

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
JULY 9, 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 Zipprich offered a motion to suspend the regular order of business, 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.

Community Development Block Grant Public Hearing

Engineer Christine Ballard reviewed the Monmouth County Community Development Block Grant Program and said the Borough would be submitting an application to improve a pathway to the Primary School. She said presently it was a public right of way called Locust Place that lied at the western terminus of Locust Avenue and connect to the Primary School. She said, during the school year, the pathway was used on a daily basis by children walking and bicycling to school. She said that the Board of Education and recently posted “No Trespassing” signs on the pathway because it had not been improved.

She noted that the project had been on the books for quite some time and had been referenced in the Borough’s Bicycle and Pedestrian Plan which had been adopted as part of the Borough’s Master Plan. She said the Police and Fire Department were also in favor of the project because it would not only provide daily access for cyclists and pedestrians but would also allow for a secondary emergency access point to the Primary School. She noted that, if there were an emergency presently, everyone would be evacuating by River Street east and the Police/Fire responders would be attempting to come in the opposite direction.

She said the project called for the installation of a porous pavement roadway with bollards and chains at either end to prevent vehicle from traversing on a daily basis. She said it would be accessible to students and parents to travel to and from the school. She said the roadway was approximate 700 feet and, depending on the season could be quite muddy, overgrown or snow filled. She said, by having a paved roadway, they could reduce the effect of weather.

Mayor Menna agreed that it was a project that had been discussed for many years and said he hoped it would come to fruition. He said it was supported by the Board of Education, the School’s Administrative staff and the Borough’s Emergency Management individuals.

Councilman Zipprich asked if there were any utilities along the path that serviced the school or any other portion of the municipality.

Engineer Ballard said there were no utilities now, but said they were planning on looping the water main from Locust Avenue to River Street. She said if the Borough received funding it would be incorporated into the project but it would not be funded by the grant. She said the work would give fire flow and fire protection to the school.

Councilman Zipprich asked if the Board of Education had the opportunity to apply for a grant for the roadway as well.

Engineer Ballard said educational facilities were not eligible for this funding.

Councilman DuPont said he was in favor of the project and said it would promote the safety of the Borough’s children. He said the Engineer did a great job on the project.

Engineer Ballard said it was great for the health of the students as well as promoting safety with the additional access for first responders.

Councilman DuPont suggested it should be promoted through the Mayor’s Wellness Campaign and said the improved safety would be great.

Councilwoman Burnham asked Engineer Ballard to explain the term “porous.”

Engineer Ballard said the surface would look like normal asphalt but would have larger voids to allow more infiltration. She said a small portion of the area was wetlands and said they were trying to mitigate and not have any adverse effects on that area.

Councilwoman Burnham asked if it would require more care.

Engineer Ballard said it would require maintenance so it would function properly but said she felt it would be in accordance with what the Department of Environmental Protection would require.

Councilman Murphy asked if there would be lighting along the path.

Engineer Ballard said it did not currently include illumination but noted that the application had not yet been submitted so that could be added if the Council would like that included.

Councilman Murphy said he thought Councilman DuPont had mention that it would be monitored.

Councilman DuPont said he presumed that Board of Education representatives would monitor the area during school walking sessions.

Councilman Murphy said the Police and Fire departments were strongly in support of the project. He said not only for children walking but also to allow a second access during an emergency.

Mayor Menna said all of the comments had been previous expressed by previous Council members. He said he would reach out to the Freeholders to encourage their support of the application. He said it was a public safety initiative that fit in with the Borough’s philosophy of apply for grants to improve areas where people live rather than in isolated areas. He said he couldn’t think of a better place that would serve the public, the community and the Borough’ children.

Mayor Menna opened the public hearing on the application and asked if anyone from the public had an comments on the application.

Stephen Hecht—135 Branch Avenue—asked if there was a matching portion required for the grant.

Mayor Menna said there was not. He said it was Federal funding that was allocated to the State and noted that the State passed it on to the Counties and the Counties offered it to Municipalities.

Mr. Hecht asked what would happen if the Borough received a smaller amount of funding than requested.

Engineer Ballard said the Borough would have to make up the difference.

Mayor Menna said they could also tailor the project.

Councilman Murphy offered a motion to close the public hearing, seconded by Councilwoman Burnham.

ROLL CALL:

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

NAYS: None

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

The Council was unanimously in support of the application.

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.

WORKSHOP

Councilwoman Horgan said the Environmental Commission had met the night before and had unanimously approved two resolutions that they were asking the Council to put on its agenda.

Green Team

Councilwoman Horgan said the first resolution was regarding the Green Team. She noted that the Environmental Commission had begun the process of applying for Sustainable Jersey certification a few years prior that would enable the Borough to receive funding from various sources. She said the project had fallen dormant and the Commission was striving to reconstitute the initiative and the first step was to establish a Green Team that would provide leadership. She reviewed the components of membership for the Team and said there was a resolution on this agenda to approve the appointments.

Mayor Menna read the names of the appointees that were included on the resolution:

James Scavone, River Center Executive Director

Debbie Lee Kernahan, Business owner

Laura Dardi, Local business/Environmental Commission

Amanda Brock, Local business

Kathleen Horgan, Councilmember

Gary Watson, Department of Public Works and Assistant Administrator

Maria Rotolo, Recycling Coordinator

Boris Kofman, Shade Tree Committee

Helene Blyskun, Environmental Commission

Laura Bagwell, Environmental Commission, Chair

Councilman Zipprich asked Councilwoman Horgan to confirm that the Sustainable Jersey certification initiative had fallen off because of lack of Committee participation.

Councilwoman Horgan agreed that that was the case.

Councilman Zipprich said he wanted to note that the Borough had continued with initiatives that the Environmental Commission had been able to use toward credit for Sustainable Jersey certification.

Councilwoman Horgan agreed and thanked Councilman Zipprich for bring those to the attention of the Commission.

Participation in the Regional Greenhouse Gas Initiative

Councilwoman Horgan said the second resolution as regarding an initiative to reduce dangerous climate changing pollution from power plants. She said New Jersey used to belong to the initiative but, in 2011, the Governor took the State away from it. She said it was a serious environmental issue and said the proposed resolution would urge the Christie Administration to put New Jersey back into the initiative. She said in April of this year 2011, the New Jersey Supreme Court ruled that Christie Administration had illegally pulled the State out of the Regional Greenhouse Gas Initiative (RGGI) and it would encourage the Christie Administration to reinstate New Jersey in the initiative.

Bike Lanes

Councilman DuPont reported that he had recently seen bike lanes in other communities and said he would like to see more bike lanes in Red Bank. He said he would also like to see rental bikes like they have in New York.

Mayor Menna said they had tried the program in Red Bank previous and there was not enough demand to make it work. He agreed that bike lanes were a good idea and said there was a resolution at an upcoming meeting that had been coordinated by Fair Haven's Mayor that would call for coordinated bike lanes for most of the Two River communities and would possibly be funded by the County.

Councilman DuPont said he was hoping to see bike lanes to and from the various schools. He said he had been impressed by the system in Hoboken.

Councilman Zipprich said it would be a terrific expansion of the Bicycle & Pedestrian Plan the Borough had adopted.

Councilman DuPont said that had been done years before and said they needed to more than just propose.

Engineer Ballard said they had been and said the Borough had been installing a piece of the bike lane with each Road Program as outlined in the Bicycle/Pedestrian Report. She listed the streets that had been completed.

Councilman DuPont said he would like to see a legitimate bike lane that included designated areas for bicycles.

Engineer Ballard said Bridge Avenue would have designated lanes because it was wide enough. She said the problem with road that weren't wide enough was that they would lose parking.

Councilman DuPont said he didn't buy that argument because Hoboken was very narrow and had parking. He did note that there was the potential for accidents between bicyclists and vehicle doors. He again called for an initiative that would provide designated bike lanes with lines to and from Borough Schools.

Engineer Ballard said the Borough had recently been awarded grant funding for Bridge Avenue because they had included designated bike lanes.

Councilman DuPont said he was sensitive to the issue because his children were of bike riding age.

Councilwoman Burnham said she had an idea to make Broad Street a one way street from Monmouth Street to Front Street which would allow for a bike lane.

Councilman DuPont said he didn't think it would need to be one way and noted that the businesses needed the traffic.

Foreclosures/Code Violations

Councilman DuPont said he also wanted to note that Governor Christie had signed a bill two months ago that would allow municipalities to post penalties on mortgage companies that fail to timely remedy code violations and/or abate nuisances on properties in foreclosure even if the mortgagor doesn't own the property or has no intention of taking it. He said he knew that Code Enforcement had been active but he wanted to note that with growing foreclosures and borrowers' inability to make repairs, this would allow municipalities to go ahead and fine the companies. He reviewed the language in the bill.

Signs

Councilman DuPont noted that the Borough's welcome signs were in terrible condition. He suggested some projects underway that might be able to incorporate signs and said he was not aware of who had paid for the existing signs.

Mayor Menna said they had been paid for by the business community some time ago and said he believed they could reach out to the business community and that they would sponsor updated signs. He noted that the entrance on the Front Street Bridge would have a new vista and it was a good time to address the issue. He said they needed to have a vision of what they would like to see.

Councilman DuPont suggested it be referred to the Vision Committee.

Mayor Menna said he thought they could expedite the process by having a couple of Council members review the issue with the Borough Engineer.

Councilman DuPont said, regarding signs, he had received more input of over the past couple of days regarding signs, awnings, and illuminated signs and said apparently there had been an enforcement blitz recently. He said many restaurants had complained bitterly about the enforcement. He said he knew it was Councilwoman Burnham's department and she was probably aware of it but said he had not been aware.

Councilwoman Burnham offered to explain.

Councilman DuPont said he had obtained a copy of the Borough's sign ordinance and said it was lengthy, convoluted and needed changing. He said many business owners rely on their signs and said he had asked what the push had been on the violations. He said he found that between May 20 and May 22 there had been in excess of 37 violations. He said he had asked for a breakdown of the sign enforcement and said he hadn't realized it was such an issue. He reviewed the various violations and noted that many of the signs had been in place for many, many years. He suggested that there were more important issues. He said he had never seen such a tidal wave of violations and complaints.

Councilwoman Burnham said that was because it was never enforced and offered to explain.

Councilman DuPont he understood that there may be some technical violations but said he was suggesting that they should amend the convoluted sign ordinance.

Councilwoman Burnham said that had been done.

Councilman DuPont said, if that was the case, then they wouldn't be issuing a sign violation for existing businesses with illuminated signs that had been in place for many years. He said he found the use of manpower a waste and suggested they should be focusing on abandoned properties.

Councilwoman Burnham said they were working on that too.

Councilman DuPont noted that number of complaints he had received that questioned the enforcement.

Councilwoman Burnham said that was because it had not been enforced.

Councilman DuPont said he felt that a technical violation did not mean that they should be sending out violation notices and obstructing businesses. He said a better course would be to talk to the Borough's management team and the attorney about how to correct it. He said he understood that some suggestions had been made in July of 2013 and that a letter had been sent to Planning and Zoning calling for a change to the sign ordinance. He said apparently it wasn't done because some of the violations that had been issued had been addressed in the letter from 2013. He questioned the use of manpower and the burden on businesses. He again called for an amendment to the ordinance.

Mayor Menna summarized that Councilman DuPont was calling for a comprehensive review, analysis and revision to a sign ordinance that went back forty years.

Councilwoman Burnham said Code Enforcement had been working on the matter since March 26 when they had received a complaint about a sign that had been put up without permission and was in violation. She said there had been a meeting of the Code Enforcement Committee including Mayor Menna and Administrator Sickels.

Councilwoman Horgan questioned why she had not been informed of the meeting since she sat on the committee. A discussion followed on whose responsibility it was to invite Committee members and who set the times.

Administrator Sickels said his office would make sure that everyone was invited next time.

Councilwoman Burnham continued with her explanation of the sign complaint from March 26 regarding a sign that was in violation. She said the Committee reviewed the ordinance and it was determined that if they were going to enforce the ordinance then it had to be done across the board. She said for years there had been no enforcement regarding signs and reviewed specific issues. She said when the Borough

enforced something that hasn't been enforced for years, they should expect complaints. She said they reviewed possible violations with the Zoning Officer. She said notices had been sent giving violators 15 days to comply and if they did not, fines had been issued. She said it was irresponsible not to enforce and said many of the signs were not in sync with the Master Plan.

Mayor Menna said it had been a continual issue and there were different policy issues regarding the sign ordinance. He said, in a time where they were trying to invite people to spend more time out when it was dark, he had no problem with more lights in the downtown. He said there were differences in opinion about the matter.

Councilwoman Burnham said they should refer to the Master Plan.

Mayor Menna said the Master Plan was a piece of paper and said the Council had a right and obligation to review. He said if it had to be changed, it could be changed. He said Councilman DuPont said they should stop talking about it and start looking at it.

Councilwoman Burnham said they had been doing that since March.

Mayor Menna said he was aware of that but said they should come up with reasonable alternatives for the business community to review and offer input.

Councilwoman Burnham asked Mayor Menna to expand on the number of signs in violation that they had discussed.

Mayor Menna agreed that there were businesses that had knowingly exceeded what was allowed and should be penalized. He said Councilman DuPont was saying they should take a look at the ordinance.

A discussion continued on the issue of signage and the need to review the ordinance.

Councilman Murphy suggested they should put the enforcement on the back burner and let the businesses turn their lights on because he said he had been getting complaints that it was hurting businesses. He said he understood that it started out as an issue with a lawn sign complaint and it resulted in enforcement of all types of issues. He said it wasn't fair to the business community and agreed that they should have met with the business community before the violations were issued. He said he felt it was mishandled. He questioned whether Administrator Sickels had authorized the enforcement.

Councilwoman Burnham said he had.

Councilman Murphy again called for the Borough to ease up on enforcement for at least four weeks while they tried to come up with a solution. He criticized how it had been handled.

Administrator Sickels said he wanted to clarify that warnings had been issued and follow up inspections had been done. He said he had been contacted by multiple Council members with concerns and said they had not issued summons on those violations. He said there were some other signage situations where summonses had been issued because there was no discrepancy and gave the example of a real estate sign in the right of way. He said regarding the others, due to conflicting direction, they had issued notices and did follow up. He said some had complied and some were working with Zoning. He said, after input from several people, they had not issued summonses because they knew it would be an issue.

Councilwoman Horgan said that why she thought it was important to have committee members together because she was not sure she would have been in agreement on the issue. She said she hadn't even received a report regarding what was going on. She said it was important to support the business community and felt the issue could have been avoided.

Councilwoman Burnham said they were working on revising the ordinance but said when the ordinance went unenforced, people would take advantage. She said it was at the point that the buildings were littered with signs. She again noted that the decision was made that, if they were going to address a complaint they had received, they had to enforce across the board.

Councilman Zipprich asked if she had followed up with RiverCenter and its Visual Improvement Committee.

Councilwoman Burnham said RiverCenter Director Scavone had attended the meetings.

Councilman Zipprich asked if she was aware of what the Visual Improvement Committee did.

Councilwoman Burnham said she did.

Councilman Zipprich asked her to explain what they did.

Councilwoman Burnham said they had their own ideas about signs.

Councilman Zipprich noted that the Committee reviewed signs before they were sent to the Planning Board and said his concern was that the new business should not be hurt in any way.

Councilwoman Burnham agreed.

Councilman Zipprich said some of the signs had been granted a variance by the Board.

Councilwoman Burnham said they were aware of those.

Mayor Menna said there were examples of recent applications that had been approved by the Board but when the businesses opened, they violated the terms of the board. He said those businesses should be fined. He cited a specific example of a business that had completely changed the store front from what

was approved. He said they all agreed that they should fast track the review and have a committee meeting as soon as possible with the professionals.

Councilman DuPont called for a meeting with the RiverCenter Director, Attorney and Zoning Officer to make recommendations.

Councilman DuPont made a motion to stay the enforcement. Councilman Zipprich seconded the motion.

ROLL CALL:

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

NAYS: None

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

Councilwoman Burnham said she would call a meeting of the committee.

Councilman Murphy asked what the business community should do.

Mayor Menna said enforcement should be stayed while the matter was under review.

Councilwoman Burnham asked about the real estate signs on buildings.

Mayor Menna said it was all under review and should be considered together.

Administrator Sickels said they would continue with the inventory of problems but would not issue violations.

Councilwoman Burnham asked Mr. Sickels to schedule the meeting and to make sure the Councilman DuPont, Councilwoman Horgan and RiverCenter Director Scavone were invited.

Mr. Sickels said he would take care of it.

Councilman Zipprich asked about the status of an issue with signs in the right of way that he had sent her information on.

Councilwoman Burnham said they had been taken down. She noted that he had sent the information to her on Friday of a holiday weekend and she had reached out on Saturday. She said the sign was taken down on Monday. She thanked him for sending the information to her.

Councilman Zipprich asked about the other signs around town that were also in the right of way and if the issue had been enforced.

Councilwoman Burnham said she would have to ask the Code Enforcement staff but she was sure that they were.

Councilman Zipprich asked her to verify and get back to him.

APPROVAL OF MINUTES – May 28, 2014

Councilman Zipprich 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 reviewed the appointments to the Green Team and asked for Council confirmation.

James Scavone, River Center Executive Director

Debbie Lee Kernahan, Business owner

Laura Dardi, Local business/Environmental Commission

Amanda Brock, Local business

Kathleen Horgan, Councilmember

Gary Watson, Department of Public Works and Assistant Administrator

Maria Rotolo, Recycling Coordinator

Boris Kofman, Shade Tree Committee

Helene Blyskun, Environmental Commission

Laura Bagwell, Environmental Commission, Chair

Councilman Murphy made a motion to confirm the appointments. Councilwoman Horgan seconded the motion.

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

Councilman Murphy reported that the Doc Holiday Car Show would be the following weekend. He said it was 9 am to 4 pm on Sunday.

Councilwoman reported that they had been working to enforce the sign ordinance and de-litter the buildings. She said they had been talking to the Zoning Officer about how to change the ordinance to make it easier and more understandable while maintaining the charm and character of the town in accordance with the Master Plan.

Councilwoman Horgan reported that positions had been posted for Library staff members. She the Library had undertaken an oral history project and needed a volunteer photographer or videographer. She said the next Board meeting would be July 17 at 6:30 pm.

Mayor Menna thanked Councilwoman Horgan for hosting a thank you event for Library Board and staff members at her home the previous weekend.

Councilwoman Lewis said that on July 1 the Parks and Recreation Committee had met with the Clay Courts Foundation. She said the group shared their proposal and said the committee would review it. She said Summer Camp was in force and wanted to remind parents to enroll their children. She also encouraged everyone to take advantage of Fitness in the Park, Jazz in the Park and Movies in the Park over the summer.

Councilman Zipprich congratulated Councilwoman Lewis on the inaugural startup of the Mohawk Pond fountain. He commended her efforts to restore the fountain along with those of former Councilwoman Sharon Lee. He reported on the ongoing Suited for Success Sock Drive for Lunch Break. He thanked those who had dropped off. He said he had received a commitment for over 500 pairs of socks from a generous local entrepreneur. He also reported that Lunch Break's food pantry gets low during the summer and called for donations. He said he had also been working with the YMCA on the formation of the Red Bank Youth Council. He noted that crosswalks were being painted on Broad Street and asked everyone to use caution around workers in the area. He said the Historic Preservation Commission was holding a summer barbecue and historic inventory on July 19. He reported that the Department of Public Works Committee would meet the following week.

Councilwoman Burnham asked if the crosswalk would have reflective material.

Councilman Zipprich said they were adding a dust that he assumed would have that effect.

Councilman DuPont had no report.

Mayor Menna reported that the YMCA had selected the Borough of Red Bank to be honored with its annual Community Service Award for 2014. He said it would be presented at a gala in September. He said it was an acknowledgement of the support given to the YMCA and the stellar relationship the Borough had with the YMCA. He noted that, of the YMCAs that had been in the area in Long Branch, Asbury Park and Red Bank, only Red Bank remained. He said not only had it remained, but it had doubled in size and outreach. He said he was very pleased that the Board of Trustees had honored the Borough.

He said the second thing he wanted to report was that he had been surprised by a Public Leadership Award from the Beagle Freedom Project for being the first and only municipality in New Jersey to pass a resolution that would move forward on the issue of experimentation on animals. He thanked the Council for supporting the effort that called for working to have healthy animals adopted.

COMMUNICATIONS AND PETITIONS

Requests approved by Special Events (by Consent Agenda):

1. Jersey Fusion 2nd Battle of the blacktop 3-on-3 Tournament, Count Basie Park- Event was approved previously. The dates of 8/16, rain date 8/17 have now been approved .
2. Annual Ghost Tours – May through October.
3. RiverCenter Food & Wine Walk, 7/20, 8/17, 9/21 & 10/19.
4. 2nd Annual series of Dog Days, 6/17, 7/15 & 8/19 (Monmouth Str.-Broad Str. to Drummond Place). Note: 10/26 in Riverside Gardens approved. Additional details to follow.
5. 1st Annual Michael Conlin Irish Wake Fundraiser @ Dublin House, 7/26, 12-6pm. (Request to close Monmouth Street to Drummond Place for 15 minutes).
6. Green Home & Green Garden Tour on 9/21 (rain date September 27th) Noon to 4pm.
7. Annual National Night Out, Municipal Parking Lot, 8/5 6-9pm.

Councilman DuPont offered a motion to approve the requests, 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.

Stephen Hecht—135 Branch Avenue—said he had questions about Resolutions no. 178, 179 and 180 and asked how they would affect the Borough's finances.

Mayor Menna said most of the refunds would be adjusted through credits on future taxes. He stressed that the Council had addressed the issue by adopting an ordinance that provided for a revaluation.

Mr. Hecht said he had the utmost respect for the Council and said, each time he asked about refunds, he was told about how there will be a change to how assessments were done. He said that was not his question and he wanted to know how the Borough would fund the refunds.

Councilman DuPont said the Borough set aside money each year to be held in reserve for estimated refunds. He said they have also asked the Tax Assessor to keep them apprised of pending tax appeals. He stressed the need for communication between the Tax Assessor, CFO and Borough Attorney. He said, in addition to the reserve funds and the strong communication, the third element was to implement a revaluation. He said that was how the Borough was protecting itself from tax appeals.

Mr. Hecht again asked how the Borough was going to pay for the refunds that were awarded.

Councilman DuPont said they would use the reserves which were adequate at this time.

CFO Poulos agreed that they would use reserve funds and when additional was needed, they bonded for it.

Administrator Sickels noted that the Borough would also issue credits in some cases.

Mr. Hecht noted it would still be a loss.

Councilman DuPont said they would anticipate those credits as they were preparing the budget and would implement cost cutting measures.

Mr. Hecht again asked how they would fund the payments going forward.

Councilman DuPont said they had reserves to cover payments for the current year. He said the question was what to do for the upcoming years.

CFO Poulos said the revaluation should take care of the situation and eliminate tax appeals going forward. She said, until that was done, the Borough would use the reserves and bonding to cover the payments.

Councilman DuPont again reviewed the process of how they budgeted reserve funding to provide for the anticipated refunds.

Attorney O'Hern also explained the process and noted that refunds on previous tax years were still payable from the current budget.

Mayor Menna reviewed some specifics of the 2014 budget.

Mr. Hecht asked if all of the properties in the resolutions were commercial.

Mayor Menna and Attorney O'Hern reviewed the properties and noted that most were residential.

Mayor Menna asked if anyone else would like to speak.

No one appearing, Councilman Murphy 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

ORDINANCES – Public Hearing and Final Adoption

2014-13 Mayor Menna read, "An Ordinance Fixing Compensation of Certain Offices, Positions and Employees of the Borough of Red Bank."

Mayor Menna said the ordinance would not establish the compensation rate for any individual but would establish salary ranges.

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 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.

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

Councilwoman Burnham asked how many Deputy Municipal Clerks the Borough had and questioned why Administrator Sickels was also listed as a Deputy Clerk.

Mayor Menna reviewed the personnel in the Municipal Clerk’s Office.

Municipal Clerk Borghi noted that Mr. Sickels also had the title listed with his other titles to provide a backup should the Clerk and Deputy Clerk be unavailable.

Councilwoman Burnham asked if Mr. Sickels got paid for that position.

Mr. Sickels said he did not.

ROLL CALL:

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

NAYS: None

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

RESOLUTIONS

By Consent Agenda:

- 14-178 A Resolution Authorizing Tax Appeal Settlement Regarding WEP Properties, LLC, Block 115, Lot 22, 333 Broad Street, Red Bank, New Jersey.
- 14-179 A Resolution Authorizing Tax Credit Due to Judgments of the Tax Court of New Jersey.
- 14-180 A Resolution Authorizing Tax Credit Due to Judgments of the Tax Court of New Jersey.
- 14-181 A Resolution Authorizing Approval of Sidewalk Cafes.
- 14-182 A Resolution Supporting the *2014 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown*.
- 14-184 A Resolution Amending Resolution 14-76 Fixing Fees and Charges under Chapter XVIII "Parks and Recreation," Section 18-6 "Fees and Charges" of the Revised General Ordinances.
- 14-185 A Resolution Requesting Special Item of Revenue (Pedestrian Safety Grant-\$7,800.00).
- 14-186 A Resolution Supporting Monmouth County Complete Streets Bike Lane Improvements through Various Monmouth County Municipalities.
- 14-187 A Resolution Authorizing Tax Collector to Complete Application to Participate in Electronic Tax Sale Process.
- 14-188 A Resolution Authorizing Acceptance of Maintenance Bond and Release of Performance for GMH Associates Regarding the Chestnut Street Clarifier Project.
- 14-189 A Resolution to Approve the Hiring of Parks and Recreation Summer Staff.
- 14-190 A Resolution Reauthorizing the Green Team.
- 14-191 A Resolution Authorizing Place-to-Place Expansion of Premises Transfer of Plenary Retail Consumption License No. 1340-33-002-011 (Jamian’s Food & Drink).
- 14-192 A Resolution Authorizing Place-to-Place Expansion of Premises Transfer of Plenary Retail Consumption License No. 1340-33-024-004 (Char Red Bank).
- 14-193 A Resolution Calling for the Reinstatement of New Jersey’s Participation in the Regional Greenhouse Gas Initiative.
- 14-194 A Resolution Supporting the Monmouth County Submission of a Grant Application with the Local Safety and High Risk Rural Roads Program for Intersection Improvements to County Route 11 (Broad Street) and Bergen Place.

Councilman Murphy 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.

14-183 Mayor Menna read, “A Resolution Appointing Tamila Bumback as Acting Director of the Red Bank Parks and Recreation Department.”

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.

Councilwoman Lewis asked what the Borough's policy was in regard to appointing an Acting Director.

Mayor Menna said an Acting Director would be in charge during the temporary absence of a Director.

PROCLAMATIONS

Mayor Menna read a proclamation proclaiming July 9 & 10, 2014 as Nikola Tesla Days in the Borough of Red Bank.

Councilwoman Horgan asked where the request for the proclamation had come from and said that her nephew was involved with a restoration effort to save Mr. Tesla's Long Island laboratory and reviewed some of Mr. Tesla's work.

Mayor Menna said there was a bust of Mr. Tesla in Rahway, New Jersey and explained that the proclamation request had come from students at Red Bank Middle School. He said the students had been participating in a Tesla Outreach and Curricula program to educate the public about Dr. Tesla.

PAYMENT OF VOUCHERS

14-195 Mayor Menna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,209,266.43"

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

OLD BUSINESS

Councilwoman Burnham noted that she had discussed accumulated sick days at the previous meeting and called for an amendment to Borough Policies to reflect the State and County policy. She said Attorney O'Hern was supposed to come up with a resolution or ordinance. She said the State and County capped the payout at \$15,000 while the Borough caps it at 240 days.

Mayor Menna said that was not true. He said Red Bank had been one of the first towns in the County to cap the accumulated sick time payout of \$15,000. He said it had been done during Mayor McKenna's term. He said there had been a number of employees that had retired and only received the maximum payout of \$15,000. He said the exceptions were the individuals who had been hired prior to the change in policy which were entitled to the previous payout policy by contractual obligation.

Councilwoman Burnham said the Personnel Policies stated 240 days and questioned where it was written.

Attorney O'Hern noted that the Personnel Policies needed to be amended and said he suspected that the change had been made by resolution and not incorporated into the ordinance.

Mayor Menna said the Policy was in effect.

Councilwoman Burnham said she would like to see it reflected in the Policy manual.

Councilman DuPont offered a motion to authorize Attorney O'Hern to amend the Policy to be in agreement with the ordinance, seconded by Councilwoman Burnham.

ROLL CALL:

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

NAYS: None

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

Councilman Murphy stressed that the policy of unused sick time payouts being capped at \$15,000 had been in effect since 1994 regardless of how it had been put in place.

Councilman Zipprich asked about a certain sidewalk café that had expanded and asked if it was above and beyond what had been approved.

Mayor Menna said it was a good question and reviewed what he remembered about the situation and said he believed they were encroaching beyond what had been approved.

Councilman Zipprich noted that it had been included on one of the resolutions that had been on the consent agenda.

Mayor Menna said the Council could revisit it and bifurcate the approval.

The Council was in consensus that if was ADA compliant; they were okay with the approval.

Councilwoman Lewis reported that the Vision Committee was finalizing artists and said she would soon make an announcement about the Count Basie 365 Cultural Series.

Councilwoman Burnham asked about the status of the Living Shoreline project.

Councilwoman Horgan said she had been working on the issue and discussing it with the Administrator.

Councilman Murphy asked if a decision had been made on the issue.

Councilwoman Horgan said it had not.

NEW BUSINESS

Councilwoman Burnham said she had been told that the Dublin House would not let people bring their dogs into the outdoor dining area during the Dog Days of Summer event, but she had been told that they were changing their policy and would now allow it.

Mayor Menna said that was wonderful.

A discussion followed regarding the Board of Health and its membership.

AUDIENCE

James Scavone—RiverCenter Director—said he wanted to clarify a couple of points on the sign issue. He thanked the Council for agreeing to review the sign ordinance and for issuing the stay on enforcement. He said he had only attend one meeting in March and had asked that the sign ordinance be reviewed. He said it was incredibly unwieldy and it made it difficult for businesses to know the regulations. He said RiverCenter did not want bigger and brighter signs but had offered suggestions for changes that were variances that were routinely granted. He questioned the need for the business community to spend thousands of dollars on variances that were routinely granted.

Rose Sestito—190 River Street—thanked the Council for taking action regarding the speeding on River Street and asked that the sign showing the speed be moved for better visibility. She also thanked the Parks and Recreation department for coupling with other towns for Little League. She said it had been a positive experience. She said Red Bank Teams had placed as number one and number four.

EXECUTIVE SESSION

14-196 The Attorney read a resolution to adjourn to executive session to discuss property acquisition and contract negotiations with no formal action to be taken.

Councilman DuPont offered a motion to adjourn to executive session to discuss property acquisition, 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 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