

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
DECEMBER 14, 2016
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Councilwoman Horgan.

SUNSHINE STATEMENT

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

WORKSHOP

Blue Line on Broad Street

Councilman Zipprich said he and Councilman Whelan had been working together to coordinate an effort to have a blue line painted down Broad Street to honor the members of the Red Bank Police Department. He said the work was being donated by John and Michael Garofalo of Alert Traffic Lines.

Councilman Whelan said he thought it would a nice tribute to the Red Bank Police Officers and thanked Councilman Zipprich for taking the reins to get it done.

Mayor Menna said a resolution to authorize the work would be added.

Recreation Staff

Councilman Taylor said he was recommending a resolution for the next Council agenda to promote Oscar Salinas to a full time position in the Recreation Department. He reviewed Mr. Salinas's qualifications and he proposed expanded duties.

Canine Officer

Councilwoman Schwabenbauer said and Councilman Whelan had met with the Police Chief to discuss the addition of a second canine officer. She said the program had been very successful and would provide relief for the current sole canine officer. She said the funds were in the budget but said the expense would be minimal because it would be paid for through a trust. She reviewed community partners that currently supported the program and said the Finance Committee was in favor of the addition.

Mayor Menna said a resolution would be added to the following meeting.

APPROVAL OF MINUTES – November 21, 2016

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

ROLL CALL:

AYES: Burnham, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

MAYORAL APPOINTMENTS

No Mayoral appointments.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Mayor Menna said, due to the length of the agenda, the Council reports would be waived.

COMMUNICATIONS AND PETITIONS

Mayor Menna read requests from Federico Morales, Eduardo Montesinos and Elijah Gray for membership to the First Aid and Rescue Squad of the Red Bank Volunteer Fire Department.

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

ROLL CALL:

AYES: Burnham, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

There being five ayes and not nays, the motion was declared approved.

PUBLIC COMMENT—Ordinances on First Reading and Resolutions Only

Dan Reardon—53 Elm Place—asked about the plan referenced in the resolution for 55 West Front Street and asked where it could be viewed.

Mayor Menna said no plan had been filed and said the resolution would set a time frame for when it had to be filed.

Mr. Reardon asked if the Council would review the plan once it had been filed.

Mayor Menna said it would go to the Planning Board and that there would public hearings.

Jennifer Stewart—26 Morford Place—asked about the White Street parking lot.

Attorney Cipriani said those questions could be address during the Public Hearing portion of the agenda.

Councilman Zipprich offered a motion to close the public comment portion of the meeting, seconded by Councilman Whelan.

ROLL CALL:

AYES: Burnham, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

There being five ayes and not nays, the motion was declared approved.

ORDINANCES – First Reading

2016-26 Mayor Menna read, “An Ordinance Establishing Salaries or Wages of Officials and Employees of the Borough of Red Bank in Monmouth County.”

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

ROLL CALL:

AYES: Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: Burnham

There being five ayes and not nays, the motion was declared approved.

Public hearing to be held December 28, 2016.

ORDINANCES – Public Hearing and Final Adoption

2016-25 Mayor Menna read, “An Ordinance Adopting a Redevelopment Plan as Amended for the Property Commonly Known as the White Street Parking Lot Located at 75-79 White Street and Identified on the Borough’s Official Tax Map as Block 31, Lot 2.01.”

Redevelopment Attorney Bayer reviewed the history of the project including referral to the Planning Board for recommendation. He said Planner Rodriguez had prepared a draft of a Redevelopment Plan incorporating Planning Board recommendations.

Mayor Menna reviewed the Planning Board recommendations including improving the open space requirements.

Planner Rodriguez also reviewed specifics of the Planning Board recommendations and revisions to the amended plan. He said the next step would be to go out for Requests for Proposals from developers.

Attorney Bayer said there were no substantial changes to the plan and the Governing Body could move forward with adoption. He also noted that the draft of the plan had stated that it should include a minimum to 500 spaces and there was questions as to whether that was net or gross spaces. He said it had been clarified that stating that a minimum of 500 net new spaces would be provided.

Councilman Zipprich asked if, since the Planning Board had reviewed and made recommendations, it would have to go back to that board for review.

Attorney Cipriani said it would not.

Attorney Bayer clarified that the Planning Board’s goal was to determine Master Plan consistency and the changes would not affect that.

Councilman Zipprich asked Planner Rodriguez to review specifics about the average height per story.

Planner Rodriguez said parking uses tended to have higher height requirements which were probably between 11 and 14 feet. He acknowledged that that was not his area of expertise. He also reviewed height estimates for retail and residential spaces.

Councilman Zipprich asked what the current maximum height was in the zone.

Planner Rodriguez said he believed it was 48 feet.

Councilwoman Burnham said the Master Plan had been done in 1995 and a Re-Examination in 2009. She said the recommendation had been to have the maximum building height consistent with other buildings in the district which was about five stories. She said she wanted that on record.

Michael Simpson—65 Monmouth Street—said he had worked on the 1995 Master plan. He said had also heard that there had been discussion about certain exemptions to the parking requirements and asked Planner Rodriguez to elaborate.

Planner Rodriguez said there had been concern that any retail development included in the project would eat away at the public parking being created. He said the plan had been revised to include off street parking for all uses included retail and residential in an effort to maximize parking for the public.

Mr. Simpson said he had a presentation he wanted to show to the benefit of the plan. He reviewed his history including working to establish the SID now known as RiverCenter and talked about the vision from that time. He said the presentation he had prepared was being shown in cooperation with the Red Bank Business Alliance. He asked that someone else be allowed to speak while he set up the presentation.

James Scavone—Executive Director, Red Bank RiverCenter—said he wanted to clarify the position of RiverCenter. He thanked the Redevelopment Attorney for clarifying the language in the plan and noted that a net increase of 200+ spaces would not have been acceptable. He said parking had been a long term problem. He said if they build the wrong garage on White Street they will have lost the opportunity to fix the problem. He also said they recognized the disruption of the business community and were willing to deal with it for the right garage. He said previous parking studies had identified a parking shortage of over 1200 spaces. He noted that those studies had been done when retail was the cornerstone of the Borough. He said that was no longer the case and said there was now more restaurant and entertainment which were uses that required more spaces and increased that deficit. He said they had always wanted 500 net new spaces and thanked Mr. Bayer for the clarification. He said there had been a lot of talk about whether the garage would be good for residents and said he recognized that it would be benefiting the downtown business community. He said he firmly believed that the downtown was what would keep the entire town vital. He said one of the biggest complaints he gets when recruiting business was about parking. He said larger business would not come to town unless they knew that there was a certain number of parking spaces for them. He said that lead to vacancies which meant less people in Red Bank and that made the buildings harder to rent. He said when commercial rents were down, commercial assessments were down. He said that meant less money going to the Borough.

Mr. Simpson offered a brief PowerPoint presentation on what he termed a century old problem. He reviewed previous parking plans, budget concerns regarding parking revenue and conceptual plans for possible design options. He stressed that there was no actual plan under discussion. He also noted that the Red Bank Business Alliance was in support of the project.

Jay Herman—11 Linden Place—reviewed his history in Red Bank. He said he appreciated the hard work of the Council to get to this point. He said he had been a member of the RiverCenter Board since its inception. He said he had had concerns about the plan but was thankful for the clarification of 500 net new spaces and the fact that the users would have to provide parking. He spoke of other retail projects under development in neighboring towns. He reiterated that there was no actual plan at this point.

Anthony Barbera—22-24 West Front Street—Thanked the Council for their service. He stressed that parking needed to be addressed. He said he was a business owner and resident and said residents were concerned about quality of life and taxes. He called for the Council be bipartisan on the issue and question why it was being fought over financial concerns. He said that residential taxes would go up if business taxes went down and talked about the declining value of business properties. He also cited other areas being developed for retail. He encouraged the Council to vote in favor of the project and for residents to support it.

Frank Corrado—53 Oakland Street—said he was speaking on behalf of the Red Bank Environmental Commission (RBEC). He said the RBEC had reviewed the plan and had provided recommended additions. He said they could have a project that would be transformational. He said they called for increasing the open space requirement from 10% to 25%, adding renewable energy as a requirement rather than a preference, lowering the maximum height allowed, including language that would require dedicated spaces for electric cars and increasing the bicycle/pedestrian flow circulation.

Jennifer Steward—Morford Place—said she felt residents had been set aside for the business community. She said she had heard that a developer had already been chosen and that the plan had been tailored to one individual. She said she felt that the area had been left to fall into disrepair intentionally. She called for extended parking hours and questioned the fact that the Count Basie Theatre had been allowed to expand without providing parking. She said she felt the resident would get stuck with the bill for a garage. She called for assurances and again said she felt a deal was already in place. She said the residents pay the majority of taxes and should have the majority of the say. She called for maintenance of the existing lot and an extension of parking hours.

George Lyrisis—Bistro/Teak—said his lunch business was down by 60% and said the businesses had been the town not to extend parking meter hours until issues had been resolved. He said the garage would be

collecting 24 hours a day and also noted that a garage had been promised when he had opened his business in town 20 years ago.

Dan Reardon—23 Elm Place—questioned some of items in the earlier PowerPoint presentation. He said based on the information provided, the Borough would not get the spaces they wanted and the developer would not be able to do what he wanted to do.

Mayor Menna stressed that there was no developer, no contract and no plan other than hypothetical. He said he was also addressing comments by a prior speaker who had insinuated that a deal was already in place.

Mr. Reardon continued to review how he interpreted the plan and possible designs. He said he also disagreed that it would be a revenue generator but said he felt it would be a money loser. He reviewed business tax revenue statistics and said he agreed with the RBEC. He said if parking was a crisis, why was there still a moratorium. He asked what the future steps of the project were.

Mayor Menna said Attorney Bayer would address after the comments.

Ben Forrest—16 Locust Avenue—said he supported a garage of some sort and that he also agreed with the RBEC. He said he agreed that there was a need for parking and criticized the process of approval for a similar plan for 55 West Front Street. He said he was concerned that the parking garage would be a monstrosity. He reviewed existing parking issues and the abuse of time limits. He said he was also in support of people living downtown but said infrastructure needed to be improved. He said he did not believe taxes would go down. He said the project needed to be done right. He called for a comprehensive plan.

William Meyer—12 Monmouth Street—said his taxes had gone up 600% after he had done reconstruction. He said the cost of government was driving taxes up. He spoke about the loss of Fort Monmouth and agreed that the cost of parking should be considered. He called for a garage only with no developer. He said he felt there should be no additional uses. He criticized the plan and discussed other options. He questioned the need for parking in the future citing the development of driverless cars.

Kate Triggiano—22 Leighton Avenue—reviewed her history in the town and said she was aware of the parking need. She noted she was the Vice Chair of the Environmental Commission. She noted the parking lot was used for the Halloween Parade and Oysterfest. She said it was the natural heart of town. She said she was in support of a plan with communal space and disagreed with the idea that the project should be parking only. She stressed the need for a strong plan with environmental issues. She agreed that there was a threat from developing retail centers.

Brian Benjamin—44 Irving Place—said the plan did not specify a parking garage. He said the possibility existed to add another 200 residential units and an influx of kids into the school system. He asked why the town would be involved in retail/office space. He questioned funding and said the cash flow was not addressed. He said there were extra spaces in private lots and questioned why they weren't entering into partnerships.

Jay Herman—said, regarding cash flow, the idea for the project was not for the Borough to pay for it but to have a developer pay for it. He said the proposal for the Borough to pay zero dollars and gain a rateable. He said if businesses would benefit then residents would benefit.

Mayor Menna also noted that the possibility exists that no one would submit a bid.

Councilman Ziprich said it was a Borough asset and investment.

Mr. Herman said anything done to the property would increase the value. He said it could not go down.

Bill Brooks—77 Tower Hill Avenue—asked if the residential and retail parking in the project would have to be outside of the garage.

Planner Rodriguez said any residential or non-residential use had to provide their own parking and that it was envisioned to be within the garage.

Mr. Brooks said that would be more than 773 spaces mentioned.

Mr. Rodriguez said 773 number referred to public spaces.

Mr. Brooks said the other areas that had been mentioned as retail areas being developed all fronted a major highway. He questioned traffic flow through town. He said he agreed that there was a parking need.

Allen Placer—HobbyMasters, 62 White Street—said it was clear that the residents did not understand the process. He said business owners took it upon themselves to learn because they had a vested interest. He questioned the concerns that had been expressed over the number of stories in the project. He said if someone proposed an eight story project, there would be strong opposition. He said many people with business knowledge have met to make sure the project was done properly. He said businesses would squash the project if it was not economically viable.

Mayor Menna asked Redevelopment Attorney Bayer to review the next step in the process.

Mr. Bayer said, if the plan was adopted, it would amend the zoning ordinance. He said it was a Borough owned property and suggested that the project would go through the Request for Proposal (RFP) process. He said the Borough would review the various proposals and ultimately select a developer. He said the developer would have to enter into a developer's agreement. He said it would all be a public process.

Carl DeAngelis—owner of property on Maple Avenue and Monmouth Street—said he had spent many years on the RiverCenter board as a participant on both its Visual Improvement and Finance committees. He said his building had 16 spaces so did not have a personal need for the garage. He said he had seen the evolution and renaissance of Red Bank. He said he attributed it to the vision of the prior administration and RiverCenter itself. He said the town had become a destination and had exceeded the capacity to accommodate the patronage it attracted. He said there was unquestionably a need for parking. He said there should be no distinction between businesses and residents because they benefitted each other.

Mayor Menna called for a brief recess at 9:00PM.

Mayor Menna called for business to resume at 9:15PM.

ROLL CALL:

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

Alberto Larontunda—242 Spring Street—said parking spaces meant commerce and people patronizing businesses. He said the town should encourage entrepreneurial businesses such as home based businesses. He called for a change to the zoning laws. He said the current laws were antiquated. He said many other business areas in town had vacancies.

John Bowers—866 Route 34, Colts Neck—thanked Councilman Whelan, Mayor Menna and the entire Council for getting the project this far. He noted that the existing spaces would be lost during construction and suggested a hybrid project that could shorten the construction period. He said a garage would benefit the downtown and said the residents should not pay for it. He suggested an authority be formed and then bond the project. He said the project could be completed in two to three months instead of one and half to two years.

Dan Reardon—said he liked the suggestions made by the Environmental Commission including a 50 foot limit on the height. He said the project should be similar to other buildings around it because something different could set a precedent. He said they should not be looking at parking now but should be looking forward. He noted that parking was not an issue in other parts of town.

William Meyer—12 Monmouth Street—said he agreed with Mr. Bowers that the Borough should find a faster plan. He said he felt the redevelopment plan was a huge mistake. He said the Borough owned it and that there was no need to create legal problems because they could potentially be sued. He said he did not believe the property fit the redevelopment statute. He said they needed to get people to come up with a concept and suggested a pre-cast building. He said he agreed that the project would cost a loss of customers.

Freddie Boynton—365 Shrewsbury Avenue—called for the Council to end the comments and for the Council to take action.

Damon Mertha—39 West Street—said a lot of apartments and condos had been building without proper parking and said it was hurting residents. He asked for checks and measures and suggested that the project should include levels that could be repurposed. He asked the Council to be forward thinking and progressive.

Victor Kuo—Temple, 91 Broad Street—read a prepared statement about the need for a garage that would help business owners to support their families. He said businesses owners were scared and said he was working to stop misinformation. He urged those who were considering voting against the ordinance to talk to business owners. He said there would be more opportunities to kill the project in the future. He called for a vote to move forward.

Councilwoman Burnham said she was aware of the situation. She said she was in favor of a garage but in a different location. She said she wanted it limited to five stories. She said the ordinance had never gone to the Parking Committee.

Mr. Kuo said he understood. He said he believed the residents also needed to understand and become educated about the process.

Councilwoman Burnham called for new input before the vote.

Mr. Kuo said that was why there were attending.

Councilwoman Burnham again said she did not want an eight story structure.

Mr. Kuo said neither do the business owners.

Councilman Zipprich said he, Councilwoman Horgan and Councilwoman Burnham all supported a garage but had concerns about size. He cited the Metropolitan project and said the White Street garage could be double that size.

Mr. Kuo said he would like to see it done the right way.

Anthony Barbera—West Front Street—said the plan was not being approved right now. He said they don't know what it will be but can't move forward without going to the next level.

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

Councilman Whelan offered a motion to adopt the ordinance on final reading, seconded by Councilman Taylor.

Councilman Zipprich questioned the legality of the process and cited possible litigation.

Councilwoman Burnham said she had the same concerns.

Councilwoman Schwabenbauer said she was impressed that they were arguing about how rather than what. She said none of this would preclude a Borough-built garage but said they owed it to the residents to explore every option.

Councilman Zipprich offered a motion to table the ordinance without date certain, seconded by Councilwoman Burnham.

ROLL CALL:

AYES: Burnham, Zipprich

NAYS: Schwabenbauer, Taylor, Whelan

There being two ayes and three nays, the motion failed.

Mayor Menna called for a vote on Councilman Whelan's motion to adopt.

ROLL CALL:

AYES: Schwabenbauer, Taylor, Whelan

NAYS: Burnham, Zipprich

There being three ayes and two nays, the motion was declared approved.

RESOLUTIONS

16-295 Mayor Menna read, "A Resolution Designating West Front Street Partners as Redeveloper for Property Located at 55 West Front Street (Block 30, Lot 10.01) and Authorizing Mayor to Sign Redevelopment Agreement with West Front Street Partners, LLC."

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

ROLL CALL:

AYES: Burnham, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

16-296 Mayor Menna read, "A Resolution Accepting Performance Bond Issued by Riverwalk Commons Red Bank, LLC for 24-30 Mechanic Street, Block 29, Lots 5, 6 & 7."

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

ROLL CALL:

AYES: Burnham, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

16-297 Mayor Menna read, "A Resolution Regarding the 2017 Reorganization Meeting of the Governing Body."

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

ROLL CALL:

AYES: Burnham, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

16-298 Mayor Menna read, "A Resolution to Cancel Balances in Capital Improvement Ordinances."

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

ROLL CALL:

AYES: Burnham, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

16-299 Mayor Menna read, "A Resolution Authorizing Transfer of 2016 Budget Appropriations."

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

ROLL CALL:

AYES: Burnham, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

16-300 Mayor Menna read, "A Resolution Consenting to an Assignment of a Lease of Parking Spaces in the Mechanic Street to Wallace Street Parking Lot – 55 Broad Street."

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

ROLL CALL:

AYES: Burnham, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

16-301 Mayor Menna read, "A Resolution Accepting the Donation of Time and Material to Install a Blue Line on a Portion of Broad Street."

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

ROLL CALL:

AYES: Burnham, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

16-302 Mayor Menna read, "A Resolution for Payment of Bills Amounting to \$1,479,282.47."

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

ROLL CALL:

AYES: Burnham, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

AUDIENCE

Tom Labetti—45 Elm Place—asked if the tax reassessment postcards were sent out by the town or the county.

Mayor Menna said they were sent by the town.

Mr. Labetti asked if anyone reviewed them.

Mayor Menna said the Tax Assessor reviewed them.

Mr. Labetti said, in general, most assessments changed one or two percent but said Highland Avenue had seen an 18% increase and questioned that. He also said all of the properties along River Road had gone down. He said that should serve as a warning that there was something wrong with the automatic 20 % assessment.

Administrator Sickels said they Borough had gone out to bid for the reassessment service but had not awarded the contract. He suggested the numbers may be a result of the recent revaluation and suggested the question should be posed to the Tax Assessor.

Mr. Labetti disagreed.

Mr. Sickels said he could not answer Mr. Labetti's questions because he was not the Assessor.

Mr. Labetti said if the riverfront properties went down and the west side went up, that told him something was wrong. He asked the Council to look into it.

Councilman Zipprich said he had asked the CFO and she had suggested that Mr. Labetti email Tax Assessor Elias.

Mr. Labetti suggested Mr. Elias should be doing a spreadsheet to determine assessments.

Mr. Sickels said Mr. Elias may have initiated the change in assessments.

Ben Forrest—16 Locust Avenue—thanked the Recreation Department for the recent Westside Tree lighting. He also thanked the Council for their patience and perseverance for this long hearing.

Councilman Zipprich thanked him for his comments. He noted they had forgone the Council reports but said he had wanted to commend the Parks and Recreation Department, the Department of Public Works and the Police Department for their efforts of the tree lighting.

Alberto Larotunda—242 Spring Street—said he was attending because he was having an issue with the Water Department and said it was a hidden tax. He said a small leak had been discovered in front of his home. He said he had been presented with a demand that he pay for the repairs that were part of the service line. He said many people believe the main to the shut off is the responsibility of the Water Utility. He said he was disputing the claim and reviewed the reasons including the fact that he had never been provided with a service agreement. He called for the Borough to fix the problem before it got worse and worry about payment later. He said he was being asked to sign off on a repair with the Borough's contractor for an unknown amount. He called for the Water Department to initiate repairs and address other problems after. He also suggested the Borough should have multiple contractor options.

Mayor Menna said he agreed and said they should look into an insurance program for property owners.

Councilman Zipprich said the topic would be discussed at the new Department of Public Works meeting on December 28th.

Mr. Larontunda said he had given information on insurance programs to Council members.

Mayor Menna said he agreed that the issue had been festering for too long and said freezing weather was predicted in the coming days. He said the problem would get worse. He said he was upset that the matter had been lingering for a month and he was only hearing of it now. He said that was unacceptable.

Mr. Larontunda commended the capital improvements and questioned the fact that a private contractor was doing the work. He said it should be covered by insurance or should be a shared expense. He also suggested the Water Department should have skilled employees who could do the work.

Councilwoman Burnham said she had seen the issue all over town.

Mr. Sickels explained that the liability depended on where the leak was. He said the ordinance stated that the homeowner was responsible for the main to the building. He said that language was allowed by State statute.

Councilman Whelan said some homeowner policies may cover the expense.

Attorney Cipriani confirmed that the current ordinance was valid and was allowed under State Statute. She said it was not required and said the Council could take a look at it.

Mr. Larontonda said the ordinance may be valid but said the wording was unworkable. He said the problem was that he could not use a private contractor. He said it also referred to a shut off valve on the resident's property but that he had to be shut off under the road. He also said clarification on what a "service line" was and also the phrase "on your property." He said the homeowner was required to repair something unseen and that they were unable to maintain.

Attorney Cipriani said she needed to review the situation.

Freddie Boynton—Shrewsbury Avenue—said he was aware of a similar situation that had occurred over the summer. He also expressed concern that the company installing the new meters were charging \$30 for a ground wire that was already there and questioned why that was.

Administrator Sickels said the contract was taking a picture before doing any work and if no ground wire was present, they were required to install one. He said, if it was there, there was be no charge.

Mr. Boynton said the wire had been in place when a meter was recently installed at the Masonic Lodge. Mr. Sickels and Councilman Zipprich said they would check the photo on file.

EXECUTIVE SESSION

16-303 Mayor Menna read a resolution to adjourn to executive session to discuss contract negotiations and personnel; possible formal action to be taken.

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

ROLL CALL:

AYES: Burnham, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

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

ROLL CALL:

AYES: Burnham, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

RESOLUTIONS

16-304 Mayor Menna read, "A Resolution Authorizing Execution of Two Advance Retirement Notice Agreements."

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

ROLL CALL:

AYES: Burnham, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

16-305 Mayor Menna read, "A Resolution Authorizing the Sale of Municipally-Owned Property Sold at the Municipal Land Sale of August 30, 2016 and Entry into a Contract for Sale of Real Estate and a Parking Lease Agreement."

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

ROLL CALL:

AYES: Burnham, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

ADJOURNMENT

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

ROLL CALL:

AYES: Burnham, Zipprich, Schwabenbauer, Taylor, Whelan

NAYS: None

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

Respectfully submitted,

Pamela Borghi