

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
AUGUST 27, 2014  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

PRESENT: Mayor Menna and Council Members Murphy, Burnham, and DuPont.  
ALSO PRESENT: Assistant Administrator Watson, Municipal Clerk Borghi, Chief Financial Officer Poulos, Attorney Byrnes and Engineer Ballard.  
ABSENT: Council Members Horgan, Lewis and Zipprich.

**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 Councilwoman Burnham.

**ROLL CALL:**

AYES: Murphy, Burnham, DuPont, Mayor Menna

NAYS: None

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

**Red Bank Public School Budget Presentation**

Superintendent Jared J. Rumage introduced himself and reviewed his credentials. He presented information on the 2014-15 Red Bank Public School Budget. He handed out a copy of his presentation and reviewed its contents. He noted that a public hearing on their budget had been held on April 29, 2014. He stressed the importance of a safe and secure environment for both students and staff. He thanked the Council for inviting him to the meeting and said he would work tirelessly for the Borough's children.

Mayor Menna noted that challenges faced by the district and called for legislators to be more proactive and suggested forming community partnerships to try to get better funding from the State.

Councilwoman Burnham said she had reached out to Councilwoman Beck to familiarize herself with the process and said she agreed that the funding wasn't fair. She said Senator Beck was working to rectify the situation.

Mayor Menna said he had also spoken with Senator Beck and said she had been cooperative.

Councilman Murphy asked what the total increase would be.

School Business Administrator Debra Pappagallo said it would be a six percent increase which would be a \$250 increase for the average tax payer.

Councilman DuPont reviewed the numbers and called for a summit with legislators. He noted there had been a \$320,000 decrease in State Aid. He discussed increasing enrollment figures and said the children were the future. He said the Board of Education had done a wonderful job in juggling the figures and said the current year had been extraordinarily difficult. He asked the Mayor to extend an invitation to State legislators to discuss the issue.

Mayor Menna thanked Superintendent Rumage and the members of the Board of Education that were present.

**RESUME REGULAR ORDER OF BUSINESS**

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

**ROLL CALL:**

AYES: Murphy, Burnham, DuPont, Mayor Menna

NAYS: None

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

**WORKSHOP**

**Ambassador Katharine Elkus White Circle**

Mayor Menna said he had hoped to memorialize former Red Bank Mayor Katharine Elkus White with the project on Monmouth Street but said the project would not be adequate for the memorial. He said he had found a solution in a location that had a spectacular vista and was in a central location. He suggested the circular drive in Marine Park would be an ideal location and should be renamed Katharine Elkus White Circle. He said the property had a view of the world outside of Red Bank but had its root in the Borough much like Ms. White. He said a plaque would be placed at the location highlighting the accomplishments of the former Mayor and

Ambassador.

The Council was in favor of moving forward with the ordinance.

2014-14      Mayor Menna read, "An Ordinance of the Borough of Red Bank, Monmouth County, New Jersey Changing the Name of a Portion of Marine Park to Ambassador Katharine Elkus White Circle."

Councilman DuPont offered a motion to approve the ordinance on first reading, seconded by Councilwoman Burnham.

**ROLL CALL:**

AYES: Murphy, Burnham, DuPont, Mayor Menna

NAYS: None

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

Public hearing and final adoption scheduled for September 10, 2014.

#### **Signage**

Councilman DuPont said he had received calls from business owners about signs had appeared around town that advertised "Paddle the Navesink Day."

Councilwoman Burnham said someone from her organization had put them up and they were taking them down.

Councilman DuPont expressed concern noting that local businesses had recently been fined for illegal signs.

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

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

**ROLL CALL:**

AYES:      Murphy, Burnham, DuPont, Mayor Menna

NAYS:      None

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

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

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

**ROLL CALL:**

AYES:      Murphy, Burnham, DuPont, Mayor Menna

NAYS:      None

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

#### **MAYORAL APPOINTMENTS**

Mayor Menna appointed Debbie Marks to the Red Leveling Board as a full member for an unexpired 3-year term expiring 12/31/2014.

Councilman Murphy offered a motion to approve the appointment, seconded by Councilwoman Burnham.

**ROLL CALL:**

AYES:      Murphy, Burnham, DuPont, Mayor Menna

NAYS:      None

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

#### **REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilman Murphy said he had no report.

Councilwoman Burnham said the Code Enforcement Committee had met with Administrator Sickels and said they were waiting for changes from the Planner regarding the sign ordinance.

Councilman DuPont said he had no report.

#### **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from a request from VNA Central Jersey to hang banners as follows:

1. On Shrewsbury Avenue from November 5, 2014 to December 5, 2014 to promote their annual Holiday House Tour 2014; and
2. On Broad Street from April 15, 2015 to May 15, 2015 to promote their annual VNA Designer Show House 2015; and
3. On Broad Street from November 4, 2015 to December 4, 2015 to promote their annual Holiday House Tour 2015.

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

**ROLL CALL:**

AYES: Murphy, Burnham, DuPont, Mayor Menna

NAYS: None

There being four 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 appeared.

## **ROLL CALL:**

AYES: Murphy, Burnham, DuPont, Mayor Menna

NAYS: None

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

## **ORDINANCES – First Reading**

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

## **RESOLUTIONS**

By Consent Agenda:

- 14-230 A Resolution Authorizing Cancellation of Taxes Due to Totally Disabled Veteran Tax Exempt Status.
- 14-231 A Resolution Authorizing Tax Credits Due to Overpayment of Taxes Due to Judgments of the Tax Court of New Jersey.
- 14-232 A Resolution Approving the Hiring of Part-Time Temporary Librarians.
- 14-233 A Resolution Approving the Hiring of Part-Time Temporary Library Assistants.
- 14-234 A Resolution Authorizing Tax Appeal Settlement Regarding 64-68 White Street, Ltd., Block 30, Lot 49.01, 64-68 White Street, Red Bank, New Jersey.
- 14-235 A Resolution Authorizing Acceptance of Performance Guarantee Regarding Trochia, 228 Maple Avenue, Block 75.02, Lot 128.
- 14-236 A Resolution Authorizing Refund Due to Conversion Error.
- 14-237 A Resolution Supporting the Use of “No Passing Zone” on Route 35 by the New Jersey Department of Transportation.
- 14-238 A Resolution Authorizing Release of Maintenance Guarantee Regarding 28 Leroy Place, LLC, 28 Leroy Place, Block 104, Lot 17 .
- 14-240 A Resolution in Support of EPA/Army Corps Proposed Definition of “Waters of the United States” under the Clean Water Act.
- 14-241 A Resolution to Award Payment of 2013 LOSAP Benefits to Eligible Members of the Red Bank Volunteer Fire Department and First Aid Squad.
- 14-243 A Resolution Requesting Special Item of Revenue (NJ Division of Highway Safety/Drive Sober or Get Pulled Over--\$5,000).

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

## **ROLL CALL:**

AYES: Murphy, Burnham, DuPont, Mayor Menna

NAYS: None

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

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14-239 Mayor Menna read, “A Resolution Authorizing the Borough Engineer to Design Improvements to Chestnut Street Water Treatment Plant.”

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

Councilwoman Burnham questioned the resolution and asked for more information.

Engineer Ballard said there were several issues at the water plant noting that it was in sever disrepair and in need of replacement.

Councilwoman Burnham asked for a cost estimate.

Engineer Ballard estimated the cost at approximately \$400,000 and said the funds were already bonded.

Mayor Menna confirmed that a bond had been passed earlier in the year for work. He said the Borough had been under DEP mandate to upgrade the system. He said the resolution would authorize the engineer to design the specifications so the work could be put out to bid.

Engineer Ballard added that they typically do water plant work at this time of year because water consumption goes down after summer.

Councilwoman Burnham said she recalled that the Borough had put out for \$87,000 worth of work to the project in July.

Engineer Ballard said that was different work.

Councilman Murphy noted that he sat on the Public Utilities Committee and said this was part of the maintenance program. He said the building in question had been in discussion for two years. He said the previous resolution may have been in regard to another part of the facility.

Engineer Ballard said they were constantly doing work at the water plant to maintain the system and to keep the drinking water and employees out of jeopardy.

ROLL CALL:

AYES: Murphy, Burnham, DuPont, Mayor Menna

NAYS: None

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

14-244        Mayor Menna read, "A Resolution Authorizing the Issuance and Sale of up to \$289,600 of Special Emergency Notes of the Borough of Red Bank; Making Certain Covenants to Maintain the Exemption of the Interest on Said Notes from Federal Income Taxation; and Authorizing Such Further Actions and Making Such Determinations as may be Necessary or Appropriate to Effectuate the Issuance and Sale of the Notes."

CFO Poulos reviewed the reason behind the bond and said they were basically refinancing another bond at a lower rate.

Councilwoman Burnham asked what the money was being use for.

CFO Poulos said the original bond was to fund payments for accumulated time for employees who were leaving.

Councilwoman Burnham asked if the Borough had started a fund for that purpose.

Mayor Menna said they had but there was not enough money in the fund last year to cover the expense.

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

ROLL CALL:

AYES: Murphy, Burnham, DuPont, Mayor Menna

NAYS: None

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

14-242        Mayor Menna read, "A Resolution Granting Request of Locust Landing Urban Renewal for Temporary Relief from Terms of PILOT Agreement regarding Credits for Payment of Land Taxes."

Mayor Menna explained that the Locust Landing property was a low income project and was part of the Borough Mount Laurel obligation. He said they had a PILOT agreement pursuant to the Mount Laurel law which meant they pay a designated amount based on their land tax. He noted that the property had been heavily damaged during Hurricane Sandy and many units had been uninhabitable. He said Locust Landing suffered loss of revenue for about a year and had been in default on their PILOT agreement for 2013 and 2014. He said they were now fully operations and the residents were back in. He said they had made up the arrears due to the Borough. He said resolution would renew the PILOT agreement now that they were no longer in default.

Councilwoman Burnham asked how much the PILOT agreement was for.

CFO Poulos said the amount for the year was \$30,000.

Mayor Menna said it was based on a formula promulgated by COAH and Mount Laurel.

Councilman DuPont said he felt the property owner had not treated the residents properly. He said he was reluctant to accept the agreement.

Mayor Menna said that was a legitimate question but said he did not know how the tenants would be helped if they did not reestablish the PILOT agreement. He said it would help keep the rents low. He said the issue should be addressed separately.

Councilman DuPont said he did not disagree but said the Borough did not seem able to hold the landlord responsible for his actions.

Mayor Menna agreed that there were problems but said presently there seemed to be good management.

Councilman DuPont said as long as they followed up, he would not have a problem with the resolution.

Councilwoman Burnham said she had some problems with it. She asked if he would be exempt from the PILOT for a year.

Attorney Byrnes clarified that it would forgive the late payments.

Mayor Menna said they would have to have paid interest.

Councilwoman Burnham said it was not a non-profit and said the Borough was still providing services such as Police, water and sewer. She said that expense would fall on the tax payers.

Attorney Byrnes said there was no added expense. He said the Borough was simply not assessing a penalty for the delay in payment. He said they were still paying all of the same taxes that they would have otherwise.

Councilwoman Burnham questioned how many people had been displaced and still had to pay.

Mayor Menna said Locust Landing was a specific project approved by the Borough as part of its Mount Laurel obligation for the creation of low and moderate income housing. He explained that real estate taxes assessed were less for those properties because it was State policy to assess them below market rate to keep the rents low. He after Hurricane Sandy, tenants had been displaced and couldn't pay rent so the owners could not pay the taxes. He said the issue raised by Councilman DuPont was very important and agreed that it was an issue.

Councilman Murphy asked if the rents would go up if the Borough did not approve the PILOT.

Mayor Menna said they would probably file a tax appeal and the tax court would determine an appropriate tax base would be.

Councilman DuPont said the Borough would lose its credits and its subsidy which was why the PILOT program was important. He said he just felt they needed to hold the landlord accountable. He said as long as the Mayor and Emergency Management staff were in favor of the resolution, he would have no problem with it.

Mayor Menna asked Attorney Byrnes if he had any other comments.

Attorney Byrnes said it was a unique piece of property and explained the repercussions with a Mount Laurel property.

Mayor Menna explained property ownership under Mount Laurel laws.

Councilwoman Burnham asked it was privately owned.

Mayor Menna explained that he was obligated to rent at a low to moderate rate.

Councilwoman Burnham said he knew what he was getting into.

Mayor Menna explained that Sandy was an extraordinary situation and said if they did not renew the PILOT they would open themselves to more issues.

Attorney Byrnes suggested the matter be tabled since there were only four Councilmembers present and said it would give them time to answer some of the concerns.

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

**ROLL CALL:**

**AYES:** Murphy, Burnham, DuPont, Mayor Menna

**NAYS:** None

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

**PROCLAMATIONS**

**PAYMENT OF VOUCHERS**

14-245        Mayor Menna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,864,376.92"

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

**ROLL CALL:**

**AYES:** Murphy, Burnham, DuPont, Mayor Menna

**NAYS:** None

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

**OLD BUSINESS**

Councilman DuPont said he had sent a challenge out and wanted to follow up. He said he had offered an Ice Bucket Challenge to the Council members. He explained the reasons behind the challenge and asked the Council members to consider an alternate date.

Mayor Menna said he had respect the cause but suggested charity should be done without spectacle.

Councilwoman Burnham said she was upset by the condition of the sidewalks and asked when they would be done.

Public Works Director Watson said the work had started on Tuesday and said they prioritized the work by doing the school crosswalks first and would then do the others.

Councilwoman Burnham asked him to plan ahead and do the work in the spring.

Councilman Murphy said he thought it had been an issue when they did them in the spring because they would be bad again by the start of the school year.

Councilman Burnham said there were also missing street signs.

Director Watson asked her to call him to review and noted that they replace them as they receive complaints.

## **NEW BUSINESS**

### **AUDIENCE**

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

Carl Colmorgen—67 Oakland Street—noted that he had brought up the oversight of nothing being named for Katharine Elkus White. He complimented the Mayor on his choice of location and thanked him for honoring her.

Michael Ballard—190 River Street—asked about access to Field 2 and Field 1 at Count Basie Park. He said his grandson and some friends had been playing ball on one of the fields and had been escorted off by the police. He called for the Borough to unlock the fields and let the residents use them. He talked about the excellent condition and maintenance of those new turfed fields. He said the kids had been moved to Field 5 and offered pictures of the condition of that field. He said it was not being maintained because it was not baseball season.

Mayor Menna agreed and said he had reached out to the Administrator and indicated that it was his opinion that, unless the Parks and Recreation Department could verify a reason otherwise, the fields should be unlocked. He said the Administrator and Assistant Administrator had gotten back to him that one field could be unlocked for use. He said he sent a subsequent communication again stating that, unless someone could give him a critical analysis as to a safety issue or some other issue, he did not see why all of the fields could not be opened when not in use. He said he had gotten a reply that there was an insurance liability issue because of the proximity of one field to the other but said he could not accept that because he said, if that was the case, it should have been brought up at the time it was designed. He again stated that it was his opinion that, unless someone could demonstrate a public safety issue, the field should be used.

Mr. Ballard thanked the Mayor for his time and said he hoped it would be unlocked so the kids could enjoy it.

Mayor thanked Mr. Ballard for keeping him informed because otherwise he wouldn't have known about the issue.

Mr. Ballard said he had not been criticizing the lack of maintenance of the field in the picture. He said the field should not be maintained out of season. He said he was showing it to demonstrate that the other field should be unlocked.

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

### **ROLL CALL:**

AYES: Murphy, Burnham, DuPont, Mayor Menna

NAYS: None

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

## **EXECUTIVE SESSION**

### **ADJOURNMENT**

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

### **ROLL CALL:**

AYES: Murphy, Burnham, DuPont, Mayor Menna

NAYS: None

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

Respectfully submitted,

Pamela Borghi