

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
MAY 25, 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, Engineer Lisa DiFranza and Auditor Robert Allison.

**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.

**SUSPEND REGULAR ORDER OF BUSINESS**

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

**ROLL CALL:**

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

NAYS: None

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

**Public Hearing of the 2016 Municipal Budget**

Councilwoman Schwabenbauer reviewed the budget process and said the committee had started with a tax increase of ten and a half percent. She said they had made a lot of cuts and had also increased the parking rates. She said they had gotten the budget down to a 1.82 percent increase but, after the Borough had been notified of the reassessment, they ended up with a 1.98 percent increase. She said that equated to approximately \$40 for the average household. She said it was important for people to understand that they had taken a lot of action reviewed some of the components of the budget including replenishing reserves that had been depleted last year. She said the Borough would be facing the same challenge every year and said they needed to be prudent. She said the largest expense facing the Borough was its employees which she said were important to them as the face of the Borough services. She said they had to carefully manage that resource and noted that the largest expense was retiree health benefits. She said they needed to find ways to provide the same services with fewer employees which could mean shared services or automated services. She said it could mean hard choices. She said they would be putting together a strategic budgeting plan. She reviewed additional areas they were looking to achieve savings but noted that, due to budget laws, they could not be considered for the 2016 budget even though some would come to fruition this year. She also reviewed the budget review conducted at a recent public meeting of the Finance Committee.

Councilman Zipprich asked about the issue of shared services that Councilwoman Schwabenbauer had discussed and asked if other municipalities were doing the same thing and, if so, would the services Red Bank was looking to share possibly be cut so that they might not be able to provide the service.

Councilwoman Schwabenbauer reviewed how shared services would work and noted some that were currently in place in Red Bank.

Mayor Menna said Red Bank had been doing shared services for over 20 years and had been one of the leading municipalities. He said the Borough had been trying to connect with one particular municipality and had been unsuccessful to date. He said he believed Councilman Zipprich was asking about other municipalities experiencing the same thing due to cut backs. He said he felt that they had to look deep and hard at the Borough's finances.

Councilwoman Schwabenbauer said she agreed but noted they were working on some specific items regarding shared services.

Councilwoman Horgan said she felt her Republican colleagues had worked very hard but said she felt there were still places that could be cut to bring it down to a zero increase.

Councilman Zipprich also asked about four positions that Councilwoman Schwabenbauer said had been reduced.

Councilwoman Schwabenbauer said two were in Water/Sewer and two were in the Department of Public Works.

Councilman Zipprich said that would mean that all four were Department of Public Works positions.

Councilwoman Burnham said the cutting was great but said she was concerned with spending. She criticized specific spending and borrowing and recommended cuts.

Councilwoman Schwabenbauer thanked her for her comments.

Mayor Menna asked the Auditor for his input.

Auditor Allison said he had only been involved in the process at the end but said he felt it was a balanced budget. He said it was a tight budget and a good budget. He reviewed the debt service and noted that the operating expenses had not gone up.

Mayor Menna reviewed specific budget items with the Auditor and CFO including retirement expenses.

Attorney Cipriani asked CFO Poulos where the Borough stood with DCA deadlines if the budget failed and reviewed possible repercussions.

CFO Poulos reviewed the budget process and deadlines.

Councilwoman Horgan said she had looked into the deadlines and said she felt there was time.

Mayor Menna said the Council may need to have a special meeting and reviewed the tax appeal issue. He noted that those could be paid over time.

CFO Poulos agreed and said the Council had done that in the past and noted they were paying on it now.

Mayor Menna asked if there had been an increase in operating costs.

CFO Poulos said the overall increase including salaries, wages and operating expenses was three percent.

Mayor Menna asked, if they were to reduce that to two percent, how much of a difference it would make.

CFO Poulos said a penny equaled \$200,000.

Administrator Sickels noted that some of the costs, such as salaries, were contractual and said he believed the operating costs were flat or less.

CFO Poulos confirmed that that was correct.

Mayor Menna asked about the possibility of line item veto and was told by the Auditor that he did not have that authority on the budget.

Attorney Cipriani confirmed that he could veto ordinances but not resolutions and also said he could vote in the case of a tie.

Councilman Whelan said wanted to note that there was \$460,000 in debt service and pointed out that the auditor had said it was an expense that was uncontrollable. He said that debt was a result of decisions that had been made before some of them had been on the Council. He said Councilwoman Burnham had made a comment about spending but said he wanted to note that the increase in debt service was uncontrollable. He said, if it was not for the increase in the debt service, they would not have had a tax increase. He said he was not a member of the Finance Committee but said he was aware of the time and effort that they had put in to get from ten percent to a 1.98 percent increase.

CFO Poulos reviewed the amount being brought into the budget out of the reserve for payment of bonds.

Councilman Whelan said there was a slight tax increase but said there were a lot of positives in the budget.

Councilman Zipprich asked about the money in reserve for bonds and confirmed the amount being brought into the budget.

Mayor Menna said the Council had been creative in crafting budget in the past. He said he respected the work of the Finance Committee but said he was concerned that the operating budget for the departments should have been more actively reviewed.

Councilwoman Schwabenbauer said several departments actually showed reductions. She said they could get to a zero increase if they took all of the reserves out of the budget but said that would be extremely irresponsible. She noted the issues currently facing Atlantic City and other municipalities and said they needed to be prudent and said this budget was prudent.

Auditor Allison agreed that it was a prudent budget. He reviewed the debt service and cuts that had been made. He said he was in favor of a stronger fund balance but noted that it was tough times. He said he felt Red Bank had used all that they could without jeopardizing the future.

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

Tom Labetti—45 Elm Place—asked if the 2015 Audit was available and asked if the Council had reviewed it before voting on the budget.

Mayor Menna noted that the Council had reviewed the last audit report and the issues that had been raised.

CFO Poulos reviewed the items that were reviewed during the budget process. She said the 2015 Audit report should be done in a few weeks.

Mr. Labetti asked if it would not be prudent to review that report before voting on the budget.

Auditor Allison clarified that annual audit is due by June 30<sup>th</sup> of each year and the budget was due in March or April but acknowledged there were extensions. He said it would be rare to receive the audit before the adoption of the budget.

Mr. Labetti also said, between 2006 and 2011, salaries and wages had gone up about \$50,000 but said, between 2011 and the 2016 budget, the increase was up about \$1.5 million.

Mayor Menna questioned the numbers.

Administrator Sickels said there had been a downturn in the economy during that time and that there had been furloughs as well as an agreement by the unions to forgo increases to save jobs. He said it was a different time.

Victor Kuo—91 Broad Street—asked about the sunset provision for the parking fees.

Councilman Whelan said the Parking Committee had met the previous Monday and said the matter was still under discussion. He said he had not yet been finalized.

Mr. Kuo said he thought it had been part of the adopted ordinance.

Attorney Cipriani said it had not been part of the adopted ordinance because there was a need to adopt the ordinance to have it included in the budget. She said the ordinance had been drafted and was being reviewed by the Committee to be presented at a later date.

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

ROLL CALL:

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

NAYS:        None

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

Councilman Zipprich asked about State Aid and Extraordinary Aid.

CFO Poulos said the State Aid had been the same over the last several years which was \$2,011,000.

Councilman Zipprich asked if there was any additional aid.

CFO Poulos said there was not. She said, like the schools, the municipalities were not getting the State Aid they should be getting.

He reviewed the options before them regarding adoption and asked the Council had they wanted to proceed.

Auditor Allison said they could push the vote.

Councilwoman Schwabenbauer said she would move the resolution to amend.

16-144        Mayor Menna read “A Resolution Amending the 2016 Municipal Budget.”

Councilwoman Schwabenbauer offered a motion to adopt the resolution, seconded by Councilman Taylor.

Councilwoman Burnham asked for clarification on the purpose of the amendment.

CFO Poulos reviewed the details of what was being amended in the budget.

Auditor Allison clarified that the amending resolution would enable the changes that would bring the budget down to the 1.9 percent increase.

Councilwoman Burnham said she still did not understand the resolution to amend.

Attorney Cipriani explained that the budget had been introduced at a 5.4 percent increase. She said the Committee had made several changes included the parking fee increase and said those changes would bring the increase down to the 1.9 percent increase. She said a “no” vote would mean that they wanted it to remain at the 5.4 percent increase. She said the vote on the amendment was separate from the vote to adopt the budget.

ROLL CALL:

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

NAYS:        None

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

16-145        Mayor Menna read “A Resolution Adopting the 2016 Municipal Budget.”

Councilwoman Schwabenbauer offered a motion to adopt the resolution, seconded by Councilman Taylor.

ROLL CALL:

AYES:        Schwabenbauer, Taylor, Whelan

NAYS:        Burnham, Zipprich, Horgan

There being three ayes and three nays.

Attorney Cipriani said the Mayor could vote to break the tie.

Mayor Menna congratulated the Finance Committee and thanked them for their time. He said he had questions regarding the budget and said he thought it would have been more prudent and beneficial to review some of the numbers in an effort to try to resolve the budget. He said he thought the Finance Committee had done a good job and said he felt more discussion with the auditor could have resolved some of the discrepancies in the budget. He said he knew they spent a great deal of time on the matter and said the revised budget made a lot

more sense than the introduced budget. He said he had asked the Committee Chair to table it for a week for further discussion but said it appeared the Committee did not want to do that. He said he had been hoping to use line item veto but had been told he could not. He said he had been involved in 26 or 27 budget processes and said this had been done a little differently. He said he thought the Auditor and CFO had to have more input to help part time elected Council members. He said he would have preferred another week to digest it and said he could not in good conscious vote yet.

Mayor Menna voted nay and the motion was declared defeated. He called for a special meeting to review the budget.

Councilwoman Schwabenbauer thanked the other members of the Council for their consideration and said it was disappointing in that every single person who voted "no" had, in the past, voted for budget with significantly larger tax increases.

Councilwoman Horgan said they had always been looking to cut them and cited economic problems as a factor. She said she felt they could find more areas to cut.

Councilman Taylor said he did not disagree that more areas could be found to cut but noted that the Auditor had stated that it might be irresponsible. He said it was a prudent budget. He said they could also continue to cut services and said that would be a disservice to the residents and to future year budgets.

Councilman Zipprich said he could not agree more. He said balancing the budget by chasing quarters and eliminating staff in a department where employees were not well paid was not prudent.

Councilman Whelan said he appreciated the words of the Mayor and said, in regard to his comment that they should take another week to look at it, he was he would not be comfortable with that because he knew that the Finance Committee had already looked at every area and he believed they were confident with the budget they had presented. He added that he believed, if they went back and made additional cuts, they would be cuts that would be worse for the town rather than better. He said he felt waiting would only be done for political sake and said he felt the budget they had presented was the best one for the town.

## **RESUME REGULAR ORDER OF BUSINESS**

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

### **ROLL CALL:**

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

NAYS:        None

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

## **WORKSHOP**

Mayor Menna said the Workshop item had been removed from the agenda.

## **APPROVAL OF MINUTES – May 11, 2016**

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

### **ROLL CALL:**

AYES:        Burnham, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS:        None.

ABSTAIN:    Horgan

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

## **MAYORAL APPOINTMENTS**

Mayor Menna made the following appointments:

- Barbara Boas to Planning Board as a Class IV Member to an unexpired four year term expiring 12/31/17.
- Linda Cohen to Planning Board as Alternate Member #1 to an unexpired two year term expiring 12/31/16.
- Juanita Lewis to Planning Board as Alternate Member #2 to an unexpired two year term expiring 12/31/2017.

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

Councilwoman Burnham reported that the Senior Center had had a party for their volunteers the previous Friday. She commended Senior Center Director Jacqueline Reynolds was doing a terrific job and that she did so much with so little. She also reported that the Primary School had held their international dinner and said the Red Bank Borough Education Foundation had done a great job on the event. She said the Navesink River Municipalities Commission had been meeting and that the members were concerned regarding the Navesink River which she said had been getting worse. She said Clean Ocean Action had attended their meeting and they were looking at where the pollution was coming from. She said they were talking about getting dogs that could smell feces which she said was the problem.

Councilman Zipprich thanked the members of the Red Bank Borough Education Foundation for their work on the recent 50/50 raffle. He said the foundation had raised over \$8,000. He also reported that paving on Bridge Avenue had been completed and striping had been started including a designated bike lane. He said the Historic Preservation Commission had met the previous night and were updating their inventory. He said they had also reviewed comments and plans for projects from the Planning/Zoning Director. He said they were also reviewing the Master Plan Element that had been adopted and would be meeting with the Planning/Zoning Director. He said the Department of Public Utilities Committee had met that afternoon. He thanked Councilman Taylor for taking minutes. He said they had discussed several items Administration facilities, staffing reductions, solid waste/recycling and parks maintenance. He reported that they were 100 percent back on Red Bank water town wide.

Councilwoman Horgan reported that the Eisner Memorial Library would be closed on Saturday and Monday in observance of Memorial Day but would reopen on Tuesday. She said there was currently a partnership between the Library and the Parks and Recreation Department to hold a reading activity at Riverside Gardens Park during the summer concert series. She also reported that she wanted to thank one of the winners from the International Night at the Primary School. She said Stephen Hecht was one of the raffle winners and had donated his money back to the Red Bank Borough Education Foundation.

Councilwoman Schwabenbauer said she had no report but said she would be calling a meeting of the Finance Committee which she said included Councilman Taylor and Councilwoman Horgan. She said they would be getting together to talk about the budget.

Councilman Taylor reported on several Parks and Recreation programs including Summer Camp and Fitness in the Park. He noted the Department would be holding a Memorial Day Ceremony on the following Monday at 51 Monmouth Street at 11am. He said, in the case of rain, the event would be moved to the Elks Lodge. He said the photo contest would end on Memorial Day and presentations would be made to the winners at the next meeting. He said the Department was still looking for sponsorships for their programs. He also noted the Department had late office hours on Wednesdays.

Mayor Menna said Director Hoffmann was doing an extraordinary job. He commended the Couch Potato to 5K program.

Councilman Whelan reported that he had gone on a Police ride along and thanked the Police Chief and officers. He spoke about his experience with the K9 unit. He also commented on the number of people he had seen disrespecting the officers, particularly those his own age. He also reported that the Human Relations Advisory Committee had met and said they would be working with the Monmouth County Connection to help with college planning and voter registration at the Red Bank Public Library on July 13<sup>th</sup>. He also noted that the Fire Department would have a Memorial Day ceremony for their members on Monday at 10am in front of Borough Hall.

## **PROCLAMATION**

Mayor Menna read a proclamation proclaiming June 2, 2016 as National Gun Violence Awareness Day in the Borough of Red Bank.

He presented the proclamation to Brett Sabo, Campaigns Leader for the New Jersey Chapter of Moms Demand Action For Gun Sense In America, who had requested the proclamation.

## **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from Red Bank Charter School for fee waivers for the use of Borough facilities regarding Spring Dance at Red Bank Senior Center on 6/10/2016, Graduation Ceremonies in Riverside Gardens Park on 6/16/2016 and Welcome Picnic at Eastside Park on 8/29/2016.

Attorney Cipriani told the Council that, unless the ordinance provided a waiver provision with standards, there was no mechanism to waive the fee for any organization. There was a discussion on the costs to the Borough for the events.

Councilwoman Horgan asked what action the Attorney suggested.

Attorney Cipriani said she was suggesting they deny the request.

Councilwoman Horgan asked if it had been past practice.

Attorney Cipriani clarified that the fee had been implemented in 2014 and the school had inadvertently not been charged in 2015. She said there had been no intention to provide a waiver.

Councilman Zipprich asked what the fees were.

Municipal Clerk Borghi said the usage fee was \$500 per event if it was an in-town organization, \$750 for out of town.

Mayor Menna again noted expenses that were incurred by the Borough for these types of events.

Councilwoman Horgan asked about a recent event held by the Public School.

Municipal Clerk Borghi was that it was actually a Parks and Recreation event.

Mayor Menna noted that the Borough Schools charge the Borough for the use of their facilities also.

Councilman Zipprich asked if municipal organization paid the municipal use of facilities fee.

It was clarified that municipal organizations, such as Police or Fire, do not pay.

No motion was made to approve so the request was declared denied.

Mayor Menna read a request from Red Bank Environmental Commission to have Alternate #2 position, term to expire 12/31/2016, declared vacant pursuant to NJSA 40:9-12.1. He said he had spoken to Councilman Zipprich who had indicated there was some confusion on the issue. He said he was going to table the matter for further review.

Mayor Menna read a request from RiverCenter for free parking on Friday, July 29, Saturday, July 30 and Sunday, July 31, 2016 during the 62<sup>nd</sup> Annual Red Bank Sidewalk Sale.

Councilman Whalen offered a motion to approve, seconded by Councilman Zipprich.

**ROLL CALL:**

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

NAYS:            None

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

**PUBLIC COMMENT - Ordinances on Resolutions Only**

Stephen Hecht—135 Branch Avenue—asked about Resolution 16-146 to Opt Back into the ADP Program. He noted the Council and other towns had previously expressed concern about the process, about the vendors and transparency issues. He said he had watched Mr. Moore’s presentation which he said had been powerful. He asked if the Council was satisfied that everything was “clean.”

Mayor Menna said it was a good question but said the procedural issues were in the process of being reviewed by the State and by the County Prosecutor’s Office. He said if there were any ethical or illegal actions taken, that would be within the purview of the Monmouth County Prosecutor’s Office. He noted the investigation was ongoing.

Mr. Hecht said he wanted the Council to ask those questions.

Administrator Sickels noted that the resolution stated that Red Bank would participate. He noted that, under the Statute, they had to opt in to the program to participate in the assessment of twenty percent of the properties each year.

Mr. Hecht said he understood the process and again expressed concern about the vendors. He said he felt they didn’t want to ask those questions.

Mr. Sickels said that was not correct. He said the resolution was to participate in the process. He said the vendors were a separate issue that would have to be fully vetted by the Council. He reviewed the options including shared service which he said they were exploring.

Mr. Hecht asked if the Council was on the record that they would vet the process itself as well as the vendors and added that he understood that shared services may be pertinent to the issue.

Mr. Sickels said that was correct.

Tom Labetti—45 Elm Place—also expressed concern about the vendors and said he felt the Red Bank Tax Assessor could not handle the work load. He questioned what would happen if all 53 Monmouth County Municipalities had to hire a third party. He said he felt it would drive up the cost of the vendors.

Mr. Sickels said the idea was to avoid doing full reassessments by doing twenty percent of the properties each year. He said that would ensure the values remained constant and would help to avoid tax refunds over several years. He noted successful programs in other towns.

Mr. Labetti noted the town had done a recent reassessment and said they should be able to use modeling theory to do yearly assessments.

Mr. Sickels said modeling theory was to do the assessment of twenty percent to hit all of the properties within five years. He also noted that the twenty percent was not all residential but was a mix.

Mr. Labetti said he felt there were other alternatives and asked how much would be spent each year on outside vendors.

Mr. Sickels said the costs for the inspections were within the budget and were close to or less than what they were paying when the reduction in appeals was factored in.

Mr. Labetti said he felt, with the recent full town reassessment, there should be less appeals and said they should be able to manage it without participating in the costly program.

Mr. Sickels said it was a less costly program.

There was a discussion regarding the possible expense of the program.

He asked for an RFP or an open process for the vendor selection. He again expressed concern about the expense. He also said he thought it could be done in house. He asked the Council to vote against the resolution.

Administrator Sickels said they were using Middletown’s RFP as a model.

## **ORDINANCES – First Reading**

2016-7 Mayor Menna read, "An Ordinance Authorizing the Grant of a Storm Filter Access Easement within the Right of Way of Drs. James Parker Boulevard and Bank Street."

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

**ROLL CALL:**

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

NAYS: None

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

Mayor Menna said the Public Hearing was scheduled for June 8, 2016 at 6:30 pm.

2016-8 Mayor Menna read, "An Ordinance Authorizing the Acceptance of a Storm Sewer and Utility Easement on Portions of Block 83 Lots 6.03 Through 6.11, and Block 82, Lots 17.02 Through 17.06."

Councilman Zipprich offered a motion to approve the ordinance on first reading, seconded by Councilwoman Burnham.

**ROLL CALL:**

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

NAYS: None

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

Mayor Menna said the Public Hearing was scheduled for June 8, 2016 at 6:30 pm.

2016-9 Mayor Menna read, "An Ordinance Authorizing the Acceptance of a 6 to 10 Foot Wide Waterfront Public Access Easement from Home & Land Development Corp."

Councilman Taylor offered a motion to approve the ordinance on first reading, seconded by Councilman Zipprich.

**ROLL CALL:**

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

NAYS: None

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

Mayor Menna said the Public Hearing was scheduled for June 8, 2016 at 6:30 pm.

2016-10 Mayor Menna read, "An Ordinance Authorizing the Acceptance of a 25 Foot Wide Public Access and Open Space Easement over Portions of Block 83, Lots 5, 6.01 and 6.02, and Block 82, Lot 17."

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

**ROLL CALL:**

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

NAYS: None

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

Mayor Menna said the Public Hearing was scheduled for June 8, 2016 at 6:30 pm.

Councilman Zipprich asked if these would provide public access for the Riverwalk.

Mayor Menna said that was correct.

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

### **RESOLUTIONS**

16-146 Mayor Menna read, "A Resolution Opting Back into the Monmouth County Board of Taxation Assessment Demonstration Program (ADP)."

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 and no nays, the motion was declared approved.

16-147 Mayor Menna read, "A Resolution Authorizing the Mayor to Sign an Amendment to the Borough's Recreation Open Space Inventory."

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

ROLL CALL:

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

NAYS: None

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

16-148 Mayor Menna read, “A Resolution Authorizing Change Order No. 7 Related to the Contract with Lucas Construction Group, Inc. for the 2015 Road Improvement Project.”

Councilman Zipprich 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 and no nays, the motion was declared approved.

16-149 Mayor Menna read, “A Resolution Appointing John Drucker as Electrical Subcode Official.”

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

ROLL CALL:

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

NAYS: None

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

16-150 Mayor Menna read, “A Resolution Appointing Fredrick Corcione as Plumbing Subcode Inspector.”

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

ROLL CALL:

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

NAYS: None

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

16-151 Mayor Menna read, “A Resolution Authorizing the Mayor and Borough Clerk to Sign the Indemnity and Trust Agreement to Renew Membership in the Central Jersey Health Insurance Fund.”

Councilwoman Horgan 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 and no nays, the motion was declared approved.

16-152 Mayor Menna read, “A Resolution Requesting Permission for the Dedication by Rider for Unemployment Compensation.”

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 and no nays, the motion was declared approved.

16-153 Mayor Menna read, “A Resolution Authorizing the Release of Performance Guarantee Regarding Denise DiBona, 146 Maple Avenue, Block 75.02, Lot 142.”

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

ROLL CALL:

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

NAYS: None

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

16-154 Mayor Menna read, “A Resolution to Authorize the Issuance of an Interest-Free Internal Note of the Borough of Red Bank, County of Monmouth.”

Councilwoman Schwabenbauer offered a motion to approve the resolutions by consent agenda, seconded by Councilman Taylor.

**ROLL CALL:**

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

NAYS: None

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

16-155 Mayor Menna read, "A Resolution Amending the 2016 Temporary Appropriations."

Councilwoman Schwabenbauer offered a motion to approve the resolutions by consent agenda, seconded by Councilman Whelan.

**ROLL CALL:**

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

NAYS: None

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

**PAYMENT OF VOUCHERS**

16-156 Mayor Menna read, "A Resolution for Payment of Bills Amounting to \$5,119,955.95."

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

**ROLL CALL:**

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

NAYS: None

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

**NEW BUSINESS**

Councilman Zipprich noted they had discussed the budget and the reduction of staff in Public Utilities earlier and said he wanted to note that they had just approved the appointment of an Electrical Subcode Official and a Plumbing Subcode Official with salary increases. He suggested they could have looked at that in the budget.

Administrator Sickels said he wanted to point out that the Borough had had separate people serving those positions in a part time capacity. He said by appointing the people who had obtained the licenses, they could do away with the expense of paying outside people for those services and realize an increased savings in the budget.

**OLD BUSINESS**

**AUDIENCE**

Tom Labetti—45 Elm Place—thanked the Councilmembers who had attending the International Night at the Primary School and thanked them for their support.

Frank Corrado—63 Oakland Street—said he was the Chair of the Environmental Commission and said they had had a fruitful meeting the night before. He said one of the things that had come up was the recent news from Clean Ocean Action regarding the fecal contamination of the Navesink River. He said he wanted the Council to be a conversation about the matter. He said he understood some things were out of the Borough's hands. He reviewed the details of the contamination and asked what action had been taken as well as what action would be taken going forward.

Administrator Sickels reviewed the history of the issue of fecal contamination of the river. He reviewed a conversation he had recent had with the DEP and noted the report was originally dated 2008. He reviewed the extensive steps that had been taken to identify the source of the pollution contaminating the river which was found to include a septic tank that had not been pumped out in 19 years. He said it had been closed and the property had been hooked up to the sewer system. He said they identified another septic tank that was in the marina at the bridge to River Plaza which was always full and overflowed during any rain event. He said that tank had also been eliminated and said they had replaced it with an above ground tank. He reviewed other septic tank issues that had been identified and corrected. He said after the correction actions, the report had not been updated. He said he would be meeting with Clean Ocean Action and Department of Environmental Protection on May 31<sup>st</sup> and invited Mr. Corrado to attend.

Mr. Corrado asked if Mr. Sickels knew the last time the water had been tested.

Mr. Sickels said he did not.

Mr. Corrado asked if their investigation had found that boats were doing illegal dumping.

Mr. Sickels said they had not checked boats. He said most of the follow up work had been done in the winter.

Freddie Boynton—365 Shrewsbury Avenue—said he wanted to speak about an incident that had happened earlier in the day. He said he had been assisting a resident at the corner of Bank Street and Leighton Avenue with a situation where a tree had uprooted a sidewalk. He said he had assisted a Public Works Employee a few years ago to put in the sidewalk and trim the tree. He said when the tree had uprooted the sidewalk, he had

offered cut to roots back on the tree and lay the tree back down. He said that was what he had done until he had gotten hurt in Tinton Falls that same day and had been unable to return and finish the job in Red Bank. He said he had been criticized by several Borough employees for going back and trimming the tree without a permit. He said he was aware of the permit procedures for pouring concrete but said all he had done was lift the tree to trim the roots and then lay it back down. He named a specific employee who had confronted him earlier in the day and named people who had witnessed it. He said it became heated and said he had been threatened. He said he had gone to the Police Department to sign a complaint about being threatened by an employee who had been in uniform at the time. He again reviewed what he had done regarding trimming the tree.

Mayor Menna asked if he had actually signed a complaint.

Mr. Boynton asked Chief McConnell to confirm that he had spoken with an officer.

Chief McConnell said a Police Report was done.

Mayor Menna said the Borough had an obligation to do an internal review. He said he was asking the Borough Attorney and Administrator to obtain independent verification.

Attorney Cipriani said she wanted to notify the Council that Mr. Boynton had the right to attend and make statements regarding Borough employees but noted they were personnel matters and cautioned the Council not to comment on them until if and when action was taken.

Administrator Sickels asked Mr. Boyton if he had been a Borough employee when he had assisted the other Borough employee with the cutting of the tree earlier.

Mr. Boynton said he was not. He noted another location where he had done similar work.

Mayor Menna said that had nothing to do with the allegation he was bringing before the Council. He said they would review the report and would get back to Mr. Boynton.

#### **EXECUTIVE SESSION**

16-157        Mayor Menna read a resolution to adjourn to executive session to discuss sale of public property and contractual matters; no formal action to be taken.

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

#### **ROLL CALL:**

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

NAYS:        None

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

#### **ADJOURNMENT**

Councilman Zipprich offered a motion to adjourn executive session and the meeting, seconded by Councilwoman Horgan.

#### **ROLL CALL:**

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

NAYS:        None

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

Respectfully submitted,

Pamela Borghi