

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
MARCH 25, 2015
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor Menna and Council Members Burnham, Horgan, Schwabenbauer, Zipprich and DuPont. (Councilman Murphy participated by phone.)
ALSO PRESENT: Borough Administrator Sickels, Borough Clerk Borghi, Chief Financial Officer Poulos, Attorney O'Hern and Engineer Ballard.

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 4, 2015.

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, Zipprich, DuPont
NAYS: None

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

Proclamation for April 2015 as Autism Awareness Month

Mayor Menna read the proclamation and presented it to Superintendent Jared Rumage and staff members from the Red Bank Middle School. They explained a Blue Light campaign that encourage people to replace their outdoor lights with blue light bulbs for the month of April and handed out blue bulbs to the Council and audience.

RiverCenter Budget Presentation

Mayor Menna noted that the Public Hearing had been carried to this date to meet advertising requirements and asked if there were any further questions for RiverCenter staff.

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, Zipprich, DuPont
NAYS: None

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

15-75 Mayor Menna read, "A Resolution Approving the 2015 Budget of the Special Improvement District of the Borough of Red Bank."

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, Zipprich, DuPont
NAYS: None

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

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, Zipprich, DuPont
NAYS: None

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

WORKSHOP --No Workshop items.

APPROVAL OF MINUTES – March 11, 2015

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

MAYORAL APPOINTMENTS

Joan Rothwell to the Rent Leveling Board as Alternate No. 1 for a three year unexpired term ending 12/31/2017.

Kate Okeson to the Human Relations Advisory Committee as a full member for an unexpired three year term ending 12/31/2016.

Councilman Zipprich offered a motion to affirm the appointments, seconded by Councilwoman Burnham.

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Burnham—reported that the Human Relations Advisory Committee had held their first meeting of the year. She said former Chair David Pascale had returned and thanked the Mayor for the appointment of Ms. Okeson. She said the Committee had reviewed past accomplishments and discussed ideas for the coming year. She said the Board of Health would be having its first meeting next Tuesday. She said the Environmental Commission had met and was working to push forward with bike lane.

Councilwoman Horgan—said the Library Board had met the previous Thursday and noted that they had ended 2014 with a surplus. She did note that a retroactive union salary increase and outstanding 2014 invoices had not yet been included. She said the 2015 budget had been approved by the Board and would be presented to the Council in April. She reported there would be an open house at the Library on April 18 from 12 to 2pm for National Library Week. She also noted that a strategic plan had been approved by the Board at the recent meeting which would start in April and would help the Library look at the needs of the Community. She also reported that the Mayor's Ball Committee had met the previous Saturday and said tickets for the May 1st event were still available and could be purchased online.

Councilwoman Schwabenbauer said the Parks and Recreation Department had had six teams in the Two River Basketball League and said two had won their championship. She said the two winning teams would be recognized at the Council meeting on April 8. She said the Egg Hunt would be on April 11 at noon in Eastside Park. She noted that that was a date change. She also reported that Lacrosse, Baseball and Softball were beginning and registration was underway for Track and Field. She said the next Parks and Recreation public meeting would be the following Monday, March 30th at 7pm.

Councilman Zipprich reported that the Historic Preservation Committee had met the previous evening and were working on their annual report. He said they had also received an update on the T. Thomas Fortune Project former Chair Mark Fitzsimmons. He said the Shade Tree Committee had met on March 12 and reviewed Spring planting, pruning and their Forestry Management Plan. Regarding Department of Public Works, Councilman Zipprich said he wanted to congratulate Terrance Waldon who had recently graduated from the Certified Public Works Manager Program. He said the Department continued to work on the budget and said the Committee had reviewed the current Road Program, the Road Program for the coming year, paving issues for municipal lots, water/sewer repairs and facility repairs. He said they had also discussed the installation of bike lanes on Drs. Parker Boulevard and Bridge Avenue. He thanked Gary Watson, Bobby Holiday, Eugenia Poulos, Stanley Sickels and Christine Ballard for their efforts on the budget.

Councilman DuPont thanked the DPW staff for their efforts in the recent Spring storm. He said he expected they would introduce the budget at the next meeting and thanked all of the Department Heads for coming up with great ideas to achieve a fiscally responsible budget.

Councilman Murphy—reported on a fire that had recently occurred on River Street. He commended the Fire Department and Fire Police for their effort

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from Patrick Trenton for membership to the Navesink Hook and Ladder Company of the Red Bank Volunteer Fire Department.

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

Mayor Menna read a request from Police Unity Tour Chapter 10 to muster in Marine Park between 7am and 9am on Saturday, May 9th then travel to 90 Monmouth Street for a brief wreath laying ceremony before embarking on their annual ride from New Jersey to Washington, DC which had been approved by Special Events Committee.

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

PUBLIC COMMENT—Ordinances on First Reading and Resolutions Only

Linda Cohen—28 Riverside Avenue—asked if the Parking Ordinance would affect Broad Street.

Mayor Menna said it would not.

Meghan McCaffrey—23 Chestnut Street—expressed concern about the impact the ordinance would have on residents on Chestnut Street. She said there were currently issues with the Count Basie Theater with patrons blocking driveways. She called for more enforcement. She said she thought it would hurt long term businesses. She asked for assurance of continued enforcement and again said she thought it would impact residents.

Mayor Menna said he had discussed the issue with many of the residents in the area. He said he was aware of the issues of blocked driveways and was working with the Police Chief to resolve the issue. He agreed that the regulations should be enforced. He said the ordinance would be the first step but it was not comprehensive. He said he also believe the residential parking should be enforced at night.

Crystal Debolt—2 Dye 4 Hair Salon, 140 Monmouth Street—said she was against the ordinance and called for enforcement of the two hour parking regulations. She said she believed the meters would hurt her business. She said she had rented space specifically because it had no meters on the street. She did note that she had seen enforcement earlier in the day.

David Prown—44 Hillside Place—agreed that it was good to see enforcement. He said he understood the Council was trying to help the businesses for when the apartments took occupancy. He asked that they continue the enforcement. He also read a letter from Rachel Decker of Queen Vacuum where she expressed outrage and noted the hardships the businesses had gone through with the apartment and road construction. She noted the bulk of her business was from drop off/pick up or short term customers. She noted the difficulty for customers with vacuums and/or children to travel to a pay station before coming into the businesses. She said she understood the technology but expressed concern about credit card theft. She also said she felt it would make customers rush. She also stressed the need for enforcement.

No one else appearing, Councilman DuPont offered a motion to close the public portion of the meeting, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

ORDINANCES – First Reading

2015-08	Mayor Menna read, “A Bond Ordinance Providing for Various Roadway Improvements by the Borough of Red Bank, in the County of Monmouth, State of New Jersey; Appropriating \$1,610,000 Therefore and Authorizing the Issuance of \$1,533,000 Bonds or Notes to Finance Part of the Cost Thereof.”
2015-09	Mayor Menna read, “A Bond Ordinance Providing for Various Improvements by the Parking Utility of the Borough of Red Bank, in the County of Monmouth, State of New Jersey; Appropriating \$300,000 Therefore and Authorizing the Issuance of \$300,000 Bonds or Notes to Finance the Cost Thereof.”
2015-10	Mayor Menna read, “A Bond Ordinance Providing for Various Improvements by the Water/Sewer Utility of the Borough of Red Bank, in the County of Monmouth, State of New

Jersey; Appropriating \$877,000 Therefore and Authorizing the Issuance of \$877,000 Bonds or Notes to Finance the Cost Thereof."

Mayor Menna noted that all three ordinances were related and asked for a motion to introduce all three.

Councilman Zipprich offered a motion to introduce all three ordinances, seconded by Councilman DuPont.

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

Mayor Menna said the public hearings were scheduled for April 8, 2015.

ORDINANCES – Public Hearing and Final Adoption

2015-05 Mayor Menna read, "An Ordinance Amending and Supplementing Chapter VIII, "Parking Lots and Handicapped Parking Spaces," Sections 8-2.3, "Installation of Parking Meters" and 8.24 "Operation of Parking Meters", Schedule I, Section B-Street Meters."

Mayor Menna noted that there had been a public hearing on March 11, 2015 and several people had commented earlier. He asked if anyone else would like to speak on this ordinance.

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, Zipprich, DuPont.

NAYS: None

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

Councilman Murphy offered a motion to adopt the ordinance on final reading, seconded by Councilman DuPont.

ROLL CALL:

AYES: Murphy, Horgan, DuPont

NAYS: Burnham, Schwabenbauer, Zipprich

Mayor Menna reviewed the history behind the plan and the changes to the area being discussed.

There being three ayes and three nays, Mayor Menna cast the tie breaking vote in favor and the motion was declared approved.

RESOLUTIONS

15-77 Mayor Menna read, "A Resolution Authorizing the County of Monmouth Mosquito Control Division to Conduct Aerial Mosquito Control Operations Within."

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

15-78 Mayor Menna read, "A Resolution Appointing Acting Plumbing Subcode Official."

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

15-79 Mayor Menna read, "A Resolution Authorizing Acceptance of Performance Guarantee regarding Veritas Building, LLC, 59 Maple Avenue, Block 45, Lot 1."

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

PROCLAMATIONS--None.

PAYMENT OF VOUCHERS

15-80 Mayor Menna read, "A Resolution for Payment of Bills Amounting to \$3,249,254.29."

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

OLD BUSINESS

Councilwoman Burnham noted that she had previously brought up the issue of a letter received from the Department of Environmental Protection dated February 18. She said the letter noted it was cc'd to the Mayor and Council and questioned why they had not received it.

Administrator Sickels said he thought it had been distributed with the packet. He reviewed the contents of the letter which stated the Borough's water capacity was inadequate. He noted that it had been reported at the last meeting that it was erroneous and said the correct information had been sent to the DEP. He said they were waiting for a revised letter from the DEP.

Councilwoman Burnham said the letter addressed two different issues.

Administrator Sickels said it was the same thing because one issue resulted in the other.

Councilwoman Burnham asked Engineer Ballard if she would go on record as saying that the Borough of Red Bank did not have a firm capacity issue.

Engineer Ballard said she would.

Councilwoman Burnham asked her to provide it in writing.

Engineer Ballard said she was not the Certified Water Operator which was Tom Branch.

Mayor Menna said the Licensed Water Operator would be the one to certify that.

Engineer Ballard said the number the DEP was reported back to the Borough was physically impossible.

Councilwoman Burnham said they had told her that the number could be the result of a water main break.

Councilman Zipprich asked Engineer Ballard to confirm that she had stated at the last meeting that the number reported had been in error.

Engineer Ballard said the was the case and said the DEP had confirmed that it was an error.

Councilwoman Burnham said she had a letter from the DEP dated March 18, 2015 stating that there was still a problem and that the first part was a mistake but the second part had not been resolved.

Mr. Sickels noted that she was asking him to comment on a letter he had not seen and that she had not shared with him so he said he would not be able to respond. He asked her to provide a copy and he would review it with the Engineer.

Councilman Zipprich asked Mr. Sickels and Engineer Ballard to confer with Tom Branch.

Councilwoman Burnham asked if Mr. Sickels had recently received a letter from New Jersey American Water.

Mayor Menna said he was sure Mr. Sickels received many letters from New Jersey American Water. He asked Councilwoman Burnham to provide him with the letter from the DEP so they could take a look at it and respond appropriately.

Councilwoman Schwabenbauer said Councilwoman Burnham had shared the letter with her and said she had contacted New Jersey American Water to clarify. She said the issue was that New Jersey American Water had provided a backup contingency letter in 2005. She said she found the letter would sunset in 2015 and said she felt that may be why the Borough was receiving these letters. She said she did not doubt that there had been an error which she said may be why there had been back and forth on the issue. She said she felt the core concern was if they had a capacity issue at this time, and if so, how it would be remediated.

Councilman DuPont said the problem with the discussion was that there was correspondence sent to Councilwoman Burnham that was not sent to the Administrator or the Engineer. He said they had also had representation from the Borough Engineer that there was not an issue. He said, in an effort to avoid innuendos, he thought Councilwoman Burnham should supply the document to the professionals so they can respond.

Councilwoman Burnham said she was told that the Borough had two water wells and compared them to two airplane engines in that, when one malfunctioned, the other had to be strong enough to land the plane. She said currently the DEP did not consider that to be the situation.

Councilman DuPont said he thought the Borough Engineer had represented that that logic was in error and again called for her to forward the letter to the professionals.

Councilwoman Schwabenbauer said she agreed.

Councilman Zipprich said he understood Councilwoman Burnham's concerns and noted that that was why they continued to do maintenance and infrastructure improvements on the wells and the water treatment facility.

Administrator Sickels noted that the Borough actually had three wells and noted their locations.

Mayor Menna said the moral was that ex parte correspondence should be shared with the professionals so they could respond quickly.

NEW BUSINESS

None.

AUDIENCE

No one appearing, Councilman DuPont offered a motion to close the public portion of the meeting, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

EXECUTIVE SESSION

15-81 Mayor Menna read a resolution to adjourn to executive session to discuss contract negotiations; no formal action to be taken.

Councilman Zipprich offered a motion to adjourn to executive session to discuss contract negotiations, seconded by Councilwoman Horgan. Minutes to be made public in 180 days.

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

Councilman Murphy excused himself prior to the Executive Session.

Councilman DuPont offered a motion to close executive session, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

ABSENT: Murphy

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

ADJOURNMENT

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

ABSENT: Murphy

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

Respectfully submitted,

Pamela Borghi