

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
DECEMBER 3, 2014
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Council Members Murphy and DuPont.

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 November 24, 2014.

SUSPEND REGULAR ORDER OF BUSINESS

Councilman Zipprich offered a motion to suspend the regular order of business, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

14-321 Mayor Menna read, "A Resolution Authorizing Adoption of Capital Budget Amendment No. 1."

Mayor Menna explained that the resolution would require a Public Hearing so would not be approved until the Council voted after that Public Hearing.

Councilwoman Lewis asked if the resolution included the Water Meter Replacement Project.

Mayor Menna explained that it would authorize the Capital Budget to be adopted and again noted that it would not be formally adopted until the Council voted after the Public Hearing at the next meeting. He said that was also when the Public Hearing was being held on the Water/Sewer ordinance.

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

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

Public hearing scheduled for December 17, 2014 at 5:00 p.m.

RESUME REGULAR ORDER OF BUSINESS

Councilwoman Horgan offered a motion to resume the regular order of business, seconded by Councilwoman Lewis.

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

Mayor Menna said he would like to take one item on the agenda out of order because he was aware the subject of the resolution was in attendance.

RESOLUTIONS

14-323 Mayor Menna read, "A Resolution Confirming the Appointment of Cathleen M. Gerber as Court Administrator."

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

Mayor Menna explained the Court Administrator Pastoriza had recently retired. He reviewed the process that was undertaken to find a candidate to replace her. He introduced Ms. Gerber and reviewed her qualifications.

Ms. Gerber thanked the Council for the opportunity.

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

WORKSHOP

Pocket Park at Shrewsbury Avenue—Councilwoman Lewis said the Council had previously discussed renaming the park after long time Shrewsbury Avenue business owner Ralph “Johnny Jazz” Gatta and asked the Council to consider taking action on the idea.

Mayor Menna said he had thought the idea had been to place a name place on Shrewsbury Avenue but would defer to whatever the Council chose to do.

Councilman Zipprich said the idea to name to park had come up at Vision Committee meetings since they had held several jazz concerts there. He reviewed Mr. Gatta’s history in the community. He agreed that it would be a fitting tribute.

Councilwoman Horgan said she agreed.

Councilwoman Burnham asked for clarification on the existing name. It was determined that it was unnamed and Councilwoman Burnham agreed the name would make sense.

Mayor Menna said he saw no negative and asked Councilwoman Lewis what name she was suggesting. He noted that the renaming should be done by ordinance and would have to be introduced at this meeting to take effect in 2014.

Councilwoman Lewis suggested “Ralph Johnny Jazz Gatta Memorial Park.”

Mayor Menna said they could add it to the agenda.

Dog Run—Councilwoman Burnham noted that Red Bank was dog friendly but said there was no dog run. She suggested the area that formerly housed the tennis courts in Marine Park that were currently not being used could serve as a dog park. She noted that the fencing was already in place. She said it could be put in temporarily until something else was put in place.

Administrator Sickels noted that the Parks and Recreation Committee had asked for Requests for Proposals for a project for the area.

Councilwoman Burnham said she understood that but wanted to see it used for that purpose until something else went in.

Mr. Sickels said the problem was it would have to be taken away at some point.

Councilwoman Burnham said she understood but thought it would be a good use instead of sitting empty.

Mayor Menna said he was concerned about the proximity to river and the possible non-point source pollution that could impact the water stream.

Councilwoman Burnham said she would like to investigate the possibility.

APPROVAL OF MINUTES – November 24, 2014

Councilwoman Lewis offered a motion to approve the minutes, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

None

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from the Red Bank PBA to hang banners on Shrewsbury Avenue from March 16-March 31, 2015 and on Broad Street from March 29-April 12, 2015 to advertise their annual street fair.

Councilwoman Horgan offered a motion to approve the request, seconded by Councilwoman Lewis.

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

Request from RiverCenter to hang banners on Broad Street as follows:

1. from February 9-February 27, 2015 to advertise Red Bank Restaurant Week
2. from February 27-March 23, 2015 to advertise Red Bank Wedding Walk
3. from December 4-December 26, 2015 to advertise Holiday Shop Local.

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

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

Request from RiverCenter to hang banners on Shrewsbury Avenue as follows:

1. from July 16-July 31, 2015 to advertise the sidewalk sale (tentative)
2. from September 10-September 28, 2015 to advertise the Guinness Oyster Festival
3. from September 28-October 16, 2015 to advertise Girls Night Out

Councilman Zipprich offered a motion to approve the request, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

Request from the Count Basie Theatre to hold their annual Gala on Saturday, January 24, 2015, approved by the Special Events Committee.

Councilwoman Horgan offered a motion to approve the request, seconded by Councilwoman Lewis.

ROLL CALL:

AYES: Burnham, Horgan, Lewis

NAYS: None

ABSTAIN: Zipprich

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

Request from the Eastern Monmouth Area Chamber of Commerce for use of Marine Park on May 29-May 31, 2014 to hold Riverfest 2015, approved by the Special Events Committee.

Councilwoman Horgan offered a motion to approve the request, seconded by Councilwoman Lewis.

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

PUBLIC COMMENT—Ordinances on First Reading and Resolutions Only

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

William Meyer—12 Monmouth Street—said he wanted to discuss 2014-25 and said he felt they were jumping the gun. He asked the Council to take some time to look more closely at the issue. He asked if the Borough still had deep water wells.

The Mayor confirmed that they did.

Mr. Meyer noted the superior quality of the water and said he was concerned about doing anything with the utility. He said he was concerned about the cost and concerned with bonding for the funding. He asked the Council to open the matter to the public for a longer period of time to provide more data.

Mayor Menna said he appreciated the comments and noted that the ordinance was on for introduction. He said the existing system was antiquated and they were unable to get parts. He said the information Mr. Meyer was looking for would be available before the vote was taken.

Mr. Meyer said he respectfully disagreed with the Mayor and said they were finding ways to maintain the existing meters. He said he felt there would be a billing increase with the new meters. He again said he would like to see the information including a cost/benefit analysis.

Mayor Menna asked if anyone else would like to speak.

No one else appearing, Councilman Zipprich offered a motion to close the public hearing, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

ORDINANCES – First Reading

2014-25 Mayor Menna read, “A Bond Ordinance Authorizing the Acquisition and Installation of Water and Sewer Utility Meters in and for the Borough of Red Bank, County of Monmouth, New Jersey; Appropriating the Sum of \$2,200,000 Therefor; Authorizing the Issuance of General Obligation Bonds or Bond Anticipation Notes of the Borough of Red Bank, County of Monmouth, New Jersey in the Aggregate Principal Amount of up to \$2,200,000; Making Certain Determinations and Covenants; and Authorizing Certain Related Actions in Connection with the Foregoing.”

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

Councilwoman Lewis asked when the Public Hearing was and when action would be taken.

Mayor Menna said the Public Hearing would be at the next meeting and they could elect to take action or not at that time. He said they could not table it at that meeting because action would have to be taken by the end of the year and there would be no further meetings for 2014.

Councilwoman Burnham asked if they could discuss the matter and bring it up for action the following year. She asked if they had to do everything within two weeks.

Councilwoman Lewis asked if there was a time restriction and said it felt rushed.

Mayor Menna said there was no time restriction.

Administrator Sickels said the Finance Committee was concerned because it would take approximately nine months to complete the installations. He said they wanted to get the project bid out and complete next year.

Councilwoman Lewis said she felt there was not real difference in time if the decision was made this month or next month. She said she felt more information was needed.

AYES: Horgan, Zipprich

NAYS: Burnham

ABSTAIN: Lewis

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

Public hearing and final adoption scheduled for December 17, 2014.

A discussion ensued regarding whether there were the required amount of votes to introduce and it was determined that there were.

Mayor Menna directed the Administrator to have written information available for the public both on the web and available for pick up by noon on Friday, December 12.

Councilwoman Burnham requested a rate study or an operational review of the utility.

Mayor Menna said they should hold that discussion for later in the meeting.

ORDINANCES – Public Hearing and Final Adoption

RESOLUTIONS

14-319 Mayor Menna read, “A Resolution Authorizing Tax Credits/Refunds Totaling \$695,493.36 Due to Judgments of the Tax Court of New Jersey.

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

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

14-320 Mayor Menna read, “A Resolution Releasing Maintenance Guarantee Regarding Downtown Investors VI, LLC, 137-139 Broad Street, Block 59, Lot 3.”

Councilwoman Burnham asked for more information on resolution.

Mayor Menna clarified the purpose of a maintenance bond.

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

ROLL CALL:

AYES: Burnham, Horgan

NAYS: None

ABSTAIN: Lewis, Zipprich

There being two ayes, no nays and two abstentions, the resolution was declared approved.

14-322 Mayor Menna read, "A Resolution Authorizing Transfer of 2014 Current Fund."

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

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

14-324 Mayor Menna read, "A Resolution Adjusting the Salary of the Human Resources Manager."

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

Councilwoman Lewis asked for a review of the numbers in the resolution.

Mayor Menna reviewed the number and said the increase would include retroactive payment.

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

14-325 Mayor Menna read, "A Resolution Requesting Special Item of Revenue (DDEF – Drive Sober or Get Pulled Over)."

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

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

PROCLAMATIONS

Mayor Menna read a proclamation proclaiming December 5, 2014 to January 2, 2015 as the Drive Sober or Get Pulled Over 2014 Year End Holiday Crackdown in the Borough of Red Bank.

PAYMENT OF VOUCHERS

14-326 Mayor Menna read, "A Resolution for Payment of Bills Amounting to \$967,609.07."

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

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

Mayor Menna noted there was an additional Ordinance that had been suggested from the floor.

2014-26 Mayor Menna read, "An Ordinance of the Borough of Red Bank, Monmouth County, New Jersey Changing the Name of a Previously Unnamed Pocket Park to Ralph "Johnny Jazz" Gatta Park."

Mayor Menna opened public comment on the introduction of the Ordinance and asked if anyone would like to speak.

No one appeared.

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

AYES: Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

Public hearing and final adoption scheduled for December 17, 2014.

Mayor Menna said the Borough Attorney had reviewed the vote on the introduction of Ordinance 2014-25 and had determined that three affirmative votes were required for introduction. He noted that the Mayor did not vote unless there was a tie and said there had been two Councilmembers who had voted in favor and two that had not. He said it was the Attorney's opinion that he should vote so he voted in favor of introduction.

NEW BUSINESS

Councilman Zipprich reported that a sign that had been missing from Washington Street and Front Street, designating the Washington Street Historic District, had been replaced thanks to Preservation Red Bank and the Department of Public Works staff.

Councilwoman Burnham said there had been a lot of discussion about whether or not a rate study had been done. She reviewed the definition of an Operation Review versus a Rate Study. She said she was calling for an Operation Review of the Utility.

Councilman Zipprich asked who would do the study.

Mayor Menna agreed that a rate study had been done but said Councilwoman was looking for an Operational Review.

Councilman Zipprich asked what the estimated cost would be.

Councilwoman Burnham said she had been told by someone that they would do it for \$5,000.

Mayor Menna questioned the low cost.

Councilwoman Burnham confirmed she had gotten that as a quote.

A discussion followed regarding the difference between a rate study and an operational review and also the proposed costs.

Councilman Zipprich asked if there would have to be a Request for Proposals for the work.

Mayor Menna said it would not if it was only \$5,000.

Councilwoman Burnham asked Administrator Sickels how many of the Borough's meters were residential and how many were commercial.

Mr. Sickels said he did not have it handy but they could get the numbers.

Councilwoman Burnham said she had asked Public Works staff and they had been unable to tell her.

Mayor Menna suggested she check with the CFO.

Councilwoman Burnham asked how much debt the utility was carrying.

Mayor Menna said the CFO could provide that information also.

AUDIENCE

William Meyer—12 Monmouth Street—again spoke on Ordinance 2014-25. He questioned the public hearing date noting that it was a date that was during the holiday season when many people could not attend. He asked that it be put off until after the holiday. He thanked the Mayor for setting a date for the information to be available. He said he would like to see the brand and model of the meters and what other meters had been looked at. He said he also wanted to know how many were being purchased.

Councilman Zipprich said the Committee had had presentations by various vendors.

Mr. Meyer had how many meters they had looked at. He asked how many manufacturers made the meters.

Mayor Menna said they would provide the information if they had it.

Administrator Sickels noted that no specifications had been prepared. He said the estimates were prepared after they had met with two manufacturers who had done work in the area that had been found acceptable by the communities.

Mr. Meyer asked when the meters had been installed.

Mr. Sickels said he did not but knew it had been recently. He said they did not have numbers because they had not gone out to bid. He said they had estimates based on two different manufacturers for the same amount of work.

Mr. Meyer said he wanted to see vendor information. He also suggested the work could be done on an "as needed" basis.

Freddie Boynton—365 Shrewsbury Avenue—told the Council that he had had a meter installed in the basement of his house in Tinton Falls the day before and discussed issues he had with the installation. He said it appeared that the same type of meter had been installed.

Mr. Sickels said he was familiar with the meter because he had looked at them and reviewed the features including the ability to read the meter from the outside.

Mr. Boynton also questioned new Public Works equipment that was sitting outdoors deteriorating. He suggested they find a better place to store the equipment.

Administrator Sickels said the equipment had always been stored outdoors.

Mr. Boynton disagreed.

EXECUTIVE SESSION

ADJOURNMENT

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

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

Respectfully submitted,

Pamela Borghi