

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
APRIL 23, 2014
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor Menna and Council Members Murphy, Burnham, Horgan, Lewis, Zipprich and DuPont.

ALSO PRESENT: Administrator Sickels, Municipal 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 1, 2014.

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

14-121 Mayor Menna read, "A Resolution Commending and Congratulating the Members of the Eastside Flag Football Union."

Councilman DuPont said he thought the team had done an incredible thing and said he was impressed by the amount of money they had raised for the Special Olympics. He said he believed it was the Council's responsibility to acknowledge their efforts.

Tom Labetti thanked the Council for the recognition. He said the team started out as a way to exercise and it grew to a fund raiser. He also praised the Special Olympics organization and said they could not have been successful without the support of their friends and neighbors.

Councilmembers praised the efforts of the team.

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

Mayor Menna said he would like to move the Workshop portion of the meeting up because he knew there were residents in attendance that were waiting for an answer from the Council on the matter listed.

WORKSHOP

Mayor Menna reminded the Council that it was the Borough responsibility to fix the bulkhead located at North Prospect Avenue. He said there was also a sewerage issue there that needed to be remedied. He said the Council had before them rough estimates for the repairs. He noted that they would need to be updated but said the remediation/replacement costs for the North Prospect location would be approximately \$150,000. He said the Bond Ordinance before the Council would authorize the Bond Counsel, Administrator and Engineer to replace just the North Prospect bulkhead. He said the Council would also adopt a comprehensive bond for the replacement of two bulkheads that had first been given to them two years ago. He said that would include the possible replacement of a bulkhead at the Library and would cost about \$600,000 total. He said all they would be doing would be to put the preparatory documents in place but don't actually award the contract unless the bids were approved. He again stressed the urgency for addressing the North Prospect Avenue location and said if the Council was unwilling to move forward on the bulkhead at the Library, at least there would be a comprehensive bond in place and, if and when they wanted to move forward, only then would they draw down on the bond.

Councilman DuPont agreed that immediate action was needed at North Prospect. He said he would like to hear from the new Library Board about what they would like to see at the Library. He noted that they

would save money on attorney fees, etc. by doing one bond. He said he would be willing to make a motion to authorize the bond.

Mayor Menna said the question was whether the Council wanted to authorize the bond for \$150,000 or for the entire \$600,000.

Councilman DuPont said it was his opinion that they should do the entire \$600,000 knowing that they may not have to use the full bond. He again noted the cost saving of doing one bond ordinance.

Councilman Murphy asked for the breakdown between the two projects.

Mayor Menna said it was approximately \$150,000 for North Prospect and \$450,000 for the Library.

Councilman Murphy questioned the safety of the existing situation at the Library and questioned delaying action.

Mayor Menna agreed but noted that the North Prospect location was in need of immediate attention.

Councilman Murphy said if they continued to delay at the Library they could end up with the same type of situation.

Councilman DuPont asked if the bond was ready.

Mayor Menna said they had told the residents that the Council would make a decision at this meeting and said the bond package could be ready by the next meeting.

Councilman Murphy asked if the Borough did the projects separately, would it cost more.

The Mayor said it absolutely would and reviewed the additional costs.

Councilwoman Burnham noted that a Living Shoreline presentation had been made a couple of years before and said that was what she was in favor of at the Library. She said now that Councilwoman Horgan was the liaison to the Library, she would like to see that project move forward right away.

Mayor Menna said they were not taking action on that at this time. He said the only thing they were doing now was to consider a Bond that would make monies available for the Borough to draw down on. He noted that, if they chose to do work at the Library, they would not have to start the process over. He said the Bond Ordinance would also allow for them to immediately do work at North Prospect Avenue.

Administrator Sickels said they did have a copy of the earlier Bond Ordinance that had been tabled. He added that there was no estimate or plan for the Living Shoreline proposal. He said the Council would consider the earlier ordinance for introduction at this meeting.

Councilwoman Horgan said she did want to pursue the Living Shoreline with the new Library Trustees. She said she wanted to move forward with the North Prospect project and was in favor of the Bond Ordinance with the caveat that they may not be using all of it.

Councilman Zipprich said he and other Councilmembers had been to the North Prospect location and reviewed the problem there. He said it was an urgent matter that needed to be remediated as quickly as possible.

Mayor Menna noted that the Administrator had handed out a copy of the earlier ordinance that had been tabled and noted that it included the estimated cost for both bulkheads. He asked Attorney O'Hern if there would be any impediment to introducing the ordinance with the understanding that there would be a memorandum rider that they would only move forward on part of it which would be the North Prospect Avenue remediation. He said they could tweak the language before the Public Hearing.

Councilman Zipprich asked for confirmation that, if they introduced the ordinance as presented, they could modify it at the next meeting.

Mayor Menna said they could always modify an ordinance at the time of the public hearing.

Prospect Avenue Bulkhead

2014-12 Mayor Menna read, "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 or 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."

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

ROLL CALL:

AYES: Murphy, Horgan, Lewis, Zipprich, DuPont

NAYS: Burnham

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

Public hearing and final adoption scheduled for May 14, 2014.

Councilman Murphy said, in regard to a sewer leak that had reportedly been leaking into the river, the problem had been corrected. He said they had received a report that the problem had actually been on the resident's end and he had taken care of it with his own contractor.

Councilman Zipprich reviewed the history of the report and the actions that had been taken by Public Works staff.

Public Hearing of the 2014 Municipal Budget

Mayor Menna noted that there would be a public meeting of the Finance Committee the next evening where Department Heads would be available for questions and answers.

Councilwoman Lewis asked if all member of the Council should attend.

Mayor Menna said it should only be attended by members of the Finance Committee otherwise it would be a violation of the Open Public Meetings Act.

Councilman DuPont said this public hearing was a chance for the public to voice any concerns and said there would be another opportunity the following evening for people to ask specific questions of the department directors. He reviewed the highlights of the budget including the fact that operating expenses had gone down by just under one percent and the debt service had been reduced by approximately \$500,000. He said the budget increase could be attributed to the lasting effects of the recession. He noted that the budget would not be adopted at this meeting, but said they were just holding the required public hearing.

Mayor Menna confirmed that there would be no vote on the adoption of the budget at this meeting.

CFO Poulos said this would be the public hearing and the budget would be up for adoption once the Borough received the ratables from the County. She explained that County's pilot program that had an earlier tax appeal deadline and said they would include changes based on those appeals. She said the budget document currently included an estimate of the ratables. She reviewed details of the budget.

Mayor Menna reiterated some of the salient points of the budget including a \$450,000 reduction in debt service, a \$112,000 decrease in the Police Department budget, an increase in tax appeals resulting in a budget increase of \$135,000 and increased insurance costs of \$80,000. He noted that the Borough had ordered a revaluation in response to the ongoing tax appeals.

Councilman DuPont said they had set aside money for potential fiscal exposures including approximately \$160,000 to allow for tax refunds and also \$55,000 to \$60,000 for accumulated sick time.

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

Charles Kwiatkowski—18 Regent Drive, Hazlet—said he was living with Multiple Sclerosis and had been treated at Riverview Medical Center. He said he did not use pain medication but used medical marijuana. He said there was no area they could go to smoke it.

Mayor Menna noted that this portion of the meeting was for comments regarding the municipal budget.

Mr. Kwiatkowski said they had brought information to the Police Department and were told they could not smoke marijuana in Red Bank, not even in their car.

Mayor Menna noted the Police Chief was in attendance and invited Mr. Kwiatkowski to speak with him about the matter.

Adrian Gubbay—45 Madison Avenue—said Councilman DuPont had noted that a number of expenses had gone down and that there was an increase in insurance costs, but it had been stated that the tax rate was going up .0164 cents. He said it had been reported that part of the expenses that had been increased had been due to an increase in tax appeals.

Mayor Menna agreed and explained that they had to pay out a lot in refunds.

Mr. Gubbay asked if people were appealing because their houses had been assessed at higher than what they were worth. He also asked if that lead to the town collecting less money and, therefore, a need to raise the tax.

Administrator Sickels said they had to raise the tax rate to cover the Borough's expenses. He said when the valuation of the property goes down, the town collects less so revenues were down.

Mr. Gubbay said he felt the problem was not the revenue but was the cost of the town.

Mr. Sickels noted that they had decreased the cost of running the town, however, the value had gone down more.

Mr. Gubbay said he felt they were fixing the symptom not the problems. He said peoples' houses were worth less.

Mr. Sickels said some were and some weren't which was why they had called for a revaluation of the town which would help adjust it and stop it from occurring in the future.

Mr. Gubbay said he had filed a tax appeal and said he was satisfied with the result. He said every year his taxes go up, but his assessment stays the same.

Councilman DuPont said that was a good observation and said that was why the pilot program had been instituted in Monmouth County to allow the Tax Assessors to adjust assessments over a five year period, reviewing twenty percent per year. He said that should resolve the problem of inaccurate assessments.

Attorney O'Hern clarified that the pilot program required the town, through the Tax Assessor or someone else hired, to look at twenty percent of the properties on a five year rolling basis. He said the 20 percent authorization per year was essentially authorization for the Assessor to look at the entire town. He said the review was not necessarily to determine value but to determine if there had been improvements, etc. He said the Assessor could then look at the general sales throughout the town and make a general town-wide assessment on a year to year basis. He said another point that they were making was that the tax appeal deal line used to be April 1 and the cases would not be heard until after budgets were adopted. He said the taxes collected by the town on behalf of the schools and the County must be forwarded. He noted that when a tax appeal was granted, the town had to refund the property owner but was not able to collect the money that had been distributed to the schools and County. He said the new system should equalize things and make it more fair.

Paul Cagno—65 Wallace Street—asked someone to explain pages 63 to 67 regarding the 2014 Capital Budget. He asked if it was correct that it showed \$5 million with only \$146,000 coming from the Capital Improvement Fund.

CFO Poulos said the State required the town to have a Capital Budget in place and said it covered a five year period. She reviewed specific expenses such as projects including the road program and Marine Park improvements. She said the State required a five percent down payment.

Mr. Cagno said the document stated that the town had authorized \$4.982 million for capital projects.

Ms. Poulos said that was not authorization but was more of a wish list.

Mr. Cagno asked if the plan was to finance that amount.

Ms. Poulos said the financing would be done through a Bond Ordinance similar to the one that was discussed earlier in the meeting.

Mr. Cagno reviewed the amounts projected in the Capital Budget which he said amounted to \$15 million over the next five years and questioned how it would be paid for.

Councilman DuPont said that was not accurate. He said the proposed capital purchases had not been authorized by ordinance. He said they were items that had been requested by Department Heads but had not been approved.

Ms. Poulos said the Mayor and Council had a policy that they would not introduce an ordinance for a capital purchase unless debt payments had gone down. She noted that this year it had been decreased by almost half a million dollars.

Mr. Cagno said the document stated that the debt authorized was \$4.982 million for 2014.

Councilman DuPont said that was a wish list.

He asked if the bond ordinance being considered was for \$600,000 at Marine Park or if it was for \$5 million.

CFO Poulos said it was for a total of \$2 million for the Road Program, Marine Park and Bellhaven.

Mr. Cagno asked how they would afford \$2 million.

Councilman DuPont said that, over the course of time, the Borough had decreased its debt from almost \$20 million to about \$12 million. He said the debt service had gone down over \$450,000.

A discussion continued regarding proposed capital purchases, actual debt and the bonding procedure. It was again noted that the final budget had not been adopted.

CFO Poulos also noted that some of the items may be partially covered by grants.

Mayor Menna said the items would be considered on a case by case basis.

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

Mayor Menna reminded the public that no formal action was being taken to adopt the budget at this meeting and again noted there would be a meeting the following evening where Department Heads would be in attendance.

Councilman DuPont urged Mr. Cagno to attend that meeting and ask specific questions to Department Heads about items requested in the Capital Budget.

14-130 Mayor Menna read, “A Resolution Amending the 2014 Municipal Budget.”

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

APPROVAL OF MINUTES – March 12, 2014

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Murphy reported that Ronald Slater, a 50 year member of Relief Engine Company and a member of the Fire Police Unit of the Red Bank Volunteer Fire Department had passed away at home on Sunday, April 20. He thanked the members of Council who had attended a celebration honoring Mr. Slater and two other 50 year members from Relief Engine Company.

Mayor Menna said although Mr. Slater had been unable to attend the celebration, members of the company had gone to him to make a presentation. He said Mr. Slater had been a 50 year member of the Fire Department and a 25 year employee at Public Works.

Councilwoman Burnham had no report.

Councilwoman Horgan reported that the Environmental Commission the previous night. She said they would be hosting a clean up the following Saturday from 9am to noon at Bellhaven on Locust Avenue focusing on the path to the Primary School. She said the Commission had voted to show support to have Bellhaven be kept as natural as possible. She also reported that the Library was moving at a quick pace and reviewed the efforts that had been undertaken by the new director, Elizabeth McDermott, and Board members. She said the next Board meeting would be Thursday, May 1 at the Library. She said Library hours were to be determined and reviewed upcoming fundraisers that would benefit the Library. She thanked Ms. McDermott for her efforts at the Library and CFO Poulos and Administrator Sickels for their efforts on the Library budget.

Councilwoman Lewis said the Parks and Recreation Committee had met on the 16th to discuss maintenance and repair of the parks including Bellhaven. A preliminary draft of the park was discussed. She reminded everyone of current activities available for the children in the community. She said summer camp was in the planning stages.

Councilman Zipprich noted that Earth Day was the previous day and the next Friday would be Arbor Day. He commended Councilman DuPont and Doreen Hoffman for the Mayor’s Wellness Event held earlier in the day. He thanked Elizabeth McDermott for her work at the Library. He also thanked CFO Poulos and Administrator Sickels for their efforts on the Library budget. He noted that the Historic Preservation Commission was meeting later in the evening. He said the Shade Tree Committee had been marking out plantings for new and replacement trees. He said the Committee had been working with the County and DPW Director Watson to make sure the new plantings would have the required water bags. He said the Department of Public Works was currently renovating Riverside Gardens Park. He said parts of the park

would be restricted so the major rebuilding could occur. He said they were waiting for a pond fountain at Mohawk Pond and said shrubs and trees had been trimmed at the location. He reviewed maintenance details for Eastside Park and Count Basie Field. He also reported that hydrant flushing would start on the following Sunday. He said he and Councilwomen Horgan and Lewis would be meeting with a representative of the Y to discuss the Youth Council that he had mentioned at a previous meeting. He also noted that the Two River Pride for Youth event would be held at the Count Basie Theater on June 10 in collaboration with the Monmouth Consortium for Youth, Make it Better for Youth, the 077Q1 Red Bank LGBT Neighbors, GLSEN and PFLAG. He said there were discussions about including a film from the Count Basie Theaters free film series to be shown that night. He said all were welcome to attend. He said he also wanted to follow up on an issue he had noticed all over town regarding lawn signs. He said he also find out what was going on regarding graffiti all over the buildings in the English Plaza parking lot. He said he knew Code Enforcement had been busy photographing signs in the downtown but said there were signs all over town in the right of way. He said Code Enforcement had changed a little bit and he wanted to know what kind of control was being issued over the signs that seemed to be planted all over town, in the right of ways and in the parks. He questioned whether Code Enforcement Officers were being utilized effectively for enforcement purposes. He said the signs were unsightly and made Red Bank look like a 1970s subway car.

Councilwoman Burnham said she had the Mayor had been meeting the Mr. Sickels to address issues with signs. She said she had spoken with Deputy Fire Marshal Welsh earlier in the day and said he had designated each person to a certain task. She said they were taking pictures of the illegal signs and said they would be having another meeting to see which signs had been installed illegally and would need permits. She said they were working to get the obvious signs out including those in the ground and real estate signs that had been on buildings for 20 years.

Mayor Menna agreed and reviewed some problem cases. He said it was happening a lot. He said it was a problem that they had to work on.

Councilwoman Burnham confirmed that they were working on it.

Mayor Menna said graffiti was also an issue that he had brought up at the Planning Board meeting.

Councilman Zipprich reviewed some other areas where graffiti was a problem. He said it was a recurring issue. He said his concern was regarding an ordinance that had been put forward by former Councilman Bifani that dealt with signage in the public right of way. He said he thought it should be enforced by Code Enforcement.

Councilwoman Burnham said the staff was on top of it.

Councilman Zipprich again suggested the signs be removed.

Councilman DuPont apologized for missing the last meeting and having to participate by phone. He reported that the Mayor's Wellness Campaign had had an employee health screening earlier in the day. He said many employees including Council people had participated. He said the Mayor's Wellness Campaign had been started because, based on insurance data, it was shown that keeping employees healthy meant the Borough could save between \$1,000 and \$1,500 per employee. He noted that the Health Screening had been run by Riverview Hospital and thanked them for their contribution. He said the YMCA had also been extremely helpful in the Campaign including running programs like Fitness in the Park, Yoga, Zuma and more.

Councilwoman Lewis she had forgotten to mention earlier that she wanted to congratulate Parks and Recreation on another successful egg hunt.

Mayor Menna said he wanted to note that Larry Higgs from the Asbury Park Press was not in attendance because he had been in a bicycle accident. He said he was missed and wished him well.

COMMUNICATIONS AND PETITIONS

PUBLIC COMMENT ON RESOLUTIONS ON THE AGENDA AND ORDINANCES ON THE AGENDA ON FIRST READING

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

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

ORDINANCES – First Reading

2014-11 Mayor Menna read, “Ordinance Amending Bond Ordinance 2014-8 of the Borough of Red Bank, in the County of Monmouth, New Jersey.”

Mayor Menna noted that the ordinance was not a new ordinance or appropriation but was to correct a transposition in the original ordinance. He said Bond Council said they would have to reintroduce.

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

Public hearing scheduled for May 14, 2014.

ORDINANCES – Public Hearing and Final Adoption

2014-7 Mayor Menna read, “Borough of Red Bank Calendar Year 2014 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-45.14).”

Councilman DuPont explained that the ordinance would allow the town to put money away for a rainy day.

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

Paul Cogno—65 Wallace Street—asked what it meant to put money away for a rainy day.

CFO Poulos said municipalities that did not use all of the two percent cap could pass an ordinance that would that would allow them to bank it so that in future years, if an appropriation went above the two percent, they can use some of the excess from the previous two years. She noted that they were only allowed to go back two years.

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, 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 Murphy.

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

2014-10 Mayor Menna read, “An Ordinance Amending and Supplementing Chapter IV, “General Licensing,” Section 4-1.8, “Fees Established” for Business Licenses of the Revised General Ordinances of the Borough of Red Bank.”

Mayor Menna explained that the ordinance would establish one fee for a seasonal market for the entire year. He said the old ordinance had a provision that the vendors have to pay for each weekend.

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: Murphy, Burnham, Horgan, Lewis, 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 Councilwoman Horgan.

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

RESOLUTIONS

14-122 Mayor Menna read, “A Resolution to Affirm the Borough of Red Bank’s Civil Rights Policy with Respect to all Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors, and Members of the Public that Come into Contact with Municipal Employees, Officials and Volunteers.”

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

14-123 Mayor Menna read, “A Resolution Appointing Per Diem Part-Time Dispatchers.”

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

14-124 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.

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

14-125 Mayor Menna read, “A Resolution Releasing Performance Guarantee Regarding Atlanta Realty Associates, 80 Broad Street, Block 46, Lot 9.”

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

14-126 Mayor Menna read, “A Resolution Amending the 2014 Temporary Appropriations.”

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

14-127 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 (Police Vehicles).”

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

14-128 Mayor Menna read, “A Resolution Authorizing the Issuance and Sale of up to \$650,000 of Special Emergency Notes of the Borough of Red Bank; Making Certain Covenants to Maintain the Exemption of the Interest on Said Notes from Federal Income Taxation; and

Authorizing Such Further Actions and Making Such Determinations as May be Necessary or Appropriate to Effectuate the Issuance and Sale of the Notes.”

Mayor Menna explained that this was not a new bond but was a draw down on a bond that had been previously approved by the Council.

Councilwoman Burnham said she thought the Revaluation was going to cost \$500,000.

CFO Poulos explained that it also included a balance of \$150,000 for notes from last year that were separate from the revaluation.

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

ROLL CALL:

AYES: Murphy, Horgan, Lewis, Zipprich, DuPont

NAYS: Burnham

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

14-129 Mayor Menna read, “A Resolution Authorizing the Issuance and Sale of Special Emergency Notes of the Borough of Red Bank in the Aggregate Principal Amount of up to \$85,688; Making Certain Covenants to Effect and Maintain the Exemption of Interest on Said Notes from Federal Income Taxation; and Authorizing Such Further Actions and Making Such Determinations as may be Necessary or Appropriate to Effectuate the Issuance and Sale of the Notes.”

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

14-131 Mayor Menna read, “A Resolution Approving Elizabeth McDermott as Acting Director of the Red Bank Public Library.”

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

Mayor Menna clarified that, since the Board of Trustees was not in effect at the time the vacancy occurred, he had the authority to make an interim appointment that had to be ratified by the Council at the next regularly scheduled meeting.

PROCLAMATIONS

Mayor Menna read a proclamation proclaiming April 2014 as Child Abuse Prevention Month.

Mayor Menna read a proclamation proclaiming April 25, 2014 as Arbor Day.

Mayor Menna read a proclamation proclaiming April 22, 2014 as Earth Day.

PAYMENT OF VOUCHERS

14-132 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,566,261.97”

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

OLD BUSINESS

Councilwoman Burnham asked about the status of the demolition of 106 Monmouth Street.

Mr. Sickels asked DPW Director Watson to give an update. Mr. Watson said they were waiting for an asbestos assessment and, if found, a proposal to abate. Mr. Sickels said he believed it was asbestos free and they would be able to go ahead.

NEW BUSINESS

AUDIENCE

Greg Held—31 Spring Street—said he had lived across the street from Ronald Slater for many years and spoke of his memories. He also asked if signs were put out illegally, if he could remove them as he walked through town. He also suggested the Borough could sell stickers of the Red Bank Borough logo.

Mayor Menna said he might mention that to the Library Board as a possible fund raiser.

Mr. Held said he also wanted to talk about the proposed park at Bellhaven. He said he and his wife go to all of the parks in town and he had seen signs at that location that stated it was wetlands. He said that had been an issue at Maple Cove and he was concerned about similar issues at Bellhaven. He said he liked the idea that had been suggested but said he did not know if this was the proper area. He said he liked it as a nature preserve and again expressed concern about the wetlands. He said he also remembered that the Borough had received money for property from Riverview Hospital which he said he assumed had grown over the years. He suggested that, instead of going to a bond ordinance, the Borough could use some of that.

Mayor Menna said the money had been intended to develop waterfront access of some type.

Mr. Held again suggested that money could be incorporated into the project.

Mayor Menna said it was a good idea and thanked him.

Councilman Murphy asked if the money was earmarked for a specific purpose.

Administrator Sickels said it was earmarked for a boat launch. However, he said the DEP would not issue new permits for a boat launch. He said they had been in discussion on the design of the park with the thought to provide more water access. He said they were also developing Sunset Park which was a much bigger piece of property. He said they thought they may be able to incorporate something there.

Mr. Held asked them to look for an alternative to the spray park in what he said was a sensitive area.

Mr. Sickels said he needed to correct the reference to a “spray park.” He said they were looking a possibly having a water feature within the park, but it was not being designed as a spray park but as a neighborhood park.

Adrian Gabbay—45 Madison Avenue—said he had seen articles and emails about the park and said there were a lot of things in the town that needed to be addressed. He questioned spending the money when they had just discussed increasing the tax rate to pay off debt. He said he lived financial conservative and questioned spending money they didn’t have. He said he understood there was some debt that was unavoidable and he also understood it was partially covered by a grant, but still questioned spending the additional money. He said there were more important projects that needed to be done and the park should wait until the Borough was in a better position.

Councilman Zipprich asked him what email he had been referring to.

Mr. Gabbay said he had seen and internet article.

Councilman Zipprich clarified that it had not been an email but had been an article.

Mr. Gabbay said he had also had friends email him about the project which was why he was attending.

Rose Sestito—190 River Street—Thanked the Mayor because after she had spoken about traffic problems at the last Council meeting, there had been a “slow down” sign place on the way to the Primary School. She said it had only been there at the beginning of the day and then taken away.

Mayor Menna said they would make sure it was returned.

Ms. Sestito said she was an advocate for the spray park.

Mayor Menna stressed that it was not a spray park but was a 30 by 30 square.

Ms. Sestito said that 30 x 30 square would mean a lot to the children in the area. She said she did not understand why there could not be a compromise. She said she was concerned with environmental issues but said something was needed for the children of the community. She noted that the Community Center was gone and the Summer Camp program was down to bare bones. She said the Recreation Programs all required a fee. She said they were not reaching the children on the west side of Red Bank. She said if they did not put it at Bellhaven, then where. She said the Shrewsbury Avenue lot was on one of the busiest intersections in town was not suitable for small children. She said they need to offer children alternatives and said this would be a wonderful investment in the children.

Mayor Menna thanked her for her comments. He remembered that many years ago, the Council had made a bold decision to purchase the corner property at Shrewsbury Avenue and, what was then, West Bergen Place for \$10,000. He said they were criticized for the decision to purchase the land and convert it to a pocket park. He said people said no one would use it and he said people in the neighborhood use it a lot. He again noted that they had been criticized for the decision.

Councilman Zipprich said he believed that was the only park west of Shrewsbury Avenue.

Mayor Menna said it was at the present time.

Councilman Murphy noted there was a park in the works on Sunset Avenue

Councilwoman Burnham asked about the status of that project.

Mayor Menna said they were moving ahead on it and noted that it was a Department of Environmental Protection remediation plan. He said it had been approved and fully funded by the DEP. He said they had been monitoring the site and had set timetables that had to be followed. He said it was an extremely expensive process but, fortunately for the residents of the Red Bank, he said it was fully funded by the State of New Jersey.

Councilwoman Burnham asked when the project had started.

Mayor Menna estimated it was approximately five years before.

Councilwoman Burnham said she believed it was in the 70s.

Mayor Menna and Administrator Sickels disagreed. Mr. Sickels reviewed the history of the property including the fact that it used to be a land fill and the ongoing clean-up that had followed.

Mayor Menna said the property had been off limits for an extended time but noted that sampling had started in January of 2011 so it had been about three years that they had been sampling.

Paul Balanikas—73 Wallace Street—spoke of his memories of Ronald Slater. He also wanted to reiterate comments from earlier speakers and asked if the Borough had DEP approval to build on the site.

Mr. Sickels said the suggested design had been reviewed with the DEP. He noted they had not made official permit applications but said the DEP had very much liked the idea.

Mr. Balanikas asked if he was referring to the 2001 design.

Mr. Sickels said it did not.

Mr. Balanikas asked what design they had reviewed.

Mr. Sickels said it was a concept that was used to apply for Monmouth County funding. He said they had wanted to make sure that the DEP would be on board before they submitted to the County. He said they very much agreed with what he called an alteration of the park to make it more usable by more people.

Mr. Balanikas asked if the plan was available.

Mr. Sickels said it was a discussion of a concept. He said there was something submitted with the Open Space Grant application but it was not a final design and noted that the final design had not been done.

Mr. Balanikas asked if it was standard protocol to ascertain a grant without first getting DEP approval to build.

Mr. Sickels said they would need DEP approval to do the work but it was not funded by them.

Mayor Menna clarified that Mr. Balanikas was asking if it was common to get the funding without knowing what the DEPs position would be.

Engineer Ballard said that, in order to get a formal permit from the DEP, the Borough would have to have construction documents with full design.

Mr. Balanikas asked if she was saying that it was very common to try to ascertain a grant without an official plan.

Ms. Ballard said that was correct.

Mr. Balanikas noted he was currently raising children in town and said he was a big proponent of open space. He said, at the same time, he felt things should be maintained before another venue was pursued. He said he had been to Marine Park recently and felt it was deplorable with many safety hazards that needed to be taken care of immediately. He said he also thought the Borough could be open to a lawsuit. He reviewed some of the specifics of the conditions he found and said he found it irresponsible that the Borough could not maintain what they had but were discussing borrowing money to build another park.

Mr. Sickels said the park had been destroyed by a hurricane and the Borough had been waiting for FEMA funding and insurance money. He said they had also applied for a grant to rebuild and relocate the restroom facilities. He said they had just put funding in place to rebuild the sewer lift station. He said those infrastructure improvements had to be coordinated into one project so that, when it went out to bid, the Borough would get the economy of scale. He said they were still looking at options regarding the tennis courts because there was concern that if they returned them as they were, they would be flooded with the next northeaster. He said the Council had recently passed a bond ordinance that would fund the design for those repairs. He said that doesn't mean they abandon other parks. He noted that they were addressing damage done by a storm so they would looking to put it back to reduce the chances of it being damaged by future storms.

Mr. Balanikas said he agreed with Mr. Sickels but noted that the bathrooms had functioned in 20 years. He erosion issues were not new. He said many of the problems were maintenance issues. He said it was

ludicrous to borrow money and propose a new park when the Borough couldn't take care of what it had already.

Mr. Sickels said they were not proposing a new park but were adding features to an existing park.

Mr. Balanikas said a beautiful design had been proposed in 2001 and asked why it hadn't been followed through and built.

Mr. Sickels said it was built.

Mayor Menna said he believed he was referred to a plan that had been designed in conjunction with the condominiums next door and some of it had not followed through.

A discussion followed about what had transpired when the condominiums were built.

Mr. Balanikas said he had a plan from 2001 that showed a boardwalk.

Mr. Sickels suggested it may have been a concept drawing but he did not think it had been funded or approved.

Mayor Menna asked to see it. After looking at it, he said it had been a conceptual plan that had been exchanged between the developer, Borough officials and the Borough's Environmental Commission. He said it was not the final product but was among a number of things that were being considered.

Mr. Balanikas asked the Council to take a look at the plan which he said was very good and easily implemented. He also asked where the \$600,000 from the bond that was going in regard to Bellhaven.

Engineer Ballard said it would go to remediation of the phragmites, which she said was a large task, a boardwalk, seating area, new landscape plantings, a small tot lot area, small swing set and small water feature area.

Councilwoman Burnham asked what she was referring to by "water feature."

Engineer Ballard confirmed that it would come up from the ground and be placed on a porous pad but would have no standing water.

Mr. Balanikas asked if it would be a recycling fountain.

Engineer Ballard said it would.

Councilwoman Burnham said it would be recirculating which was the most expensive.

Engineer Ballard said the recirculating type was actually a request from the Environmental Commission after they had seen the options. She said they had sent comments that had been reviewed by the Parks and Recreation Committee.

Mr. Balanikas asked Engineer Ballard to go over the options which she did. He asked the Council to focus on Sunset Avenue which he said he felt was more appropriate. He said he was aware that there was a huge influx of people at Dorbrook Park that came from all over and he did not think the Bellhaven area could sustain it.

Engineer Ballard said there had been a lot of comparisons to Dorbrook Park but wanted to point out the site being discussed was about three quarters of an acre with the total area to be developed being about 8,000 square feet which included the boardwalk, seating and landscaping. She said the area everyone keeps referring to as a "water park" was 2,000 square feet in the concept plan. She said Dorbrook Park was much bigger with all sorts of water features. She said this would be on a much smaller scale.

Frank Corrado—Oakland Street—said he wanted to express his opposition to a park in Bellhaven. He said, from an ecological as well as economic standpoint, it did not make sense at this time. He said he did think there was a need for a park on the west side and said he thought the pocket park on the corner of Drs. James Parker Boulevard and Shrewsbury Avenue should be considered especially when they were discussing destroying one of the last remaining public wetlands in the Borough. He said he thought they should improve the crosswalk/pedestrian area at Shrewsbury Avenue, it would allow for better access to Count Basie Park.

James Scavone—RiverCenter—said he wanted to remind everyone that the International Flavour Festival would be Sunday from noon to 7pm. He also noted that he had been part of the meeting with Councilwoman Burnham and the Mayor when they had discussed the sign issues. He said he had been a proponent of the enforcement but said many signs promoting the festival have been removed earlier in the day. He said they had been approved by the Special Events Committee. He said there needs to be a system to where Code Enforcement knows what had been approved.

Administrator Sickels said Council had approved the event subject to the approval of the Special Events Committee and the Committee had approved the signs. He said he had not been aware that they had been removed.

Councilman Murphy questioned their removal.

Mayor Menna said they Code Enforcement Staff had been directed to remove signs.

Mr. Sickels said the issue was that Chain of Command had not been followed.

Mayor Menna said, in the future, the issues should go through the Administrator.

Councilman Zipprich said if Special Event signs were allowed, it should be outlined in the ordinance and, if it wasn't, the ordinance needed to be modified.

Memone Crystian—Director of Parks and Recreation—said she was appearing as a mother of three young children who need a safe place in their community to play and enjoy the environment. She asked the Mayor and Council, when considering options at Bellhaven Park, to choose the children. She said there are many children and families in that community that need that park. She said it would not just be for west side residents but would be for the greater Red Bank Community. She said children did not need to get caught up in politics but needed people to stand and speak for them when they cannot. She again asked the Council to choose the children.

Brian Hanlon—20 Arthur Place—said someone had asked who had designated the area as a nature preserve. He asked if it had been done by the Environmental Commission with the West Side Community Group.

Councilman Murphy said he remembered the Environmental Commission spearheading it but did not remember that they had been affiliated with the West Side Community Group.

Mayor Menna agreed and said it would not have been a private group but would have been the Environmental Commission making a recommendation to the Mayor and Council.

Councilwoman Burnham said they had had a lot of letters from residents supporting the effort.

Mr. Sickels noted that there had been a vacant burned house on the site and the Borough had gotten it in foreclosure. He said the Commission had said it was a great site to enjoy nature and had recommended putting in some paths.

Mr. Hanlon said that seemed like a good concept. He said he would rather see a park developed on Sunset Avenue but said it seemed like the vote would go to Bellhaven. He said he thought the amount of money was excessive. He agreed that the lot at Drs. James Parker Boulevard and Shrewsbury Avenue was located at a busy intersection but said that had also been said about the Boys and Girls Club. He asked if there had been any thought to putting a committee together for naming rights of the park to help offset costs instead of bonding for it. He named local companies that could be interested. He agreed that the park was needed but said the others needed to be maintained. He suggested that, rather than having all of the money go to one park, the Borough should use some of it for improvements on other parks to be more fair and equitable to all of the residents.

Administrator Sickels reviewed the amount of money that was currently being spent on other parks. He said they were also working with the DEP to develop Sunset Park so he didn't think the Borough was just focusing on one. He said he thought they were trying to work on all of them evenly.

Mr. Hanlon said he would like to see a breakdown of how much had been spent on each park.

Mayor Menna said the largest expense would obviously be Count Basie Park because, he said, that was the largest single expenditure that the municipality had made. He said he was fully in favor of what they had done there because not a penny had been put into the property for fifty years. He said there had been criticism over the cost but reviewed the benefits of the park and cooperative agreements that made the payment on the bond less the previous upkeep.

Mr. Hanlon said the athletic field was different from a regular toddler type park.

Councilwoman Lewis said she wanted to address the comments about the Borough not being able to maintain the parks they had and said when she had come on Council, she had agreed, noting that Count Basie Park had not been turfed yet and they had had difficulty keeping up with demand and growth of the Recreation program. She said now that Phase I and II of those improvements had been completed, they were in a different position. She said they need to make the best effort to maintain their parks in general but said she had made a statement based on the condition of the parks at the time.

Councilwoman Burnham said Councilwoman Lewis had said at a meeting in April of 2011 that she had agreed that Maple Cove could not be a park because they had enough issues maintaining the parks they had.

Councilwoman Lewis said the parks needed to be maintained and demand continued to grow. She said it was a constant struggle but said, before they had turfed the field, they definitely had an issue with the condition of Count Basie Park. She said she agreed with Mayor Menna that it had been time to make an investment, it was a good investment and they were seeing a return on it.

Councilman Zipprich said they continued to struggle because the parks were well used. He said they continue to put money into them so they are available to residents and visitors so the town can continue to thrive and grow.

Memone Crystian—Parks and Recreation Director—thanked the Police Chief for the Department's efforts during a recent shooting. She said she had been a Count Basie Field at the time of the shooting

and saw the tension and concern over what was going on. She said for someone to be caught so quickly was a relief to the community. She said thank you again. She said she spent a lot of time in parks in other towns. In regard to other local towns, she said, everyone had challenges. She said she had looked at some of the fields in other towns and did not understand how people could complain about Red Bank's parks. She said Red Bank's fields were well kept and praised the maintenance staff for their diligence and commitment.

Terrance Walden—Borough of Red Bank employee—said he grew up in Red Bank. He said he had heard comments about the parks not being maintained. He said there was a lot of work out there and noted that the town was used at a very high rate. He said the parks were full of people at all times of day. He said he wanted everyone to know that, from 7am to 3pm, they were constantly at six parks, not including the athletic field which took priority over everything else. He admitted that there might be things going on at the parks that they can't handle but it would be handled by the Council and management and the employees would work with them. He said they could spend all day just picking up litter before doing anything else. He said they take pride in what they do and take their instructions from the director. He said he said he had been working in the park for four years and he believed they were the best they had ever been. He said it bothers him knowing how hard they work and then to hear people saying the parks were in disarray. He said if they take care of Riverside Gardens Park at 7am, especially on a nice day, an hour later there have been a huge number of people in the park many who leave litter. He said throughout the day it was a struggle. He said they go back and maintain it and said there was a system in place. He said it gets to him because they work very hard. He asked the public to applaud what they were doing. He said there was a lot of negativity which he thought came from people nitpicking and not seeing the real issue. He said he wanted everyone to know that they were trying to get to everything and when they were notified of something, they would address it. He said there was limited staff and limited money.

Councilman Zipprich asked how many employees were on the crew in the Parks division.

Mr. Walden said there were currently four but at one time he had been by himself.

Councilman Zipprich said, since Mr. Walden had come on board, they had noticed tremendous improvements in all of the parks which he said was due to his dedication to the people of the Borough. He said he wanted to personally thank him for his dedication.

Councilwoman Lewis said the amount of pride he put in his work was undisputed. She asked him not to think his work was not recognized and noted that she had seen it first-hand.

Councilman DuPont said he had spent a lot of time in the parks with his children and felt Count Basie Park was the crown jewel of the County. He said he had been disappointed to hear that morale was low because of criticism. He asked him to send a message back to the employees that Council sent thanks for their efforts.

Councilwoman Horgan thanked the Department of Public Works and Director Watson. She said when there was a problem, it was dealt with right away. She said it was unfortunate that people spread erroneous information but those who knew appreciated their efforts.

Paul Balanikas said he appreciated all that the employees do but said there were serious things that needed to be fixed at Marine Park. He said that was what they meant when they said the Borough can't maintain its parks before they go build another one. He said he had heard a lot of talk about the children but said what they needed to first was to open Library on Saturday. He said that should be a priority and suggested it would be better to close the Library on Monday or Tuesday.

Mayor Menna said the Council was in favor of those suggestions and said that had been a problem with the previous board.

Councilwoman Horgan agreed. She said the matter was still in discussion and they realized it was important.

EXECUTIVE SESSION

ADJOURNMENT

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

Respectfully submitted,

Pamela Borghi