

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
MAY 28, 2014  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

ABSENT: Councilmembers Murphy and DuPont.

**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 Zipprich offered a motion to suspend the regular order of business, seconded by Councilwoman Horgan.

**ROLL CALL:**

AYES: Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

Councilman DuPont arrived at 6:32 p.m.

**Presentation by 077Q1 Red Bank LGBT Neighbors**

Councilman Zipprich introduced David Pascale and Kate Oakerson of 077Q1 Red Bank LGBT Neighbors.

Mr. Pascale explained the mission of their group and presented the Council with a flag that they asked the Borough to fly during the month of June to acknowledge Pride Month. He reviewed the upcoming Two River Youth Pride event scheduled at the Count Basie Theater on June 10.

Ms. Oakerson explained the purpose of the event and said she hoped they would fly the flag to show that the Borough would take part in and support civic change.

Mayor Menna read a proclamation proclaiming June 2014 as Lesbian, Gay, Bisexual & Transgender Pride Month in the Borough of Red Bank. He thanked Mr. Pascale and Ms. Oakerson for their contributions.

**Presentation honoring Rosemarie Kopka**

Mayor Menna reviewed Rosemarie Kopka's many years of activism on behalf of the Borough's children and the population in general. He noted that Ms. Kopka had been unable to attend but noted there were individuals attending on her behalf including Susan Berke, Barbara Boas and Ben Forrest.

Mayor Menna read a proclamation honoring Rosemarie Kopka and presented it to her representatives.

Ms. Berke accepted it on her behalf and spoke of the ways in which Ms. Kopka had touched the community.

Mr. Forrest also noted effect Ms. Kopka had had on both him and the Borough's students and spoke of her determination.

Mayor Menna noted that the resolution mentioned some other individuals that also had left a legacy in the schools and in the community which were the Lee's, the Polonsky's and the Thompson's and reviewed their accomplishments as well. He noted they had all worked to together as a team to build the Red Bank educational system.

Councilwoman Burnham noted she had met her back in the 80s and had found her supportive, considered a mentor and admired her greatly.

Councilwoman Lewis said she also considered her a mentor and said she had helped her forge a relationship of getting back into the community. She thanked her for bringing her closer to the community she loved and said Ms. Kopka had instilled in her a belief in doing the right thing.

Councilman Zipprich recalled when she had called upon him to attend a meeting to reform the Red Bank

Borough Education Foundation. He said it had been his pleasure to work with many of those present in the Council Chamber to make sure the Borough's children had the tools that they needed.

Councilman DuPont said it went to show how one person could make a difference and what one person's actions could do to affect many. He said they were thankful for Ms. Kopka's actions and her contributions to the Borough.

Councilwoman Horgan said she wanted to mention that Ms. Kopka had come to the area from Germany shortly after World War II and said she felt that had affected her desire to bring people together. She also said Ms. Kopka was passionate about education. She added that Ms. Kopka had been a lifetime member of the NAACP and believed in diversity and doing good.

## **RESUME REGULAR ORDER OF BUSINESS**

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

### **ROLL CALL:**

AYES: Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

## **WORKSHOP**

### **Parking Contributions**

Mayor Menna reviewed the history of the Parking Contribution Ordinance and the moratorium that had been in place. He noted that the contribution ordinance applied to new applications before the Planning or Zoning Board with parking deficiencies and noted that funds from those assessments would go to a trust fund that had historically been used exclusively for parking enhancements. He noted that the moratorium had been put in place due to economic conditions and commended the Council for use sound tax and revenue policy to spur growth. He recommended that they continue the moratorium and noted that CME was conducting a review of the Borough's properties.

Councilman DuPont agreed with the Mayor's description of the history and said he agreed it should continue. He reviewed many of the projects that were currently underway and also noted the growth going on in the area of the train station. He spoke in favor of continued controlled growth and said he was looking forward to the CME report.

Councilwoman Burnham asked what the time limit would be if the moratorium was continued.

Mayor Menna said it was up to the Council.

Councilman DuPont recommended that it be continued to December 31, 2014.

Mayor Menna said they would probably have some rough planning considerations by them as a result of the review. He said the business community had said that the moratorium had helped. He also said the eastside lots continue to be underutilized most evenings. He noted that all of the spaces, including those rented to local businesses, were available for public use after 5 pm. He agreed that the moratorium was working and thought it should continue.

Councilman Zipprich said he thought the valet service had helped with the use of the eastside lots.

14-153 Mayor Menna read, "A Resolution to Extend the Temporary Suspension of the Parking Deficiency Schedules in the Borough's Planning and Development Regulations During Economic Emergency."

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

### **ROLL CALL:**

AYES: Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

## **APPROVAL OF MINUTES – April 9, 2014**

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

### **ROLL CALL:**

AYES: Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

## **APPROVAL OF MINUTES – April 16, 2014**

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

**ROLL CALL:**

AYES: Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

**MAYORAL APPOINTMENTS**

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilman DuPont had no report.

Councilman Zipprich reported that he and Councilwoman Horgan had presented Certificates of Achievements on the Mayor's behalf to several Eagle Scouts. He also thanked the Red Bank Volunteer Fire Department for their Memorial Day service and commended Councilwoman Lewis and the Parks and Recreation staff for their service at the Veteran's Memorial. He reported that the Public Works Committee had met the previous week and discussed repairs to Marine Park and received an update on the progress at Riverside Gardens Park. He said and Councilwomen Horgan and Lewis had recently walked the park and had been impressed with the efforts. He also noted there would be a new flag pole in Marine Park and lighting upgrades. He reported that the road program would begin in the summer months. He also pointed out that the Borough Engineer had distributed a status report and urged all Council members to read it. He also thanked the Engineer for swiftly reported the findings of the Sunset Avenue landfill site report. He said the entire report was available for review in the Borough Clerk's Office. He said the report was highly technical and said he was hoping for a public meeting where the findings could be discussed. He also reported that June was Gay Pride Month. He thanked the Mayor for the proclamation and invited everyone to the Two River Pride for Youth event on June 10<sup>th</sup>. He again thanked David Pascale and Kate Oakerson for their efforts as well as Adam Phillipson and the staff at the Count Basie Theater. He also thanked Councilwomen Horgan and Lewis for their support. He also noted that the Historic Preservation Commission would be meeting later in the evening.

Mayor Menna said he agreed that there should be a meeting regarding the Sunset Avenue Remediation with an open informational forum. He thanked Councilman Zipprich where the information could be presented and said it should be in July. He said it would be advertised as a public meeting of the Mayor and Council but would be an informational meeting run by the experts.

Councilwoman Lewis said the Parks and Recreation Committee had met on May 21 and had been honored to have the Environmental Commission participate in a discussion on the Bellhaven project. She said those conversations would continue. She said the Committee was considering the Commission's input and concerns as the project progressed. She said she also wanted to congratulate the Parks and Recreation team for a great job on the Memorial Day services. She also reported that sign-ups for recreation programs were underway.

Councilwoman Horgan reported that the Environmental Commission had met the previous night and she said they would be having a composting workshop on June 10 which would be presented by a Master Gardener. She said compost machines would be available for purchase at a special price. She also reported that they had discussed the Living Shoreline. She said Kathleen Gasienica, president of the American Littoral Society, had attended and explained that if the town sent a letter to her organization, a design could be done at no cost and with no future commitment. Councilwoman Horgan said she would like to see them do that.

Councilwoman Lewis asked if deadlines could be included in regard to the response time so they would be able to move forward.

Councilwoman Burnham suggested that Councilwoman Horgan could make a motion at this meeting to approve the letter.

Councilman DuPont said it was Councilwoman Horgan's Committee and he did not feel she needed empowerment from the Council to write a letter on behalf of her Committee.

Councilwoman Horgan also reported that the Environmental Commission was still pursuing the Sustainable Jersey Certification. She said one of the main elements was to establish a Green Team and noted that they still needed more members. She reviewed the program which would make the eligible for grants and asked for volunteers. She also reported that the Library Board had met on May 15 and said there were new hours. She said they were currently closed on Saturdays but would eventually phase them in and asked the public to be patient. There was a discussion of staff hours versus hours the Library was open. It was noted that the staff worked a full week including during hours when the library was closed. Councilwoman Horgan said the next meeting of the Library Board would be June 19. She also thanked the Public Works staff for their assistance in cleaning up flooding issues at the Library. She reviewed various programs offered at the facility. She also reported on a recent food drive by Lunch Break and noted that their goal had been 50,000 pounds of food and said they were at 59,000 and counting. She also reported that Saturday, May 17, the Senior Center had hosted a Volunteer Tea and reviewed that event. She thanked those that volunteer their time to teach the seniors various activities.

Councilman Zipprich thanked Councilwoman Horgan for mentioning the Public Works staff.

Councilwoman Burnham said on May 21 she had met with Administrator Sickels, Engineer Ballard, representative of the Department of Transportation and State Senator Beck to discuss installing a sidewalk from the Galleria to the former Anderson Building. She asked Administrator Sickels to elaborate.

Mr. Sickels said they had met with the developer of the Anderson property to discuss whether or not they could install a sidewalk next to their building and complete the handicapped ramp in the island to the crosswalk that led to the Galleria building. He said they felt it was necessary to meet with the DOT and representatives of NJTransit to help understand the application procedure because a lot of that property was within the railroad right away. He said the meeting had clearly defined what could and could not be done and the limitations of the work. He reviewed the details of the project.

Councilwoman Burnham said it was about pedestrian safety. She said they would be meeting again on June 17 to discuss the broken bricks in the crosswalk at West Front Street and Maple Avenue. She reported that Red Bank Regional would be putting on a Gala Celebration on the following Friday and invited the Council to attend. She reported that the Community Garden was currently full but encouraged those interested to join a waiting list. She said applications were available on the Borough's website on the Parks and Recreation page.

Councilman Zipprich asked Councilwoman Burnham if the Board of Health had met.

Councilwoman Burnham asked what issue he was referring to.

Councilman Zipprich noted that the Board usually met four times per year and when he had been on the Code Enforcement Committee he had been very active with the Board. He said his time of year the Board normally worked on a number of safety issues and asked if she had been working on that.

Councilwoman Burnham said she had not and she did not have any information on it. A discussion followed on the previous business of the Committee and the suggestion to call for a meeting.

Councilwoman Horgan said she wanted to mention a recent dedication of a Borough fire truck. She said it was a great event and spoke of the number of towns and visiting apparatus that had attended.

Mayor Menna said he wanted to note that there had been an error by the Red Bank Post Office and tax bills had been received well after the postmark date. He said they would be adding a resolution to approve acceptance of payments dated on or before May 12.

Administrator Sickels said he wanted to add a comment in regard to the meeting with the DOT which was to note that the Assistant Commissioner from the DOT had been present. He said they had discussed the Route 35 crosswalks and reported that they had agreed and understood the urgency to remove the bricks and temporarily pave them over and add crosswalk striping. He noted that they plan to reconstruct Route 35 within a two year period and the Borough could revisit the decorative crosswalks at that time.

Councilman Zipprich said the County had come in and filled the area with the missing bricks with some asphalt while they were doing their normal inspections.

Mayor Menna said another issue was the fact that there had been a number of traffic incidents on West Front Street at the railroad bridge. He said he had asked the Police Chief to provide data regarding how many times vehicle had gotten stuck under the bridge and reported that, in the past year and a half, it had been five. He noted that he had raised the issue before and said most of the drivers had been given tickets for careless driving which he felt was unacceptable and called for a stronger fine. He said he had asked the Borough Attorney to draft a local ordinance tailored to drivers who impact the bridge that would address the inconvenience to the municipality and other drivers and said it could conceivably be up to a \$1,500 fine.

Councilman DuPont said he thought it was a good idea and agreed that it was not the first time the Mayor had brought it up.

## **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from RiverCenter to hold the Red Bank Farmers Market in the Galleria parking lot every Sunday beginning on May 6, 2014 and ending in mid-November, approved by the Special Events Committee.

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

### **ROLL CALL:**

AYES: Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

Mayor Menna read a request from Red Bank Elks Lodge No. 233 for use of Riverside Gardens Park to hold their annual Flag Day ritual on Saturday, June 14, 2014 beginning at 3:00 p.m. and ending at 5:30 p.m., approved by the Special Events Committee.

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

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

Councilwoman Horgan noted that the Elks would be joining a nationwide effort on Flag Day to simultaneously sing the Start Banged Banner in an attempt to set a Guinness World Record.

**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 DuPont offered a motion to close the public comment portion of the meeting, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

**ORDINANCES – First Reading**

**ORDINANCES – Public Hearing and Final Adoption**

**RESOLUTIONS**

14-150 Mayor Menna read, “A Resolution Authorizing Change Order No. 1 Related to the Contract with FieldTurf USA, Inc. for the Outdoor Athletic Surfaces Installation Project.”

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

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

14-151 Mayor Menna read, “A Resolution Authorizing Approval of Sidewalk Cafés.”

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

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

14-152 Mayor Menna read, “A Resolution Urging Our Legislators to Enact a Beagle Freedom Bill also known as a Research Animal Retirement Bill.”

Mayor Menna noted that Red Bank was the first municipality in New Jersey to sponsor this effort. He noted that Minnesota had adopted legislation that addressed what is known as the Beagle Freedom Bill. He explained that beagles were often used in laboratory experiments and they were usually euthanized. He noted that California and New York will enacting similar legislation to require the companies to work with shelters to find homes for the animals and Red Bank would be the first municipality to encourage the New Jersey legislature to do the same.

Councilwoman Horgan would like to see a ban on the use of animals in testing altogether.

Councilman Zipprich asked what “academic curiosities” listed in the resolution was referring to.

Mayor Menna said it would be a case of not having a definitive answer to an ongoing medical problem but to experiment in futuristic development. He said the legislation called for the research facility to certify the dog was still healthy and, if it was, to transfer it to an adoption facility rather than euthanize it.

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

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

14-154 Mayor Menna read, “A Resolution Waiving Interest Charges for Property Taxes that were Late Due to Delivery Delays.”

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

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

## **PROCLAMATIONS**

### **PAYMENT OF VOUCHERS**

14-155 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,102,200.49”

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

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

## **OLD BUSINESS**

### **NEW BUSINESS**

#### **AUDIENCE**

Councilman DuPont left the meeting at 7:45 p.m.

Barbara Boas—135 Branch Avenue—said she notice the triangle on Monmouth Street near the railroad crossing had been devastated and asked what had happened.

Administrator Sickels said the damage had happened during the reconstruction of the crossing and they were addressing the matter with the Department of Transportation and NJTransit.

Rich Nicoletti—said he was representing the Red Bank Tennis Courts and said he had been involved with the facility for 22 years as the manager. He said he had been involved with the Red Bank Tennis Courts since he was 11 years old. He said a proposal had supposedly been submitted to the Council regarding the rebuilding of the tennis courts. He said he wanted to pass a copy of it around.

Mayor Menna said the Council had received no proposal for the repair/replacement of the tennis court. He said he believed the person had had a meeting with the Parks and Recreation Committee but again said it had not been received by the Council. He also said that would be illegal and said it would have to go out for a Request for Proposal.

Mr. Nicoletti asked if he could hand it out.

Mayor Menna said he should not and said the Committee already had a copy.

Attorney O’Hern agreed and said because it was public property, the town could not negotiate with a single private individual. He said he believe the person had made a presentation at the Committee level but also believed he was told that the Governing Body could only consider it if they decided to put it out to bid so others would have opportunities to bid.

Mr. Nicoletti asked what the next step would be.

Mayor Menna said the next step was that the Parks and Recreation Committee would have to do an analysis of the needs at Marine Park. He said the proposal for the tennis courts was just one of several that had expressed interest in what should be done. He agreed with the Borough Attorney in that public facilities have to be put out to public bid to any organization that would like to submit a proposal. He said he anticipated that, now that the bonding was in place for reconstruction of the park including bathroom facilities, the next step would be for the Council to entertain bids or proposals by third parties that were submitted in a neutral way. He said then the Council could make decision regarding one proposal over another.

Administrator Sickels confirmed that the Committee had the proposal being discussed and said they were also looking at other recreational options for the site. He said they had been focusing on the infrastructure improvements including the relocation of the restrooms. He said they were also reconstructing the electrical services to make them more flood resistant. He said they were also working on the reconstruction of the sewer lift station which had been adjacent to the tennis court and had taken priority. He stressed that the Committee had not made decision on a recommendation to the Council for what should be done at that site. He said another problem that had been identified regarding the tennis court

was that fact that, due to the proximity to a flood prone area, it was suggested that one section should be raised to prevent incidental flooding. He said the retaining walls around it would also need to be reconstructed.

Mr. Nicoletti said the area looked bad and asked if it would be cleaned up soon.

Mr. Sickels agreed said they had just added staff to the Department of Works and said that was a priority.

Councilman Zipprich said he had had a conversation with the Director of Public Works that day to discuss the tennis courts. He said he had asked him to remediate the weeds growing in that area.

Mayor Menna summarize by saying said the funding had to be in place for the clean-up and infrastructure improvements. He said the Committee would be discussing how to proceed in regard to the tennis courts and would be reporting back to the Council.

Councilwoman Burnham noted that the last bond passed had included \$300,000 for Marine Park.

Administrator Sickels noted that the numbers had been changed but agreed that there was funding for Marine Park.

Councilwoman Burnham said she believe it included funding for benches and questioned why it didn't also include funding for the tennis courts.

Mr. Sickels questioned if benches had been a line item.

Councilwoman Burnham said they were.

Engineer Ballard clarified that there had been two different bonds. She said one was done in 2013 and had several items in it including the flag pole, marina stanchions and other items that had been specifically damaged by Sandy. She said the 2014 bond was done because the Borough had received the Monmouth County Open Space funding which included money for the restroom building. She said they included picnic tables in the application because it was something that had not been in the park before and also included benches around the restroom building.

Councilman Zipprich asked if lighting had been included in one of the bonds.

Engineer Ballard said the most recent bond had included lighting improvements as part of the Monmouth County application.

Stephen Hecht—135 Branch Avenue—reminded the Council that the benches around the periphery of the park had been purchased by individuals at \$1,524 apiece and noted they were different from picnic benches. He also noted that he was a tennis player but had not had the opportunity to play on the clay courts. He said whatever decision the Council made in regard to the courts, he asked that they take a unified approach with all of the courts in town in regard to how they were managed, maintained, staffed and paid for. He said there should not be separate mechanisms for the courts.

Carol Popper—Pinckney Road—said she thought the bond would include the replacement of the tennis courts. She said it reminded her of the boat ramp and the money that had been received from the hospital. She noted the boat ramp had never been replace and questioned whether that would happen with the tennis courts. She noted how long the courts had been there and the fact that a lot of people played there and took lessons.

Councilman Zipprich noted that years before the Historic Preservation Commission had made a motion to add the courts to their historic inventory but the people that played there had not wanted it. He noted the cost to replace the courts historically. He said he understood the desire that people had to play on one of two sets of public clay courts in the State.

Ms. Popper again said she thought the courts were going to be replaced. She asked when the Parks and Recreation meetings were.

Councilwoman Lewis said the public meeting of the Committee was on the fourth Monday of the month.

Ms. Popper said she was shocked to find out proposals were being considered for other things.

Administrator Sickels noted the Borough had to consider cost to repair after storms, the maintenance and the number of residents that use the court. He also noted the expense for the repairs to the infrastructure of the park which was more extensive than most people realized and noted that they had to prioritize the work.

Councilwoman Burnham questioned why they were bonding for a spray park in the wetlands.

Mr. Sickels said they were talking about the priorities at Marine Park. He said there were looking at various suggestions for the area.

Ms. Popper asked about Riverside Gardens Park and if the funding for that repair was included in this. She asked why money was going there when it was a brand new park.

Mayor Menna said Riverside Gardens Park needed a substantial upgrade because of deterioration and damaged caused by heavy use over 10 years. He said there was also damage from storms and from skateboarders.

Ms. Popper spoke of the people that use the courts. She also questioned by the lights were on at the Count Basie Athletic Field at 11:30 at night.

Administrator Sickels said the fields were in use and the lights went off at 10 pm.

Ms. Popper question that.

Steve Popper—Red Bank—said he had heard someone mention the limited number of residents that used the clay courts. He said the courts attracted people from all over the State because they were beautiful to play on and said they also brought business into Red Bank. He said he guaranteed not more than five percent of the people using the athletic field were from Red Bank. He said the courts were an institution and they should not get rid of it.

Councilwoman Horgan asked how much revenue the town would lose if they did not replace the courts.

Councilwoman Lewis said the question was how much revenue had they received from the courts.

Jon Hutton—Fisher Place—asked if someone had said the courts were private property.

Mayor Menna said they had not and noted it was public property.

Mr. Hutton asked if it was part of Green Acres.

Mayor Menna said it was and that was why any proposal would have to go through public bid.

Mr. Hutton said he knew they couldn't look at the proposal but said, if they did, they would see things that could be done. He asked how they could get it to the Council so people could look at it and evaluate it. He asked if they were required to have more than one proposal and asked what would happen if no one else submitted.

Attorney O'Hern said the park was public property. He said he also understood that the proposal had been done by a private individual who wanted to refurbish and run the Red Bank Tennis Courts. He said the Council could not approve that without putting it out to bid because there may be other people who would have a similar interest and may be willing to pay more which would benefit the tax payers. He said the only way it could get to the Mayor and Council would be to put out an RFP. He added that if there was only one submission, they could consider it. He said Administrator Sickels had alluded to the fact that it had been submitted to the Parks and Recreation Committee.

Mr. Sickels said a submission had been made to the Borough and that it had been referred to the Parks and Recreation Committee.

Councilwoman Burnham said it had been almost a year and there had been no movement.

Councilman Zipprich noted that the membership in the Committee had changed.

Councilwoman Burnham said it needed to be addressed.

Councilwoman Lewis said, at the proper time, the Committee would review proposals that would benefit the entire community and would evaluate the best use of the property.

Mr. Hutton said he had a list of 248 people who use the courts.

Mayor Menna said they had it and it had been forwarded to the Committee.

Mr. Hutton said they had missed the tennis season and hoped they wouldn't be back next year. He said he would like to see a hearing on it.

Mayor Menna assured him that he would.

Councilwoman Burnham said she had looked at the proposal and noted that it had said it was a non-profit.

Councilman Zipprich asked how she had gotten a copy of the proposal when the rest of the Council hadn't.

Councilwoman Lewis questioned if there would be an Executive Director.

Councilwoman Burnham read from the document.

Mayor Menna said they should not be discussing the matter since it was not a public document.

Administrator Sickels said that was not the proposal that had been submitted.

Attorney O'Hern agreed that Councilwoman Burnham had a different document.

Tom Curtis—Red Bank—said they had organized the Red Bank Clay Court Foundation which he said was a nonprofit. He said the proposal did not suggest the person who submitted it run the court but suggested that the nonprofit run the court. He said they had understood that if a nonprofit was established, the Borough could deal directly with them. He asked the Council to just review the proposal to see if it was a good idea. He said no one was trying to run it for personal profit.

Attorney O'Hern said no one was suggesting that. He said the Borough basically had three options which were to fix it up and run it themselves, put it out to bid for a private for profit organization or lease it to a nonprofit. He said the Council could also choose to do something else with the property.



Jim Noble—711 Broad Street, Shrewsbury—questioned what a better use would be. He noted that people that came there to play tennis would spend money in town.

Mike Kosberg—92 Wallace Street—noted that many waterfront projects had been discussed and suggested a putting comprehensive plan in place to tie them together. He said the riverfront was the Borough's best asset.

Mayor Menna said it had already been considered and was part of the Borough's Master Plan and Master Plan review. He said it was still a working document and included a Waterfront Access Plan.

Ira Freidman—Ambassador Drive—said a number of people had assisted Mr. Nicoletti over the years with maintenance of the courts. He said they had suggested putting brochures in the area hotels to bring people to the area to play tennis. He said reviewed ideas to get children involved in tennis. He said he appreciated the infrastructure issues, understood the issues and appreciated the hard work that went into it.

Mayor Menna said they would follow up on the matter.

Councilman Zipprich said he wanted to note that the Borough had bonded to repair the heating and air conditioning in Borough Hall and apologized for the loud air conditioning units that been put in place.

Councilman DuPont offered a motion to close the audience portion of the meeting, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

## **EXECUTIVE SESSION**

### **ADJOURNMENT**

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

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

Respectfully submitted,

Pamela Borghi