

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
DECEMBER 16, 2015
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor Menna and Council Members Lee, Burnham, Horgan, Schwabenbauer, Zipprich and DuPont.

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

SUNSHINE STATEMENT

Mayor Menna requested the minutes reflect that, in compliance with Public Law 1975, Chapter 231 (Open Public Meetings Act), notice of this meeting has been provided by notifying the Asbury Park Press, the Two River Times and the Star Ledger and by placing a notice on the bulletin board and filing same with the Borough Clerk on January 4, 2015.

WORKSHOP

Count Basie Parking Lot

Councilwoman Schwabenbauer said the subject of safety in the Parking Lot at Count Basie Field had been raised in the Parks and Recreation Citizen Advisory Committee meetings. She reviewed the layout of the lot and said the Committee had met with the Police Chief and Borough Engineer to develop a plan for improvements to the lot. She said the plan called for opening an alternate route of egress for a right turn only exit onto Pearl Street. She said the existing entrance would remain two way. She said the cost was estimated at \$15,000 and it would be classified as a parking improvement. She said there was funding in the budget and the Committee would like to move forward.

Councilman DuPont noted that he was familiar with the lot and said it was a great suggestion. He said in light of the fact that there was funding in the budget, he said it was a wonderful opportunity. He also asked if Red Bank Catholic (RBC) would share in the cost.

Mayor Menna said they would have to discuss it with them. He said he felt the Borough’s partnership with RBC was the best thing that happened for the park.

Mayor Menna said he also felt it was a great idea and said a resolution would be added to the agenda.

Bulkhead Project Award

Mayor Menna noted that the successful bidder on the bulkhead project had backed out. He said the Council had the option of going into litigation to force the successful bidder to do the work at the indicated price but that could take up to three years with no guarantee of winning. He noted the legislators have allowed bidders to back out for mathematical errors. He said the project had been a long, extended process and it was difficult for the people that lived in the affected area with the deteriorating bulkheads. He recommended they move forward and award the bid to the second lowest bidder.

Councilman DuPont said he agreed noting the potential cost of litigation. He cited the need to complete the project.

Councilwoman Burnham asked when the project had gone out to bid.

Attorney O’Hern said he believed the bids were opened in November.

Mayor Menna noted the issue had been discussed for two years but said the bids were opened in November.

Councilman DuPont said he would be willing to offer a motion to go with the second bidder.

Councilwoman Burnham asked when the project would start.

Engineer Ballard said there was lead time for the materials and estimated the work could start in a month.

Parking Contribution Moratorium

Mayor Menna noted the moratorium on contributions to the Parking Fund would expire at the end of the year. He reviewed the need to continue with the moratorium but said a decision on underlying ordinance should be made by the full Council when the newly elected members take office. He said it would be unfair to let it expire and recommended a 90 day extension to give the new Council sufficient time to review the issue.

Councilman DuPont said he felt 90 days was too short. He said it demonstrated the need for a parking garage and said it also discouraged businesses from coming into town. He said the Borough would take money that they had little or no plan on how to use. He said he did not think letting the moratorium expire would promote business in any way. He also said he was not aware of any other municipality collecting a parking fee. He said Red Bank was a destination town and was filled with culture, restaurants and retail. He said they had to make

sure that they had a parking plan adding that he did not think the moratorium would achieve that. He said he thought the new Council would need more than 90 days to review the issue and said he felt that the extension should be for a year.

Councilwoman Burnham reviewed the previous extension and said she felt a year was too long. She felt the new Council could get caught up on the matter and make a decision within 30 days. She criticized the lack of Parking Committee meetings.

Councilwoman Schwabenbauer said she felt 90 days was just right. She said she appreciated the Mayor's sentiment that they want to let the incoming Councilmen weigh in on the matter. She said she also appreciated Councilman DuPont's sentiment that the new members should have time to get up to speed. She said she didn't think it would take a year, but she agreed that it should be extended.

Councilman DuPont said the reason he felt it should be a year was because he felt everyone needed to hear both sides of the story with respect to businesses, residents and professionals. He again said he did not think 90 days was enough.

A discussion followed on the timeframe of the extension.

Councilman Zipprich asked how it would impact current applicants.

Mayor Menna said it wouldn't and reviewed the application process. He noted they could always extend it again and said the important thing was to send the message the Red Bank was open for business. He confirmed that the Council consensus was to extend the moratorium for 90 days.

APPROVAL OF MINUTES – November 23, 2015

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

ROLL CALL:

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

NAYS: None

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

APPROVAL OF MINUTES – November 30, 2015

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

ROLL CALL:

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

NAYS: None

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

APPROVAL OF MINUTES – December 2, 2015

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

ROLL CALL:

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

NAYS: None

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

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Lee had no report.

Councilwoman Burnham reported on a member of the Friends of the Library member that had recently passed away. She said donations in memory of Catherine Boyd could be made to Friends of the Red Bank Public Library, Riverview Hospital or another charity of their choice. She said the group also decided to set up a scholarship fund for graduating Red Bank Regional High School student who planned to pursue a degree in English, Creative Writing, etc. She also reported on "A Night to Remember" at Calvary Baptist Church in memory of Janelle Melton on Friday, December 18 at 6:30 pm. She said she was also looking into parking signage similar to the ones at Red Bank Lofts and reviewed details of the signs and where they would be placed. She also asked that signs regarding Morgan Stanley be removed from the Eastside lots because their offices were gone.

Mayor Menna said he felt if there was no tenant the signs should be taken down. He also added that he did not feel the Borough should have signage for a particular business.

RiverCenter Director James Scavone spoke from the audience to clarify that the Morgan Stanley offices were still in place.

Mayor Menna said, in regard to the permit parking spaces held by a private business, he had previously requested that the Parking Utility develop a standard sign that simply noted that spaces were reserved for a specific time for permit parking but also noting that they would be available to the public after that time.

Councilwoman Horgan reported that the Library's annual fund drive appeal was out and said the money would go toward hiring more employees in an effort to expand hours. She noted there was also a resolution on the agenda to hire a permanent part-time librarian which would be a big help.

Councilwoman Schwabenbauer reported that the new Recreation Director, Charlie Hoffmann, had started that day. She said he had reported that the Department had had a team meeting and were already planning events for the spring including a Father/Daughter dance. She reviewed details of the event.

Councilwoman Burnham noted she had three daughters and felt that the event should have a different name for those girls that didn't have fathers in their lives.

Councilwoman Schwabenbauer said Councilman Zipprich has suggested "Sweethearts Ball." She also reviewed other events planned for the spring including an adult "Couch to 5K" event.

Councilman Zipprich suggested the event could be incorporated into the Mayor's Wellness Program.

Councilman Zipprich reported that the new DPW Director, Clifford Keen, was settling in and had been working closely with retiring Director Watson. He thanked Mr. Watson for his dedication to the Borough as both a member of the Police Department and Director of Public Works. He offered an update on the new lime feed building and thanked Engineer Ballard for her efforts. He also reported lighting had been restored to Marine Park but added that restoration was not complete and he looked forward to the full repair in the coming year. He also confirmed that the bulkhead project would be awarded to a different contractor as discussed earlier. Regarding the Shade Tree Committee, he reported that the group was monitoring an infestation and was also working on the five year forestry management plan. He said the Historic Preservation Committee would be meeting after the Christmas holiday and would be discussing their annual report. He said there would be a meeting the following night at the Red Bank Middle School at 7pm to discuss the proposed expansion of the Red Bank Charter School. He also bid farewell to Councilmembers Lee and DuPont. He thanked them both for helping Red Bank prosper and for their service to the Borough. He said he looked forward to working with the new Council members after the first of the year.

Councilwoman Burnham asked if the Borough was still using the services of Tom Branch.

Councilman Zipprich said he was currently still in the position.

Councilwoman Burnham asked if he wasn't supposed to be gone.

Administrator Sickels noted that Mr. Branch was an hourly employee as back up Water Operator. He said Mr. Branch would continue to serve as the back up Water Operator. He said the new Public Works Director would become the primary Water Operator.

Councilwoman Burnham said she thought it was the understanding that Tom Branch was going to be leaving which was why the Borough was paying the new DPW Director more money.

Administrator Sickels said Tom Branch was a part time hourly consultant to the Water Utility and formerly served at the primary Water Operator. He said the Borough had a schedule with the DEP to bring the Borough's water license to full time status. He said they had accomplished this with the new Director but said they were also required to have a backup. He said Mr. Branch would continue to serve in an hourly part time basis as a backup operator.

Councilwoman Burnham asked if that was what he was now.

Mr. Sickels said he currently served as the primary.

Mayor Menna reviewed the DEP regulations regarding having a secondary water operator.

Councilman DuPont questioned if they should be discussing personnel issues in public.

Councilman DuPont noted this was his final meeting and said he felt the Borough's employees were its greatest asset. He commended the Police and Fire departments. He spoke of his pride in the Borough and credited the Borough employees. He praised CFO Poulos for her efforts and also recognized Administrator Sickels, Engineer Ballard, Attorney O'Hern and Borough Clerk Borghi. He thanked the residents for the privilege to serve and said it had been an honor. He urged his fellow Council members to make Borough business their number one priority and to avoid political dogma and to not be controlled by anyone other than their own conscience.

Councilwoman Horgan said she also wanted to thank Council members DuPont and Lee. She said it had been a privilege to serve with them and thanked them for all they had done.

Councilwoman Lee noted she had said farewell to the Borough previously and said they could not have done what they had done without their support staff. She credited the Borough Clerk, Mayor, Attorney, Engineer, CFO and Administrator for their assistance. She also thanked her fellow Council members from both parties. She said ultimately they were all neighbors. She implored the new Council members to respect the seats they would be filling. She called for respect of the Borough employees and for the town.

Mayor Menna said he had asked Councilwoman Lee to return to service because of her insightful wisdom and her grace. He noted their long friendship going back to grammar school. He said her stepping in at a difficult time was much appreciated. He also thanked Councilman DuPont for his friendship and wisdom. He noted the importance of a picture on the wall of his office that was of himself, Councilman DuPont and former Councilman Art Murphy from when they had all run together when he was first elected Mayor. He praised his accomplishments in the Finance Committee.

Mayor Menna reported that he had received a resignation from Zoning Board member Chris Ferrigine citing work commitments. He noted that Mr. Ferrigine's term expired 12/31/2018. He said was appointing Raymond Mass to the position. He noted Mr. Mass was currently a member with a term expiring on 12/31/2015. He said Mr. Mass had resigned his current position and would be filling Mr. Ferrigine's unexpired term.

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

ROLL CALL:

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

NAYS: None

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

COMMUNICATIONS AND PETITIONS

None.

PUBLIC COMMENT—Ordinances on First Reading and Resolutions Only

Mayor Menna opened the public comment portion of the meeting.

Mayor Menna asked if anyone else would like to speak.

James Scavone—Executive Director of RiverCenter—thanked the Council for the resolution to extend the parking moratorium. He said they appreciated it and he looked forward to working with the new members of Council. He thanked Councilman DuPont for suggesting the moratorium be extended for a year. He said they appreciated the 90 day extension but wanted the Council to realize the wonderful impact the moratorium had had on the downtown. He said, if there was one thing he had to single out that helped the revitalization, it would be the moratorium. He said he had been asked to go to Ocean County to talk about Red Bank's revitalization and said the Borough was the envy of so many New Jersey municipalities. He reviewed the importance of the moratorium at a time of economic crisis. He said RiverCenter would support Councilman DuPont's suggested time frame of one year. He called for delving into the process and clarifying the parking fees and the moratorium. He also noted that Red Bank didn't have corporate ownership or large developers like other municipalities did. He said they just had a group of property owners. He said it was things like the moratorium that gave Red Bank an advantage and an edge. He urged the Council to reconsider the time frame. He said they were very appreciative of the Council's willingness to extend it and that they looked forward to working with the new Council.

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

ROLL CALL:

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

NAYS: None

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

ORDINANCES – First Reading

2015-29 Mayor Menna read, "An Ordinance of the Borough of Red Bank, Monmouth County, Amending Chapter XX "Water and Sewer", Sections 20-3 "Water Department" and 20-4 "Sewer Department" of the Revised General Ordinances of the Borough of Red Bank."

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 Councilman Zipprich.

ROLL CALL:

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

NAYS: None

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

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

ROLL CALL:

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

NAYS: None

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

2015-30 Mayor Menna read, "An Ordinance Amending and Supplementing Chapter VII, "Traffic", Section 7-10.1. "No Left Turn Prohibition" of Revised General Ordinance of the Borough of Red Bank."

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 Councilman Zipprich.

ROLL CALL:

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

NAYS: None

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

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

ROLL CALL:

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

NAYS: None

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

2015-31 Mayor Menna read, "An Ordinance Vacating a Portion of Washington Street in the Borough of Red Bank, Monmouth County, New Jersey."

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 Councilman Zipprich.

ROLL CALL:

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

NAYS: None

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

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

Councilwoman Burnham asked who had been in charge of the storm water drain throughout the years.

Administrator Sickels said it was a municipal drain.

Councilwoman Burnham asked if the Borough had been taking care of that every year.

Mr. Sickels said the Borough had done it periodically.

Mayor Menna said it had not been done every year because the only property being affected was Riverview Medical Center.

Councilwoman Burnham noted the hospital was under a Payment in Lieu of Taxes (PILOT) agreement and said they had recently bought two more revenue generating buildings and taken them off of the tax roll. She said she was tired of giving things away to nonprofits. She said it might be smarter to hang on to the street and use it for negotiation.

Councilman DuPont noted there was a court case that meant there would no longer be a PILOT.

Councilwoman Burnham said she felt the current PILOT needed to be renegotiated and Washington Street should be discussed.

Councilman DuPont said he did not think that would be a proper way to negotiate a resolution. He suggested they should meet with Riverview to review the court decision.

Mayor Menna agreed with Councilman DuPont. He said there was currently a PILOT in place. He also noted the Court decision was complex and very technical in nature. He added that the case would be a road map for how the issues would be resolved. He said there was the need for confidential discussions with the property owner. He said the medical institution was a gem in the community that employed 600 people and provided the economic fulcrum for a lot of businesses. He said the Borough had to have a certain degree of sensitivity in its discussions and they should be kept confidential. He said Councilman DuPont was correct and said there would be a changed road map for how the matter would be handled. He said it would take a great deal of negotiation, empirical knowledge and exchange of information. He said no one was using the street except for Riverview and noted there was a methodology in the statute that said if the municipality was not using a paper street, they should give it to the adjacent property owner.

Councilwoman Burnham said the Borough had been using it.

Mayor Menna said they had given the Borough money for an alternative.

Councilwoman Burnham asked about Union Street.

Councilman DuPont said they were currently discussing Washington Street.

Councilwoman Burnham again said she was tired of giving nonprofits things.

Councilman DuPont said he had been railing again the issue for his nine years on Council noting that the Borough had 16.1 percent nonprofits and said the Borough lost \$1.2 million in tax revenue.

Councilwoman Burnham said she felt he should understand her concern about giving more away.

Councilman DuPont said he did not feel they were giving it away. He said the decision reflected the fact that the Borough did not use the street and it was a cost to the Borough. He said it had nominal if any value and said he felt it was a business decision that was in the best interest of the Borough.

ROLL CALL:

AYES: Lee, Horgan, Schwabenbauer, Zipprich, DuPont

NAYS: Burnham

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

2015-32 Mayor Menna read, "An Ordinance Making the Provision of Subtitle 1 of Title 39 Pursuant to N.J.S.A. 39:5A-1 of the Revised Statutes of New Jersey Applicable to the Riverview Medical Center."

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 Councilman Zipprich.

ROLL CALL:

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

NAYS: None

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

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

ROLL CALL:

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

NAYS: None

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

2015-33 Mayor Menna read, "An Ordinance of the Borough of Red Bank, County of Monmouth, New Jersey Amending and Supplementing Chapter 490-69, Planning and Development Regulations, Performance Guarantee."

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 Councilman Zipprich.

ROLL CALL:

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

NAYS: None

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

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

ROLL CALL:

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

NAYS: None

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

ORDINANCES – Public Hearing and Final Adoption

RESOLUTIONS

By Consent Agenda

- 15-309 A Resolution Releasing Performance Guarantee and Accepting Maintenance Guarantee Regarding 100 NSR, LLC, 100 Newman Springs Road, Block 97.01, Lots 42 and 43.

- 15-310 A Resolution Authorizing the Execution and Entry into a Developer's Agreement between Metrovation Anderson, LLC and the Borough of Red Bank.
- 15-311 A Resolution Authorizing the Execution of an Extension of the Financial Agreement between Habcore, Inc. and the Borough of Red Bank with Respect to Properties Located at 119 River Street and 212 Pearl Street.
- 15-312 A Resolution to Amend the Time and Date of the 2016 Reorganization Meeting of the Governing Body.
- 15-313 A Resolution Authorizing Change Order No. 2 Related to the Contract with Lucas Construction Group Inc. for the 2015 Road Improvement Program.
- 15-315 A Resolution to Approve the Hiring of Permanent Part Time Librarian.
- 15-316 A Resolution Requesting Authorization to Cancel Stale Dated Checks.
- 15-317 A Resolution Commending Mary Kouvel.
- 15-318 A Resolution Authorizing Transfer of 2015 Budget Appropriations

Councilwoman Horgan said she wanted to point out that Resolution 15-312 would move the Reorganization meeting from January 1 to January 2.

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna said he wanted to thank Habcore for agreeing to the extension of their PILOT.

15-314 Mayor Menna read, "A Resolution Authorizing the Mayor and Clerk to Execute a Grant Agreement with the New Jersey Department of Environmental Protection Green Acres Program (Count Basie Park Phase III)."

Councilwoman Burnham noted the Borough was in Stage III of the Count Basie Park and said she was not a fan of the turf. She said she did not play sports but recognized that other people in town did and wanted that type of field. She said the town was putting a lot of money into Count Basie Park for sports. She noted that Maple Cove was used for kayaking and Marine Park had been a site for tennis for many years. She said the Borough had a donation of a half million dollars to redo the tennis courts. She said she felt they were ignoring Marine Park and letting it go while putting money into Count Basie Park.

Mayor Menna noted Councilwoman Burnham was making a statement, not addressing the resolution. He asked if she was in favor of the resolution. She said she was.

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

ROLL CALL:

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

NAYS: None

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

15-319 Mayor Menna read, "A Resolution to Extend the Temporary Suspension of the Parking Deficiency Schedules in the Borough's Planning and Development Regulations During Economic Emergency."

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

ROLL CALL:

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

NAYS: None

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

15-320 Mayor Menna read, "A Resolution Withdrawing Award of Contract to Compass Construction, Inc. for the North Prospect Avenue Bulkhead and Library Bulkhead Replacement Project; and Awarding Said Contract to Precise Construction, Inc."

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

ROLL CALL:

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

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

15-321 Mayor Menna read, "A Resolution for Payment of Bills Amounting to \$2,049,196.05."

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

ROLL CALL:

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

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

AUDIENCE

Stephen Hecht – 135 Branch Avenue – asked where the Borough stood with continuing or withdrawing from the revaluation project.

Mayor Menna said they were waiting for a recommendation from the Borough's Assessor and Attorney. He said they had until April 27.

Mr. Hecht asked the Mayor to confirm that the Borough was waiting for a recommendation from the Tax Assessor on whether or not to pursue the program.

Mayor Menna said they were waiting for a recommendation from the Tax Assessor on whether they should opt out.

Mr. Hecht asked if they should have an independent opinion.

Mayor Menna said he was independent.

Mr. Hecht disagreed.

Councilman DuPont said Mr. Hecht raised a good point but added that, even if the Borough chose to opt out, they couldn't do so until 2017. He said it was his recommendation that the Borough should opt out completely and said the relationships did not pass the smell test.

A discussion followed regarding options for Tax Assessor services and the reasons to consider opting out.

Administrator Sickels said the Borough had not contracted with anyone to do Phase II. He said informational meetings had been scheduled for the first week of January. He said based on that information, they would be making a recommendation to the Council in the early part of the year.

Mr. Hecht asked if the Borough was in any way obligated to continue in the program.

Mayor Menna said they were.

Mr. Hecht said, in that case, not having contracted wasn't the issue.

Mr. Sickels said there were benefits to the program for the Borough to reduce tax appeals. He said they needed more information to weigh their options.

Mr. Hecht asked when the options would expire.

Mayor Menna said they would have to make a decision by April of 2016.

Councilman DuPont suggested Mr. Hecht bring the issue back up in January.

Attorney O'Hern clarified that they were discussion contractual obligations. He said the obligation for the Borough to participate in the Assessment Demonstration Program was statutory not contractual. He said Monmouth County was chose for a five year demonstration program. He said at the end of the five years, the legislature could end it.

Mr. Hecht asked about municipalities that had made a point to opt out.

Mayor Menna said they hadn't opted out of the program but out of the way the program was being administered.

Councilman DuPont said only a couple of towns had opted out and noted Red Bank had adopted a resolution questioning the program.

Simmee Crystian—32 Leighton Avenue—said he had questions for Councilwoman Schwabenbauer regarding Parks & Recreation. He asked how she planned to address the sudden decline in participation by minorities and the economically disadvantaged within Parks & Recreation programs. He also asked why many of the programs and events normally attended by minorities in the community had been cancelled or overlooked.

Councilwoman Schwabenbauer noted there was a new Recreation Director. She said one of the criteria used when interviewing for the Director was to ask what their plan was to involve everyone in Red Bank. She said they based the selection criteria on the answers they received. She said one reason they chose the current Director was because he had the most creative and far reaching means to bring everyone together.

Mr. Crystian asked if she was aware that participation had declined over the last six months. He offered to read statistics.

Councilwoman Schwabenbauer asked where he had gotten the statistics.

Mr. Crystian said he would explain where they came from after he read them.

Councilwoman Schwabenbauer asked if he was talking about an overall decline in participation or just minorities.

Mr. Crystian said he was talking about minorities. He said he would read his statistics and she could address them.

Councilwoman Schwabenbauer said she probably would not be able to address them since she had not read them and did not know the source. She said she was willing to listen.

Mr. Crystian said the Count Basie 365 Concert Series which had taken place over the past several years on the west side did not take place this year and asked for the reason why.

Administrator Sickels said it may have had to do with the untimely resignation of the Recreation Director who had been instrumental in that program.

Mr. Crystian said there had been a Director up until a month ago.

Councilwoman Schwabenbauer clarified that there had been an Acting Director.

Mr. Crystian claimed that was semantics and said that person had worked in the Department for four years. He added that he had heard Mr. Sickels praise her for being able to run the Department on her own. He again said she was a Director.

Councilwoman Schwabenbauer said she had filled in for the Borough.

Mr. Sickels also noted that people instrumental in developing the program such as former Councilwoman Lewis were no longer with the Borough. He said there had also been budget concerns.

Mr. Crystian said that was not true.

Mr. Sickels said it was.

Councilwoman Schwabenbauer said she took his point. She said she had had conversations that day with the new Director about some things that had fallen through the cracks.

Mr. Crystian said he wanted to know why.

Councilwoman Schwabenbauer said one thing that had fallen through the cracks was the ceremony to light the tree in the west side park. She said it wasn't done this year because they had been without a Recreation Director for a few weeks.

Mr. Crystian said that was not true and referenced when the Director first left.

Councilwoman Schwabenbauer said she was referring to when the Acting Director left.

Mr. Crystian said it should have been planned in advance.

Councilwoman Schwabenbauer said she had planned and budgeted for it which was why the tree was now lit. She said they just hadn't had the ceremony.

Mr. Crystian asked why the traditional ceremony had not taken place.

Mr. Sickels said the Westside Tree Lighting was actually sponsored by the Westside Community Group. He said it was their program and the Borough assisted.

Mr. Crystian disagreed and said it had originally been their program but had been solely undertaken by Recreation for the last three years. He accused the Council of passing the buck and said he was going to be there for a while.

Councilwoman Horgan disagreed with his representation that they were passing the buck.

Mr. Crystian said he would be attending all Council meetings in the coming year.

Councilwoman Schwabenbauer said she thought that was wonderful and asked if he would like to participate to help make things happen.

Mr. Crystian spoke of his extensive experience with the department and said he was upset it had gone downhill over that last six month. He itemized several other programs that he said had been cancelled.

Mr. Sickels asked Mr. Crystian to submit his list of complaints so the Borough could address them.

Mr. Crystian said he was going to address them at this meeting.

Councilwoman Schwabenbauer asked if he was also aware of new programs that had been implemented.

Mr. Crystian claimed that they had been in the works before the Director had left.

Councilwoman Schwabenbauer said she wasn't addressing who put them on but that they had happened.

Mr. Crystian again claimed that the activities that had been dropped were programs that minorities participated in. He continued to list programs that he said had been cancelled. He asked if Councilwoman Schwabenbauer if she could explain why.

Councilwoman Schwabenbauer said she was not going to be able to address his complaints but said he was welcome to continue.

Mr. Crystian continued to list programs including a basketball program led by the Jersey Fusion organization.

Mr. Sickels said he had spoken with the organizer the previous day and she had said that the workshops were going on now.

Mr. Crystian agreed and offered statistics on participation in basketball teams particularly racial make-up. He offered history on the teams.

Mr. Sickels asked what Mr. Crystian thought the reason was that there had been a decline in minority registrations.

Mr. Crystian said he felt it was because of the Borough's registration deadline dates and the need for fees to be paid up front. He also criticized the communication outreach. He offered more statistics on participation and compared participation in Red Bank to that in other towns. He said he was familiar with the teams because he had assisted as a coach.

Councilwoman Horgan asked if the Council could have a copy of what Mr. Crystian was reading from and said she thought it would be helpful.

Mr. Crystian said he would email it to everyone.

Mayor Menna announced that he had another engagement and would be excusing himself from the meeting.

Council President Horgan stepped in to preside. She asked if there were any other comments from the audience.

Jimmy Dark and Belinda Dark—48 West Sunset—said they had called Public Works the previous Friday regarding leaf pick up. She said she understood they were scheduled for leaf pick up on Thursdays and Fridays. She said she had been told that the leaves had not been picked up because work was being done on Leighton Avenue. She said she had told them that was not the case. She said she had called back and was told they were out picking leaves up. She said the leaves were not pick up until the following Monday and questioned why they weren't pick up according to the schedule especially since the staff was no longer being used to pick up trash.

Councilman Zipprich said Public Works staff had been doing leaf collection throughout the town for the previous two weeks. He said they were not on schedule but had made every effort to get as many leaves collected as they could as timely as they could. He said they were behind schedule.

Ms. Dark asked why they were behind schedule.

Councilman Zipprich said it was due to the amount of leaves that were out throughout town.

Administrator Sickels added that there could be issues with vacations or sick time.

Ms. Dark said she was upset because she had been lied to by Public Works staff.

Council President Horgan said they would look into it and thanked Ms. Dark for letting them know.

Mr. Dark said he felt if they were going to tell people they were going to do something, they should do it. He criticized trash in the streets.

Councilman Zipprich noted there was a new Public Works Director. He said he would be meeting with him and said he would bring up Mr. Dark's concerns.

Freddie Boynton—365 Shrewsbury Avenue—said the Borough had saved money by privatizing garbage. He said he had asked for speed limit signs. He questioned why that request could not be filled. He said he also felt that there were too many vehicles in the Public Works Department with employees riding around and doing nothing. He brought up drainage issues and said he had seen employees push leaves into a catch basin instead of removing them. He said he hoped the new Director would address these issues.

Councilman Zipprich offered a motion to close the audience portion and to adjourn the meeting, seconded by Councilwoman Lee.

ROLL CALL:

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

NAYS: None

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

Respectfully submitted,

Pamela Borghi