

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
SEPTEMBER 24, 2014
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor Menna and Council Members Murphy, Burnham, Zipprich.

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

ABSENT: Council Members Horgan, Lewis and DuPont. Councilwoman Lewis arrived at 6:40 p.m.

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.

WORKSHOP

Councilwoman Lewis arrived at 6:40 p.m.

Electioneering—Mayor Menna said this was something that had been discussed in the past but had not been formalized. He said an ordinance was needed to prohibit politicking in the interior of public properties. He said it was common sense and would not include municipal parks because he felt the First Amendment would supersede the Borough’s ownership rights of the park as an open public area.

Councilwoman Burnham said she had called other towns in the area and said they did not have an ordinance like this.

Mayor Menna said neither did Red Bank. He reviewed the need for the ordinance and said it would protect the Borough employees.

Municipal Clerk Borghi said she could inquire through the Municipal Clerk Association of New Jersey to see if there was a sample available.

Councilman Zipprich asked if the ordinance would also cover the schools.

Mayor Menna the schools were owned by the Board of Education and said he thought they had their own rules in place. He said they could include it but it would be subject to Board of Education approval.

Councilman Zipprich said he asked because it was tax payer supported.

A discussion followed on the activities to be prohibited and it was determined that verbally campaigning and handing out literature were considered the same.

2014-17 Mayor Menna read, “Ordinance Amending and Supplementing Chapter II, “Administration”, Section 2-70 “Use of Public Buildings” of the Revised General Ordinances of the Borough of Red Bank.”

Councilman Murphy offered a motion to adopt the ordinance on first reading, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Murphy, Burnham, Lewis, Zipprich

NAYS: None

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

Public hearing and final adoption scheduled for October 8, 2014.

BYOB—Mayor Menna reviewed the rules governing BYOB and said there was a gray area in the interpretation. He said, in the past, it had been interpreted that BYOB was allowed at food service establishments. He said there were other types of activities such as art gallery openings and artistic venues that should be allowed to offer BYOB under a very strict, limited exception.

Councilwoman Burnham asked about lingerie shops that offer fashion shows and other businesses such as a ceramic shop.

Mayor Menna said they could be included and said the Borough would work closely with the Police Department to keep a tight rein on it. He added that, if the idea was vetoed by the Police Department, they would not go ahead with it.

Councilman Murphy asked if it was just wine and beer or if it was for all types of alcohol.

Mayor Menna said it would be wine and beer only.

Councilman Murphy thanked him for bringing it forward and said it would help the Police with a gray

area.

Mayor Menna said the ordinance would target a group of people in the area that were not the club crowd but were looking for a different type of social situation.

Councilman Murphy asked about the guidelines to revoke the privileges.

Mayor Menna said those would be in place.

Councilman Zipprich asked if the ordinance would open the doors for all retailers or would it be broken down specifically.

Mayor Menna said he thought it would be broken down specifically and gave some examples.

Councilman Zipprich asked about the impact on the ABC licensed establishments.

Mayor Menna said he felt it would apply to a different demographic.

Councilman Murphy suggested that once the ordinance had been drafted, it could be critiqued.

Councilman Zipprich asked if it would be reviewed by the Police Committee.

Councilman Murphy said either that or it could be handled in Workshop so it would include everyone.

15 Minute Parking—Councilman Murphy noted there were several parking spots around town that were limited to 15 minutes. He said, in an effort to encourage more turnover, RiverCenter had requested that nine additional spaces be converted to 15 minute parking. He said they were all located near high traffic businesses and the meters would remain at the same rate. He said RiverCenter would be responsible for painting the meter heads a different color so they would stand out and draw attention and said they would also order signage. He reviewed existing locations where the meters were working and suggested they try the additional spaces on a six month trial.

A straw poll of the Council revealed they were all in favor.

APPROVAL OF MINUTES – August 13, 2014

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

ROLL CALL:

AYES: Murphy, Burnham, Lewis, Zipprich, DuPont

NAYS: None

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

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Murphy reported that there were resolutions on the agenda to hire Special Police Officers and a dispatcher.

Councilwoman Burnham questioned the hiring of the dispatcher noting that some had been hired in April.

Councilman Murphy explained that one had left and they were filling a vacancy.

Councilwoman Burnham reported that Paddle the Navesink Day was held on September 14, with 306 attendees. She reviewed the groups that had assisted and said there had been no injuries. She said they were planning on holding it again next year.

Councilwoman Lewis reported that the Count Basie 365 Cultural Series had wrapped up on Friday, September 19. She thanked the Committee members and its partners for their efforts. She said they had had an opportunity to present the Red Bank Strings program. She also reported that the Parks and Recreation Committee had met on September 17 and discussed Marine Park Improvements.

Councilman Burnham asked about the status of a report on the Bellhaven project.

Councilwoman Lewis said they were still working on it.

Councilwoman Burnham asked when the next public meeting on the project would be.

Councilwoman Lewis said she did not believe there would be another public meeting on the matter but said once there was a final concept, it would be brought to the Council.

Councilwoman Burnham asked if she expected that would happen before the election or after.

Councilwoman Lewis said the Committee was working on it and that they were under a deadline.

There was a discussion on the input from the Environmental Commission.

Councilman Zipprich thanked the Mayor for proposing the Electioneering ordinance. He also reported that he had been discussing the Electric Charging Station about how the fees would be set up for the spot and said they were working on getting it unveiled. He said it would be designated for electric vehicles only. He said the Red Bank Borough Education Foundation would be holding a gala on October 26th at the Atrium and said it would include a Treasures and Trash Road Show. He said information was on the group's website. He reported that the Historic Preservation Commission was meeting later in the evening and said they had been involved in saving the landmark T. Thomas Fortune house. He reported that the Catherine Street crosswalks had been repaved and pothole repairs were ongoing. He said he, the Mayor

and Councilwoman Burnham had met with County Officials to unveil the new traffic light at Drs. Parker Boulevard and Shrewsbury Avenue. He reported that Road Program bids had been opened on September 19 and the award was being made at this meeting. He said they would begin paving roads before the onset of winter. He said there was a lot to do in preparation for winter and said he was proud of the Department of Public Works for getting the town prepared. He said he had grave concerns about the type of information that was being delivered to residents and reviewed statements made by a candidate in the previous year's campaign including the statement that Councilmembers should not serve for benefits, perks or pay. He asked Councilwoman Burnham if she was taking pay for her position.

Councilwoman Burnham said she was taking the pay and noted that they all were. She said she put her pay back into the town and cited various examples including basketball hoops at Montgomery Terrace and hay for Maple Cove. She suggested that they all take a \$1,000 cut in the coming year and give the money back to the Borough.

Both Councilwoman Lewis and Councilman Zipprich stated that all of the members of Council put funds back into the town and cited their own examples. Councilman Zipprich said the Council member in question continued to spread false information and had been discussing confidential personnel matters and hiring practices with people around town.

Councilwoman Burnham asked him for specifics and said she resented the attack. She said they were all on the Council for one reason which she said was to do the best thing for Red Bank. She said she did not understand why he continued to attack her and said she was just doing her job.

Councilman Zipprich again criticized her for taking a salary.

Mayor Menna said the salary was part of an acceptable acknowledgement of public service and noted the salaries were approximately \$3,600 per year for Council members. He said it was not enough for the money and time that they each put in to their positions. He noted that he received \$7,200 per year without benefits. He said the salaries were never intended to be a substitute for employment but were intended to recognize the dignity of the office. He said playing politics on that issue would be of no consequence for the majority of the people because the majority of the people in Red Bank knew how much time and energy they each put it in.

Councilman Murphy agreed that most of the Council members returned the amount of their salaries to the Borough through some type of donations.

Councilwoman Burnham said residents had asked her about pedestrian crossing signs and asked if they could get some for the downtown.

Administrator Sickels said they had been detrimental to Borough vehicles, particularly emergency vehicles. He said the signs had been previously donated and, once damaged, they had not been replaced.

Councilman Murphy reported that the Police Department had been soliciting donations for a Police Dog and had recently received a donation for a dog and a vehicle. He said the medical issues were being donated by Red Bank Veterinary Hospital and the food was being donated by Fins and Feathers. He said the matter was urgent because they wanted to start the dog in training.

Councilman Murphy reported that there had been another individual who had offered to donate a second dog but said the Police Department chose to start with one for now. He reported that Patrolman Balmer had come to the Borough with some experience with Police Dogs and would be assigned to the animal.

Mayor Menna said it was a win-win for the Borough. He suggested a resolution be added to accept the donations and authorize the Police Chief to move forward with the program.

Administrator Sickels asked that the resolution include the fact that the funds had been placed in a trust dedicated for that purpose and that the Police Chief, Administrator and CFO be authorize to make purchase necessary to implement the program.

Councilman Zipprich asked if Red Bank was the only town in the area with a Canine Unit.

Chief McConnell noted several surrounding towns including Tinton Falls, Long Branch and Middletown that had Canine Units.

Mayor Menna said Councilwoman Horgan would be giving a formal presentation upon her return, but said he wanted to note that Global Warming issues were being discussed at the United Nations. He said, as part of an initiative that had been previously discussed, he was directing the Administrator to prepare a list of all non-emergency or public safety vehicles including the anticipated replacement dates. He urged the Council to enact a policy that they must be replaced by hybrid or electric cars.

Councilman Zipprich said he appreciated the Mayor's effort to bring the matter to the forefront and said he and Councilwoman Horgan and Lewis had been in favor.

Mayor Menna said he knew Councilman DuPont was also in favor and said he thought they should move forward with it.

Councilman Murphy spoke in favor of hybrid vehicles.

COMMUNICATIONS AND PETITIONS

Request from Learning Tree Preschool to hang a banner on Broad Street from January 31, 2015 to February 1, 2015 to advertise their open house and registration event.

Councilman Zipprich offered a motion to table the request in order to clarify the requested dates, seconded by Councilwoman Burnham.

ROLL CALL:

AYES: Murphy, Burnham, Lewis, Zipprich

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.

Carl Colmorgen questioned the dates on the banner approval that appeared to be for one day.

Borough Clerk Borghi said she would check on the request and confirm.

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

ROLL CALL:

AYES: Murphy, Burnham, Lewis, Zipprich

NAYS: None

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

ORDINANCES – First Reading

2014-15 Mayor Menna read, “Ordinance Amending and Supplementing Chapter VII, “Traffic,” of the Revised General Ordinances of the Borough of Red Bank to Establish Tow-Away Zones.”

Councilman Zipprich offered a motion to adopt the ordinance on first reading, seconded by Councilwoman Lewis.

ROLL CALL:

AYES: Murphy, Burnham, Lewis, Zipprich

NAYS: None

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

Public hearing and final adoption scheduled for October 8, 2014.

2014-16 Mayor Menna read, “Ordinance of the Borough of Red Bank, County of Monmouth, New Jersey Canceling Certain Funded Appropriation Balances heretofore provided for Capital Improvements and Reappropriating Such Funded Appropriation Balances for Other Capital Projects.”

Councilman Zipprich offered a motion to adopt the ordinance on first reading, seconded by Councilwoman Lewis.

ROLL CALL:

AYES: Murphy, Burnham, Lewis, Zipprich

NAYS: None

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

Public hearing and final adoption scheduled for October 8, 2014.

ORDINANCES – Public Hearing and Final Adoption

RESOLUTIONS

By Consent Agenda:

- 14-254 A Resolution Authorizing Tax Credit/Refund Due to Overpayment of Taxes Due to Judgments of the Tax Court of New Jersey.
- 14-255 A Resolution Authorizing Change Order No. 3 & Final Related to the Contract with Precise Construction, Inc. for the Drs. James Parker Boulevard Pump Station Replacement Project
- 14-256 A Resolution Authorizing the Borough Engineer to Advertise and Receive Bids for the Marine Park Improvement Project.
- 14-257 A Resolution Granting Discretion to the Tax Collector for Cancellation of Property Tax Refunds or Delinquent Amounts of \$10.00 or Less.
- 14-258 A Resolution Authorizing Acceptance of Performance Guarantee and Inspection Escrow Regarding A&B Holdings, 6 Newman Springs Road (Block 97.01, Lots 46.01 and 46.02)
- 14-259 A Resolution Requesting Authorization to Cancel Stale Dated Checks

- 14-260 A Resolution Authorizing the Execution of Lease Agreement Between the Borough of Red Bank and The Ten Co. with Respect to the Borough's Use of Parking Spaces within the Gold Street Parking Lot.
- 14-261 A Resolution Releasing Performance Bond and Accepting Maintenance Bond for Drs. James Parker Boulevard Pump Station Project.
- 14-262 A Resolution Accepting Bids and Awarding Contract for the 2014 Road Program.
- 14-263 A Resolution Authorizing Approval to Submit a Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation for the East Bergen Place Improvements Project.
- 14-264 A Resolution Authorizing the Appointment of Regular Crossing Guards for the 2014-2015 School Year.
- 14-265 A Resolution Appointing Special Law Enforcement Officers Class I.
- 14-266 A Resolution Appointing Per Diem Part-Time Dispatcher.

Councilwoman Burnham said she had questions regarding Resolution 14-255 regarding the pump at the end Drs. Parker Boulevard. She said there was a problem with a smell in the area.

Mayor Menna said the resolution was regarding a change in price to the contractor that was actually lower. He said Councilwoman Burnham should report any issues to the Engineer so they could be addressed and noted that there was a performance bond in place.

Councilwoman Burnham said she also had a question on Resolution 14-256 regarding authorizing the Borough Engineer to advertise and receive bids for Marine Park improvements. She asked if it was in regard to a Bond Ordinance that was done for \$332,000 back in April.

Engineer Ballard said it was.

Councilwoman Burnham asked why additional benches were listed when there were already benches there.

Engineer Ballard said there were additional benches planned for the restroom area. She said there was nothing about the tennis courts included because it was to address Sandy-related repairs.

Councilwoman Burnham asked why the bond had listed the tennis courts.

Engineer Ballard acknowledged that it had been included in the description but said the work was not being done at this time. She reviewed the work that was being done.

Councilman Murphy asked why it had taken so long for the repairs.

Engineer Ballard said they had prioritized to do the Pump Station first but were still waiting for FEMA funding so decided to move forward with other park repairs. She said when they received the FEMA funding, they would move forward with the Pump Station project.

Councilwoman Burnham said she thought the FEMA funding had been to relocate the bathrooms.

Engineer Ballard said that work was being funded by a Monmouth County Open Space Grant.

Councilman Zipprich reviewed the plan specifics for the restroom move.

Councilman Murphy asked for the estimated date on the work and where they were being moved to.

Engineer Ballard reviewed the move and noted that it include the electrical work and would be out of the flood plain. She said it was a long term project and grant funding and bonds were in place. She said the resolution would authorize her to finalize the plans and specifications and to advertise for bids.

Councilwoman Burnham said she was not happy with where the bathrooms were being located and said she through the area could have been used for something more creative.

Councilman Murphy said he thought the location of the bathrooms would be distracting but said it was a Catch-22 in that that was where they needed to be. He said the area where they used to be should be cleaned up and possible sodded so the space would be available to replace the space the bathrooms were taking at the top of the park.

Councilman Zipprich offered a motion to approve the resolutions, seconded by Councilwoman Lewis.

ROLL CALL:

AYES: Murphy, Burnham, Lewis, Zipprich

NAYS: None

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

14-267 Mayor Menna read, "A Resolution Accepting a Donation to be used toward the Establishment of a Canine Unit within the Borough's Police Department."

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

ROLL CALL:

AYES: Murphy, Burnham, Lewis, Zipprich

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

14-268 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,857,436.91.”

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

ROLL CALL:

AYES: Murphy, Burnham, Lewis, Zipprich

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

AUDIENCE

Gianna Anastacio—Alex & Ani employee—expressed concerns about parking in the downtown area and said there were issues with hit and runs. She said police reports had been filed and asked if there were security cameras in the area.

Mayor Menna said that was a good question. He noted that the Police Chief was in attendance and suggested she speak with him after the meeting.

Councilman Murphy asked RiverCenter Director James Scavone if he had any information on the hit and run incidents.

Mr. Scavone said a bench had also been hit. Several other incidents in the area were discussed.

Councilman Zipprich noted that Gilda Rogers of the Historic Preservation Commission was in the audience and thanked her for her efforts with the T. Thomas Fortune project.

Gilda Rogers read a statement from the Historic Preservation Commission noting that since 1976, the T. Thomas Fortune House had been on the rolls as a national historic landmark. She said the property could be an economic stimulus for the town and a pearl of the west side. She noted the Council had passed a resolution calling for the property’s preservation but questioned why it had been written if the town was not going to honor it. She asked the Council to have a vision of something as valuable as the T. Thomas Fortune House and to act on it.

Councilwoman Burnham noted that she had suggested the resolution and said it had been enacted during Afro-American History month which had been named T. Thomas Fortune month. She said it had been done to bring awareness to the project and noted that she had been assisting with the project.

Ms. Rogers again asked the Council to act on the statements in the resolution.

Councilman Murphy said the resolution stated the Mayor and Council would support the effort but he noted that there wasn’t much they could do. He said they could not take someone’s property. He said it would have to be purchased or the owner would have to donate it.

Ms. Rogers said she was suggesting that, since it was a long term National Historic Landmark, the Council should find a way to preserve and save the home. She noted that it had been on the list for many years and no Administration had put any thought into how they could use it.

Councilman Murphy said the organizers had been vigilant about trying to find someone to step up and purchase the property. He said that was only thing that they could hope would happen.

Councilman Zipprich said he and George Bowden, as part of the Historic Preservation Committee, had nominated the property in 2007 for the list of the 10 most endangered properties in New Jersey and noted that it had been listed that year. He noted that he and Ms. Rogers had met with Senator Corey Booker and discussed the Fortune House and how swift an action needed to be taken. He said he had also spoken with several other representatives of the district about the matter.

EXECUTIVE SESSION

ADJOURNMENT

Councilman Murphy offered a motion, seconded by Councilman Zipprich to adjourn the meeting.

ROLL CALL:

AYES: Murphy, Burnham, Lewis, Zipprich

NAYS: None

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

Respectfully submitted,

Pamela Borghi