

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
FEBRUARY 11, 2015
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Council Members Horgan and 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.

WORKSHOP

Dog Tethering Ordinance—Mayor Menna noted that the City of Plainfield had introduced an ordinance regarding the tethering of dogs. He said other municipalities were moving forward with creating local regulations outside of the Animal Cruelty Statute which he said was sometimes difficult to enforce. He reviewed the criteria that would be in the proposed ordinance. He asked that a draft ordinance be prepared for the February 25 Council agenda.

Taxi Ordinance—Mayor Menna review the history of the Borough’s Taxi Ordinance and noted the Police Chief and Borough Clerk had reviewed proposed changes to the ordinance. He asked the Clerk to distribute the existing ordinance and proposed ordinance to all Council members.

Dog Run—Councilwoman Burnham said she thought the Council should start a discussion now regarding a proposed dog run to give residents a chance to offer input. She said she felt there was little transparency and resident input on the Bellhaven project. She commended Councilwoman Schwabenbauer on her efforts but said she would like to see the item on the agenda for February 25 for citizen input including the best location and again suggested the use of the tennis courts in Marine Park or Mohawk Pond.

Councilman DuPont suggested the Parks and Recreation Committee should come up with solutions before presenting to residents. He said he was not in favor of having it at the tennis courts but said he would like to hear solutions from the Committee. He said they should be able to bring it to the Council on their time table.

Mayor Menna said he recalled that the suggestion had been forwarded to the Parks and Recreation Committee and said it would be presumptuous of the Council to step in. He said the Committee should come back with suggestions.

Councilwoman Burnham again called for citizen input before the Committee presented and said the Bellhaven project was done without anyone knowing about it.

Mayor Menna said the Council knew about it because it was in their packets and also noted that it was discussed at a Council meeting when they voted to authorize the application to Monmouth County.

Councilwoman Burnham again called for resident input.

Councilwoman Schwabenbauer said she agreed that the public should be given an opportunity to weigh in. She said there was a public meeting of the Parks and Recreation Committee on February 23 where citizens could attend and offer suggestions before the Council Committee met on the matter.

Councilman Murphy noted that there had been a Public Hearing on the Bellhaven project.

Administrator Sickels said it had been a requirement of the application. He said it had been advertised in the newspaper and was well attended. He said many attendees were in support of the project.

Mayor Menna suggested Councilwoman Burnham could email those on her contact list to attend the Parks and Recreation Committee meeting.

Councilwoman Burnham said she was not on the Parks and Recreation Committee and that was not her duty.

APPROVAL OF MINUTES – January 14, 2014

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

ROLL CALL:

AYES: Murphy, Burnham, Schwabenbauer, DuPont

NAYS: None

ABSENT: Horgan, Zipprich

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

MAYORAL APPOINTMENTS

Katherine Triggiano to the Environmental Commission as a full member to an unexpired three year term expiring 12/31/17.

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

ROLL CALL:

AYES: Murphy, Burnham, Schwabenbauer, DuPont

NAYS: None

ABSENT: Horgan, Zipprich

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Murphy—Reported that the Red Bank Volunteer Fire Department would be holding its annual awards dinner on February 28 at the Molly Pitcher Inn. He said they would be honoring 2014 Chief and announcing the 2014 Fire Fighter of the Year.

Councilwoman Burnham—Offered a report on Code Committee activities noting that they had received 54 complaints, responded to six overcrowding calls and issued 42 summonses. She offered updates on several construction projects in town.

Councilwoman Schwabenbauer noted that, in December of 2014, the Parks and Recreation Department had applied for a grant through Dr. Pepper/Snapple and had recently been notified that they would be receiving sports equipment. She said the first round would be bats and pre-K equipment. She said they would be going back three times in 2015 for additional sports equipment. She said the Department was also offering Basketball Clinics on Tuesdays and were also currently accepting applications for boat slips.

Councilman DuPont reported that the first Finance Committee meeting had been a good meeting and the Directors were supplying their budgets. He said the current operating fund had been increasing surplus over the course of the year and said the Borough was starting off on a positive foot.

Mayor Menna reported that there were a number of extraordinary volunteers assisting with reinstituting the Mayor's Charitable Ball. He said the Committee had been meeting to coordinate the event scheduled for May 1. He reviewed awards that were slated to be presented at the event.

COMMUNICATIONS AND PETITIONS

Mayor Menna read "A Request from Friends of the Red Bank Library to hold the Town Wide Yard Sale on Saturday, May 3, 2014 from 9 a.m. to 2 p.m., approved by the Special Events Committee.

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

ROLL CALL:

AYES: Murphy, Burnham, Schwabenbauer, DuPont

NAYS: None

ABSENT: Horgan, Zipprich

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

Mayor Menna read "A Request from the Diocese of Trenton to hold their annual march from St. Anthony's Church north on Bridge Avenue to Chestnut Street to Maple Avenue to Peters Place to Broad Street to Newman Springs Road on Saturday, March 14, 2015, from 10 am to 11:30 am subject to approval of the Chief of Police.

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

ROLL CALL:

AYES: Murphy, Burnham, Schwabenbauer, DuPont

NAYS: None

ABSENT: Horgan, Zipprich

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

PUBLIC COMMENT—Ordinances on First Reading and Resolutions Only

Acting Library Director Elizabeth McDermott noted that the date for the Townwide Yard Sale was actually on Saturday, May 2.

Councilman DuPont offered a motion to affirm the approval for the event on May 2, seconded by Councilwoman Schwabenbauer.

ROLL CALL:

AYES: Murphy, Burnham, Schwabenbauer, DuPont

NAYS: None

ABSENT: Horgan, Zipprich

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

ORDINANCES – First Reading

2015-01 Mayor Menna read “A Refunding Bond Ordinance of the Borough of Red Bank, in the County of Monmouth, New Jersey, Providing for the Refunding of all or a Portion of the Borough’s General Obligation Bonds, Series 2007, Dated July 15, 2007, Appropriating an Amount Not Exceeding \$5,400,000 Therefor and Authorizing the Issuance of Not to Exceed \$5,400,000 General Obligation Refunding Bonds of the Borough of Red Bank for Financing the Cost Thereof.”

Councilman DuPont noted that the Borough would be saving approximately \$43,000. He said the Finance Committee also confirmed that the term would remain the same.

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

ROLL CALL:

AYES: Murphy, Burnham, Schwabenbauer, DuPont

NAYS: None

ABSENT: Horgan, Zipprich

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

Public hearing and final adoption to be held February 25, 2015.

ORDINANCES – Public Hearing and Final Adoption

None.

RESOLUTIONS

15-43 Mayor Menna read, “A Resolution Authorizing the Tax Collector to Issue and Execute Duplicate Tax Sale Certificates.”

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

ROLL CALL:

AYES: Murphy, Burnham, Schwabenbauer, DuPont

NAYS: None

ABSENT: Horgan, Zipprich

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

15-44 Mayor Menna read, “A Resolution to Cancel 2014 Appropriations.”

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

ROLL CALL:

AYES: Murphy, Burnham, Schwabenbauer, DuPont

NAYS: None

ABSENT: Horgan, Zipprich

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

15-45 Mayor Menna read, “A Resolution of the Borough of Red Bank to Cancel \$100,000 in Special Emergency Appropriation in the Current Fund, Created as per N.J.S.A. 40A:4-53(B) to Fund the Costs Associated with the Execution of a Program of Revaluation of Real Property for the Borough of Red Bank, County of Monmouth, New Jersey.”

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

ROLL CALL:

AYES: Murphy, Burnham, Schwabenbauer, DuPont

NAYS: None

ABSENT: Horgan, Zipprich

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

15-46 Mayor Menna read, “A Resolution Appointing Ashlesha Deshpande as Tax Search Officer.”

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

ROLL CALL:

AYES: Murphy, Burnham, Schwabenbauer, DuPont

NAYS: None

ABSENT: Horgan, Zipprich

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

15-47 Mayor Menna read, “A Resolution Supporting, Recognizing and Honoring the Service of Law Enforcement Officers.”

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

ROLL CALL:

AYES: Murphy, Burnham, Schwabenbauer, DuPont

NAYS: None

ABSENT: Horgan, Zipprich

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

15-48 Mayor Menna read, “A Resolution Authorizing Tax Credits/Refunds Totaling \$20,269.47 Due to Judgments in 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, DuPont

NAYS: None

ABSENT: Horgan, Zipprich

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

PROCLAMATIONS

None.

PAYMENT OF VOUCHERS

15-49 Mayor Menna read, “A Resolution for Payment of Bills Amounting to \$2,338,676.19.”

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

ROLL CALL:

AYES: Murphy, Burnham, Schwabenbauer, DuPont

NAYS: None

ABSENT: Horgan, Zipprich

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

OLD BUSINESS

None.

NEW BUSINESS

None.

AUDIENCE

LeRoy Thomas—15 Tilton Avenue—said there had been a situation regarding an elderly couple in his neighborhood who had been without water for three weeks. He said they had been told they owed \$4,000 to the Borough and, even though they had paid, it took three weeks to get water restored. He said he wanted to know why it took so long.

Mayor Menna said he believe an investigation had been done and he asked Administrator Sickels to report on the incident.

Mr. Sickels said the property owner had secured the services of a private “plumber” to replace the water line from the house to the street. He said apparently the contractor completed the work and the homeowner had paid up front. He reviewed a detailed timeline of the events that transpired including the fact that the contractor had caused the leak and reported it to the Borough. He said Public Works staff determined the contractor had caused the damage and informed him he would have to correct it. He said the homeowner was advised as well. He said it was subsequently reported that there was no water going to the home and the homeowner said he would have the contractor repair the line and later said he would hire a different contractor. Mr. Sickels reviewed several subsequent phone calls between the Borough and the homeowner. He said the homeowner eventually contacted the Borough about improving the line between the house and the street and met with Public Works staff to coordinate. He said the homeowner was given the option to have the work done on an emergency basis with overtime expenses or at a scheduled time with a lower cost. Mr. Sickels said he chose to wait and pay the lesser amount. He said Public Works Supervisor Robert Holiday assisted the homeowner with applying for permits for the work through the Building Department. He also noted that, by ordinance, the Borough must receive payment for the work before it could be scheduled. He reviewed the work that was done at the property.

Mr. Sickels said a subsequent investigation had revealed that the original contractor had not been a licensed plumber and he had failed to respond to requests to repair the work. He said they had issued a penalty to the contractor and said, if he did not respond, a summons would be issued.

Mr. Thomas questioned why the paperwork had billed for seven workers and there had not been seven men present.

Mr. Sickels said he would look into it. He also noted that the estimate and the deposit were not finalized. He noted that additional work was required. He said the final bill would be resolved with the property owner.

Councilwoman Burnham said she had been at the site and had only seen four workers.

Freddie Boynton—365 Shrewsbury Avenue—Said he had also been there and had advised the homeowner to contact Councilwoman Burnham. He reviewed the estimate that had been provided and questioned parts of it.

Mr. Sickels explained the estimate. He said bids had been taken and awarded and said the work had been done by the low bidder.

Mr. Boynton said he appreciated the Borough officials coming out. He said he understood the issue with the unlicensed contractor.

Councilman Murphy asked if a mark out had been requested.

Mr. Sickels said there had been three calls made by three different contractors. He said they were still investigating if other work had been done. He said they had found some work that had been done without permits and were addressing that as well.

Councilman Murphy asked Mr. Sickels to confirm that he had pursued the issue of the unlicensed contractor.

Mr. Sickels said he had and said they had also helped the homeowner fill out forms to report the contractor to the State.

Councilman Murphy noted that the homeowner had requested two prices, one for curb box to the house and another for the curb box to the street. He said the Borough had quoted a price of \$4,200 to do the work from the curb to the house. He said he had ended up paying the fraudulent contractor \$3,800. He reported another recent project where a contractor had broken a line and left and a leak was found after. He offered details on the errors made by the contractor on the first project and reviewed what the Borough had done to assist.

Councilwoman Burnham asked if the Borough could put out information about the fraudulent contractor.

Attorney O’Hern advised against it and said the Borough should deal with it internally.

Administrator Sickels said there had been a meeting earlier in the day that had included Public Works, the Police Department and the Water/Sewer Engineer. He said when there was a request for a mark out, notification was send to the Public Works Department. He said Public Works would now be sending a copy to the Police Department and Code Enforcement so the Departments could review.

Mr. Boyton said when someone called for the mark out they were supposed to also apply for permit and, if they did not have a permit, they were not supposed to dig a hole.

Mr. Sickels agreed.

Councilman Murphy also noted that the Borough would not issue a permit without the mark out number. He said the contractor involved in the project being discussed had gotten a mark out number but did not get a permit. He said the mark out company should notify the Borough.

Mr. Sickels said the company would contact the Utilities Department because they want the water company to mark out the water line. He again noted that, going forward, Public Works would notify Code Enforcement and the Police.

Councilman Murphy said he did not think it would be a bad idea to warn residents about fraudulent contractors in general without naming any names.

Vicky Nelson—166 River Street—said she wanted to know if the person to be hired to replace the Director of Public Works would not hold any titles other than the Borough position. She said she wanted to know if they would only work for the Borough and not for any other municipality.

Mayor Menna said it was a good question. He said the Borough was a very busy municipality and that it would be his personal preference that they should be employed full time by the Borough.

Ms. Nelson said she appreciated that.

Councilman Murphy asked if the position had ever overseen two towns.

Mayor Menna said not to his knowledge.

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

ROLL CALL:

AYES: Murphy, Burnham, Schwabenbauer, DuPont

NAYS: None

ABSENT: Horgan, Zipprich

There being four 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 DuPont.

ROLL CALL:

AYES: Murphy, Burnham, Schwabenbauer, DuPont

NAYS: None

ABSENT: Horgan, Zipprich

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

Respectfully submitted,

Pamela Borghi