

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
APRIL 22, 2015  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENT:** Mayor Menna and Council Members Murphy, Burnham, Horgan, Schwabenbauer and DuPont.

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

**ABSENT:** Councilman Zipprich.

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

**ROLL CALL:**

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

**NAYS:** None

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

**Library Budget Presentation**

Library Director Elizabeth McDermott presented the library’s annual report and reviewed how the library was funded and how the money was budgeted for library services. She explained the services offered by the library and noted improvements that had been made of the past year including returning to offering Saturday hours and expanding their budget for materials.

Mayor Menna thanked her for her presentation and thanked the staff, the Friends of the Library organization and the patrons. He also thanked Councilwoman Horgan who serves as liaison to the Library Board of Trustees. He noted that library would be one of the beneficiaries of the Mayor’s Ball and said it looked like the fundraising would exceed their expectations.

Councilman DuPont praised the efforts of the library staff and of the Friends of the Library. He reviewed details of their successful fundraising and also noted the increase in users.

**RESUME REGULAR ORDER OF BUSINESS**

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

**ROLL CALL:**

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

**NAYS:** None

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

**WORKSHOP**

**APPROVAL OF MINUTES – April 8, 2015**

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

**ROLL CALL:**

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

**NAYS:** None

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

**MAYORAL APPOINTMENTS**

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilman Murphy reported that the Red Bank Volunteer Fire Department had received an award from Middletown Township at one of their recent Committee meetings to commend the Department for assisting with coverage. He said he and Chief DeFazio had attended. He noted that many of Red Bank's firefighters had been in Rumson assisting with a fire at the time of the presentation.

Councilwoman Burnham had no report.

Councilwoman Horgan reported that the Friends of the Library group was coordinating the 8<sup>th</sup> Annual Town wide Yard Sale on May 2 from 9 am to 3 pm with a rain date of May 3. She said participants could register on line or at the library. She also reported that the Red Bank Charter School would be partnering with Little Doctors program and the Lakewood Blue Claws for a Blood Drive on May 1 at the Charter School.

Councilwoman Schwabenbauer reported that Track and Field would begin April 27 and said they were still accepting applications. She said Summer Camp information was being released on May 18. She said they were also beginning registration for fall soccer. She noted there would be a Memorial Day service on May 25 at 11am at 51 Monmouth Street. She also reported that three proposals had been received for Marine Park. She said the Committee would be meeting to discuss and will be setting up a timeline for evaluation and public input.

Councilman DuPont reported that there would be a public meeting of the Finance Committee on Wednesday, May 6, at 6:30 pm where the public would be able to review the budget and offer comments and ideas before the May 13 Council meeting where it was scheduled for adoption.

### **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from the Red Bank Volunteer Fire Department to close Broad Street from Peters Place to West Front Street and Monmouth Street from Broad Street to Maple Avenue to hold their annual street fair on Sunday, September 13, 2015 from 10am to 4 pm.

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, DuPont

NAYS: None

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

Mayor Menna read a request from Biro Venus Medical Spa, 321 Broad Street, to hold an Open House on Thursday, May 7, 2015 from 6-8pm.

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, DuPont

NAYS: None

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

Mayor Menna read requests from Pilgrim Baptist Church, 172 Shrewsbury Avenue, for the following:

- A. Community Clean Up Day, May 16<sup>th</sup>, 9:30am to 2pm on Leighton Avenue, Dr. James Parker Blvd. and Shrewsbury Avenue).
- B. Annual Community Unity & Bike Blessing Festival, June 6<sup>th</sup>, 11am to 5pm with closure of Leonard Street.

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, DuPont

NAYS: None

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

Mayor Menna read a request from Lunch Break to hold their annual picnic/softball community event at Count Basie Field, on Sunday, August 16, 2015 from 12pm to 6pm, with a rain date of August 23, 2015.

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, DuPont

NAYS: None

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

### **PUBLIC COMMENT—Ordinances on First Reading and Resolutions Only**

Mayor Menna opened the public comment portion of the meeting and asked if anyone would like to speak.

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, DuPont

NAYS: None

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

### **ORDINANCES – First Reading**

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

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.”

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

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

ROLL CALL:

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

NAYS: None

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

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

Councilwoman Burnham asked when the work from last year’s program would completed, specifically at Washington and Canal streets.

Administrator Sickels said work had stopped due to weather and they had since resumed work.

Engineer Ballard said work had also been delayed because work had to be done at the railroad crossing.

Councilwoman Burnham again asked specifically about Washington Street.

Councilman Murphy explained that the contract mobilizes in different areas throughout the project.

Councilwoman Burnham questioned the order in which the streets were done. She also asked why the language was exactly the same in Ordinances 2015-8, 2015-9 and 2015-10.

Engineer Ballard explained that the Ordinances were being done to fund one project through three different bonds.

Administrator Sickels clarified that the work was being done by one contract but noted it was being funded through three different funding sources.

ROLL CALL:

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

NAYS: None

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

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.”

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

William Meyer—12 Monmouth Street—asked why the bond was being done when he thought there was money in the Parking Utility.

Mayor Menna said it was being done at the recommendation of the Bond Counsel, the Auditor and the CFO because the life of the improvements were within the usable life of the bond. He explained that the interest would be paid out of the Parking Utility.

Mr. Meyer asked the CFO what the balance sheet showed in regard to liquid assets in the Parking Utility asking if there was money sitting around that could be used to pay for the improvements.

CFO Poulos said there was not that much and said the interest rate was so low it was preferable to spread it out.

Councilman DuPont asked Mr. Meyers if he was suggesting that they should pay cash rather than bond for the expense.

Mr. Meyer questioned the Attorney costs and again questioned the need for a bond.

Councilman DuPont explained that the expenses associated with the bond were less than two percent.

Mr. Meyer said he wanted to know the total amount.

DuPont said the cost associated with the bond was less than one to two percent.

Mr. Meyer said he still believed they should operate from the Utility account and also said he felt the Council should know the exact costs if they were going to vote on it.

Mayor Menna said there was not \$300,000 in the account but told Mr. Meyer his point was well taken.

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

ROLL CALL:

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

NAYS: None

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

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

ROLL CALL:

AYES: Murphy, Horgan, Schwabenbauer, DuPont.

NAYS: Burnham

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

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

William Meyer—12 Monmouth Street—again asked about the costs associated with the bond and said he wanted an exact number.

Mayor Menna said the answer would be the same which was approximately one to two percent over the bond.

Mr. Meyer said he wanted real numbers.

Mayor Menna explained how to calculate the number.

Mr. Meyer asked where on Bridge Avenue the work would be done.

Engineer Ballard said it was from Chestnut Street to Drs. Parker Boulevard.

Mr. Meyer asked if that was in connection with any development that had recently been done.

Engineer Ballard said it was not.

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

ROLL CALL:

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

NAYS: None

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

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

ROLL CALL:

AYES: Murphy, Horgan, Schwabenbauer, DuPont.

NAYS: Burnham

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

2015-11 Mayor Menna 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.”

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

William Meyer—12 Monmouth Street—asked if the town would be increasing the capacity of the pumps.

Engineer Ballard said they were not because there was no need. She said increasing the size of the pump would not increase the size of the capacity.

Mr. Meyer said he had seen something about a concern about whether the capacity of the Borough’s Water Supply was adequate.

Engineer Ballard said that matter was unrelated to the bond ordinance being discussed. She said the ordinance was concerning repairs from damage to the Bodman Place Pump Station during Hurricane Sandy and offered details on the repairs to be made.

Mr. Meyer asked for details on how the pumps had been damaged during the storm.

Engineer Ballard said a log had gotten in and there had also been water infiltration due to too much rain water.

Mr. Meyer asked for confirmation that it had nothing to do with the capacity issue.

Engineer Ballard said it was addressing the sewer system.

He asked if the water capacity issue had been straightened out.

She said she believed a letter had been received by the Administrator.

Mr. Sickels confirmed that the Borough had received a letter acknowledging the errors in calculations and said they were setting up a follow up meeting with the DEP.

Mr. Meyer asked if the letter was over a year old.

Mr. Sickels said the letter had been received in February or March.

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

ROLL CALL:

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

NAYS: None

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

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

ROLL CALL:

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

NAYS: None

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

2015-12 Mayor Menna 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.”

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

Suzanne Viscomi—19 Morford Place—asked if a decision had been made on what type of park would be going into the property noting that the ordinance referenced a “Waterfront Park.”

Mr. Sickels said no decision had been made on design. He noted that the ordinance was to provide funding for remediation of contamination on the property. He noted that they had acquired additional land and that it would fall under Green Acres.

Ms. Viscomi said she thought it was good they were getting more Green Acres land.

Councilman Murphy clarified that they were talking about two properties. He said Sunset Park was the waterfront park being reference in the ordinance.

Mr. Sickels confirmed and said the ordinance was being amended to allow them to use the funding for remediation at additional properties.

William Meyer—12 Monmouth Street—asked if this was related to the matter that had been discussed at the last meeting regarding an oil tank that had been removed.

Engineer Ballard said it was partially related.

Mr. Meyer noted that he had asked that the public be fully apprised of the results of any investigation into the matter.

Engineer Ballard said when they receive Green Acres funding or Monmouth County Open Space funding they were required to do a preliminary assessment and they had pulled those files. She said they had found in the construction documents that there had been a heating oil tank that had been leaking and that it had been removed. She said they had not found a close out letter so had done testing. She said new DEP rules require remediation.

Mr. Meyer said someone had stated that they had personal knowledge of the situation and photos.

Mr. Sickels said he believed the same individual said he had seen a “no further action” letter.

Mr. Meyer said he believed it an impact has caused the tank to spill the contractor should be held accountable.

Councilman DuPont said the Engineers would go back and try to recover any expenses.

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

ROLL CALL:

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

NAYS: None

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

Councilwoman Burnham said she thought Kathleen Gasienica had said she had a copy of a close out letter.

Councilman DuPont said Engineer Herrmann was going to look into that.

Councilman Murphy asked if the Borough had received such a letter.

Councilman DuPont said the Borough had a copy of the letter.

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

ROLL CALL:

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

NAYS: None

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

2015-13 Mayor Menna 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.”

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

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

ROLL CALL:

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

NAYS: None

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

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

ROLL CALL:

AYES: Murphy, Horgan, Schwabenbauer, DuPont.

NAYS: Burnham

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

2015-14 Mayor Menna 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."

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

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

ROLL CALL:

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

NAYS: None

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

Councilwoman Horgan offered a motion to adopt the ordinance on final reading, seconded by Councilwoman Schwabenbauer.

ROLL CALL:

AYES: Murphy, Horgan, Schwabenbauer, DuPont.

NAYS: Burnham

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

2015-15 Mayor Menna 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."

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

Tom Labetti—45 Elm Place—said he had 20 years of experience in IT. He said he was voicing his opposition and said he felt the duties should be the responsibility of existing employees. He said the additional work should be outsourced to a third party. He again stated he did not feel the Borough needed a full time position.

Mr. Labetti said he would.

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

ROLL CALL:

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

NAYS: None

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

Councilwoman Horgan thanked him for his comments. She said the problem with outsourcings was that it hadn't been working and that they needed someone full time. She said she was not aware of any for profit or nonprofit entity that would not have some type of IT department within their organization. She said she felt it was needed and the Department Heads had expressed their desire. She said the Committee had not

come to the decision quickly and again said she felt it was needed and the lack of such support had cause a lack of productivity which wasn't good for the staff and wasn't good for the public. She said she felt they were doing the right thing.

Mr. Labetti again said the matters should be handled by people already on staff and said they should not be hiring someone on the administrative level just because the Borough had not done the job of vetting the right people.

Councilwoman Schwabenbauer asked Mr. Labetti if he would still advocate outsourcing if it would be more expensive and offer less hours of service.

Mr. Labetti said he would. He again suggested the Borough should hire the right people. HE compared outsourcing to fixing a roof. He said he felt they should be addressing the issue long term.

Councilwoman Horgan said they felt that was what they were doing.

Councilman Murphy noted that IT was a fairly new field and reviewed the Borough's history with in house staff and out sourcing. He said in reality it was not a part time job. He said everyday brought a different challenge. He noted that the Borough was constantly upgrading and technology was constantly changing. He said the Council supported having full time IT and noted that it was not the only town in the area to do so. He said the position wasn't about fixing what was broken, it was about having full time support since everything today was driven by computers. He also noted that once a roof was fixed, it was done and wouldn't change. He noted technology was always changing.

Councilman DuPont said Mr. Labetti raised some good points but said the Borough had been bandaging its IT system for years and had had complaints. He said it was important to have an IT system that worked and outlined some of the Borough's vital systems. He said he had supported outsourcing for years, but said it hadn't worked. He said he had seen other towns hire IT staff. He said the Borough was also looking at outsourcing the position to surrounding towns. He said the Borough need to get more information online and said he felt transparency outweighed the cost.

William Meyer—12 Monmouth Street—asked for confirmation that the service would be shared.

Mayor Menna and Councilman DuPont said it was possible.

Councilwoman Horgan offered a motion to adopt the ordinance on final reading, seconded by Councilwoman Schwabenbauer.

**ROLL CALL:**

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

NAYS: None

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

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

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

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

**ROLL CALL:**

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

NAYS: None

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

Councilwoman Horgan offered a motion to adopt the ordinance on final reading, seconded by Councilwoman Schwabenbauer.

**ROLL CALL:**

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

NAYS: None

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

## **RESOLUTIONS**

15-90 Mayor Menna read, "A Resolution Awarding Contract to Visiting Nurse Association to Provide Public Health Services."

Mayor Menna said the contract had been referred to the Board of Health to review.

Councilwoman Burnham said the Board of Health had reviewed the contract and recommended approval. She said they had asked the VNA for details of the service provided but had not heard back.



Mayor Menna recommended that a formal letter should be written asking for a detailed report so they could compare services.

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, DuPont

NAYS: None

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

15-91 Mayor Menna read, "A Resolution Releasing Performance Guarantee Regarding Dina Enterprises, Inc., 9-11 Spring Street, Block 23, Lot 1."

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, DuPont

NAYS: None

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

15-92 Mayor Menna read, "A Resolution Authorizing MW Red Bank, LLC to Have Motor Vehicle Statutes Made Applicable to Premises at Edmund Wilson Plaza, Bridge Avenue, Block 37, Lot 6.02, Red Bank, New Jersey."

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, DuPont

NAYS: None

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

15-93 Mayor Menna read, "A Resolution Accepting and Adopting the Monmouth County Municipal Joint Insurance Fund's 2015 Safety and Compliance Program."

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, DuPont

NAYS: None

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

15-94 Mayor Menna read, "A Resolution Authorizing Participation in Section 1033 Program for Procurement of Federal Surplus Property from the Department of Defense and Delegating Authority for Local Administration of Participation in the Program."

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, DuPont

NAYS: None

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

15-95 Mayor Menna read, "A Resolution Appointing Special Law Enforcement Officers Class I."

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

Councilwoman Burnham asked how many Class One Officers the Borough currently had.

Chief McConnell said they had one at this time which was currently assigned to Parking. He said the three on the resolution were total separate and would be assigned to the parks.

Councilwoman Burnham asked if they would just be for the summer.

Chief McConnell confirmed that the three in the resolution were just for the summer and again noted there was one permanent part time officer that was currently assigned to the Parking Utility.

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, DuPont

NAYS: None

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

15-96 Mayor Menna read, “A Resolution Authorizing Approval of Sidewalk Cafes.”

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, DuPont

NAYS: None

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

15-97 Mayor Menna read, “A Resolution Authorizing Tax Credit/Refunds Totaling \$3,432.30 Due to Judgments of the Tax Court of New Jersey.”

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, DuPont

NAYS: None

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

15-98 Mayor Menna read, “A Resolution Accepting Bids for Chestnut Street Water Treatment Plan Chemical Feed Improvements.”

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, DuPont

NAYS: None

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

15-99 Mayor Menna read, “A Resolution Amending the 2015 Temporary Appropriations.”

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, DuPont

NAYS: None

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

## **PROCLAMATIONS**

Mayor Menna read a proclamation proclaiming April 24, 2015 as Arbor Day in the Borough of Red Bank.

Mayor Menna read a proclamation proclaiming April 22, 2015 as Earth Day in the Borough of Red Bank.

## **PAYMENT OF VOUCHERS**

15-100 Mayor Menna read, “A Resolution for Payment of Bills Amounting to \$3,136,923.99.”

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Schwabenbauer, DuPont

NAYS: None

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

## **OLD BUSINESS**

Councilman DuPont reported that a letter had been received from the Department of Transportation stating that the Borough would receive \$240,000 to repair East Bergen Place. He credited the Engineer for her efforts and noted that 630 applications had been received and only a few had been selected of which Red Bank was one.

## **NEW BUSINESS**

Councilwoman Burnham said, in the interest of transparency, the Borough should provide paper copies of ordinances on Public Hearing.

Mayor Menna noted they were on the website.

Councilwoman Burnham said not everyone looked at the website and asked that eight to ten copies be provided at the hearings.

Borough Clerk Borghi said she would provide the copies and said they had only stopped doing it because they were throwing all of the copies out after the meeting. She said the ordinances were on the website, posted on the bulletin board in the hallway and one copy was on the table in the meeting room but said she would start making the copies again.

Councilwoman Burnham asked her to just make eight copies.

Borough Clerk Borghi said they would provide copies for ordinances on the agenda for a Public Hearing.

## **AUDIENCE**

Michael Ballard—190 River Street—said he wanted to talk about road improvements and said the intersection of Leighton Avenue and Drs. Parker Boulevard was horrific. He asked if there were plans to address the intersection.

Engineer Ballard said she thought it was included in this year's Road Program.

Mayor Menna said it was.

Councilman DuPont said work was on-going and he should see things happening soon.

Councilman Murphy said they had also been doing gas main improvements.

Mr. Ballard asked about the time frame for the repairs.

Engineer Ballard said they were beginning work right now.

Mayor Menna said he and the Police Chief had been attending Pedestrian Safety meetings and said they were looking at putting a four way stop in that area. He said there were issues with getting DOT approvals.

Councilwoman Schwabenbauer said she agreed with the pothole issues.

Councilman Murphy said there had also been issues regarding work on gas mains by NJ Natural Gas. He said there was supposed to be an agreement that they would pave half of the road when their work was complete. He said there had been complaints from residents on DeForrest Avenue. He said he went and looked at the street and said it looked like many other streets that had had work done by NJ Natural Gas but said he understood why they were upset to see the road torn up after it took so long to get paved. He said he believed the temporary paving would not last. He noted ongoing problems with NJ Natural Gas including doing unauthorized work.

Mr. Sickels said he would be meeting with the Borough Attorney to review the situation and would be sending out follow up communication.

Mayor Menna said he knew the Borough Attorney was working on the matter and it may be something that should be discussed in Executive Session because it may involve litigation. He said there was another concern about the Road Opening permits which he said should be done by resolution unless it was an emergency.

Attorney O'Hern said they were also supposed to post security in relationship to the work. He confirmed that he would be meeting with the Administrator on the issue.

Councilwoman Burnham said she had received calls from residents about concerns with the work including their gas being shut off and the utility digging too close to gas lines.

Robert Ender—Middletown—said he was appearing on behalf of the Red Bank Clay Courts Tennis Foundation and the newly formed group known as the Save Marine Park Tennis Group. He said he was present to proclaim the group's interest in the selection and review process for the proposals for that area of Marine Park. He said many people were not aware that a proposal had been put out but said, as tennis players had learned of it, there had been a lot of interest in the destiny of the area and also from non-tennis players. He requested that they be kept in the loop regarding the selection and review process.

Mayor Menna asked if his group had submitted a proposal.

Mr. Ender said they had not.

Mayor Menna noted that there was a tennis association that had submitted and could Councilwoman Schwabenbauer had been following through with those who had submitted. He noted that the Borough had followed the requirements regarding advertising for the proposals.

Mr. Ender said it was an independent gentleman who would be using his own resources.

Mayor Menna again reviewed the proposal process that had to be followed and said they could not deviate in any way.

Attorney O'Hern explained the process the Borough had to follow and explained that the Borough could not negotiate with private parties. He said they were welcome to participate during the public comment period.

Mr. Ender said they would like to have a dialog with the Council about possibilities for the parcel that would involve tennis.

Councilwoman Schwabenbauer said there would be public hearing to give the public an opportunity to comment or ask questions before any action would be taken.

Mayor Menna asked Mr. Ender to leave his contact information with the Chair of the Committee.

Tom Labetti—45 Elm Place—said he and his family had attended a great function at the Primary School the previous night called Community Night. He said he wanted to thank the Borough Departments that had participated including the Police and Fire Departments. He compared the event to the National Night Out event. He praised the principal and his staff on coordinating the event.

Robert Ender said he wanted to acknowledge people in the audience who were in support of tennis and asked them to raise their hands.

No one else appearing, Councilman DuPont offered a motion to close the audience portion of the meeting, seconded by Councilwoman Schwabenbauer.

**ROLL CALL:**

AYES:            Murphy, Burnham, Horgan, Schwabenbauer, DuPont

NAYS:           None

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

### **EXECUTIVE SESSION**

15-101            Mayor Menna read a resolution to adjourn to executive session to discuss property acquisition; no possible action to be taken.

Councilman DuPont offered a motion to adjourn to executive session to discuss property acquisition, seconded by Councilwoman Schwabenbauer. Minutes to be made public in 180 days.

**ROLL CALL:**

AYES:            Murphy, Burnham, Horgan, Schwabenbauer, DuPont

NAYS:           None

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

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

**ROLL CALL:**

AYES:            Murphy, Burnham, Horgan, Schwabenbauer, DuPont

NAYS:           None

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

### **OLD BUSINESS – continued**

Councilwoman Burnham said she had another item for Old Business. She asked if Councilmembers had reviewed the proposed sign ordinance. Some said they had not finished and others said they had questions. Councilwoman Burnham suggested questions be directed to Zoning Officer Donna Barr.

Councilwoman Schwabenbauer said RiverCenter had expressed an interest and asked if they would get a chance to look at it.

Mayor Menna said they would.

Councilwoman Burnham said they had commented on in previously and it would also be going to the Historic Preservation Commission for their review.

### **ADJOURNMENT**

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

**ROLL CALL:**

AYES:            Murphy, Burnham, Horgan, Schwabenbauer, DuPont

NAYS:           None

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

Respectfully submitted,  
Pamela Borghi