

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
JANUARY 14, 2015  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

**ABSENT:** Councilwoman Horgan

**SUNSHINE STATEMENT**

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

**WORKSHOP**

Environmental Commission—Councilwoman Burnham noted that Laura Bagwell had served as Chair but had recently moved out of town. She said the Commission voted for Alternate Member Frank Corrado to be moved up to full member and to serve as the Chair. She said they also recommended the Alternate vacancy be filled by Kate Terrigiano.

Mayor Menna said he thought the appointment of Frank Corrado as a full member to serve as Chair was an excellent idea. He said that appointment would be added to this agenda. He said he would like to see more information on Kate Terrigiano before that appointment was considered.

CDBG Project—Councilwoman Burnham asked about the status of the application for a grant to fix the path by the Primary School.

Councilman Zipprich said that project was being included with the current road program.

Councilwoman Burnham asked if the road program had been stopped.

Councilman Zipprich said the program was still underway but work was temporarily on hold due to weather. He said the access road would be part of the 2015 road program.

**APPROVAL OF MINUTES – December 17, 2014**

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

**ROLL CALL:**

**AYES:** Murphy, Burnham, Zipprich, DuPont

**NAYS:** None

**ABSENTION:** Schwabenbauer

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

**APPROVAL OF MINUTES – January 4, 2015**

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

**ROLL CALL:**

**AYES:** Murphy, Burnham, 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 12/31/17.

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilman Murphy—Councilman Murphy reported that Red Bank Volunteer Fire Department member Donald Wright had recently passed away. He asked Administrator Sickels to report on the arrangements.

Mr. Sickels they were waiting to hear from the family on those details.

Councilwoman Burnham reported that Community Garden applications would be accepted as of February 1<sup>st</sup>. She said the application and rules were available on the Parks and Recreation page of the Borough's website. She also reported that she had attended the AME Church event to introduce their new pastor. She said she had been very impressed by the event and the reverend.

Councilwoman Schwabenbauer reported that the Youth Basketball Program had begun and said there seven youth teams playing in two different leagues. She said indoor soccer and "Work with the Trainer" programs were scheduled to begin the following weekend. She also reported that clinics and workouts for high school basketball would begin on Fridays in February. She said registration was underway for Two River Baseball and Softball with practice beginning in early March and games in April. She said registration for the developmental lacrosse program was underway with sessions to start March 28.

Councilman Zipprich reported that the Department of Public Works Committee would meet the following week with the Engineer and Administrator to plan the 2015 Road Program and address outstanding issues concerning the Water Department. He said the Shade Tree Committee was gearing up for Spring and readying applications for the upcoming planting season and managing the annual Forestry Management Plan. He reported that the Historic Preservation Commission would meet the following Tuesday. He reported that Pilgrim Baptist Church was holding a coat drive for gently used coats which could be dropped off at the Church. He said he had also attended the welcome reception for Pastor Young and said he had been dazzled by his enthusiasm and energy. He also noted that the Red Bank Borough Education Foundation would be holding their annual 50/50 raffle to benefit the STEAM (Science, Technology, engineering, Arts and Mathematics) curriculum at the Primary and Middle schools. He said information was available on their website. He said he also wanted to thank the Foundation for its recent grant to supply Chrome books to eighth graders. He asked everyone to remember that Martin Luther King Day was a day of service and to try to find a way to give back to their community.

Councilwoman Burnham asked how many Public Works employees were currently out on Workman's Comp.

Councilman Zipprich said there were seven out on either FMLA or due to injuries.

Councilwoman Burnham said six had been hurt with a truck.

Councilman Zipprich said they had not all been hurt on a truck.

Mayor Menna clarified that they were all occupational injuries.

Councilwoman Burnham asked if the Committee as considering privatization.

Councilman Zipprich said there were a number of issues being discussed and said he would be meeting with the Committee in the following week and would report back.

Councilwoman Burnham asked if he had a copy of the financial analysis of the findings.

Councilman Zipprich said that would also be discussed at the meeting.

Councilman Murphy asked if that information had been previously supplied to the Council.

Councilman Zipprich said the Council had received an analysis done by the CFO and the DPW Director.

Councilman Murphy asked if it was the intention to put the service back out to bid.

Mayor Menna said the Council was waiting for a recommendation from the Committee.

The Council discussed the status of an ordinance related to the matter that had been tabled.

Councilman DuPont said there would be a Martin Luther King Day event at Pilgrim Baptist Church that would include students from various Borough Schools. He also asked about the Broad to the River concept and said he would like the Council to look into it. He called for an analysis and said he would like to see them explore the idea.

Mayor Menna said it had last been discussed during Mayor McKenna administration. He said the Mayor and Council and professionals had looked at the matter thoroughly. He said after consulting with the Borough Attorney, Auditor and CFO, it was determined that it was not propitious at that time. He reviewed discussions on the matter during various administrations going back 100 years. He said he believed it was the time for those discussions in the private sector with property owners and stakeholders. He suggested starting a discussion group with interested stakeholders.

Councilman DuPont noted that they may be eligible for green acres funding.

Mayor Menna also noted that the Borough owned property in the area.

Councilman Dupont also noted that he had been contacted by residents in support of a fenced in dog area either in a park or close to a park.

Councilwoman Burnham said this was just want she had been looking into and suggesting for the tennis court area.

Councilman DuPont said he appreciated her idea but said he felt the tennis courts should be rebuilt. He said he would like to see a dog area somewhere in the Borough.

Mayor Menna said they would look into it and said he had also discussed the matter with Councilwoman Schwabenbauer.

Councilwoman Schwabenbauer said Parks and Recreation would be happy to look into it.

Councilman DuPont also reported that the Finance Committee would be having their first meeting of the year the following week and noted Councilwoman Schwabenbauer would be participating.

Councilman Zipprich noted that Mayor Menna had firmly stated that he was against eminent domain and wanted to ensure that it would not come into play with Broad to the River.

Mayor Menna thanked him for bringing it up and cited court decisions on the matter. He also noted that the Council had adopted an ordinance stating that the Borough would not use eminent domain.

Councilwoman Burnham noted that she had brought up the Dog Park discussion at two previous Council meetings. She said she had also looked into the insurance issue and said the DEP had said it would be okay to do at the tennis courts. She said she would like to see two tennis courts be a dog run and the other two tennis courts remain as tennis courts. She criticized the fact that the courts had been sitting for two years in a fully funded Green Acres park.

A discussion followed on the term fully funded and what portion of the funding maintained the park.

Councilman DuPont asked if she was implying that the Borough had received funds to rebuild.

Councilwoman Burnham said she was just saying that Marine Park was a funded Green Acres Park.

Councilman DuPont said so was Riverside Gardens and other parks but said that had nothing to do with the money that was needed to rebuild. He said they should be applying for FEMA funds. He said he was going to recommend that they hire a consultant to retrieve the funding including acquiring funding for the Consultant's fee.

Councilwoman Burnham again reviewed her idea for placing a dog park there and how it could be done with volunteer labor.

Mayor Menna said he thought it was a nice discussion but said he felt it was trumping the right of the new Councilwoman and her committee in charge of Parks and Recreation. He said she knew what the issues were and they could look into it and report back.

Councilman Zipprich noted that the Administrator had spent a lot of time with FEMA officials over the past couple of years.

Councilwoman Burnham asked if that was how the renovated bathrooms were being funded.

Administrator Sickels said it was not but that the work was being funded by a grant from Monmouth County.

Councilwoman Burnham asked if they had received any money from FEMA.

Administrator Sickels said there were claims into FEMA for various improvements at Marine Park but said they had not received any money for the tennis courts. He also noted that they had not received Green Acres money for the courts. He said Green Acres money had been used for other specific projects in the park.

## **COMMUNICATIONS AND PETITIONS**

Christopher Hussey for membership to the First Aid and Rescue Squad of the Red Bank Volunteer Fire Department and from Santos Colindres to the Navesink Hook and Ladder Company of the Red Bank Volunteer Fire Department.

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

ROLL CALL:

AYES: Murphy, Burnham, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

### **By Consent Agenda:**

Mayor Menna read the following requests which had all been approved by the Special Events Committee subject to final plan approval:

- Red Bank PBA Local #39 Street Fair for Sunday, April 12, 2015, on Monmouth and Broad streets from 11 am to 5 pm.
- 6<sup>th</sup> Annual Red Bank Community Block Party on Dr. James Parker Blvd., on August 8, 2015, with a rain date of August 15, 2015.
- 5<sup>th</sup> Annual Paddle the Navesink Day – Saturday, 9/12/15, 12-4PM (Maple Cove).
- Monmouth Day Care Center 6<sup>th</sup> Annual Touch a Truck at Red Bank Middle School Parking Lot on Saturday, September 19, 2015 from 10 am to 2 pm.

- Clean Ocean Action 2015 Shore Paddle Event in Marine Park on Saturday, September 26, 2015 from 8 am to 1 pm. Date approved pending revised letter to Mayor & Council Members.
- Red Bank RiverCenter’s 2015 Calendar of Events
  - February 16 through February 26, 2015 – Red Bank Restaurant Week
  - March 22, 2015 – Red Bank Wedding Walk
  - May 10 through November 22, 2015 – Red Bank Farmers Market
  - June 6, 13, 20, 27, July 4, 11, 18, 25, August 1, 8, 15, 22, 19 StreetLife 6 to 9 pm
  - April 26, 2015 4th Annual International Food Festival in White Street Parking Lot from 12pm to 7pm.
  - July 19, August 16, September 20, October 18, 2015 Food & Wine Walk
  - July 20 through July 26, 2015 Sidewalk Sale/Celebrate Red Bank and for businesses to be allowed to display merchandise in front of their stores on July 24, 25, and 26.
  - September 26, 2015 (rain date October 4, 2015) 6th Annual Red Bank Guinness Oyster Festival in the White Street Parking Lot, permission to use the Gold Street parking lot sponsor parking and permission for businesses to have one table in front of their store during the event and for RiverCenter to put out lawn signs at certain traffic intersections in town.
  - October 15, 2015 Girl’s Night from 5pm to 9 am.
  - November 27, 2015 22nd Holiday Express Concert/Red Bank Town Lighting & Santa Express.
  - November 28 through December 20, 2015 12 Days of Christmas Scavenger Hunt
  - November 28, December 5, 12 and 19, 2015 Holiday Horse & Carriage Rides.
  - November 28, December 5, 12 and 19, 2015 Holiday Harmonies

Mayor Menna noted that the request for the Clean Ocean Action 2015 Shore Paddle Event request noted that it was pending a revised letter being submitted to Mayor and Council members. He asked what was being revised.

Administrator Sickels explained that the organization had submitted a request letter which had indicated that had gotten “approval” from adjoining property owners to hold the event. He said the Special Events Committee had advised them that the adjoining property owners couldn’t give that approval. He said they had been asked to reword their letter.

Councilman DuPont offered a motion to approve the requests on consent agenda including the Clean Ocean Action request pending receipt of the amended letter, seconded by Councilwoman Burnham.

**ROLL CALL:**

AYES:            Murphy, Burnham, Schwabenbauer, Zipprich, DuPont

NAYS:            None

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

Councilman Murphy asked if the Shore Paddle Event was being held in Marine Park for the first time.

Mr. Sickels confirmed that it was the first time for the event.

Councilman Murphy asked if the event organizers were paying a usage fee for the park.

Mr. Sickels said they do pay a usage fee and, in addition, he said Clean Ocean Action performed shoreline cleanups in town which benefited the Borough.

Councilman Murphy asked if the cleanups were in exchange for the fee.

Mr. Sickels said it was not and that they would still be charged the fee.

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

No one appeared.

**ORDINANCES – First Reading**

None.

**ORDINANCES – Public Hearing and Final Adoption**

None.

**RESOLUTIONS**

Mayor Menna read the following Resolutions to be voted on by Consent Agenda:

- 15-18 A Resolution Honoring Florence “Betti” P. Thompson.
- 15-20 A Resolution Authorizing Acceptance of Performance Guarantee and Inspection Escrow Regarding Kitch Organic LLC, 75 Leighton Avenue, Block 70, Lot 3.02.

- 15-22 A Resolution Appointing Eugenia Poulos as Fund Commissioner and Eva Biviano as Alternate Fund Commissioner to Central Jersey Health Insurance Fund.
- 15-23 A Resolution Appointing Eugenia Poulos as Fund Commissioner and Gary Watson as Alternate Fund Commissioner to Monmouth County Joint Insurance Fund.
- 15-24 A Resolution Authorizing Acceptance of Performance Guarantee and Inspection Escrow Regarding Veritas Building LLC, 59 Maple Avenue, Block 45, Lot 1.

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

Councilman DuPont noted he would abstain on Resolution 15-20.

ROLL CALL:

AYES: Murphy, Burnham, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

15-14 Mayor Menna read, “A Resolution Authorizing Tax Credit/Refunds Totaling \$44,867.99 due to Judgments of the Tax Court of New Jersey.”

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

ROLL CALL:

AYES: Murphy, Burnham, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

15-15 Mayor Menna read, “A Resolution Authorizing Tax Credits/Refunds Totaling \$1,428.09 due to Over Payment by Property Owner.”

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

ROLL CALL:

AYES: Murphy, Burnham, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

15-16 Mayor Menna read, “A Resolution Authorizing Change Order No. 1 Related to the Contract with Black Rock Enterprises, LLC for the 2014 Road Improvement Program Project.”

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

ROLL CALL:

AYES: Murphy, Burnham, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

15-17 Mayor Menna read, “A Resolution Authorizing Contract for Animal Warden Services with the Borough of Fair Haven.”

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

ROLL CALL:

AYES: Murphy, Burnham, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

15-19 Mayor Menna read, “A Resolution Authorizing Change Order No. 2 Related to the Contract with Black Rock Enterprises, LLC for the 2014 Road Improvement Program Project.”

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

ROLL CALL:

AYES: Murphy, Burnham, Schwabenbauer, Zipprich, DuPont

NAYS: None

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

15-21 Mayor Menna read, “A Resolution Awarding Contract to Visiting Nurse Association to Provide Public Health Services.”

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

Councilman Zipprich asked if the Board of Health had reviewed the contract. He noted that when he was on the Board of Health, it was a contract that had been reviewed by the Board.

Councilwoman Burnham said the Borough didn't currently have a Board of Health and was part of a regionalized Health Department.

Mayor Menna confirmed that three members had been appointed to the Red Bank Board of Health at the Reorganization meeting.

Councilwoman Burnham questioned the appointments.

Councilman Zipprich again asked if the Board had had an opportunity to review the contract.

Councilwoman Burnham said they had not.

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

**ROLL CALL:**

AYES:            Murphy, Burnham, Schwabenbauer, Zipprich, DuPont

NAYS:           None

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

15-25    Mayor Menna read, "A Resolution Authorizing Contracts with Certain Approved State Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40A:11-12a (Public Works Vehicles)."

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

**ROLL CALL:**

AYES:            Murphy, Burnham, Schwabenbauer, Zipprich, DuPont

NAYS:           None

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

Councilman Murphy asked about Resolution 15-17 regarding the Contract for Animal Warden Services with Fair Haven. He asked if there were any other towns the Borough provided the shared service for.

Borough Clerk Borghi said there were also contracts pending with Shrewsbury Borough and Shrewsbury Township.

Councilwoman Burnham asked if the Borough also provided the service to Little Silver.

Ms. Borghi said Little Silver no longer contracted with the Borough.

Councilman Zipprich noted that it was a multi-year contract.

## **PROCLAMATIONS**

None.

## **PAYMENT OF VOUCHERS**

15-26            Mayor Menna read, "A Resolution for Payment of Bills Amounting to \$3,305,360.55."

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

**ROLL CALL:**

AYES:            Murphy, Burnham, Schwabenbauer, Zipprich, Dupont

NAYS:           None

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

## **OLD BUSINESS**

Councilman Murphy asked that the report from CME regarding the Parking Garage be distributed to the Council.

Mayor Menna said he had met with the Administrator earlier in the day and had asked that the report to emailed to all Council members immediately. He said he wanted to add the caveat that, since it involved municipal property, the contents of the report should remain confidential as it was not a public document but was a negotiating document for Council discussions.

## **NEW BUSINESS**

Councilman Zipprich reported that Pilgrim Baptist Church was looking donations of new socks and gently used coats. He noted that he had previous sponsored a sock drive that had raised over 500 pairs of socks for Lunch Break. He also reported that the Boy Scouts were performing bench maintenance for the Public Works Department.

## **AUDIENCE**

Suzanne Viscomi—19 Morford Place—cited examples of successful dog parks in other towns and said she agreed that the tennis court would be a good location. She also suggested a vacant spot on Sunset Avenue could be used for a dog park.

Councilman DuPont again cited his reasons for supporting a dog park.

Councilwoman Burnham noted that the tennis court already had two separate areas that could be used for large and small dogs. She also noted that most of the dog parks in the area were County parks.

Ms. Viscomi said she hoped any park would be free and noted that there was one in Ocean County where users had to pay a fee.

Councilwoman Burnham said she felt they would have to make sure all dogs using the park were licensed.

Councilman Murphy asked them to remember that the towns mentioned had quantities of land and noted that Red Bank had little open property.

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

**ROLL CALL:**

AYES:            Murphy, Burnham, Schwabenbauer, Zipprich, DuPont

NAYS:           None

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

## **EXECUTIVE SESSION**

**None.**

## **ADJOURNMENT**

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

**ROLL CALL:**

AYES:            Murphy, Burnham, Schwabenbauer, Zipprich, DuPont

NAYS:           None

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

Respectfully submitted,

Pamela Borghi