

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
JUNE 11, 2014  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENT:** Council President Murphy and Council Members Burnham, Horgan, Lewis, Zipprich and DuPont.

**ALSO PRESENT:** Administrator Sickels, Municipal Clerk Borghi, Chief Financial Officer Poulos, Attorney Byrnes and Engineer Ballard.

**ABSENT:** Mayor Menna.

**SUNSHINE STATEMENT**

Council President Murphy 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.

**WORKSHOP**

**APPROVAL OF MINUTES – April 23, 2014**

Councilman DuPont offered a motion to approve the minutes, 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.

**MAYORAL APPOINTMENTS**

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilwoman Burnham reported that Red Bank Regional High School had held its first Gay/Straight Alliance evening on May 30<sup>th</sup>. She described the event and said it was well attended and very interesting.

Councilwoman Horgan reported that the Library had recently expanded its hours. She thanked Acting Director McDermott and her staff and reviewed the programs that were currently being offered. She said the Library Foundations was looking for volunteers to assist at the upcoming Rockin' Country Festival which would benefit the library. She said the next Board meeting would be June 19.

Councilman DuPont thanked Councilman Zipprich, Councilwoman Lewis and Councilwoman Horgan for participating in the Gay Pride Event that had been held the previous night. He spoke of the importance of offering support to the kids and said Red Bank was about inclusiveness.

Councilman Zipprich thanked Councilman DuPont for mentioning the Gay Pride event. He said events were not just around the County but also around the State. He said the Department of Public Works had rolled out a ComStat program. He described the program and how it was applied in Public Works. He commended the Public Works staff for stepping forward to better serve the Department and the Borough citizens. He also reported that Lunch Break was looking for donations of socks and hosiery. He said items could be dropped off at the facilities Shrewsbury Avenue warehouse. He also noted that Pilgrim Baptist Church had held the annual Blessing of the Bikes the previous Saturday. He said he had also attending the Senior Luncheon at the Bates Lodge on Sunday. Lastly, he said, he wanted to thank the Count Basie Theater, the 077Q1 LGBT Neighbors, Mayor Menna, and Council President Murphy for their participation in the Two River Pride event the previous night and reviewed the event.

Councilwoman Lewis announced that the basketball hoops at Count Basie Field would be installed the next day and the surfaces would be completed in two to three weeks.

Council President Murphy reported that the Red Bank Volunteer Fire Department had several members graduate from the Fire Academy the previous week. He said he had attended a funeral for Elizabeth Cain noting that she had served as a Crossing Guard and was also a member of the Fire Department Ladies Auxiliary. He also reported on a fire that had occurred at 43 Monmouth Street. He noted the Fire Department would be assisting with a funeral for a Union Beach firefighter that had died in the line of duty.

**COMMUNICATIONS AND PETITIONS**

Council President Murphy read a request from Jersey Fusion Basketball, LLC to hold a 3-on-3 Basketball Tournament at Count Basie Park on August 16 and 17, 2014, approved by the Special Events Committee.

Councilman DuPont offered a motion to approve the request, 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.

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

Council President Murphy 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 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.

#### **ORDINANCES – First Reading**

#### **ORDINANCES – Public Hearing and Final Adoption**

#### **RESOLUTIONS**

##### **By Consent Agenda:**

- 14-156 A Resolution Authorizing Refunds Due to Overpayment of Taxes Due to Judgments of the Tax Court of New Jersey.
- 14-157 A Resolution Authorizing Acceptance of Performance Guarantee and Inspection Escrow Regarding 25 Front Street, LLC, 23-25 West Front Street, Block 30.01, Lot 16.
- 14-158 A Resolution Authorizing Acceptance of Performance Guarantee for 224 Maple Ave, LLC.
- 14-159 A Resolution Authorizing Approval of Sidewalk Cafes.

Councilman Zipprich 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.

- 14-160 Council President Murphy read, “A Resolution Authorizing Change Order No. 2 related to the Contract with CMS Construction, Inc. for the Riverside Gardens Park Repair Project.”

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.

Councilman Zipprich thanked Engineer Ballard for her efforts to identify additional items needed on the project so the work would be done correctly the first time.

#### **PROCLAMATIONS**

#### **PAYMENT OF VOUCHERS**

- 14-161 Council President Murphy “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,410,285.75”

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

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**

## **NEW BUSINESS**

## **AUDIENCE**

Paul Moschella—22 Oaks Road, Little Silver—said that last November he had met with some the Council to discuss an idea for the tennis courts at Marine Park and said he had felt they had been receptive. He said he had submitted a proposal but hadn't heard back. He said he wanted to know what the town planned to do with the courts and if they had received any other proposals. He said he was part of a non-profit organization that was looking to promote the sport of clay court tennis.

Councilman Murphy said he was aware that Mr. Moschella and his family lived in Little Silver and were avid tennis players. He said he had not seen the proposal and believed it had gone to the Recreation Committee. He also noted that he had not attended the last Council meeting but believed there had been a discussion about the tennis courts.

Administrator Sickels said other representatives had attended the previous Council meeting and had presented him with a copy of a proposal that they said had been modified. He said he had distributed it to the Committee and they had planned to review it. He explained the process to review proposals. He said the Committee was looking at options but was focusing on infrastructure improvements before looking at recreation issues. He said he expected the Committee would be reaching out to him soon.

Council President Murphy asked if the Borough had a copy of the proposal Mr. Moschella.

Mr. Sickels said they had the original proposal and said he had also taken a copy of what had been presented at the last meeting and forwarded it to the Committee. He said would also have to consult with the Attorney and CFO to make sure they followed the proper procedure in regard to receiving proposals.

Council President Murphy asked Mr. Moschella about tennis courts in Little Silver.

Mr. Moschella said they were hard courts.

Council President Murphy asked how the Borough of Little Silver scheduled use of their courts.

Mr. Moschella said they were first come, first served. He again stressed that they were different from clay courts.

Council President Murphy said someone would get back to him after they reviewed the proposal. He also reviewed the public bid proposal. There were questions as to whether the procedure would apply to a non-profit.

Councilman DuPont noted that a proposal had been submitted to the Recreation Committee and they should come back with a recommendation. He asked that the proposal be hand delivered to Councilwoman Lewis for consideration by her Committee.

Mr. Moschella said the proposal had been emailed and noted that nothing had been finalized because he was waiting for direction from the Borough.

Councilman DuPont said he believed, even if the proposal came from a non-profit, that there would be a public bid required in case there were other non-profits interested.

Councilwoman Burnham said she had a copy of what she thought was an ordinance and read a section that dealt with leases by non-profits.

Councilman DuPont said he was familiar with the Statute regarding exceptions of public bidding but said they were not at that stage yet.

A discussion followed regarding the issue of non-profits and public property.

Councilman DuPont said the next step was to receive a recommendation from the Recreation Committee.

Councilwoman DuPont asked Mr. Moschella if anything had changed since the Committee had seen the plan the previous November.

Mr. Moschella said he believed it was the same but said they needed to meet with architects and engineers to see if it could be done because the lower court would have to be raised.

Mr. Sickels noted that that was what had changed. He said that was why they needed to meet and discuss the plan. He said he thought a 20 year lease was unique and reviewed other leases that had been made for a shorter period.

Councilman DuPont again called for the matter to be discussed by the Recreation Committee.

The discussion on the non-profit issue continued.

Attorney Byrnes said it was premature in the process to discuss that issue. He said if the town was in favor of the idea, they would then develop specifications. He said there were circumstances where a town could make property available to a non-profit but said criteria should be developed for proposals.

Mr. Moschella asked if they had received any alternate proposals for the property.

Councilwoman Burnham asked what other options were being considered by the Committee.

Councilman DuPont said it was premature to discuss hypotheticals and said the Recreation Committee would consider options and make a recommendation to the Council.

Attorney Byrnes said he was aware that the Navesink River Rowing Club had expressed an interest in the area but did not know if they had made a formal pitch.

Councilman DuPont again called for a recommendation from Councilwoman Lewis and the Recreation Committee.

Councilwoman Burnham asked Mr. Sickels if the Borough had applied for FEMA money to restore the courts.

Councilwoman Lewis asked if she was referring to the historic clay courts.

Councilwoman Burnham said she was.

Mr. Sickels said there was no FEMA money for restoration of recreational activities. He said they had checked into it.

Anthony Setaro—Spring Street, Red Bank—thanked the Borough for participating in the memorial service for his grandfather. He said he was attending the meeting to see what was going on with the tennis courts because he could see them from his office window. He said the waterfront was underutilized and said it was disheartening to see the area still in disrepair after a year. He reviewed his own efforts following the storm and offered his services to help to raise funds for the court restoration.

Daniel Pontone—141 Harding Road, Red Bank—said he had played on the courts for 25 years. He said Marine Park was a jewel and urged the Borough to get the park fixed. He criticized the bureaucracy.

Councilman Murphy said he had not been aware until recently the additional expense and procedure to maintain a clay court. He commended the efforts of Mr. Nicoletti that had maintained the courts prior to the storm.

John Hutter—Fisher Place, Red Bank—said it was the first time he had heard there was no FEMA money to restore the courts.

Mr. Sickels said the Borough had been told that the courts were not eligible for funding.

Mr. Hutter said he had a list of 246 people that had played on the courts and wanted to continue. He said they had been asking about when the courts would re-open and said it currently looked terrible.

Tom Curtis—62 Windward Way—said he was speaking in support of Paul Moschella. He said he and some others had formed a group to assist with restoration of the courts and had applied to the IRS to be tax exempt. He asked what the next step would be.

Administrator Mr. Sickels said he would be glad to meet with them and gather information that could be shared with the Committee.

Councilman Zipprich asked that the CFO be included in the meeting.

Mr. Sickels said he wanted to stress that the Borough had had to make some decisions regarding the infrastructure of the property before they could consider options regarding the tennis courts. He said, as a result, some modifications to the proposal may be necessary.

Kate Triggiano—22 Leighton Avenue—asked about rumors regarding the Bellhaven property and the grant that had been discussed. She asked when the grant ran out and for details about the plan for the Bellhaven property.

Mr. Sickels said the property was a park and would remain a park. He said there was a proposal to add features to make it more useful to a broader representation of the community. He said the Borough had received a lot of comments which were being reviewed by the Parks and Recreation Committee. He said the Borough had had preliminary discussions with the Department of Environmental Protection and they had been in favor of everything that had been proposed. He asked the Engineer to confirm when the grant money would have to be committed.

Engineer Ballard said the money had to be committed by May of 2015.

Mr. Sickels asked Ms. Triggiano to leave her contact information and said he would forward it to the Recreation Committee.

Ms. Triggiano expressed her concerns about the location.

Councilwoman Burnham criticized the amount to be spent on the design.

Councilwoman Lewis asked Ms. Triggiano the last time she had been to the property.

Ms. Triggiano noted her proximity to the park but said she hadn't been there lately.

Councilwoman Lewis said her point was that the current condition did not make the property open and accessible to the public.

Ms. Triggiano said she did not think the land was safe or sound.

Councilwoman Lewis said the Borough would not build if it was not safe or sound.

Administrator Sickels said the Borough Engineer and the DEP agreed that what was proposed would be an ideal use for the park.

Ms. Triggiano said it was in the middle of cattails and was wetlands.

Mr. Sickels disagreed and said there was upland soil.

Council President Murphy said he was sure the DEP would not let the Borough go forward if there was an issue.

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

Councilman Zipprich said he wanted to report that the Borough had received correspondence from the Municipal Joint Insurance Fund noting that the dead line to submit responses to flood loss claim settlements was July 15, 2014. He also noted that the Borough Engineer had distributed her project status report for June 2014 and asked Council members to review it.

#### **EXECUTIVE SESSION**

14-162            The Attorney read a resolution to adjourn to executive session to discuss personnel and litigation.

Councilman DuPont offered a motion to adjourn to executive session to discuss personnel and litigation, seconded by Councilman Zipprich. Minutes to be made public in 180 days.

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 close executive session, 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.

#### **ADJOURNMENT**

Councilman DuPont offered a motion, seconded by Councilwoman Lewis 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