

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
JUNE 25, 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, Engineer Ballard and Auditor Kaplan.

**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 DuPont 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.

**Social Media Day Proclamation – June 30, 2014**

Mayor Menna he was proud that a group of creative individuals had decided to make Red Bank their home and said they had made us all more aware of social media. He read a proclamation naming June 30<sup>th</sup>, 2014 as Social Media Day in the Borough of Red Bank. He presented the proclamation to representatives from Red Bank-based business Defined Logic.

Derek Riddle from Defined Logic thanked the Mayor and explained their company. He explained the company’s upcoming Social Media Day event where people could go through town and take photos then post them on social media sites.

**2014 Audit Presentation**

Mayor Menna introduced Borough Auditor David Kaplan and asked him to review highlights from his Audit Report.

Mr. Kaplan said he had given the Borough the highest rating. He noted that debt had been reduced and there was a very healthy current fund. He said the Borough was in good shape financially. He added that it had been a difficult year for the Borough having lost a well-qualified and experienced CFO but noted they had gained another well-qualified, experienced CFO and said the transition would take time.

Mayor Menna thanked Mr. Kaplan and said the audit comments showed that there was a constant cycle of review and it showed an improvement of the Borough’s operations.

Councilman DuPont said he wanted to point out that the audit report showed the strength and vibrancy of the Borough’s budget but said it also indicated the physical steps the Borough had taken to reduce its debt, to control long term debt and to provide for contractual obligations in the future. He noted that they had also implemented fiscal control policies. He thanked Mr. Kaplan and said he had done a wonderful job in helping to steer Red Bank through a recession. He also noted that the surplus had doubled in the past year and credited the savings to efficiency of operations. He also thanked the new CFO and credited her with implementing new policies and security measures. He thanked Councilman Murphy and Zipprich for their efforts on the Finance Committee.

Councilman Zipprich thanked Auditor Kaplan for his years of service and thanked Councilman DuPont for his leadership. He also thanked CFO Poulos for her tireless efforts.

14-163 Mayor Menna read, “A Resolution of Governing Body Certification of the Annual Audit.”

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.

**RESUME REGULAR ORDER OF BUSINESS**

Councilman DuPont 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.

**WORKSHOP**

Councilwoman Lewis said she had been contacted over the weekend regarding a First Aid call in response to an accident. She said the victims were transported to the hospital by civilians because the ambulance had apparently taken a very long time to arrive. She asked if they could get more information on the response rate of the ambulances.

Mayor Menna said it was a good question and they could research the call.

Mr. Sickels said he would look into it.

**APPROVAL OF MINUTES – May 14, 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**

Mayor Menna appointed Rev. Fr. Alberto Tamayo to the Library Board of Trustees for an unexpired five-year term through 12/31/15.

Councilman DuPont offered a motion to approve the appointment, 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.

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

Mayor Menna thanked Library Director Elizabeth McDermott for her invitation to the Library Luncheon and said they had chosen an extraordinary Volunteer of the Year in Beth Hanratty.

Councilman DuPont had no report.

Councilman Zipprich said he also wanted to thank Ms. McDermott for the invitation to the Library Luncheon. He said the Department of Public Works Committee had met the previous week and discussed the road program and engineering issues under construction. He said the work at Riverside Gardens Park was complete except for a small set of punch list items. He said he and Councilwoman Lewis had walked both riverfront parks to review issues of concern. He reported that the Borough's contracted landscape company would mow the Marion Street lot at no cost to the Borough's taxpayers. He said, in the past, garden maintenance had been handled by the volunteers but added that the company had agreed to mow the area around the garden at no charge to the taxpayers. He said he wanted to acknowledge Maria Rotolo in Public Works for her efforts toward a successful application for the Clean Communities Grant. He said that Borough had received funding from the DEP in the amount of \$18,939.80. He said the Historic Preservation Commission would be meeting later in the evening and said they were working on a Historic Signage Plan in conjunction with the Borough Engineer for Marine Park. He said the Shade Tree Committee Chair was requesting that the Borough Engineer and Administration make every effort to save the tree in front of 106 Monmouth Street when they do the demolition. He said they had also posted a beetle advisory on the Borough's website. He also reported on Lunch Break's Suited for Success Program and asked for donations of socks.

Councilwoman Burnham asked Councilman Zipprich if the landscape company would be mowing both outside and inside the fence at the Community Garden.

Councilman Zipprich said they would not mow inside the fence.

Councilwoman Burnham said they would need to mulch the area because people would not bring mowers. She asked for a supply of mulch from the Borough.

Councilman Zipprich said he would discuss it with the Director of Public Works.

Mayor Menna said he felt the matter should be discussed and resolved by the Public Works Committee.

Councilwoman Lewis reported that the Parks and Recreation Committee had met on June 18 and continued discussion on the Bellhaven concept with the Environmental Commission and also the upcoming renovations and Marine Park. She also reported that a meeting was being scheduled to discuss proposals for the Marine Park Tennis Courts and said she was interested in opportunities that would optimize the Borough asset for the entire population of Red Bank. She also said she wanted to congratulate the 12-U Boys Baseball Team for their championship win as well as the three soccer teams that also won championships. She said she wanted to remind parents that it was time to register younger residents for summer camp and reviewed upcoming dates for Movies in the Park and Jazz in the Park.

Councilwoman Horgan thanked the Mayor for his help in securing the new member for the Library Board and reported that the Board had met on June 18. She said Borough Auditor Kaplan had reviewed the Library audit and was given a clean audit. She said the Library was debt free and said that the decrease in cash assets in 2013 would be turned around. She said the Board had also reviewed the 2014 budget and said she wanted to thank Stanley Sickels, Eugenia Poulos and Gary Watson for their help with the Library in various ways. She reviewed ongoing fund raising efforts for the Library. She said the Book Sale was slated for September. She also noted that Anthony Trufolo had donated old prom photos and a display had been set up at Borough Hall. She reported that Ms. McDermott will be compensated for her work as Acting Director and the next Board meeting would be July 17.

Mayor Menna thanked Councilwoman Horgan for having in faith in the Council's decisions regarding the Library and said her report clearly showed that the decisions were necessary and proper. More importantly, he continued, her report showed they were all positive. He noted that he had said on January 1, before they had been aware of the problems at the Library, that he would work to recreate an event such as a Mayor's Ball. He said proceeds would be allocated to two institutions, one of which would be the Library.

Councilwoman Horgan said it was amazing how much morale had changed with the new Board and with the staff. She thanked Acting Director McDermott for her efforts.

Councilwoman Burnham reported that she had met with Senator Beck, the Department of Transportation, Gary Watson and Bobby Holiday regarding the crosswalks by the Atrium/Navesink House and how to make them safer. She noted that Engineer Ballard had also been present and asked for her to expand on the report.

Mayor Menna asked Councilwoman Burnham to finish her report first.

Councilwoman Burnham said they were also looking at changing the timing on the lights to make them longer. She said she also thought the crosswalks on Broad Street were very faded and noted that Red Bank was marketed as being pedestrian friendly. She said the Police Chief had told her that the County handles the crosswalks on Broad Street and Leroy Place and Broad Street and Pinckney Road. She said he had told her he had been reaching out to the Freeholders.

Mayor Menna said the work was already on their schedule.

Councilwoman Burnham said she had talked to Freeholder Curley and he had said the work should be done by the end of the week. She suggested that next year the Borough should plan to get the crosswalks painted as a first item in the spring so the Borough could show its best face when thousands of people come to town for the summer events.

Councilman Murphy said he had no report and asked for confirmation on when the crosswalks would be done.

Mayor Menna said by the end of the week unless there was inclement weather and then possibly the following week.

Mayor Menna reported that Red Bank would be receiving some extraordinary modern public art through the generous donations of Dr. Al and Sandy Gordon. He said he was happy to accept the gift but would be appointing an unofficial group of talented individuals to offer suggestions for locations for the statues. He asked Councilwoman Lewis to serve since he said it would probably involve the parks. He said he would also like to ask Architect and RiverCenter member Ned Gaunt, Artist Susan Berke, donors Dr. and Mrs. Gordon and Joan Rechnitz to serve. He said the Council would make the final decision.

Councilman DuPont said he thought it was a great idea.

Councilman Zipprich asked how many pieces were being donated.

Mayor Menna said there would initially be two pieces which were bronze and steel and approximately nine feet high. He said one piece depicted a woman and her female child which was an allegory of Mother Earth.

Councilwoman Burnham said she had heard that the statues were armless.

Mayor Menna said they had arms but were allegorical.

Councilwoman Burnham asked for an explanation.

Mayor Menna said the represented a vision that was open to interpretation.

Councilwoman Burnham said she had heard they were disturbing.

Councilwoman Horan asked if they were abstract.

Mayor Menna said they were.

Councilman DuPont offered a motion to approve the appointments, 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.

Administrator Sickels said he wanted to expand on Councilwoman Burnham's report on Maple Avenue. He noted that the Mayor had written emails to Senator Beck calling for immediate action and said he believed that recent meeting was regarding the proposed reconstruction of Maple Avenue and Highway 35. He said the Borough had urged them to take immediate action to remove the red brick crosswalks that were causing trip hazards. He said that work was underway. In regard to the crosswalks, he continued, the Borough had budgeted and planned to do them in August prior to the school year every two years. He said the Police and Public Works Committee had reviewed the matter and decided to do it annually. He said they would look at them in August prior to the school year and also in the spring when there was more pedestrian traffic. He said Mr. Watson had been getting quotes for the work to be done in August but said they were also soliciting the County for a proposal for shared services.

Councilwoman Burnham said she had understood a specific vendor would be doing the work.

Mr. Sickels said Mr. Watson was getting quotes.

Mayor Menna noted that the County could do the work and would not be allowed to charge a profit so he was interested in seeing their quote.

Councilwoman Burnham said she had understood they were going to put glass in the paint to make them sparkle.

Councilman DuPont expressed concern and said the Borough should check with the engineer because some of those surfaces could be slippery and had been the subject of lawsuits.

Mayor Menna suggested they call the Joint Insurance Fund because he said they had an opinion on it.

Councilwoman Burnham said she felt they should be whatever they could to make drivers more aware of the crosswalks.

Councilman DuPont suggested they should ask the state to put blinking lights in the crosswalks to help with pedestrian safety. He suggested something be done quickly especially in the area of Riverview Towers because it was an area where many seniors reside. He said he had been criticizing the State's efforts in remedying the situation.

Councilwoman Burnham asked if he felt the blinking lights would be too much if they were placed in several intersections.

Mayor Menna said they were usually used in heavily trafficked areas. He also noted that he had recently seen solar powered pedestrian warnings in London on every street corner.

**COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from RiverCenter for free parking on July 25 & 26, 2014 during the annual sidewalk sale.

Mayor Menna read a request from the Red Bank Volunteer Fire Department to close Broad Street from Peters Place to Front Street and Monmouth Street from Broad Street to Maple Avenue on September 7, 2014 to hold their annual street fair, approved by the Special Events Committee.

Councilman Murphy offered a motion to approve the request, 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 read a request from the Red Bank Volunteer Fire Department to hang a banner on Shrewsbury Avenue from August 15, 2014 to September 7, 2014 to advertise their annual street fair.

Councilman Murphy offered a motion to approve the request, 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.

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

NAYS: None

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

### **ORDINANCES – First Reading**

2014-13 Mayor Menna read, “Ordinance Fixing Compensation of Certain Offices, Positions and Mayor Menna noted that the ordinance would establish salary ranges for certain positions but would not create an actual dollar amount for any position. He said that would have to be adopted by the Mayor and Council by separate resolution.

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 July 9, 2014.

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

### **RESOLUTIONS**

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

- 14-164 A Resolution Authorizing Renewal of Plenary Retail Consumption Licenses.
- 14-165 A Resolution Authorizing Renewal of Plenary Retail Distribution Licenses.
- 14-166 A Resolution Authorizing Renewal of Club Licenses.
- 14-167 A Resolution Authorizing Acceptance of Performance Guarantee and Inspection Escrow regarding 211 Broad Street, LLC, Block 105, Lot 12.04.
- 14-168 A Resolution Authorizing Acceptance of Performance Guarantee regarding 100 NSR, LLC, 100 E. Newman Springs Road, Block 97.01, Lots 42 and 43.
- 14-169 A Resolution to Approve the Hiring of Parks and Recreation Summer Staff.
- 14-170 A Resolution Granting Waiver to MW Red Bank, LLC for Installation of Temporary Promotional Signage at the Westside Lofts Development Project Located at Bridge Avenue, Block 37, Lot 6.01 within the Borough of Red Bank.
- 14-171 A Resolution Requesting Special Item of Revenue - New Jersey Clean Communities.
- 14-172 A Resolution Authorizing Tax Credit Due to Overpayment of Taxes Due to Judgments of the Tax Court of New Jersey.
- 14-173 A Resolution Approving Salary Adjustment for Acting Director of Red Bank Public Library.

Councilwoman Lewis offered a motion to adopt the resolutions by consent agenda, seconded by Councilwoman Horgan.

Councilwoman Burnham asked about resolution 14-171 and asked what a “Special Item of Revenue” was.

Councilman Zipprich explained that it was the \$18,000 grant he had mentioned in his report.

Councilwoman Burnham asked what it would be used for.

Councilman Zipprich said it would offset expenses associated with solid waste and recycling.

Councilwoman Burnham asked for more information.

CFO Poulos clarified that it could be used for salaries and equipment such as garbage cans among other things.

Resolutions were approved by unanimous vote with Councilman Zipprich abstaining from Resolution No. 14-164 and Councilman DuPont abstaining from Resolution No. 14-170 citing conflicts of interest.

ROLL CALL:

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

NAYS: None

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

14-174 Mayor Menna read, “A Resolution Appointing Ashlesha Deshpande as Tax/Utility Collector.”

Councilwoman Lewis 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.

## **PROCLAMATIONS**

### **PAYMENT OF VOUCHERS**

14-175 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,733,342.21”

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

## **OLD BUSINESS**

Councilwoman Burnham asked about the status of the Living Shoreline and spoke in favor of the project.

Mayor Menna said it was his understanding that Councilwoman Horgan was in the process of contacting interested parties and they were awaiting her report.

Councilman Murphy asked for clarification that the Council had not voted to move forward with a living shoreline.

Mayor Menna confirmed that they had not.

A discussion follow regarding what would be required should the Council choose to move forward with it.

## **NEW BUSINESS**

### **AUDIENCE**

James Markey—JCP&L—said he wanted to mention that JCP&L would be sponsoring the Park and Recreation Movies in the Park program this year. He asked the Council if they had any questions for him.

There were no questions.

### **OLD BUSINESS Cont'd.**

Councilwoman Burnham said she had another item for OLD BUSINESS and asked for a status report on the demolition of the building at 106 Monmouth Street.

Mayor Menna said it was his understanding that that purchase order was awaiting signature and then it would move forward. He said they had been awaiting a report on the asbestos.

Councilwoman Burnham asked if asbestos had been found.

Mayor Menna said it had and that was the hold up.

Councilwoman Burnham asked if it had been contained.

Administrator Sickels said it was construction material that required the contractor to take addition steps to remove and dispose of it. He said the work had been added to the specs and the project had been rebid. He said the bids were back and they were doing a purchase order for the work.

Councilwoman Burnham said she also wanted to ask about the project the Borough was doing in front of Borough Hall.

Mayor Menna said the Borough was not doing the project.

Councilwoman Burnham asked for confirmation that the Borough was not paying for it.

Mayor Menna said it was not. He said the work was being done through the generosity of RiverCenter and the Count Basie Theater.

Councilman DuPont said it was a wonderful project and a win-win for the Borough.

Mayor Menna agreed and said he had been considering suggesting that the area be dedicated to and named for former Mayor and Ambassador Katharine Elkus White. He said it would be subject to Council approval.

James Scavone of RiverCenter said he expected the work to be done by the end of the week.

Councilwoman Burnham asked about unused sick and vacation days and the Borough's policy in that regard. She said the County capped it at \$15,000.

Mayor Menna said the Borough capped it at \$15,000 before the County.

Councilwoman Burnham asked where it said that because she had been unable to find it.

Several Councilmembers said it was in the ordinance. Councilman DuPont asked Attorney O'Hern to provide her with the ordinance.

Councilwoman Burnham said it may have been an oversight in bookkeeping but she could only find reference to 240 days.

Councilman DuPont said he believed the ordinance specifically stated the amount or said it may be in the Personnel Policies.

Administrator Sickels said the amount had been capped at \$15,000 in 1994.

Councilwoman Burnham again expressed concern that she could not locate where that was reflected.

#### **AUDIENCE Cont'd**

No one else appearing, Councilman DuPont offered a motion to close the audience portion of the meeting, 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.

#### **EXECUTIVE SESSION**

14-176 The Attorney read a resolution to adjourn to executive session to discuss litigation and contract negotiations with no formal action to be taken.

Councilman DuPont offered a motion to adjourn to executive session to discuss litigation and contract negotiations, 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 Zipprich offered a motion to close executive session, seconded by 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.

#### **ADJOURNMENT**

Councilman DuPont offered a motion, seconded by Councilman Zipprich 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