

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
SEPTEMBER 10, 2014
6:30 P.M.**

PLEDGE OF ALLEGIANCE

Mayor Menna called for a moment of silence in memory of those who were lost on September 11, 2001 including two individuals from Red Bank.

ROLL CALL

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

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

ABSENT: Councilman Murphy. Councilman Murphy arrived at 6:32 pm.

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.

Councilman Murphy arrived at 6:32 pm.

SUSPEND REGULAR ORDER OF BUSINESS

Councilman DuPont offered a motion to suspend the regular order of business, 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.

Red Bank Primary School Teacher of the Year Presentation

14-251 Councilwoman Horgan read, “A Resolution Commending Jana Diamond on Being Named Teacher of the Year for the Red Bank Primary School.”

Mayor Menna presented Ms. Diamond with the resolution.

Councilwoman Horgan offered a motion to approve the resolution, 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.

Patriotism Week Proclamation

Mayor Menna read a proclamation proclaiming September 8, 2014 to September 14, 2014 as Patriotism Week in the Borough of Red Bank.

Mayor Menna presented the proclamation to Joseph McGrath from Red Banks Elks Lodge No. 233.

Mr. McGrath commended the members of the Council for showing their patriotism through public service and thanked them for all that they do. He also everyone to a ceremony in remembrance of 9-11 to be held at Riverside Gardens Park on the following Saturday at 11 am.

RESUME REGULAR ORDER OF BUSINESS

Councilwoman Lewis 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

Shoe Donation—Councilman DuPont said a local businessman named Dean Ross would be giving away shoes to the boys and girls of Red Bank. He called for a resolution to commend him on the act of charity.

Mayor Menna said Mr. Ross was a long time business owner in the Borough and reviewed his history

including the fact that he at one time served on the Borough's Rent Leveling Board. He thanked Councilman DuPont for mentioning it and said a resolution could be added to the next meeting.

Councilwoman Horgan thanked Councilman DuPont for making the suggestion.

Councilwoman Burnham said Mr. Ross would be giving away 300 pairs of shoes in various sizes and styles.

East Bergen Weight Limit—Mayor Menna noted that weight limit signs had been put in place on this day.

Tow Away Zones—Mayor Menna said Oakland and Pearl Street residents had requested tow away zones as a result of vehicles blocking their driveways. He said he would like to see it introduced at the next meeting.

APPROVAL OF MINUTES – July 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

Councilman Murphy thanked the JCP&L representatives for their response after 600 residents lost power the previous Saturday.

Councilwoman Burnham said, in effort to be more transparent, she would be reporting on Code Enforcement activity for the previous month at the first Council meeting of each month. She said they had received 17 complaints in August, 3 overcrowding complaints, 4 inspections of vacant properties, 0 café and sandwich board inspections, 33 summonses had been issued, 4 municipal court appearances and 4 job site maintenance inspections. She thanked the Department of Public Works for painting the crosswalks and said there were others that needed to be done.

Councilman Zipprich said they were scheduled and some were included in the road program.

Councilwoman Burnham reported that the fourth Paddle the Navesink Day was scheduled for the following Sunday, October 14 from 11 am to 3 pm and invited all to attend.

Councilman Zipprich asked who had placed signs out for the event.

Councilwoman Burnham said they all had and the issue had been addressed.

Councilman Zipprich said there were still some posted.

Councilwoman Burnham said she thought she had gotten them all and thank him for bringing it to her attention.

Councilwoman Horgan reported that the Library would have holding a preview party for their book sale on the following Friday at 7 pm to 9 pm with a \$25 admission. She said with the said to begin the following day. She thanked Red Bank business owners who had donated food and gifts certificates for raffle baskets. She said volunteers were still needed for the event. She said the book sale would start Saturday with early bird admissions at \$10 between 9 am and 10 am with free admission after. She also reported that the Environmental Commission had organized a garden and eco tour that would take place on Saturday, September 27 between noon and 4 pm. She reviewed the event and said it would highlight items including gardens, solar power, electric vehicles and beehives. She thanked John Ward for posting the information.

Councilwoman Lewis reported that the Vision Committee wanted to remind everyone about the Count Basie 365 series with the third event scheduled for the following Friday. She thanked the sponsors of the event which included Morgan Stanley Shrewsbury, Lunch Break and the YMCA.

Councilman Zipprich thanked the Mayor for the moment of silence in remembrance of 9-11 and thanked everyone for their support for him and his family. He thanked the Department of Public Works staff for their work during the power outage as well as the Police and Fire departments. He said he had some concerns about mis-information being disseminated which said that the Council would be taking money from the road program to put into a park. He said that was clearly and unabashedly untrue. He said the road program was funded and bids were being opened on the 19th of September and the bid was expected to be awarded on September 24. He said within the two weeks following, they should see the staging of equipment. He also spoke about the Count Basie 365 series and reviewed the second show which he said was a resounding success. He thanked Councilwoman Lewis for spearheading the project and thanked Parks and Recreation, the Department of Public Works and the Vision Committee for their efforts. He said the Red Bank Borough Education Foundation would be hosting a Treasures to Trash Road Show at the Atrium on October 26. He said ticket information was available on the foundation's website. He said DPW and the Engineer had met to review the carting bid. He said he had asked Councilman DuPont to review the costs and said he wanted to entire Council to be educated before any decisions were made. He

said the DPW Committee would meet the following Wednesday. He said the Shade Tree Committee urged neighbors with new trees to water them.

Councilwoman Burnham said she wanted comment on the statement Councilman Zipprich had made about the road repairs. She said she had made the statements because she was against the water park. She said the bond had been taken out was for the water park and for paving the streets but the streets had not been paved yet they were moving ahead with the water park. She said she did not think that was right and she was proud of what she had done.

Mayor Menna questioned her statement that the Borough was “moving ahead with the water park” and said the only thing the Council had done was to hold a public hearing.

There was a discussion about whether the park funding was in a separate bond or if it was included in the same bond as the road program.

Councilwoman Burnham said she did not think it was right to talk about the creation of a water park when the roads had not been done and said the roads were a major problem.

Mayor Menna said the roads would be done and the Borough did roads every year. He said there was never a question that they would do the road repairs. He said the roads had to be prepped for the work and specs had to be prepared. He said they were now being returned for a bid opening on September 19 and award on September 24. He said that had all been scheduled a long time ago and one had nothing to do with the other.

Councilman Murphy asked if funds had been bonded for the Locust Avenue project.

Administrator Sickels clarified that the Borough had bonded but they had not borrowed the money. He said no work had been done other than design. He said that same bond included the road program but it was separate funding.

Councilwoman Burnham asked how much they had paid for the design.

Mr. Sickels said he did not know off the top of his head. He said they had also paid money for the road design that was currently out to bid.

Councilwoman Burnham again said she felt they should address the infrastructure before they built the park.

Councilman Zipprich said they could not pave the roads until the design work was done, put the work out to bid, award the bid and have the Council ratify the award. He said then they could begin paving.

A discussion followed about what had been said to the public regarding the use of funds.

Mayor Menna said, based on the schedule, the road program would be done before anything was contemplated at Locust Avenue.

Mayor Menna asked Councilman DuPont for his report.

Councilman DuPont said he had expressed some serious reservations about the water park but was excited to see the roads get done. He also said the description of the Count Basie 365 event had been inadequate and said there had been dancing in the streets. He said he was happy to report that the Department of Public Works bids regarding privatizing trash seems to offer some savings. He said they were looking into it to find savings for the residents. He also reported that some towns had proposed ordinances prohibiting tobacco sales to those under 21 years of age. He cited cancer issues and asked the Council to consider adopting one.

Mayor Menna asked if it would include e-cigarettes.

Councilman DuPont said he did not know much about that issue.

Mayor Menna said there were still collateral issues such as second hand smoke.

Councilman DuPont said it was a cancer and health care cost concerns. He asked that it be placed on the next agenda.

Councilman Zipprich said he wanted to list the streets included in the current road program which were High Street, Highland Avenue, Drs. Parker Boulevard, Washington Street and Leighton Avenue.

COMMUNICATIONS AND PETITIONS

By Consent Agenda

- Request from Life Vest Inside to close Broad Street from Monmouth Street to White Street from Noon to 2 pm on Sunday, November 9, 2014 to hold 3rd Annual Dance for Kindness Event pending final plan approval by the Special Events Committee.
- Request from Red Bank Elks Lodge No. 233 for use of Riverside Gardens Park on Saturday, September 13, 2014 from 11 am to 11:30 am for 9-11 Memorial Ceremony.
- Request from the residents of John Street to hold their annual block party on Saturday, September 20, 2014, with a rain date of Saturday, September 27, 2014, from 11 a.m. to 11 p.m. and to block the street at Harrison Avenue and at Prospect Avenue, approved by the Special Events Committee.

Councilman DuPont 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 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

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 open the public hearing, 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 asked if anyone would like to speak.

Councilman DuPont thanked Carl Colmorgen for bringing this to the Council’s attention and noted the achievements of Ambassador White.

Councilman Zipprich asked if there would be a way to commemorate the fact that she was Mayor as well as Ambassador.

Mayor Menna said there would be a plaque that would designate her accomplishments.

Carl Colmorgen itemized her accomplishments and commended the Council on their choice to honor her.

Councilman DuPont offered a motion to close the public hearing, 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 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.

RESOLUTIONS

By Consent Agenda:

- 14-246 A Resolution Authorizing Cancellation of Taxes Due to Tax Exempt Status.
- 14-247 A Resolution Authorizing Acceptance of Performance Guarantee and Inspection Escrow Regarding Lolich Red Bank, LLC (Walgreens), 395 Broad Street, Block 120, Lot 53.09.
- 14-248 A Resolution Releasing Performance Guarantee Regarding Mauijoe, LLC, 119 Maple Avenue, Block 60, Lot 29.
- 14-250 A Resolution to Rescind Chapter 159 Resolution #14-185 – Pedestrian Safety Grant

Councilman Zipprich offered a motion to approve the resolutions, 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.

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.”

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

Attorney O’Hern reviewed the resolution that would waive a service charge on the PILOT agreement due to a late payment. He noted the property had been heavily damaged during Hurricane Sandy.

Councilwoman Burnham asked how much the service charge was.

CFO Poulos said it was \$30,000.

Councilwoman Burnham said the amount lost would be \$60,000 over two years.

Attorney O’Hern said there would be no loss to the Borough, they would just be waiving a penalty which was essentially a late fee.

Administrator Sickels noted that twelve units had been left uninhabitable for over a year after Hurricane Sandy.

CFO Poulos confirmed that the land taxes had been paid and again explained that they had been delinquent and had been penalized.

Attorney O’Hern gave a detailed explanation regarding the fact that they were waiving the penalty only and stressed that it was low income housing.

Councilwoman Burnham said she had a problem with it because it was not a non-profit and it was owned by investors who were making money. She said with investment comes risk and noted it was built in a flood zone.

A discussion followed regarding land taxes and PILOTs.

Mayor Menna explained that it was low income housing that had met the Borough’s Mount Laurel obligations to create low income units. He noted that the Attorney had explained that the units had been directly affected by Sandy which was a storm no one could have anticipated. He said they had been unable to collect rent because residents had to be evacuated which was why they had fallen behind.

Attorney O’Hern explained that the complex had been funded with special financing and the units were subject to serious restrictions on the rent they could charge. He said it was unfair to compare them to a for profit apartment complex. He said the loss of income was a substantial hit.

Councilman DuPont said he had reservations but said it wasn’t about waiving the penalty. He said he did not feel the management had treated the tenants properly. He said he understood the complaints had been rectified. He said low and moderate income housing served a purpose and, while he understood the reservations, he felt if the Council did not approve the relief, it would affect the tenants.

Councilwoman Burnham said she did not agree. She asked what the cost to Locust Landing would be if the resolution did not pass.

Mayor Menna said believed it would pass because it was the right thing to do.

ROLL CALL:

AYES: Murphy, Horgan, Lewis, Zipprich, DuPont

NAYS: Burnham

There being five ayes and one nay, the motion was declared approved.

14-249 Mayor Menna read, “A Resolution Authorizing Place-to-Place Expansion of Premises Transfer of Plenary Retail Consumption License w/Broad Package Privilege No. 134-32-003-010.”

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS: None

ABSTAIN: DuPont

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

14-252 Mayor Menna read, “A Resolution Approving the Hiring of Two Part-Time Temporary Deputy Court Administrators.”

Councilman DuPont offered a motion to approve the resolution, 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.

PROCLAMATIONS

PAYMENT OF VOUCHERS

14-253 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$691,086.81”

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 if the Borough had received a report from CME.

Mayor Menna said they were working on a report which would be circulated to the Council when it was received.

Councilwoman Burnham said it had been quite some time.

Mayor Menna said it was an important issue and he would rather not rush it.

NEW BUSINESS

AUDIENCE

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

Joseph McGrath said the Elks Lodge was considering sponsoring a St. Patrick’s Day parade.

Mayor Menna said the normal procedure was to proposal together and submit to the Special Events Committee for review.

Mr. McGrath thanked the Borough staff and said they had been very helpful.

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

EXECUTIVE SESSION

ADJOURNMENT

Councilman DuPont offered a motion, seconded by Councilman Murphy 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