

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
APRIL 8, 2015
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Council President Murphy and Council Members Burnham, Horgan, Schwabenbauer, Zipprich and DuPont.

ALSO PRESENT: Administrator Sickels, Borough Clerk Borghi, Chief Financial Officer Poulos, Attorney O’Hern and Engineer Herrmann.

ABSENT: Mayor Menna.

SUNSHINE STATEMENT

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

ROLL CALL:

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

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

Parks & Recreation Awards Presentation

Parks and Recreation Director Memone Crystian said the Department had had six teams in the Two River Basketball League. She noted that two of the teams, the 7th & 8th Grade Girls and the 7th and 8th Grade Boys, had each won their division and were also undefeated. She said they wanted to acknowledge the athletes that were members of the championship teams. She called forward each member and presented them with a trophy.

Council President Murphy congratulated the teams and their coaches on behalf of the Council.

2015 Proposed Budget Presentation

Councilman DuPont explained that Ordinance 2015-07 would allow the Borough to increase the appropriations and put it into surplus.

2015-07 Council President Murphy read, “Borough of Red Bank Calendar Year 2015 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A: 4-45.14).”

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

ROLL CALL:

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

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

Council President Murphy said the public hearing was scheduled for May 13, 2015.

15-76 Council President Murphy read, “A Resolution Authorizing Introduction of 2015 Municipal Budget.”

Councilman DuPont reviewed specifics of the budget.

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

ROLL CALL:

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

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

Council President Murphy said a public hearing on the resolution was scheduled for May 13, 2015.

Public Hearing scheduled for May 13, 2015.

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

WORKSHOP

Councilwoman Burnham said she believe the Council members had received the sign ordinance revision document and asked for comments.

Administrator Sickels confirmed that it had been sent and asked Council members to forward comments before the next Council meeting.

Councilman DuPont asked if it had been sent to RiverCenter for review.

Councilwoman Burnham said once the Council approved it, it would be sent to RiverCenter and the Historic Preservation Commission for comment.

Councilman Murphy asked if RiverCenter would get a chance to review it before the Council approved it.

Mr. Sickels clarified that one ordinance was introduced, it would be forwarded to RiverCenter and the Planning Board for comments.

Councilman Zipprich asked if a copy had been forwarded to the Chair of the Historic Preservation Commission.

Mr. Sickels said, once the Council agreed on the document, it would be distributed for comment before the Public Hearing.

APPROVAL OF MINUTES – March 25, 2015

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

MAYORAL APPOINTMENTS

Frank Corrado to Environmental Commission as a full member to an unexpired three year term expiring 12/31/2017.

Councilman DuPont offered a motion to affirm the appointment, seconded by Councilwoman Burnham.

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

Rose Sestito to Environmental Commission as Alternate No. 1 to an unexpired two year term expiring 12/31/2016.

Councilman Zipprich offered a motion to affirm the appointment, seconded by Councilman DuPont.

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

Kate Triggiano to Environmental Commission as Alternate No. 2 to an unexpired two year term expiring 12/31/2015.

Councilwoman Burnham offered a motion to affirm the appointment, seconded by Councilwoman Schwabenbauer.

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

Erik Yngstrom to Zoning Board of Adjustment as Alternate No. 4 to an unexpired two year term expiring 12/31/2015.

Councilman Zipprich offered a motion to affirm the appointment, seconded by Councilman DuPont.

AYES: Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Burnham reported the Board of Health had met and reviewed the 2015 VNA Contract. She said they were recommending the Council approve the contract pending attorney review. She said the Board would be review the contract and looking into options for Nursing service for 2016.

Administrator Sickels said a copy of the contract and a draft resolution would be distributed for the next meeting.

Councilwoman Burnham also offered a Code Enforcement report for the previous month which included 30 code complaints, 3 overcrowding complaints and 37 inspections of vacant properties. She also offered updates on construction projects underway.

Councilwoman Horgan said the Education/Technology Committee had met and determined there was a need for a full time IT Department. She said there was an ordinance on the agenda to add the positions of IT Director and IT Consultant. She noted that in the past there had been no IT Department and the work had been done by a vendor. She said the change would be cost effective.

Councilwoman Schwabenbauer addressed concerns about the possible added expense with the new positions. She noted that the vendor had often had overtime and explained the estimated total hours of service and the expense of the overtime. She said she felt the full times positions would result in a savings.

Councilman Zipprich asked if the proposal included a disaster recovery plan.

Councilwoman Horgan said it did.

Councilman DuPont said he felt it was time for Red Bank to come into the current century. He said he felt it would help achieve better transparency.

Councilwoman Schwabenbauer reported that the Spring Easter Egg Hunt would be held on Saturday, April 11 at noon at Eastside Park, with a rain date of Sunday the 12th. She said there were also still openings in Girls Softball if anyone wanted to sign up.

Councilman Zipprich reported that the Planning Board had issued a resolution at their last meeting thanking Donna Smith Barr for her over 30 years of service to the Borough. He noted she would be retiring at the end of the month. He said they had also reviewed the downtown historic district ordinance and said members of the Historic Preservation Commission and residents had commented on the importance of protecting the historic fabric of the downtown. He said the Historic Preservation Commission would be presenting to the Zoning Board at a future meeting. He said the Department of Public Works Committee would meet the following week to discuss the transition of the Director and the anticipated the report from Jersey Professional Management. He commended the DPW staff on their efforts to clean up after all of the winter storms. He reported that the Red Bank Borough Education Foundation would be hosting a fund raising event and said they were conducting a raffle.

Councilman DuPont said he had forgotten to thank CFO Poulos and Administrator Sickels for the outstanding job they had done on the budget. He also reported on a report he had read in USA today regarding a contest where a town could win a fireworks display. He asked Administrator Sickels to look into submitting an application.

COMMUNICATIONS AND PETITIONS

Council President Murphy read a request from Carlos Bakery to place two benches in front of their store.

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

Council President Murphy read a request from Red Bank Fire Department to hang a banner on Broad Street from August 15, 2015 to September 14, 2015 to advertise their annual street fair.

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

Council President Murphy read a request from Brian Smith for membership to the Westside Hose Company of Red Bank Volunteer Fire Department.

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

PUBLIC COMMENT—Ordinances on First Reading and Resolutions Only

Council President Murphy opened the public comment portion of the meeting and asked if anyone would like to speak.

Councilwoman Schwabenbauer said she had created a summary of the ordinances with simplified explanations.

Bill Meyer—12 Monmouth Street—suggested Bond Ordinances should be written in plainer language with more detail. He questioned the increases and the bond process.

Sean DiSomma—35 West Street—questioned cost overruns and asked for an explanation.

Administrator Sickels explained that they were really cost overruns but were more accurate expenditures. He reviewed the individual ordinances. He said 2015-11 was an amendment to existing bonds for repairs to the water plants and pump stations from damage in Hurricane Sandy and also for maintenance issues. He said the original amount was based on the Engineer's estimate but the costs were based on quotes from vendors.

Mr. DiSomma asked why the Borough did not get quotes before going out to bond.

Mr. Sickels said it had been based on the Engineer's best estimate. He said they were also looking at what would be covered by insurance or by FEMA. He said they were now at the point where other equipment was starting to fail and they had to act on it.

Mr. DiSomma again asked why the Borough did not get actual quotes instead of estimates. He said it seemed like there were constant cost overruns. He claimed they were no-bid contracts.

Mr. Sickels said there were not no bid contracts and said there was a force account contractor and that they contract had been put out to bid. He said the prices were based on his actual cost. He said a maintenance contract bid had been awarded and said this was the first year they had actually done the work. He again said they had gone out to bid and these were the bid numbers.

Mr. DiSomma said that may have been an isolated incident and asked Mr. Sickels to move on to the next ordinance.

Councilman DuPont asked Mr. DiSomma to acknowledge that he had been incorrect in saying they were no-bid contracts.

Mr. DiSomma said perhaps he had used the incorrect terminology. He said he felt this was the work of people hired at the beginning of the year who were given fees and then came up with cost overruns.

Attorney O'Hern asked Mr. DiSomma to let Mr. Sickels finish.

Councilman DuPont asked Mr. Sickels to continue.

Mr. DiSomma said he was interested in hearing about the substance of the bond.

Councilman DuPont agreed and asked him to understand that the ordinances had been written by Bond Counsel and that the contained warranties and covenants that the Bonding community must have.

Mr. Sickels said 2015-12 involved remedial investigations. He said the original ordinances had been adopted in regard to Sunset Park remediation and reuse. He said a lot of the work had been reimbursed by the DEP. He said there was additional work that had to be done there plus there were remediation issues at the Department of Public Works.

Mr. DiSomma asked what were the issues at Public Works.

Mr. Sickels said testing had revealed there was long term contamination.

Mr. DiSomma asked what the source of the contamination as.

Mr. Sickels said he did not have it in front of him. He said he had a report and the estimate was based on the cost of doing the work.

Mr. DiSomma asked if anyone had read the report and again asked about the source of the ground contamination. He suggested they were just pushing it along without knowing the source.

Councilman DuPont said that was not the case. He said Mr. Sickels stated that the report had been received and read. He said it was contamination over time and noted 75 Chestnut had been in place for many years. He said he assumed that over time there had been oil or gas spills. Based on the report of the Engineer, and in compliance with the DEP, the Borough was taking steps to rectify the situation.

Council President Murphy asked if anyone could obtain a copy of the report.

Mr. Sickels said they could.

Mr. Sickels continued with his explanation noting that there was also contamination regarding an oil tank at the Bellhaven site. He noted there had formerly been a home on the site. He said there was money in the bond for that. He said they had also found issues at Count Basie Field when they had done turf work which was regarding historic fill which had to be remediated due to contamination in the fill from debris that had been dumped there years ago. He said he believed the work had been done but follow up testing was required which was what was being funded in the bond. He said the ordinance would repurpose unexpended funds that were still in the bond to cover the cost of the other remediation work.

Mr. DiSomma asked if an underground fuel tank could be filled with sand.

Mr. Sickels said that could no longer be done.

Mr. DiSomma questioned that response.

Mr. Sickels clarified that it could be done but there would have to be testing showing there was no leakage. He said it was recommended that it be removed.

Councilman Murphy said it would be in the Borough's best interest to remove it.

Mr. Sickels said the tank at Bellhaven had already been removed and they were addressing residual contamination.

Mr. DiSomma asked why the site was of particular interest to the Borough that they would spend \$74,000 to remediate it.

Mr. Sickels said they were not spending \$74,000. He asked Mr. DiSomma to clarify which property he was referring to.

Mr. DiSomma said he realized that was regarding the incinerator and asked why Sunset Park was of particular interest to the Borough.

Councilman Murphy said Sunset Park was the location of the incinerator.

Mr. Sickels said it was also a former landfill.

Mr. DiSomma asked where the fuel tank was.

Mr. Sickels said it was at Bellhaven.

Mr. DiSomma asked how much was being spent.

Mr. Sickels said it would be \$12,000.

Councilman DuPont noted that it was next to neighborhoods and was also next to the river.

Mr. DiSomma asked about the next ordinance.

Mr. Sickels said 2015-13 was regarding bulkhead construction at both the library and at North Prospect. He said the original estimates had been done several years ago. He said, since then, there had been indications of the need to repair storm drainage work at North Prospect. He said, in discussing final design and replacement with the DEP, they found the plan had to be updated to meet flood hazard rules. He said the work would add \$150,000 to the cost for both projects. He said 2015-14 was regarding Marine Park Improvements. He again noted the estimates had been done shortly after Hurricane Sandy so claims could be submitted. He said they reviewed design options to prevent damage in the future and said there was also some additional cost in doing the actual repairs. He reviewed some of the improvements that were being done resulting in an additional cost of \$287,000. He explained that the cost to repair the Tower Hill Radio Tower had increased because it had to be brought to current code for wind resistance and it had to be a heavier tower.

Mr. DiSomma asked what the recreational improvements were at Riverside Gardens Park.

Mr. Sickels said it would be to replace and rebuild the retaining walls and sidewalks, put in stepped wall caps and seating to repair damage from skateboarders, repairing railings and addressing drainage issues.

Mr. DiSomma asked if that would cost \$87,000.

Mr. Sickels said it would. He continued to explain ordinance 2015-14 noting that there had been roof leaks and wear at 90 Monmouth Street. He said there were also heating repairs to done as well as repairs to the flashing and capping of the roof. He said they would be increasing the bond to address those needs. He said some of the bond funding had been used for other projects and the estimate to repair the roof had increased.

Mr. DiSomma asked how much the roof would cost to repair.

Mr. Sickels said the roof, the heating and additional security would be \$400,000.

Mr. DiSomma asked how much the roof portion was.

Mr. Sickels said he did not have it broken down in front of him.

Mr. DiSomma asked if it was a whole new heating system or just repairs.

Mr. Sickels said it was alterations to the system.

Council President Murphy said the building definitely needed to be looked at and said it had been neglected over the years. He said there had been problems with the roof for quite a while.

Mr. DiSomma asked Council President Murphy to estimate the cost to repair the roof.

Council President Murphy said it could cost between \$110,000 and \$140,000.

Mr. DiSomma averaged the estimate to \$125,000 and asked where the other \$275,000 would be going.

Council President Murphy said he was not aware of the construction of the roof and said he was sure there were estimate for the work.

Mr. Sickels said the totals estimate for the roofs of the building was \$375,000.

Mr. DiSomma he strongly recommended they get estimates every time the Borough borrows money. He suggested the information be posted on the website.

Councilman DuPont said the matter was on for introduction and said that, once they were introduced, the information would be on the website.

Mr. DiSomma said the website was difficult to navigate.

Councilman DuPont said through bi-partisan support, they were hiring experts that would be able to address that.

Mr. DiSomma said the headline would be “Red Bank-\$1 million in new borrowing.”

Mr. Sickels noted that it was not new borrowing, but was repurposing.

Councilman DuPont noted that every time they bonded, the Finance Committee looked at the debt coming off and the debt going on and said the debt service had consistently gone down. He said bonding was fiscally prone to good management. He noted the importance of the things that were being bonded for.

Mr. DiSomma said two years ago he had suggested the Council look into privatizing garbage and claimed they had dragged their feet for years and years. He said they could have saved \$2 million over two years and would not have to bond. He said if they had cash reserves, they wouldn’t have to bond. He said this was the first round of bonds for the year and there was another round coming. He said they would have to bond again when certain people retired. He said the Borough had no money in the bank.

Council President Murphy reminded Mr. DiSomma this was public comment on agenda items. He noted there would be an audience portion at the end.

Suzanne Visconti—19 Morford Place—noted that Councilman DuPont had said it was important to clean up near the natural preserve. She asked if that was where the water park was going to go or if it would be kept as a natural preserve.

Council President Murphy said her comment should wait for the public comment if it wasn’t about the ordinance.

Mr. Sickels said the ordinance was regarding cleaning up contamination at the site.

Councilman Zipprich said the natural preserve remained.

Ms. Visconti asked if there was not going to be a water park.

Council President Murphy said there had been no vote on the water park and said it remained as it was.

Kathleen Gasienica—110 Locust Avenue—said she understood the need for an IT person. She suggested the Borough start out with just one Director position to achieve even more savings.

Councilwoman Horgan said the positions would offer coverage during illness or vacation. She also noted there was an enormous amount of work to do. She said the Consultant position would only be eight hours per week.

Ms. Gasienica asked if the position could be used as needed.

Councilwoman Horgan said eight hours would be the maximum.

Councilman Murphy confirmed that the eight hours was not guaranteed and the Director would be in charge of the Department.

Councilwoman Schwabenbauer said the numbers she quoted were based on eight hours a week so it was a worst case scenario.

Ms. Gasienica applauded Councilwoman Schwabenbauer on providing the summaries. She asked for more and that they be provided in advance. She claimed the Council did not have the best reputation regarding transparency. She said she felt all of her questions could be easily answered if the information were available. She said she recalled that the bulkhead bond had been passed on an emergency basis because of a great need at Prospect Avenue. She said it had been bundled in an effort to save money. She said she did not see a lot of action at either location and asked if the Borough was paying a lot to have the money sit around.

Council President Murphy explained that the Borough only pays on the money it borrows so if the bond was just sitting and the Borough wasn't using it, they would not pay on it. He also noted that they had gone back and forth on the bulk head bond for quite some time and things had changed after Hurricane Sandy.

Ms. Gasienica said it was a shame that it had been done as an emergency and nothing had been done. She also said the bulk head at the Library could have been done at no tax payer expense. She also asked about Ordinances 2015-10 and 2015-8 which she said sounded like similar projects.

Mr. Sickels explained that the Public Hearing for those ordinances would be held at the next meeting due to advertising.

Ms. Gasienica asked why they weren't bundled.

Mr. Sickels said three ordinances were for one project but it was three sources of funding. He said it was part of the road program and would include the paving of the parking lot at Borough Hall, parking lot repairs and some water work.

Ms. Gasienica asked about Ordinance 2015-14 and questioned the phrase "various equipment."

Mr. Sickels said it would include the radio tower.

Ms. Gasienica asked for more specifics in the ordinance.

Mr. Sickels said it was a general bond that included many projects.

Ms. Gasienica again criticized the reference to various equipment. She also asked about 2015-12 and said there had been a meeting on August 13 where many people had opposed the project. She said the Mayor had said the Council would review the presentation and there would be a subsequent forum where the result of the deliberations would be made public. She said the town was going out to bond and had put the work out to bid.

Councilwoman Schwabenbauer explained that under 2015-12, the Borough was not borrowing any additional money but was amending language in previous bond ordinances to take money that had already been borrowed and use it for remediation and repair purposes which the previous ordinance would not allow them to do without the language change.

Ms. Gasienica said it specific Bellhaven Park.

Mr. Sickels explained that the previous bond was intended for remediation to Sunset Park. He said they later found contamination in Bellhaven and had money left in the bond so were repurposing the money.

Ms. Gasienica said that was also how they had gotten away with not using the wetland delineations because of the contamination. She said she wasn't questioning whether it was contaminated even though the case was closed 12 year ago.

Council President Murphy said he would say they "got away" with anything.

Ms. Gasienica said it was wetlands. She said, because it was contaminated, they would be allowed to remediate. She discussed the history of the proposed project. She said it was an unhealthy wetlands environment. She suggested they remediate it to a healthy wetlands with a small pocket park with appropriate playground equipment so it would act as to absorb storm surge. She discussed water issues and future storm issues. She also discussed plants that should be used.

Council President Murphy asked if she was still addressing the ordinance.

Ms. Gasienica said she was discussing remediation which was the subject of the ordinance.

Mr. Sickels said they were only addressing the contamination of the fuel oil that was supposedly left when they pulled the tank years ago.

Tamara Cramer—95 Locust Avenue—talked about flooding issues on her property which she said was right across from the Bellhaven property. She said she was concerned about property value.

Councilman Zipprich asked if she had a comment on the ordinances.

Ms. Cramer said she wanted to make sure the remediation was done properly so she did not have flooding in her home.

Mr. Sickels said the ordinance was only allowing them to do clean up.

Ms. Cramer said it was hard for a lay person to understand the ordinances. She said if the information was clarified beforehand, they would know whether or not it applied to them.

Councilman DuPont thanked everyone for coming out. He said the public comments highlights concerns about a water park and the importance of keeping a nature preserve. He said they had heard the need to simplify the bond ordinance language. He noted that they were prepared by bond attorneys but said they would look into having the bond counsel drafting a short synopsis so the public could review. He did note that the Bond Ordinance did have to have specific language but again said it was a good point and said they would ask bond counsel for a synopsis.

Tom V. Williams—85 Locust Avenue—said he had visited the site the day the house was demolished. He said he saw a black spot on the straw and smelled some type of petroleum product. He said he had photographed it and his neighbors had called the DEP. He said the town had been aware of the issue. He said it was supposedly cleaned up at that time. He said he wasn't sure who was responsible for the demolition but again said both the DEP and the town had been aware of the contamination. He said he had been told that when they demolished the house, they had failed to realize there was an oil tank underground and had driven heavy equipment over it. He said he had photographs the Council would like to see them.

Councilman DuPont asked him to give the photos to Administrator Sickels. He said when the work was done there were performance bonds and various representations and contracts. He said he did not know when the statute of limitations would expire but said they would look into it to see if there was an available bond.

Councilman Zipprich asked the approximate year the work was done.

Mr. Williams did not have the exact date. He said he would get the photos to Mr. Sickels.

Bill Meyer—12 Monmouth Street—said there would have been a requirement to show that the utilities had been disconnected before demolition and the oil tank should have been disclosed. He criticized the contractor and suggested taking action. He also questioned who did the inspection. He also complained about the legalese used in the Bond ordinances and asked for simplified explanations.

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

ORDINANCES – First Reading

2015-11 Council President Murphy read, “A Bond Ordinance Amending and Supplementing Bond Ordinance Number 2013-14 Finally Adopted by the Borough Council of the Borough of Red Bank, County of Monmouth, State of New Jersey on July 10, 2013 and Entitled “Bond Ordinance Authorizing Various Water and Sewer Utility Improvements for the Borough of Red Bank, County of Monmouth, New Jersey; Appropriating the Sum of \$205,440 Therefor; Authorizing the Issuance of General Obligation Bonds or Bond Anticipation Notes of the Borough of Red Bank, County of Monmouth, New Jersey in the Aggregate Principal Amount of up to \$205,440; Making Certain Determination and Covenants; and Authorizing Certain Related Actions in Connection with the Foregoing”, to Increase the Total Appropriation and Total Debt Authorization Therein from \$205,440 to \$335,440, and to Amend and Supplement the Purposes and Other Provisions Therein.”

Councilman DuPont offered a motion to introduce the ordinance, seconded by Councilwoman Schwabenbauer.

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

Council President Murphy said the public hearing was scheduled for April 22, 2015.

2015-12 Council President Murphy read, “A Bond Ordinance Amending and Supplementing Bond Ordinance Number 2006-32 Finally Adopted by the Borough of Council of the Borough of Red Bank, in the County of Monmouth, State of New Jersey on June 12, 2006 and Entitled “Bond Ordinance Providing for the Conversion and Development of Municipally Owned Land into a Waterfront Park, by and in the Borough of Red Bank, in the County of Monmouth, State of New Jersey (the “Borough”); Appropriating \$230,000 Therefor and Authorizing the Issuance of \$218,500 Bonds or Notes of the Borough to Finance Part of the Cost Thereof,” as Previously Amended and Supplement by Bond Ordinance Number 2009-42 Finally Adopted on August 10, 2009 and by Bond Ordinance Number 2010-10 Finally Adopted on February 22, 2010, to Amend and Supplement the Purposes and other Provisions Therein.”

Councilman DuPont offered a motion to introduce the ordinance, seconded by Councilwoman Schwabenbauer.

ROLL CALL:

AYES: Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: Burnham

There being four ayes and one nay, the motion was declared approved.

Council President Murphy said the public hearing was scheduled for April 22, 2015.

2015-13 Council President Murphy read, “A Bond Ordinance Amending and Supplementing Bond Ordinance Number 2014-12 Finally Adopted by the Borough Council of the Borough of Red Bank, County of Monmouth, State of New Jersey on May 14, 2014 and Entitled “Bond Ordinance Authorizing Bulkhead Repair and/or Replacement in and for the Borough of Red Bank, County of Monmouth, New Jersey; Appropriating the Sum of \$596,000 Therefor; Authorizing the Issuance of General Obligation Bonds and Bond Anticipation Notes of the Borough of Red Bank, County of Monmouth, New Jersey in the Aggregate Principal Amount of up to \$566,200; Making Certain Determinations and Covenants; and Authorizing Certain Related Actions in Connection with the Foregoing”, to Increase the Total Appropriation Herein from \$596,000 to \$796,000 and the Total Debut Authorization Therein from \$566,200 to \$758,000, and to Amend and Supplement other Provision Therein.”

Councilman DuPont offered a motion to introduce the ordinance, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: Burnham

There being four ayes and one nay, the motion was declared approved.

Council President Murphy said the public hearing was scheduled for April 22, 2015.

2015-14 Council President Murphy read, “A Bond Ordinance Amending and Supplementing Bond Ordinance Number 2013-15 Finally Adopted by the Borough Council of the Borough of Red Bank, County of Monmouth, State of New Jersey on July 10, 2013 and Entitled “Bond Ordinance Authorizing the Acquisition of Various Capital Equipment and the Completion of Various Capital Improvements in and for the Borough of Red Bank, County of Monmouth, New Jersey; Appropriating the Sum of \$1,669,900 Therefor; Authorizing the Issuance of General Obligation Bonds or Bond Anticipation Notes of the Borough of Red Bank, County of Monmouth , New Jersey in the Aggregate Principal Amount of up to \$1,586,405; Making Certain Determinations and Covenants; and Authorizing Certain Related Actions in Connection with the Foregoing”, to Increase the Total Appropriation Therein from \$1,669,900 to \$2,469,900 and the Total Debt Authorization Therein from \$1,586,405 to \$2,352,000, and to Amend and Supplement the Purposes and other Provisions Therein.”

Councilman DuPont offered a motion to introduce the ordinance, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: Burnham

There being four ayes and one nays, the motion was declared approved.

Council President Murphy said the public hearing was scheduled for April 22, 2015.

2015-15 Council President Murphy read, “An Ordinance Amending and Supplementing Chapter II, “Administration, Article IV, Administrative Offices”, for the Purposes of Creating New Position of Director of Information Technology.”

Councilwoman Horgan offered a motion to introduce the ordinance, seconded by Councilwoman Schwabenbauer.

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

Council President Murphy said the public hearing was scheduled for April 22, 2015.

2015-16 Council President Murphy read, "An Ordinance Establishing Salaries or Wages of Officials and Employees of the Borough of Red Bank, in Monmouth County."

Councilman DuPont offered a motion to introduce the ordinance, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

Council President Murphy said the public hearing was scheduled for April 22, 2015.

ORDINANCES – Public Hearing and Final Adoption

RESOLUTIONS

15-82 Council President Murphy read, "A Resolution Authorizing Acceptance of Performance Guarantee Regarding Terra Fund III, LLC, 9 Catherine Street, Block 75.03, Lots 48.01 and 53."

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

15-83 Council President Murphy read, "A Resolution Accepting Bids for Supply and Delivery for Certain Water Purification Chemicals."

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

15-84 Council President Murphy read, "A Resolution Authorizing the Manasquan Customers Group to Intervene in the Matter of New Jersey American Water Company's Petition to the Board of Public Utilities for a Rate Increase."

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

15-85 Council President Murphy read, "A Resolution Amending the 2015 Temporary Appropriations."

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

PROCLAMATIONS

Council President Murphy read a proclamation proclaiming April 2015 as Child Abuse Prevention Month in the Borough of Red Bank.

Councilwoman Burnham read a proclamation proclaiming April 6-12, 2015 as Public Health Week in the Borough of Red Bank.

Councilwoman Horgan read a proclamation proclaiming April 12-18, 2015 as Library Week in the Borough of Red Bank.

Councilwoman Schwabenbauer read a proclamation proclaiming April 2015 as Jazz Appreciation Month in the Borough of Red Bank.

PAYMENT OF VOUCHERS

15-86 Council President Murphy read, "A Resolution for Payment of Bills Amounting to \$803,817.08."

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

OLD BUSINESS

Councilwoman Burnham asked for an update on the Primary School Access Road.

Administrator Sickels said it was included in the Road Program. He also noted that the Borough had received a Community Development Block Grant from Monmouth County to be used toward the construction. He said they had met with the School Board to discuss plans for the road. He discussed the reason for the need including major tragedies such as 9/11 as well as situations like a stabbing incident and other incidents that had occurred at the school. He said there were also concerns about people accessing the school by bicycle or foot. He said it was felt that an emergency lane would be advantageous. He said it would be for emergency use only, wide enough for two vehicles but striped for one and would have a sidewalk. He said it would make sense for the Borough to take over right away but details were still under discussion.

Councilman Murphy clarified that it would offer a second means of egress which would be used during emergencies.

Mr. Sickels said the project also involved connecting a water line on River Street to Locust Avenue for improved water flow.

NEW BUSINESS

AUDIENCE

Barbara Boas—135 Branch Avenue—noted that there had been proclamations on the agenda for Public Health Week and Library Week, she said she want to note that the upcoming Mayor's Charity Ball would be raising funds for both the Library and the Parker Family Clinic. She said there were still a few tickets available and they were also still collecting ads. She said the event would be May 1st at the Oyster Point.

Kathleen Gasienica—110 Locust Avenue—said when the American Littoral Society had done a report on the property at the end of Locust Avenue with the leaking oil tank, they had seen DEP records stating that the case had been remediated and closed. She said she had the information and would give it to the Borough.

Administrator Sickels said it had been a condition that the remediation had to be approved by the DEP and he said it had been done and said the Borough had a "no action" letter.

Ms. Gasienica said she understood that the Borough had received a letter from the DEP that the Borough had exceed its water supply firm capacity and said she also understood it had been based on a data entry error. She discussed the limited supply of water on the earth and noted the drought conditions in California. She also noted previous water restrictions that had been in place in our area. She suggested the Environmental Commission could educate residents on reducing water consumption. She suggested Red Bank could be an environmental leader and said it was a quality of life issue. She also asked how much T&M had been paid for the Bellhaven design. She also pointed out that a resolution had been passed years ago officially naming the park as the Bellhaven Nature Area and suggested the proper name should be in the bond ordinances and resolutions. She said she knew the design was \$50,000 which was for a sprinkler park that she said was technically infeasible. She criticized the choice of planting material. She said she understood that it was currently out to bid and questioned why the modified design had not been shared and asked to see it.

Paul Balanikas—73 Wallace Street—welcomed Councilwoman Schwabenbauer. He said he was confused by Ordinance 2015-12 regarding contamination. He said there had been testimony by a long time resident that there had been contamination at the time of demolition and asked if the Borough had known about it at the time.

Mr. Sickels another resident had also reported that the DEP had been contacted, had investigated and had said it was okay. He said that was the Borough's understanding. He said, since that time, they had done soil testing which indicated more contamination. He said he did not know where the contamination came from but again noted that the DEP had been notified, had supervised the clean-up and closed the case.

Mr. Balanikas asked for confirmation that the matter was being revisited because the Borough had found more contamination.

Mr. Sickels said soil samples and testing that had been done at the site in preparation for the park had disclosed contamination. He said he could not say if it was from the original tank, another tank or something that had been dumped at the property.

Mr. Balanikas asked if the estimate was \$12,000 for the remediation of that section of property.

Mr. Sickels said he believed that was the outside estimate for the remediation including testing, analysis and restoration.

Mr. Balanikas asked if it would include everything or was it just an initial estimate.

Mr. Sickels said he believed it was for everything regarding the remediation.

Mr. Balanikas said the Borough had a lot of history of over costs and said he would not want to see it go out for bond again.

Mr. Sickels noted that Borough also had a lot of history of under costs which came in under the Engineer's estimate which was why there was extra money in the bond

Mr. Balanikas said he still had concerns about contamination that was found when they had built Borough Hall and there was still no number for what those contamination costs were.

Mr. Sickels said there were costs incurred when tanks had been found that were not on the plans and they had paid for those removals. He said he did not understand the comment that they didn't know what the costs were.

Mr. Balanikas said, when they had asked eighteen years ago about the remediation of the building, they had never gotten a straight answer.

Mr. Sickels said did not remember him asking.

Mr. Balanikas said a flat roof should have lasted 25 years and felt it was premature.

Mr. Sickels said it was not a flat roof and offered specifics of the type of roof and special circumstances of the equipment installed on the roof.

Mr. Balanikas asked, in regard to 2015-13 which concerned the bulkheads, what specification had changed.

Mr. Sickels said they had added the rebuilding of the storm drain from North Prospect to the River which he said had been quite involved.

Mr. Balanikas asked if that had not been included in the original bond.

Mr. Sickels said it had not.

Mr. Balanikas asked why it had not been included.

Mr. Sickels said the original estimate had been done three or four years ago and had been erosion and collapsing of the storm drain during that time. He said as they began work, they had found other problems and offered details on work that had been done to improve the design.

Councilwoman Burnham said she thought the bond had been done last year and that it had been an emergency because of the water problem. She said she thought that would have been included.

Mr. Sickels said it had been in there but that they had found more problems underground that had to be addressed and added manholes and containers to stabilize it. He said there were also design changes required by the DEP.

Mr. Balanikas asked if the bond was for only Prospect Avenue.

Mr. Sickels said it was for both bulkheads.

Mr. Balanikas asked what additional work had to be done at the Library bulkhead.

Mr. Sickels said he did not know if there was any additional work to be done there other than DEP changes due to new criteria.

Mr. Balanikas asked when that criteria had come out.

Mr. Sickels said he did not have that information.

Mr. Balanikas called for more due diligence before going out to bond. He also reported that there were parking and speeding issues on Wallace Street and the surrounding neighborhood. He said he assumed it was associated with the valets. He asked for patrols in the area.

Council President Murphy noted the Police Chief was in the audience and would follow up.

Councilwoman Burnham said she thought it was an ongoing problem. She called for a stop sign at Wallace and Washington streets.

Councilman DuPont said the Chief would evaluate.

Jane Hussey—60 Leighton Avenue—said work was being done on her street and a cross walk had been installed in front of her house. She said the work had taken a parking spot. She said parking was difficult in the area and said they had not been notified. She said it took the spot needed for the nurse attending to her handicapped daughter.

Council President Murphy asked if the crosswalk was in the middle of the street or at the corner.

Ms. Hussey said it was in the middle.

Mr. Sickels said he was not aware of the change and asked for her address to refer the matter to the Borough Engineer.

Sean DiSomma—35 West Street—questioned the estimates for the roof, heating and security.

Mr. Sickels said he thought the roof and some siding totaled \$375,000. He said he did not have it in front of him.

Council President Murphy asked if it was all accessible information.

Mr. Sickels said he would get the preliminary estimates would be put on the website.

Mr. DiSomma suggested they wait for the final numbers before going out to bond and asked what would happen to the extra money if it came in under.

Mr. Sickels said they had to put money in the bond to design the specs to do the roof. He said from there it would go out to bid. He noted that anything over \$36,000 had to go out to bid. He reviewed the bidding process noting they were based on estimates.

Mr. DiSomma asked why the money was in the account to do the work.

Mr. Sickels said the work came about as a result of a hurricane that they had not planned for.

Mr. DiSomma asked why they didn't have the money for the specs in reserve.

Mr. Sickels said they bond for the expense because the costs were varied. He said they did not have a reserve for unanticipated projects.

Mr. DiSomma suggested that was what a reserve was for.

Mr. DiSomma criticized the money spent on a water park.

Mr. Sickels said there was no water park. He said it was a park with a water feature. He also noted that the money spent on the design was for the total park, not just the water feature.

Councilman DuPont said he wanted to address Mr. DiSomma's statements that the Borough should just write a check for the estimate or that they should spend money from the reserve. He said that was not fiscally good management or good use of tax payer money. He said they had increased surplus over the course of time. He said the bonds introduced at this meeting had received unanimous support with the exception of Councilwoman Burnham. He accused Mr. DiSomma of criticizing the spending without understanding the process.

Mr. DiSomma said he was not questioning the spending but was questioning why they were bonding for the estimate. He asked if it was because they had no money and were broke.

Attorney O'Hern said Mr. Sickels had answered Mr. DiSomma's question and noted it was a public comment section. He said Mr. DiSomma did not need to argue with or yell at the Council. He asked him to make his comments with decorum.

Mr. DiSomma said over the last two years the Borough could have outsourced the garbage and saved \$2 million which would have paid for everything voted on at this meeting.

Councilman DuPont asked Mr. DiSomma to not throw out numbers without any facts and accused him of grandstanding.

Mr. DiSomma asked how many more bond were planned over the next month or two, or for the remainder of the year.

Councilman DuPont said that was like asking Mr. DiSomma how many checks he would write. He said they plan and try to stretch their money. He reviewed the various financial programs of the Borough but said the number of bonds was not a fair question because they could not anticipate unforeseen

circumstances. He asked him to appreciate the fact that the Council had introduced a budget with bi-partisan support.

Mr. DiSomma asked what the total tax increase was projected to be as of right now.

Councilman DuPont said the budget that was introduced was not final.

Councilman DuPont said the total budget had increased 3.2 percent.

Mr. DiSomma asked if the revenue had dropped due to lower assessments.

Councilman DuPont said assessments had dropped almost five percent.

Mr. DiSomma said they were looking as another tax increase and the town continued to borrow.

Councilman DuPont said those were assumptions and that they should rely on facts. He said it was an introduced budget and it could go down further. He also noted that the municipal portion was a small portion of tax bill and that the Board of Education was over 60 percent of the bill.

Freddie Boynton—365 Shrewsbury Avenue—said he spoken to Stanley Sickels and Gary Watson about a situation with sanitation trucks. He said a lot of them were operating with bald tires and no back up alarms. He called for Councilman Zipprich to inspect the trucks. He said many of the vehicles were unsafe.

Mr. Sickels said a truck had been brought to his attention and said it had been taken out of service. He also noted that the drivers were responsible for inspecting and citing any safety issues. He noted requisitions had been done for repairs but noted the Borough was still on temporary budget. He said once the budget was adopted they would be able to order inspections and updates for all of the trucks. However, he continued, anything found unsafe would be addressed right way.

Mr. Boynton said the staff was doing the inspections but said they were not going through the chain of command. He said the foremen should not be allowing the trucks out.

Councilman Zipprich asked if it was not the responsibility of the driver to make sure the truck was safe.

Mr. Sickels said it was.

Mr. Boynton again said the drivers were completing the sheets but they were not getting turned in.

Mr. Sickels said the driver could risk his CDL license by taking an unsafe truck out.

Mr. Boynton asked if the driver that had been driving the unsafe vehicle that he had reported had been disciplined or written up.

Councilman O’Hern said that was a personnel issue that Mr. Sickels could not comment on.

Council President Murphy said they would look into it.

EXECUTIVE SESSION

15-89 Council President Murphy read a resolution to adjourn to executive session to discuss personnel; possible action to be taken.

Councilman DuPont offered a motion to adjourn to executive session to discuss personnel, seconded by Councilman Zipprich. Minutes to be made public in 180 days.

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

15-87 Council President Murphy read, “A Resolution Appointing Information Technology Director.”

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

15-88 Council President Murphy read, "A Resolution Appointing Information Technology Consultant."

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

ADJOURNMENT

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

ROLL CALL:

AYES: Burnham, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

Respectfully submitted,

Pamela Borghi