

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
JANUARY 22, 2014
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Councilman Murphy.

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

APPROVAL OF MINUTES – January 1, 2014

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

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman DuPont welcomed new CFO Eugenia Poulos. He said she had started on January 16 and had hit the ground running. He also noted that there was an ordinance on the agenda regarding the revaluation and said he wanted to give some numbers regarding refunds. He explained that one of the reasons they were doing the revaluation was to reduce the number of refunds that they would have to give. He said over the last three years, the Borough had paid almost \$1.3 million in refunds. He said refunds for 2014 were estimated at \$487,000. He said that showed the need for the revaluation. He also reported that the Mayor’s Wellness Campaign would be kicking in soon. He said he expected a Diabetes Awareness event in November and hoped to have a prominent speaker to participate.

Mayor Menna added that the revaluation would be an attempt to equalize the playing field. He said the vast majority of residents, especially single family home owners, had not filed tax appeals for a number of reasons. He said that means that those who had filed were getting the benefit while those that hadn’t were subsidizing them. He added that they were not only equalizing the playing field, but were helping those that had not filed an appeal which was the vast majority of the Borough’s residents.

Councilman DuPont said he had a good point and added that it was not only equalizing but was also a business decision to stop the numerous refunds. He also noted that, prior to the pilot program the County had instituted, the Borough would have to pay the refunds in June, July or August, after the budget had been adopted. He also added that the money that had been forwarded to other agencies, such as the County or Board of Education, was not returned. He also offered kudos to the Public Works Department for doing a great job with the snow removal.

Councilman Zipprich thanked Councilman DuPont for his comments and said he also wanted to recognize DPW Director Watson and his staff for making sure the Borough would be open for business the following morning. He said he also wanted to thank the residents who heeded the snow emergency and removed their vehicles from the streets which made clear up easier. He also thanked John Ward for helping to get the message out by posting the alert on redbankgreen.com and for his coverage of the plowing effort. He also reported that he had attended a Martin Luther King breakfast hosted by the Y where Pastor Porter had been honored. He noted that Councilwoman Horgan had also attended. He said he and Councilwoman Horgan had also joined the Mayor and Councilmen DuPont and Murphy at the Funeral of Ex-Fire Chief John Abbatemarco. He said the group of them then went to Pilgrim Baptist Church for another program to celebrate the Martin Luther King holiday. He reported that the Historic Preservation Committee would meet the following week and would be working with RiverCenter on various issues in the downtown historic district. He also reported that the Shade Tree Committee had met

the previous week. He said the Department of Public Works Committee had also met the previous week and had reviewed the street program, emergency infrastructure repair and issues facing the Department including long range planning for the Department. He said he and Councilwomen Horgan and Lewis had discussed the development of a Red Bank Youth Council. He said they had a model that they would be discussing and would be making a presentation at a later date. He said it was an important issue for future civic leaders to learn from sitting government officials. He said it would provide an opportunity for Red Bank youth to acquire greater knowledge and appreciation for the American system of government and would help inform the Mayor and Council of the needs and wishes of the young people in the community.

Councilwoman Lewis reported that the Parks and Recreation Committee had met on the 15th and discussed the Borough's parks. She said she wanted to remind everyone that registration was open for indoor soccer, basketball and lacrosse. She said she was proud to announce that there would be a public information session for the Two River Little League program for girls' and boys' baseball and softball for ages five through sixteen the following Friday at Borough Hall. She said they were very excited about the opportunities that they were offering through the baseball program.

Councilwoman Horgan reported that the Environmental Commission had met on January 14 and elected their officers for the year. She said they were also seeking an additional member. She said they reviewed their goals for the coming year including seeing that more bicycling was integrated into the town and continuing work on composting. She noted that World Water Day would be on March 22 and said the Environmental Commission would probably be partnering with another organization for a cleanup. She said the library has launched a new campaign to fill the empty shelves of their new book section. She said each month they would be asking a different group in the community to name their favorite book and why and said they had asked the Mayor and Council to launch the campaign. She said the books should be on view at the library as of February 1 and urged everyone to visit the display.

Councilwoman Burnham noted that the Mayor had appointed her to the Navesink River Municipalities Committee and said they had had a meeting recently but no one had shown up. She said there were nine members of the committee and said she had reached out and found the two had passed on and, of the four she contacted, three were still interested in participating. She said they would be meeting four times per year to talk about river issues. She said she had nothing to report regarding Human Relations Advisory Committee and said no one she had reached out to had gotten back to her. She noted that there was a meeting scheduled for January 27. Regarding Code Enforcement, she continued, she said she wanted to bring up an issue with the building at 106 Monmouth Street. She said the property was owned by the Borough and had been falling apart for 30 years. She said she understood that Councilwoman Lee had put money into the budget for its rehabilitation but said she felt it was beyond restoration and she was proposing demolition.

Councilman Zipprich said that matter had been discussed at the Public Works Committee the previous week.

Mayor Menna agreed that they should not be putting money into it and should knock it down but said the Borough would have to obtain three quotes and they were currently working on those.

Ms. Burnham said she knew the Borough needed parking and said the building was an embarrassment. She suggested a parking lot could be installed at the location and the spaces could be leased to the Count Basie Theater.

Administrator Sickels said it was reported at the Public Works Committee meeting that they were seeking quotes and had specs available. He said they were actually pursuing the things she had mentioned.

Ms. Burnham also said she also offered kudos to the Public Works Department but said they had forgotten some important sidewalks on Wallace, Linden and Mechanic streets which she said were the main ins and outs of the neighborhoods. She said the parking lots were plowed but the sidewalks were not.

Councilman Zipprich said it was his understanding that the residents were responsible for their sidewalks.

Ms. Burnham said she was referring to the sidewalks adjacent to the municipal parking lots.

Administrator Sickels said crews were coming in that night to finish.

Ms. Burnham said she had checked on her way to the meeting and said it had not been done.

Mr. Sickels said they were coming back that night to finish because cars have been parked in the lot earlier.

Ms. Burnham noted she was referring to the sidewalk.

Mr. Sickels said he understood that but said the crews couldn't get to all of it the previous night and would be returning tonight including areas they couldn't get to because of parked cars and believed Wallace Street was on their agenda.

Councilman Zipprich said the priority for the crew the night before was to clear the streets.

Ms. Burnham said she understood that and hadn't called DPW all day. She said it was the sidewalks on Wallace, Linden and Mechanic. She noted they were heavily traveled by pedestrians. She said she also

wanted to bring up a resolution that had gotten bumped from the agenda. She said a lot of people had attended the Public Hearing regarding the ROSI amendment and had also come out in 2008. She said time was of the essence and said she felt it was important to address the issue and not just leave it up to the DEP. She said some great ideas had come out of the Public Hearing.

Mayor Menna said he agreed with her but said, out of respect for the people that had had the opportunity and interest to testify, the Council needed to make an informed, learned and dispassionate decision which meant they would have to read and analyze the minutes of the hearing from December 30 which had not been received yet. He said the transcription of the three and a half hour meeting was in process. He said the reason that it was not on the agenda was because they could not take action on an important public policy decision without reviewing the comments of the individuals that would be most affected by it. He said the transcript would be ready in the next few days and everyone would have an opportunity to review it. He said that matter would be considered at a public meeting with notice well in advance.

Councilman DuPont noted that the Mayor had stated that the Council would be reviewing the transcript and making an informed decision. He said they had held the public hearing to give the public an opportunity to speak and would be giving them another opportunity at a public meeting after they were also able to review the transcript which would be posted on line. He said that would promote the transparency issue that they all strived to accomplish. He said he was happy that the Mayor had pushed it off to allow the transcript to be placed on line so it could be read and, when they held the discussion, everyone would have the necessary documents. He said he knew it had been discussed in the press and said he was anxious to see the supporting documents together with the transcript and to hear from the residents and other entities that had expressed an interest in the ROSI and open space. He thanked the Mayor and said it supported the transparency that they had called for.

Councilwoman Burnham said she agreed but said they did not want to wait until the DEP made a determination. She said everyone that came to the hearing, for the most part, was for saving the land.

Councilman DuPont said he felt the Council had always taken that position. He said he knew the Mayor and Councilman Zipprich had met with the DEP and said he understood that the DEP was not going to make an immediate decision.

Councilman Zipprich said it was his understanding that the Borough had to wait for the DEP to review the transcript.

Councilwoman Burnham said they had told her that they would have a determination between the middle and end of February.

Engineer Ballard confirmed that the DEP would need the minutes for their review and confirmed that it was a very long meeting and it was taking more time than everyone had expected.

Councilman Zipprich said he knew that the Clerk had been working diligently at transcribing the hours of meeting notes but noted that that was not the only thing that she was responsible for. He said once they received the minutes they would have the opportunity to review them and be educated. He said they should also wait for the feedback from the DEP before making a decision.

Councilwoman Burnham said she felt there were three different things being considered and said the Council wanted to remove the two parking lots.

Councilman DuPont objected to the statement that the Council wanted that saying he didn't necessarily agree with that proposal because if they remained on the ROSI, the revenue generated would have to be dedicated to the maintenance of the parks which was not a bad thing.

Councilwoman Burnham agreed but said they had never done that and that the pay stations had been removed from Maple Cove.

Councilman DuPont said those were legitimate discussions that would come after reviewing the transcript. He again stated that he hadn't taken a position and liked the idea of knowing that they would have dedicated revenue for the parks if the parking meters remained within the ROSI.

Councilwoman Burnham said she understood that the pay station had been removed from Maple Cove was because it wasn't generating enough money and could be better used elsewhere.

Councilman Zipprich said he didn't feel they could make those decisions until the transcript was done and the Council had had time to review it. He said he had been present for most of the hearing but other Councilmembers were not aware of what had transpired.

Councilwoman Burnham called for the Council to look at what was best for Red Bank.

Mayor Menna said that was exactly why they would be reviewing the minutes.

Councilwoman Burnham asked the other Councilmembers to do the right thing and said she felt taking land that was being used for recreation and open space off of the ROSI was not a good thing.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from Cindy Burnham & Linda Ensor for use of the Maple Cove parking lot to hold Paddle the Navesink Day 2014 on Sunday, September 14, 2014.

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

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

Mayor Menna read requests from RiverCenter for the following:

1. Red Bank Restaurant Week the end of February, exact date to be determined;
2. Red Bank Wedding Walk, March 30, 2014 from 10:00 a.m. to 4:00 p.m.;
3. StreetLife program on Saturdays from June 7-August 30, 2014 from 6 p.m. to 9 p.m.;
4. The 3rd Annual International Food Festival in the White Street Parking Lot on April 27, 2014 with a rain date of May 4, 2014;
5. The 60th Annual Sidewalk Sale on Friday and Saturday, July 25 & 26, 2014 from 10 a.m. to 8 p.m. and Sunday, July 27, 2014 from 10 a.m. to 5 p.m. to include outside display of merchandise and StreetLife performances;
6. The 5th Annual Red Bank Guinness Oyster Festival in the White Street Parking Lot from 12 p.m. to 7 p.m. on Sunday, September 28, 2014, with a rain date of Sunday, October 5, 2014, to close White Street from English Plaza to Maple Avenue from 8 a.m. to 7 p.m., for use of the Gold Street Parking Lot for sponsor parking, for businesses to have one table in front of their businesses during the event and to put lawn signs at permissible intersections in Red Bank;
7. Girls Night Out, October 16, 2014 from 5:00 p.m. to 9:00 p.m.;
8. The 21st Annual Holiday Concert/Red Bank Town Lighting & Santa Express and parade down Monmouth Street on November 28, 2014;
9. The 12 Days of Christmas Scavenger Hunt from November 28, 2014 to December 12, 2014;
10. Holiday Open House, December 11, 2014;
11. Holiday Horse & Carriage Rides through the business district on Saturdays from November 29, 2014 to December 27, 2014 from 1 p.m. to 5 p.m.; and
12. Holiday Harmonies on Saturdays from November 29-December 27, 2014 from 12 p.m. to 3 p.m.

All events approved by the Special Events Committee.

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

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

Mayor Menna read a request from Thomas A. Cosgrove III for membership to the Fire Police Unit of the Red Bank Volunteer Fire Department.

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

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

There being five 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 hearing and asked if anyone would like to speak.

Mark Fitzsimmons—no address given—said he was representing the T. Thomas Fortune House Committee.

Mayor Menna noted a resolution regarding their request was on the agenda.

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

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

ORDINANCES – First Reading

ORDINANCES – Public Hearing & Final Adoption

2014-1 Mayor Menna read, “An Ordinance Authorizing a Special Emergency Appropriation Pursuant to N.J.S.A. 40A:4-53(B) to Fund the Costs Associated with the Execution of a Program of Revaluation of Real Property for the Borough of Red Bank, County of Monmouth, New Jersey.”

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 hearing, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

There being five 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: Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

2014-2 Mayor Menna read, “An Ordinance Amending the Salary Ordinance of the Borough of Red Bank.”

Mayor Menna said the amendment was to include the salary of the new CFO.

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 hearing, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

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

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

RESOLUTIONS

By Consent Agenda:

14-23 Resolution of the Borough Council of the Borough of Red Bank, County of Monmouth, New Jersey Authorizing the Issuance and Sale of up to \$500,000 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.

14-24 Resolution Releasing Performance Guarantee and Accepting Maintenance Guarantee Regarding Presbyterian Home at Red Bank, Inc., 40 Riverside Avenue, Block 7, Lots 12.03 and 16.

14-25 Resolution Authorizing Release of Maintenance Guarantee Regarding Bank of America, 170 Broad Street, Block 104 Lots 14 & 15.

- 14-26 Resolution Authorizing Acceptance of Performance Guarantee and Inspection Fee Regarding Thompson Memorial Home, 310 Broad Street, Block 99, Lots 15.02.
- 14-27 A Resolution Authorizing Contracts with Certain Approved State Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40A:11-12a (Police Vehicle).
- 14-28 A Resolution Appointing Dewitt J. Bacon as Special Law Enforcement Officers Class I.
- 14-29 A Resolution Authorizing Transfer of Current Fund Appropriation Reserves.
- 14-30 A Resolution Designating Depositories for the Borough of Red Bank.

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

Councilwoman Burnham said she wanted to vote against Resolution 14-29.

Mayor Menna said that was a standard resolution that Boroughs would do each year to transfer funds from one Department to another to balance unexpended funds. He said it was a housekeeping resolution.

Councilwoman Burnham said she thought it was regarding bonding.

Mayor Menna said that was the subject of the ordinance that had been discussed earlier.

Councilwoman Burnham withdrew her objection.

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

- 14-31 Mayor Menna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,826,726.58."

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

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

Councilman Zipprich noted that an Engineer's Report dated January 13, 2014 had been included in the Council packets. He asked everyone to review it.

Mayor Menna thanked the Engineer for her efforts on capital projects that had been delayed for as much as twenty years. He acknowledged that it was a lot of hard work. He also thanked Councilman Zipprich for including him in Committee discussions.

Councilman Zipprich said one of the items in the report was the Road Program which had a few punch list items on it and they were getting ready for the next season's Road Program.

AUDIENCE

Stephen Mitchell—104 Prospect Avenue—said he wanted to ask the Council to clarify why they had chosen the December 30th date as the Public Hearing for the ROSI amendment. He said he felt it was a very inconvenient date and noted that they had set the meeting but said none of them had been there.

Mayor Menna explained that it would have been a violation of the Open Public Meetings Act for the Mayor and Council to attend an autonomous meeting that would make recommendations to the Mayor and Council. He said they were not allowed to attend. He noted that even though Councilman Zipprich had been kind enough to attend, he could not speak and, if he had, it would have been improper because he would be acting on it. He noted that that was why they were waiting for the minutes. He added that it was a legal technicality but it was a technicality that was important.

Mr. Mitchell said maybe it was part of the rules for the public hearing that they could not be there but said it would have been easier than waiting weeks for the transcript.

Mayor Menna said the transcript would be ready by Friday.

Mr. Mitchell said it would have been easier if they had been there for the testimony.

Mayor Menna said they still needed the written transcript for the record. He again noted that they could not attend because it would have been a violation of the law.

Mr. Mitchell said he thought it was inconsiderate that they had set the hearing date and they had not shown up.

Attorney O'Hern confirmed what the Mayor had said and said he was sure that there were Councilmembers that would have liked to have attended but couldn't.

Administrator Sickels noted that the Attorney had advised the Councilmembers that they could not attend.

Mr. O'Hern said that was the case because it had not been advertised as a meeting of the Mayor and Council. He added that logically and legally they could not do it.

Mr. Mitchell said he felt it was inconsiderate for the Council to set the meeting on that date.

Suzanne Visconti—19 Morford Place—said she understood the importance of the transcript but said she had video of the meeting on her website and said she thought it was important for the Council to understand the passion and sincerity of those who spoke. She said she would be willing to email them the video.

Mark Fitzsimmons—representative of T. Thomas Fortune House Committee and Chair of Red Bank Historic Preservation Commission—said he wanted to thank the Mayor and Council for passing the resolution to name February as T. Thomas Fortune month. He said they were planning on doing fundraising and building awareness. He asked the Mayor and Council if they could hang signs and banners throughout town. He said he understood that there were certain regulations and asked if the Council to take a look at those regulations and consider allowing it for their time frame.

Councilman DuPont said he was aware that they had made exceptions in the past.

Mayor Menna said his concern was there was only a couple of banner location sites that may have already been assigned to people that had requested them months ago. He suggested he contact the Clerk to check on availability.

Councilman DuPont suggested the T. Thomas Fortune Committee could be given approval at this meeting to use telephone poles subject to conditions imposed by the Administrator.

Mayor Menna asked the Council members if they were okay with that and there were no objections. He asked Mr. Fitzsimmons to check with the Clerk and the Administrator on availability.

EXECUTIVE SESSION

ADJOURNMENT

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

ROLL CALL:

AYES: Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

Respectfully submitted,

Pamela Borghi