-42 A Resolution Authorizing Tax Refund Totaling \$1,369.74 Due to a Wrongly Applied Payment.
- 16-43 A Resolution Authorizing the Release of a Site Improvement Performance Guarantee Posted by Lolich Red Bank and Mark Development, Inc., for Walgreens, 395 Broad Street, Block 120, Lot 53.09, upon the Posting of a Two-Year Maintenance Bond.
- 16-44 A Resolution Authorizing the County of Monmouth Mosquito Control Division to Conduct Aerial Mosquito Control Operations Within the Borough of Red Bank.
- 16-45 A Resolution Authorizing the Award of Fair and Open Contract for Professional Services—Conflict Public Defender.
- 16-46 A Resolution Amending the 2016 Temporary Appropriations.
- 16-47 A Resolution Amending Resolution 16-19 Regarding Change Order No. 6 and Final Related to the Contract with Black Rock Enterprises, LLC for the 2014 Road Program.
- 16-48 A Resolution Authorizing Change Order No. 4 Related to the Contract with Lucas Construction Group, Inc. for the 2015 Road Program.
- 16-49 A Resolution to Approve the Hiring of Diana Muhlausen as Part Time Senior Secretary in the Planning & Zoning Office.
- 16-50 A Resolution to Awarding Contract to CivicPlus for Web Hosting (CMS) and Reverse 911 Emergency Notification System.
- 16-51 A Resolution Authorizing Payments to Court-Appointed Masters for Professional Services Rendered
- 16-52 A Resolution Releasing the Performance Guarantee, Accepting the Maintenance Guarantee and Authorizing Final Payment to Black Rock Enterprises, LLC for the 2014 Road Program.
- 16-53 A Resolution Authorizing the Acceptance of the Performance Guarantee and Inspection Escrow Posted by the BHE Corporation.
- 16-54 A Resolution Appointing James N. Butler, Jr. Esquire, as Municipal Prosecutor for the Borough of Red Bank.

Councilman Zipprich offered a motion to approve the resolutions, 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.

Council President Burnham requested that, in regard to Resolution 16-44, residents be notified when spraying was going to occur.

Administrator Sickels said the Borough could request that the County give notification before spraying and the Borough could put the information on the website.

Council President Burnham asked that an alert be put out.

PROCLAMATIONS

None.

PAYMENT OF VOUCHERS

16-55 Council President Burnham read, “A Resolution for Payment of Bills Amounting to \$4,634,119.54.”

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.

OLD BUSINESS

NEW BUSINESS

AUDIENCE

Steven Hecht—135 Branch Avenue—said he wanted to comment on the concerns expressed by Councilmembers about the Bond Ordinances. He suggested Mr. Taylor consult the minutes regarding why the vote of delayed to 2016. He said he remembered Councilwoman Burnham had requested that the matter be tabled so the new Council could address it. He said he was also concerned because he felt people ran for office in order to solve problems. He said when a problem confronted them, he respectfully said, they should not whine about having the problem presented to them. He said they ran for office so now it was their problem. He said if they didn’t like it, he would have hoped, rather than voting reluctantly, they would have voted “no.” He said while he wouldn’t agree with a “no” vote, he would like to believe that the Council would vote its conscience. He said that was difference between campaigning and governing.

Freddie Boynton—365 Shrewsbury Avenue—said he wanted to comment regarding the mosquitos. He noted that he had come to Council meetings for the last two years and reported on sanitation trucks that were filled with water. He said it remained that way until they had gotten rid of the trucks. He criticized the fact that on one had looked into the matter. He said that would contribute to the mosquito problem. He also asked about an ordinance prohibiting vehicles to be parked on grass and reported that he had seen vehicles parked on grass. He said he did not want to mention names but said there was one house on Bank Street with nine cars in the yard and said they had been there for years and years. He asked why it was allowed to continue.

Administrator Sickels said he could confirm that the Borough had taken enforcement action but the matter was tied up in court. He said summonses and notices had been issued. He said the matter was tied up in appeals at both the County and State level.

Mr. Boynton encouraged the Borough to continue to issue tickets. He asked that Code Enforcement be sent around town to investigate vehicles parked in back yards.

Council President Burnham said, as the Chair of the Code Committee, she had discussed the matter of cars on Bank Street. She asked if it was Code issue or a Parking issue.

Mr. Sickels said it was a Code matter. He said there were actually two issues with both Property Maintenance and Parking. He said the Parking Committee would be meeting to discuss the parking issues.

Ben Forrest—16 Locust Avenue—asked the Council to look at the bigger issue regarding water. He said he was a member of NJ Friends of Clearwater and expressed concern about the privatization of water. He said drinking water was a very important asset in the world and there was less and less of it. He said it was very valuable. He said he did not know enough about the meters to comment on that issue but cautioned the Council to be very careful. He said privatization of trash service might have been a good fit because it was a service but, he said, water was an asset. He said the companies that buy the utilities were not non-profits. He said they were buying them for a reason and it wasn’t charity. He again urged them to be very careful and ask questions.

Councilman Taylor said Mr. Forrest’s comments were sell taken and said he did not think anyone on the Council would act in a cavalier manner in regard to privatizing the utility. He said an operational review would be a simple way to get a hand on the information.

Councilwoman Schwabenbauer said it was a great public policy issue. She noted that Council members had different opinions and said she felt it would be a full and frank debate.

Councilwoman Burnham said she didn't think anyone had talked about privatization at this meeting and said an operational review would be a way to provide information regarding the cost drivers of the utility and if it was being run efficiently. She said it would show why Red Bank's rates and fees were higher than other towns.

Councilman Zipprich said he thought that the discussion regarding the water meters and bringing the Borough into the 21st century really lent credibility to the efficiencies that Borough Hall was striving for.

Suzanne Viscomi—19 Morford Place—told Councilmen Taylor and Whelan that it was a slow process. She said the Borough's website had been criticized four or five years before and they were just now updating the site.

Councilwoman Horgan noted people had been critical of spending money which was why it had not been done before but said it needed to be done now.

Ms. Viscomi noted the time it had taken to address an access path to the Primary School. She said she hoped the new Councilmen would offer more energy, eagerness and transparency and put the town ahead of politics.

Councilman Zipprich said the access path was included in the Road Program.

Administrator Sickels said the Borough had received a grant for that work.

Jimmy Dark—48 West Sunset—said he wanted to thank Freddie Boynton for his efforts with the County regarding crosswalks.

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

EXECUTIVE SESSION

None.

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

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

I hereby certify the above to be a true copy.

Pamela Borghi

Pamela Borghi, Municipal Clerk