

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
JUNE 22, 2016  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

PRESENT: Mayor Menna and Council Members Burnham, Zipprich, Horgan, Taylor and Whelan.  
ALSO PRESENT: Borough Administrator Sickels, Borough Clerk Borghi, CFO Poulos, Attorney Cipriani and Engineer DiFranza.  
ABSENT: Councilwoman Schwabenbauer

**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**

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

**ROLL CALL:**

AYES: Burnham, Zipprich, Horgan, Taylor, Whelan  
NAYS: None

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

**RiverCenter Presentation to Red Bank Borough Education Foundation/ Red Bank Primary School Chorus**

RiverCenter Director James Scavone and Board President Ned Gaunt presented the proceeds from the International Food and Wine Festival to representative of the Red Bank Borough Education Foundation. Mr. Scavone said it had been a phenomenal day and said they had raised \$15,000 for the Foundation. Mr. Scavone credited the events success to the help they had received from the schools and the Foundation. He presented the check to Susan Berke of the Red Bank Borough Education Foundation

Mayor Menna thanked all who had supported the event and introduced the Red Bank Public Schools 1<sup>st</sup> Grade students who performed a musical selection.

**Social Media Day**

Mayor Menna read a proclamation to proclaim June 30<sup>th</sup> as Social Media Day in the Borough of Red Bank. He presented the proclamation to Derek Riddle of Defined Logic and pledged to start a Twitter account.

**RESUME REGULAR ORDER OF BUSINESS**

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

**ROLL CALL:**

AYES: Burnham, Zipprich, Horgan, Taylor, Whelan  
NAYS: None

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

**WORKSHOP**

**Marine Park Boat RFP**—Mayor Menna noted there was a resolution on the agenda to authorize a request for proposals regarding the leasing of riverboat service.

Councilwoman Horgan said she was glad it was on the agenda and said there had been a lot of popular interest in the idea.

Councilwoman Burnham recalled when the Big Kahuna had been in town and said it had been great. She said she thought it would be wonderful to have again and to bring life to Marine Park.

Attorney Cipriani reviewed some changes that had been made to the draft specifications including the term which had been amended to comply with Green Acres rules.

Administrator Sickels said they had also decided to leave the amount per foot blank and leave it up to the highest bidder. He said they had also removed the option for a second boat.

Mayor Menna asked what the return date for the bid would be.

Mr. Sickels said he did not have that but said he would follow the requirements.

#### **APPROVAL OF MINUTES – June 8, 2016**

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

#### **ROLL CALL:**

AYES:      Burnham, Zipprich, Horgan, Taylor, Whelan

NAYS:      None.

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

#### **MAYORAL APPOINTMENTS**

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

Councilman Burnham reported that new parking signs had been installed. She said they would help people find parking in the east side lots. She also reported that she had attended the Zoning Board meeting regarding the Count Basie Theatre expansion. She said they had been short on parking and said the NJ Transit Parking lot had been discussed, specifically that it could be used after hours. She suggested signage on Monmouth Street to help direct people into the lot. She reported that a lot of work had been done at the Senior Center including painting and the installation of a generator. She also noted that she had obtained four raised beds that would be installed. She noted the raised beds would allow seniors and those in wheel chairs to enjoy gardening. She said the Senior Center would be putting \$100 toward the project and said she would also be donating \$100.

Councilman Zipprich reported that the Department of Public Works Committee had met the previous Wednesday to discuss the Engineer's report on facilities, water plant operations, personnel and administrative matters and Supervisors reports. He said he wanted to express his gratitude to the Buildings and Grounds Division which was under Terrence Walton saying he felt the facilities were looking great. He said the Historic Preservation Committee would meet the following Tuesday and said the Shade Tree Committee had met the previous night. He also thanked Community members for reaching out to him after the Orlando shooting and said he had attended a vigil in Ocean Grove. He also thanked the Mayor and Human Relations Advisory Committee Chair David Pascale for organizing a vigil at Borough Hall the previous Wednesday. He also noted the Westside Ministerium had also held a vigil on the following night in Johnny Jazz Park.

Councilwoman Horgan reported that Pastor Porter from Pilgrim Baptist Church would be hosting a "Let's Talk About Race" event at the Red Bank Public Library on Wednesday, June 29. She said the program had ironically been planned for the one year anniversary of the Charleston shootings when the Orlando event had occurred. She reported that the Library's summer reading programs had begun on June 18. She also noted that the Library would be closed on Saturday, July 2 and Monday, July 4 but would be open six days a week for the remainder of the summer. She thanked everyone who had attended the vigil at Borough Hall and stressed the need for gun control.

Councilman Whelan commended the Police and Fire Departments for their response to an accident on Maple Avenue earlier in the day. He also reported that a new restaurants called Local Smoke had recently held a ribbon cutting. He said the Indie Film Festival would be held in Red Bank from July 6 through July 10. He reported that two new firefighters had recently graduated from the Fire Academy. He reported on the Count Basie Theatre Gala and said the theater was an amazing asset. He also talked about the recent vigil saying it was a unifying message of love.

Councilman Mark Taylor said he wanted to echo the other Councilmembers comments about the vigil. He reported the Parks and Recreation Department was busy and said the 2016 Summer Series was getting underway with Fitness in the Park on Wednesdays, Movies in the Park on Tuesdays and Jazz in the Park on Thursdays. He said the events were free to the public and thanked the sponsors. He reported that the summer newsletter was out and said the winners of the Spring Photo contest were on display in the showcase in the lobby.

Mayor Menna said he had called for a civic vigil for the Orlando victims and said, even though it was short notice, the event drew over 200 people. He said it was a great response from the community to come together. He said he had also attended the graduation of the two firefighters and commended the Department's diversity. He noted the two new members were Latinos who had joined the Westside Hose Company. He also noted there was a resolution on the agenda which would express the Council's opposition to a proposed Jersey Central Power & Light Monmouth Reliability Project. He reviewed the project that would start in Red Bank and move toward the Bayshore. He said the Bayshore Conference of Mayors would be taking action in opposition to the plan. He said while Red Bank was not a member, he had signed the letter they had written expressing their concern. He said he had also received letters, emails and phone calls from residents who had concerns. He said he felt the Council, if they were in favor, should join to state their concern about the project particularly the health and environmental issues in such a densely populated area. He said the second issue was the proposal to enhance the system which he said was needed. He said the concern was the proposed spending of hundreds of millions of dollars on the Reliability project that he said he felt would be passed on to the consumers without taking steps to correct, replace and enhance and existing deteriorating infrastructure. He noted the need for improving damaged poles and infrastructure and called for lines to be moved underground.

Councilwoman Horgan said she felt it was a State utility matter. She said the Council could not make a decision on the matter but could express their opposition. She said the final decision would lie with the Board of Public Utilities and the Department of Environmental Protection. She expressed her concerns with the project.

Councilman Taylor said he agreed with those concerns but said he had not seen the resolution prior to the meeting but would like to get more information before voting on the matter. He said he had not been able to attend any of the informational meeting but knew there were some scheduled in the near future.

Administrator Sickels said JCP&L had offered to attend a Council Meeting and give a presentation.

Councilman Whelan said he thought that was a great idea.

Councilwoman Horgan said she thought it would be good to hear both sides of the story.

Mr. Sickels said, during previous incidents where there were outages for up to three weeks, Red Bank had had power restored earlier than some other areas. He reviewed a particular incident in 1999 and talked about the vital role that Red Bank played in the area.

Mayor Menna said he had felt the Council should discuss the matter but said there was no urgency since a decision wasn't being made in the immediate future. He said it would be his recommendation to have a public meeting with JCP&L and other interested parties but not as a Council meeting.

Councilman Zipprich said he felt the Mayor had brought up some good points including the fact that it was band aid solution and agreed that repairs were needed to the infrastructure.

called for a motion to table the resolution for a future meeting.

16-184 Mayor Menna read, "A Resolution Objection to the Proposed Monmouth County Reliability Project" and called for a motion to table.

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

**ROLL CALL:**

AYES:        Burnham, Zipprich, Horgan, Taylor, Whelan

NAYS:        None

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

#### **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request to hold the 4th Annual of Dog Days Red Bank event (Monmouth & Broad Street to Drummond Place) on Tuesday, June 28, 2016 with a weather date of Tuesday, July 12, 2016 including closure of Monmouth Street at 5pm with event from 6 to 9pm.

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

**ROLL CALL:**

AYES:        Burnham, Zipprich, Horgan, Taylor, Whelan

NAYS:        None

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

Mayor Menna read a request for a Block Party request from residents of Leonard Street for June 25, 2016 and a request to close Leonard Street from 2pm to 7pm.

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

**ROLL CALL:**

AYES:        Burnham, Zipprich, Horgan, Whelan

NAYS:        None

ABSTAIN:    Taylor

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

#### **PUBLIC COMMENT—Resolutions Only**

Stephen Hecht—135 Branch Avenue—asked about Resolution 16-174 regarding a change order to the contract with Realty Appraisal Company. He asked if it was regarding the increase in cost for something that was already done.

Mr. Sickels said it was based on the actual amount of inspections done rather than the estimate.

Mr. Hecht asked if it was regarding inspections that had previously been performed as a result of the revaluation.

Mr. Sickels said it was and noted that, when the final bill came in, it showed they had performed more inspections than had been estimated.

Tom Labetti—45 Elm Place—asked about the resolutions for the liquor license renewals. He cited an article from May 10<sup>th</sup> that stated liquor licenses were based on population and said the resolutions reflected a lot more liquor licenses than should be allowed for 12,000 residents. He asked if the Council was aware of that.

Mayor Menna said they absolutely were and explained that many of Red Bank liquor licenses were grandfathered because they pre-dated that statute. He said Red Bank was prohibited from issuing new liquor licenses because the currently issued number exceeded the formula.

William Meyer—12 Monmouth Street—said he would like to know the amount of the change order for Realty Appraisal.

Mayor Menna said it was for \$4,540.

Mr. Meyer also asked Mayor Menna to clarify his position on underground wiring.

Mayor Menna said he was in favor adding that most third world developing countries were building them underground.

Mr. Meyer asked the Mayor to look into a report that the State was changing the allocation money for schools. He called for a resolution of support and said he felt Red Bank should get a fair share of the money.

Mayor Menna said he had not yet thoroughly read the Governor's proposal but had received a phone call from his Deputy Chief of Staff regarding the effect on Red Bank. He said the preliminary numbers would seem to suggest that the per-pupil number would be lower than what they were currently getting. He noted the district was under funded now.

A discussion following of the history of school funding in Red Bank. Mayor Menna credited the Commissioner of Education and Senator Beck for their support.

### **ORDINANCES – First Reading**

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

### **RESOLUTIONS**

Mayor Menna read the following resolutions and called for a motion by consent agenda:

16-174 A Resolution Authorizing Change Order No. 1 Related to the Contract with Realty Appraisal Company to Perform a Complete Revaluation of all Real Property in the Borough of Red Bank as of October 1, 2014 for the 2015 Tax Year.

16-175 A Resolution Authorizing Change Order No. 8 and Final Related to the Contract with Lucas Construction Group, Inc. for the 2016 Road Improvement Program.

16-176 A Resolution to Approve the Hiring of Parks and Recreation Summer Staff.

16-177 A Resolution Requesting Special Item of Revenue (New Jersey Drunk Driving Enforcement Fund for Municipal Court).

16-178 A Resolution Authorizing an Agreement with American Fidelity to Provide Employee Flexible Spending Accounts Effective February 1, 2017.

16-179 A Resolution Authorizing Renewal of Club Licenses for 2016-2017.

16-180 A Resolution Authorizing Renewal of Plenary Retail Consumption Licenses for 2016-2017

16-181 A Resolution Authorizing Renewal of Plenary Retail Distribution Licenses for 2016-2017

Councilman Zipprich offered to approve the resolutions by consent agenda, seconded by Councilman Whelan.

### **ROLL CALL:**

AYES:            Burnham, Zipprich, Horgan, Taylor, Whelan

NAYS:            None

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

16-182 Mayor Menna read “A Resolution Authorizing Contracts with Certain Approved State Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40A:11-12a. (Police Vehicles).”

Councilwoman Horgan asked why types of vehicles were being purchased.

Chief McConnell said model was Interceptors and said they were all wheel drive vehicles.

Councilman Zipprich asked about energy efficiency.

Chief McConnell said they were six cylinder engines.

Councilman Whelan noted that the purchasing procedure and resolution were in accordance with past practice.

Chief McConnell noted that the vehicles were purchased under State Contract and said the cost would actually be lower than last year.

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

### **ROLL CALL:**

AYES:            Burnham, Zipprich, Horgan, Taylor, Whelan

NAYS:            None

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

16-183 Mayor Menna read “A Resolution Authorizing the Advertisement for Requests for Proposals/Request for Qualifications for the Lease of Certain Areas within Marine Park for the Operation of a River Boat Cruise Service.”

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

**ROLL CALL:**

AYES:      Burnham, Zipprich, Horgan, Taylor, Whelan

NAYS:      None

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

Councilwoman Horgan asked when it would be advertised.

Administrator Sickels said he had to determine the date based on the upcoming holiday to make sure it was in compliance with Green Acres regulations.

## **PROCLAMATIONS**

### **PAYMENT OF VOUCHERS**

16-185      Mayor Menna read, “A Resolution for Payment of Bills Amounting to \$3,679,809.95.”

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

**ROLL CALL:**

AYES:      Burnham, Zipprich, Horgan, Taylor, Whelan

NAYS:      None

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

## **PROCLAMATIONS**

### **NEW BUSINESS**

### **OLD BUSINESS**

Councilwoman Burnham asked about the status of the tennis courts in Marine Park and asked if there was a plan.

Councilman Taylor said the tennis court area was part of Marine Park as a whole which was what the Parks and Recreation Committee was currently looking at. He said they had had some preliminary discussions with a consultant and said they were looking at Marine Park for long term and enhanced benefits. He said nothing had been finalized or brought to the Council Committee. He said they were currently trying to figure out what the best next steps were.

Councilwoman Burnham said, if the tennis courts were left as they were, it could be considered an abandoned use and the DEP would not let them put the tennis courts back. She noted there was still a gentleman who was willing to donate \$500,000 and said it was her opinion that they should move forward with the tennis courts. She said the rest of the park could be considered a different project.

Councilman Taylor said that was a well-established opinion that he was aware of and noted he had been on the Parks and Recreation Committee before he was on the Council. He again noted that they were looking at the park as a whole and said they would not be developing it piecemeal.

Councilwoman Burnham expressed concern about the amount of time that could take and asked who the consultant was that the Committee had been dealing with.

Mr. Sickels said they were still in discussions regarding whether or not they would be the consultant.

Mayor Menna noted the Council would have to take action on the appointment of a consultant.

Mr. Sickels said the Committee was working on a proposal to bring to the Council.

Councilwoman Burnham said she knew Mr. Sickels had already made the determination where the concession stand and bathrooms would be.

Mr. Sickels said the previous Parks and Recreation Committee, on recommendation of the Borough Engineer, had chosen those locations. He said it was part of a grant application which the Council has approved and noted bids had actually been received for that work earlier in the day. He reviewed details of the project.

Councilwoman Burnham asked what else was being considered.

Mr. Sickels said the Committee was looking at that now and reviewed the process.

Councilwoman Burnham said the Council had already received public input from people who had attending meetings and voiced their support.

Councilman Taylor said a section of the public had attended and had been very vocal but said he did not know if they represented the entire town or the entirety of the park. He said they were looking at the project holistically.

He said the park was a great asset and said they wanted the park to be assessable and enjoyable to as many residents and non-residents as possible. He said the boat would be a great boon to the park and said they wanted to consider all of the things in total.

Councilwoman Burnham noted that the tennis courts and a boat had both been in the park previously and it had worked fine.

Councilman Taylor noted that there had also been a lot of problems in the park in previous years.

Mayor Menna said he also felt the park had been closed to the major of Red Bank's residents and that the tennis courts had operated as a private club.

Councilwoman Burnham disagreed and said the new plan included public use. She said she also felt having the tennis courts in place would help stop vandalism and said that was why people didn't put their boats in the horseshoe.

Councilman Taylor said he felt the issue was more to do with the ongoing repairs and noted there were patrols in the park.

Mayor Menna said the issue of vandalism was being addressed by the Council upon the recommendation of two departments that had been working closely on the issue. He said it was premature to go into details for security reasons.

## AUDIENCE

Denise Palaia—122 Riverside Avenue, Colony House—said she was attending as a representative of the resident who live at the Colony House. She reviewed the problem that residents of her building have finding parking spaces in the area noting that many tenants have to park on the street. She said there were eleven on-street spaces that they fought for. She said a proposal to convert to condos had been turned down due to a severe lack of parking.

Mayor Menna said the full story was that the property owner had had the availability to increase the parking by building a parking deck but had chosen not to.

Ms. Palaia again appealed to the Council for guidance on how to solve their parking issues.

Mayor Menna said spaces in the lot of the building where his office was located were just down the street and were open to the public after 5pm. He said the vehicle would have to be removed by the morning.

Ms. Palaia expressed concern for the elderly and said that would be too much of a walk. She again noted that there were eleven on-street spaces and one space had recently been sectioned off with cones.

Mayor Menna noted that space had been created illegally and did not meet set back requirements from the property next door.

Ms. Palaia asked about the site triangle requirements for parking spaces. She again stressed the need for parking for the building residents. She asked who had initiated the request.

Mayor Menna confirmed that it was the condominium association next door.

Ms. Palaia asked if a space that had been in place for so many years would not be grandfathered.

Attorney Cipriani said there was no grandfather provision and confirmed that it could be removed.

She again mentioned the site triangle issue and said she understood that it should be at two or more streets. She said the location was a street and a private driveway and asked if it would still apply. She cited rumors of who had allegedly asked for the space to be removed. She said, if they were using the site triangle issue, there were several other spaces that would also have to be removed. She said the tenants were upset. She said the landlord had done nothing since he lost the bid for the condos. She asked if there was a requirement for each apartment to have a parking space.

Mayor Menna said there was but noted that the building predated the land use code so it was grandfathered. He said there may be solutions and said they would look at the matter. He also noted the need for a stop line on Riverside Avenue to help people exiting from Bodman Place.

Ms. Palaia asked what information she could take back to her fellow tenants.

Councilman Whelan said the Parking Committee would review the matter.

Mayor Menna said they would also have the Borough Engineer and the Police Chief take a look at the issue with the Director of Public Works.

Ms. Palaia again questioned the removal of the parking space at the intersection of a private parking lot and public road.

Administrator Sickels said the parking space was a public space that was under the control of the Borough and said the Borough could deal with it as they saw fit. He said a complaint from the condo association had been relayed to the Police Chief and the recommendation had been to remove the space to improve visibility.

Ms. Palaia said she felt there was more to it. She asked it a study had been done.

Mayor Menna reiterated that they would look into the matter.

Councilwoman Burnham left the meeting at 8:05 pm.

Marge Conti—122 Riverside Avenue—asked about the tax exempt status of the Visiting Nurse Association and asked if others should be able to use their parking lot without having their cars towed.

Mayor Menna said he had been very surprised to hear that that was an issue. He said he was under the impression that the tenants could use the lot at night. He said he would be happy to have a discussion with the VNA to clarify the issue.

Ms. Conti said there were times that they were having a meeting and they blocked off the lot with cones so the tenants could not use it.

Mayor Menna said he understood if they were having a meeting, but said he thought the tenants could use it at night as long as the cars were removed by morning.

Ms. Conti said she had lived there for almost 40 years and said the parking issue was getting worse and worse. She said she was fortunate to have a garage. She said the other matter she wanted to discuss was an issue with sidewalk cafes. She said she had spoken on the matter before and said she felt the situation was getting better. She cited a particular issue at one restaurant where flower pots had been moved into the right of way.

Mayor Menna said they would look into it.

Ms. Conti said there was also an issue with bicycles traveling on the sidewalks and the danger posed to pedestrians.

Mayor Menna agreed that it was a problem and reviewed how the matter was handled in a neighboring community. He said he felt the police should enforce.

Ms. Conti said she had gone to the Police Department and had been told that bicycles could use sidewalks as long as there was no pedestrian traffic.

Mayor Menna said it was a violation of motor vehicle laws. He added that sidewalks were for pedestrians and bicycles had to be on a road.

Ms. Conti said she had also had issues with a group of runners on the sidewalk that made it difficult to use the sidewalk.

Mayor Menna said runners could use the sidewalk but should be respectful of pedestrians. He again called for education then enforcement regarding bicycles.

Tracy Kohnstam—376 Shrewsbury Avenue—asked about the issue with clinging jelly fish and the impact on the Navesink River.

Mayor Menna said he felt the best person to address the question was Councilwoman Burnham but noted that she had left the meeting. He said he would forward the question to her.

Ms. Kohnstam asked, if the problem grew, could the Borough turn to higher levels of government to eradicate the issue.

Mayor Menna said that was what the State Department of Environmental Protection was supposed to be doing. He again said he believed that Councilwoman Burnham was familiar with the issue.

Councilman Taylor suggest that Ms. Kohnstam also bring her concerns to the Environmental Commission since they were currently looking into issues with the Navesink River.

Ms. Kohnstam said she had also heard that the most polluted part of the river was west of the bridge and asked if anyone had any information on that.

Administrator Sickels said the report that had been published in the papers had been done in 2007 and revised in 2008. He said extensive work had been done to resolve the pollution issues. He said recent testing had shown high bacteria counts east of Red Bank in Fair Haven and Rumson so the DEP had decided to close clamming beds in those areas. He said they had held a meeting in Red Bank with Clean Ocean Action, the DEP and representatives of the Navesink River Municipalities Commission and said the DEP had expressed concerns about outfalls from across the river through the creeks. He said the studies were ongoing.

Ms. Kohnstam asked if some of it was from fertilizer.

Mr. Sickels confirmed that it was.

Mayor Menna said the Environmental Commission would be making a full report made on the issue.

Ms. Kohnstam asked if people were allowed to park on their front lawn.

Mayor Menna said not unless there was an established driveway on the property.

Ms. Kohnstam said there was an issue with her neighbor parking on the lawn.

Mr. Sickels said he believe the ordinance stated they could not park on a front lawn and suggested she contact Code Enforcement to report the issue.

Ms. Kohnstam asked why no one had cited them for the violation since 2007 when she first moved to the area and asked if the staff monitored for violations.

Mayor Menna said it was a good question.

Mr. Sickels said he did not know if it was a true statement. He said he believed they had addressed the issue when there had been complaints.

Ms. Kohnstam again stated it had not been enforced since 2007 and questioned why action would only be taken if she complained. She said she felt Code Enforcement should be aware of the violation as part of their job.

Stephen Hecht—135 Branch Avenue—asked if the Borough had found a vendor yet in regard to the Assessment Demonstration Program.

Administrator Sickels said he was waiting for a proposal from an adjoining community regarding a shared service.

Mr. Hecht asked what the deadline was for choosing a vendor and if the Borough would be Borough defaulting to Realty Appraisal Company if they didn't choose one.

Mr. Sickels said he was not aware of a deadline but said he hoped to have something to report at the next meeting.

Mr. Hecht asked how they could meet a deadline if they didn't know what it was.

Mr. Sickels said he would look into the deadline.

Mr. Hecht asked how he would know when Mr. Sickels had that information.

Mr. Sickels asked him to provide his email and said he would let him know.

Mr. Hecht asked, if the deal did not work out with the neighboring municipality, would the Borough be going back to Realty Appraisal.

Mayor Menna said there were others in the field.

Mr. Hecht said that company had 85 percent of the towns.

Mayor Menna noted that was not 100 percent and said he thought there was sensitivity to make sure they looked outside the box on the issue.

Mr. Sickels said the Borough had options including hiring their own inspectors and doing it in house.

Mayor Menna summarized that the Borough was negotiating with a neighboring municipality and said, if that did not pan out, there were other options.

Mr. Hecht asked if Mayor Menna knew when the deadline was and asked when the next phase of ADP would impact Red Bank.

Mayor Menna said he knew they had plenty of time to act on it but did not have the exact date committed to memory.

Mr. Hecht said he would email the question to Mr. Sickels.

Jimmy Dark—48 West Sunset Avenue—said he wanted to comment on an issue with Freddie Boynton. He said he thought he was a good person and said he thought it was sad that he had been threatened. He also asked Councilman Zipprich about the street sweeper schedule and the fact that it had cleaned only one side of a street. He said he also wanted to talk about an issue with a JCP&L power line that had a tree growing into it and said he was concerned about safety issues. He said he was concerned with tree pruning in general and the blockage of street lights.

Councilman Zipprich noted mechanical problems they had been having with the existing street sweeper and said a new one was on order.

Tom Labetti—45 Elm Place—said he was concerned with abandoned homes that had swimming pools and the mosquito problems that caused. He provided photos of a home next door to him that was currently empty. He cited the recent Zika virus discussions and said the Township of Woodbridge had recently taken action.

Mayor Menna said he had tried to bring an abandoned property ordinance to Red Bank that had come about when Senator Booker was Mayor of Newark. He said it had been successful there because of its Draconian nature. He said the ordinance had made sense but said he had not had the support of the Council at that time. He said if the current Council wished to look into it he would ask the Borough Attorney to review the matter.

Councilman Taylor reported on an upcoming meeting where the Zika virus would be discussed.

Mr. Labetti also said he had recently gone to a show at the Count Basie Theatre and had seen a police officer in the theater during the show. He said the presence was good but questioned who was paying for it.

Mayor Menna said he did not have that information but said he did not think the Borough was paying for it.

Mr. Labetti also asked about the parking agreement that allow the Count Basie Theatre to use the lot and the fees that were being collection.

Administrator Sickels said the fee payable to the Borough was set at a minimum of \$10 per space and half of anything charged above that.

Mr. Labetti also stated that Hackensack and Meridian had merged the previous day and had held a press conference. He reviewed the press release and questioned why the organization was receiving a tax break in Red Bank.

Mr. Sickels said the Borough had filed the paperwork to have them declared taxable.

Mr. Labetti asked if anyone had talked to Meridian to see if they still intended to make their PILOT payment in lieu of that motion.

Mayor Menna said they were obligated to make the PILOT payment regarding of the filing.

Freddie Boynton—365 Shrewsbury Avenue—updated the Council on his recent leg injury. He referred to a statement that Councilman Zipprich has made the previous week regarding the Orlando shooting. He said the statement had moved him and said he knew what he was going through because he had lost family members. He said he also felt threatened and was having trouble sleeping at night. He said, his cast was coming off and that the town was too small for both of them. He reviewed specifics of a recent alleged incident between himself and a Borough employee. He again said, when his cast came off, it was not over. He also told the Council about an issue he had had trying to get a digging permit. He said he called for the approval number but was told they couldn't give one for only four inches. He said the Borough would not issue him a permit without the number and they had told him the Borough needed to review their policy because they could not give a number for that shallow of a dig. He said he had finally had say he was digging four feet in order to get the number.

Mayor Menna asked what the limit was.

Mr. Boynton said he thought it had to be a foot or more. He also reviewed issues he was having with Borough employees regarding court statement and issues with a sidewalk repair. He criticized the Public Works Director and Code Enforcement Personnel. He again stated he felt he had been threatened and said repeatedly that it was not over.

#### **EXECUTIVE SESSION**

16-173        Mayor Menna read a resolution to adjourn to executive session to discuss contract negotiations and personnel; no formal action to be taken.

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

#### **ROLL CALL:**

AYES:        Zipprich, Horgan, Taylor, Whelan

NAYS:        None

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

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

#### **ROLL CALL:**

AYES:        Zipprich, Horgan, Taylor, Whelan

NAYS:        None

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

#### **ROLL CALL**

**PRESENT:**        Mayor Menna 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:**        Councilwoman Schwabenbauer and Councilwoman Burnham

#### **ADJOURNMENT**

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

#### **ROLL CALL:**

AYES:        Zipprich, Horgan, Taylor, Whelan

NAYS:        None

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

Respectfully submitted,

Pamela Borghi