

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
FEBURARY 12, 2014
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Councilwoman Lewis via phone/Skype

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

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 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.

Presentation to Mary Boynton

Mayor Menna reflected on a recent event at Monmouth Day held in honor of Mary Boynton. He reviewed Ms. Boynton years of service and called her a pillar of the community and a stalwart advocate for the Borough of Red Bank. He read a proclamation in her honor and said it was presented with love and affection.

Ms. Boynton thanked everyone who had come out to the meeting and particularly the staff of Monmouth Day Care and members of her family.

Councilman Murphy thanked her for her service to the community.

Councilman DuPont said he had the privilege of knowing many members of the Boynton family. He said her service to the Borough was a blessing and said it was admirable. He said she set an example for her family.

Councilwoman Horgan called Ms. Boynton a treasure and noted how many family members and Monmouth Day Car staff members had come out in her honor. She said she could feel the love and the love that had been given back. She thanked her for her service.

Councilman Zipprich said he wanted to echo the sentiments of the other Council members and was it was wonderful to see Ms. Boynton surrounded by family and friends. He thanked her for her service to the community.

Councilwoman Lewis said she was sorry she wasn’t physically present to see her honored. She thanked Ms. Boynton for her years of service to the community and to the children of Red Bank.

Councilwoman Burnham said Ms. Boynton’s service to the children should be treasured and said it was a blessing. She said she had known the family and said they all had tried to do their best for Red Bank.

Monmouth Day Care Executive Director Heidi Zaentz thanked the Council members for all they had done for Ms. Boynton. She said she was already missed but noted that she had already been back to visit. She said she deserves all of the recognition and more.

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

WORKSHOP

No workshop items.

APPROVAL OF MINUTES – January 8, 2014

Councilman Zipprich said he had found some typos in the draft copy of the minutes.

Mayor Menna said the minutes would be held over to the February 26, 2014 meeting so corrections could be made.

MAYORAL APPOINTMENTS

No Mayoral Appointments.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Zipprich reported that the Department of Public Works Committee was scheduled to meet the following Wednesday. He reported that the Historic Preservation Commission had submitted comments regarding sign review to both the RiverCenter downtown business district and to the Borough's Planning and Zoning office. He said, because Councilwoman Lewis was having difficulty hearing, he was reporting on her behalf that the members of the Borough's Parks and Recreation Committee would meet the following Wednesday. He also reported that the previous evening he and Councilwoman Horgan had attended the Board of Education meeting along with the officers of the Red Bank Borough Education Foundation (RBBEF) to present a check from the Foundation in the amount \$5,000 for a Rosemary Kopka Grant to the Red Bank Middle School. He said the money would be used to fund a video editing club and noted that they were the first to receive the grant named in honor a Red Bank's longtime resident and former school board member. He also reported that the RBBEF was holding a 50/50 raffle on April 1 and said details and tickets were available on the Foundation's website. In regard to the upcoming storm, he asked all residents and business owners to remove cars from Borough Streets to make it easier for DPW staff to plow and clean up snow and ice. He said parking would be available in the east side lots and the White Street lot. He also noted that trash would not be collected on the following Thursday and Friday because of storm preparations and remediation. He said the information was posted on the Borough website and on the Red Bank Facebook page. He noted that there were a number of items on the meeting agenda regarding Public Utilities. He said he wanted to note that New Jersey was among the top 10 states in the union with a deteriorated infrastructure. He said the Borough's water plants and systems had been utilized beyond their life expectancies. He said they had been continually repaired in emergency situations over the years. He said the Borough needed to address the repairs, some of which were a result of Hurricane Sandy, to ensure residents would continue to receive clean, safe drinking water and to maintain the sewer system in an environmentally responsible fashion to keep citizens safe and waterways clean.

Mayor Menna said he felt it was important to highlight that the overnight parking ban was in effect during the snow emergency. He said the Police Department will be it to assist residents. He said cars would be tickets and, where they would impede traffic, they would be towed.

Councilman Murphy said he did not think they could ticket on streets other than those on the emergency snow route because the Borough had not passed an ordinance. He suggested the Council consider an ordinance for throughout the town.

Councilwoman Horgan said she was now the liaison to the Eisner Memorial Library and had attended their first Board meeting. She said they had a "Million Pennies" campaign going with a goal to raise \$10,000 in pennies over the next year. She said, throughout the campaign, there would be different kinds of contests and reviewed some of the proposed ideas. She also reported that the fifth annual book sale would take place in April with a preview Friday, April 7 with the sale to follow on the Saturday and Sunday. She urged everyone to go and purchase book noting it was their largest fundraiser. She said they were also seeking volunteers and gave contact information for those interested. She reported that the Monmouth Day Care Center also needed funding. She said the facility had been in place for 30 to 40 years and were planning some fundraisers. She noted that donations to both the Library and Monmouth Day Care would be tax deductible and asked everyone to be generous. She also reported that, on the previous Monday, the Two River Theater and Frank Talk Multimedia Network had presented the first of a

three part series on Black History Month. She said the event took place at Bates Lodge on Shrewsbury Avenue and was titled “The Fight for Equality in Red Bank in the 1950s and Today.” She said it was moderated by Gilda Rogers and included panelists Sharon Lee, Dr. Walter Greason and Flo Apy who spoke about their experiences with prejudice. She also reported that the Environmental Commission had discussed the ROSI amendment and said they were pleased with it.

Councilwoman Burnham said she served as Chair of the Code Committee and was still getting to know her Department. She said she had met with Administrator Sickels, Fire Subcode Official John Drucker and Deputy Fire Marshal Tom Welsh to discuss protocol, chain of command and what was covered under code. She urged everyone to report any code issues they might observe. She said she was also liaison to the Human Relations Advisory Committee and said that Committee met on the fourth Monday of each Month. She said the first meeting of the year was January 27 and only one member attended. She reviewed the goals of the Committee and asked anyone who was interest in joining to reach out to her or Borough Clerk Borghi. She also asked Mayor Menna to consider appointing her as liaison to the Community Garden Committee and said she had discussed it with both Councilwoman Horgan and Councilwoman Lewis. She reviewed the Community Garden project and noted that the application would be available on line February 18 under the Parks and Recreation tab. She noted that Committee Chair Elizabeth Seydell had resigned and she wanted to nominate Anne Jones as Chair of the Committee.

Mayor Menna said he would add appointing her as liaison and asked her to provide information on Ms. Jones so the matter of appointing her could be added at the next meeting.

Councilman Murphy had no report.

Councilman DuPont said the presentation to Ms. Boynton highlight the need for a Living Legend Committee. He said he had suggested the matter before as an effort to honor the actions of those who were living rather than waiting to bestow honor posthumously. He offered to serve as the Chair and said there were a number of living legends in the Community. He also noted that the Borough Auditor had been in and said the Finance Committee had been meeting to begin the Budget process. He urged Council members to ensure their Department Heads had their budgets in. He said they had requested a flat budget and were anticipating revenue increasing over the previous year. He also thanked the Department of Public Works and Councilman Zipprich for Resolution 14-36 which would authorize the advertisement for bids for solid waste collection. He said, if the estimates were accurate, the savings could be substantial and have a large impact. He said he had read that JCP&L was planning upgrades of \$251 million that would “increase, enhance and maintain service reliability throughout its 13 counties” which he said would allegedly include Monmouth, Ocean and Morris counties. He noted that JCP&L had invested nothing in the Borough’s infrastructure in several decades. He noted that they had met with representatives of the company four months ago and they had promised to make repairs to a telephone pole across the street from Borough Hall but said it had not been done. He noted that he had called for a petition to the Board of Public Utilities for a change of vendor but wasn’t sure that was a viable option. He said the Borough deserved better service that what was being offered by JCP&L. He said he would love to see an itemized list of where the \$251 million was being spent and pointed out the Red Bank still had street lights out and telephone poles leaning. He said their response time was dismal. He asked the Mayor to issue a call to action and use his platform to demand infrastructure improvements to the Borough.

Mayor Menna said he appreciated Councilman DuPont’s passion. He said the good news was that he had had some communication from the company’s corporate office earlier in the week and they had tentatively set Thursday afternoon as a convenient time to follow up and talk with corporate staff about some of the issues. He added that, with the impending storm, the meeting may be cancelled. He said the good news was that there had been concrete follow up and they would be meeting with Borough representatives.

Councilman DuPont expressed concern about how utility expenses affected the Borough’s budget. He said the Borough tried to be environmentally sensitive, reduce its carbon footprint and remain fiscally responsible. He said he didn’t know what else they could do and said he felt the Borough was held hostage by JCP&L. He noted that the BPU had recently turned down a request for a rate increase yet he read the company was planning for \$251 million in upgrades. He said he didn’t know if any of that was coming to Red Bank. He again called for the Mayor to follow up.

Mayor Menna said he would follow up at the next Council meeting. He said it was bad news overall but said it was good news that there was going to be a second sit-down.

Councilman DuPont also said he knew that the Borough had gone out a few years ago for proposals for consultants regarding the White Street Parking Lot.

Mayor Menna said the specifications for the consultant/expert should be ready for the next Council meeting.

Councilman DuPont said, based on Councilman Murphy’s comments, he felt the Council should address the overnight issue and amend the ordinance to enable the Police Department to issue tickets. He called for the matter to be on the agenda for the next meeting. He noted that a car had been in one location on Broad Street for three months.

Administrator Sickels said the Police Chief had gotten information from another town that he would be sharing with the Police Commissioner and said he thought they would have something by the next meeting.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from The Dublin House to erect a tent in their front courtyard for the weekend of St. Patrick's Day, Friday, March 14 to Monday, March 17, 2014, approved by the Special Events Committee.

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

Request from Friends of the Red Bank Library to hold the Town Wide Yard Sale on Saturday, May 3, 2014, with a rain date of Saturday, May 10, 2014, from 9 a.m. to 3 p.m., approved by the Special Events Committee.

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

Request from The George Sheehan Classic to hold their event in Red Bank and for use of Marine Park on the weekend of June 13-14, 2014, 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.

Request from Monmouth Day Care Center to hold the 5th Annual Touch a Truck fundraising event in the Middle School Parking Lot on Saturday, September 20, 2014 from 10 a.m. to 2 p.m., approved by the Special Events Committee.

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

Request from the Red Bank PBA to hang banners on Shrewsbury Avenue from March 24-April 6, 2014 and on Broad Street from March 31, 2014-April 6, 2014 to advertise their street fair.

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

Request from the Monmouth Conservatory of Music to hang a banner on Shrewsbury Avenue from March 3, 2014-March 24, 2014 and on Broad Street from April 7, 2014-April 21, 2014 to advertise their gala.

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

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

Stephen Hecht—135 Branch Avenue—asked about resolution 14-32 regarding tax refunds and asked how many properties the resolution covered.

Attorney O’Hern said it covered ten properties and noted that the resolution covered multiple years. He said they were mostly commercial properties with one residential.

Mr. Hecht asked if they were income producing properties or businesses.

Mr. O’Hern said they could be a combination of those.

Mr. Hecht asked if the names of the principals of the properties were available as a public record.

Mayor Menna said they were available through the Tax Assessor’s Office.

Mr. Hecht asked if the cases had all been litigated.

Attorney O’Hern said they had gone to the State Tax Court and that they were settlements.

Mr. Hecht asked why the Borough was losing the appeals.

Mr. O’Hern said it was because the assessed values were not defensible in the opinion of the professionals.

Councilman DuPont said that was the whole reason they were doing the revaluation. He said the Borough was faced with defending assessments that had not changed in many years. He said assessments had not gone down as quickly as values. He said, rather than continue to “bleed” on the refunds, the Council had authorized the revaluation.

Mr. Hecht said he understood that the revaluation was mandated.

Councilman DuPont said that it was and added that there had been discussions on whether they should do a reassessment or a revaluation. He again noted that the assessments could not be defended as the economy continued to decline.

Mr. Hecht asked if the Borough had consulted with other towns in regard to appeals and asked how Red Bank stacked up in comparison to surrounding municipalities.

Mayor Menna said that was a difficult question because one couldn’t really compare Red Bank to neighboring communities because they were so different and reviewed those differences. He noted that Red Bank was less than two square miles and said the tax base was being chipped away by non-profits. He noted that most of the properties on the current list were commercial and reviewed how the Tax Court reviewed those types of appeals.

Mr. Hecht questioned the process.

Mayor Menna noted that the refund they were presently discussing was recommended by the Assessor and said he was beyond the control of the Mayor and Council. He reviewed the amount being refunded and said, if the matter had gone to trial, the Borough would probably have lost more. He said he hoped they would be taking action tonight that would set the course for the revaluation.

Mr. Hecht said he still felt it was a lot of money and, if the assessments were not supportable, there was something wrong with the assessments.

Attorney O’Hern said the revaluation would address that.

Councilman DuPont said they also had to look to the Monmouth County Board of Taxation Pilot Program that called for tax appeals to be filed by January 15. He pointed out that it would also allow the tax assessor to go in reassess twenty percent of the properties in the town each year without the need for a revaluation. He also noted that previously refunds from the town included money that had already been paid out to the County and to the Schools. He said the pilot program will have the appeals filed earlier so that reductions of the assessments will be distributed equally.

Attorney O’Hern agreed noting that tax appeals in previous years had to be filed by April 1 and now the deadline is mid-January. He also said arguments were scheduled for the end of March so the Borough would have a better idea from a budgetary standpoint.

Mr. Hecht said if the Assessor’s numbers were not defensible, the town should get a new Assessor.

Mayor Menna noted that Tax Assessors were granted tenure under State law.

Mr. Hecht suggested the State Law should be changed and said it sounded like they were saying nothing could be done.

Councilman DuPont said, as Chair of the Finance Committee, he had consistently looked at the issue. He said it had come up before and that they were constantly addressing. He said they had reached out to participate in the pilot program. He said it was incorrect to say they were doing nothing.

Mr. Hecht said he had the greatest respect for the Council but said he felt if something wasn't working, they should get rid of it.

James Scavone—RiverCenter Director—thanked the Council for considering Ordinance 2014-4. He asked that they reconsider the stipulation of a three table maximum. He said they supported the limit on the number of seats at 12 but would like to see businesses have the option of using smaller tables.

Mayor Menna said he felt they should go ahead and introduce the ordinance but said the comments were well taken. He said they could tweak it before the Public Hearing.

Suzanne Viscomi—19 Morford Place—asked about Resolution 14-35 regarding the sale of 40 White Street. She asked if there had been any talk about donating the building to charity.

Mayor Menna said that had not been discussed. He said it was excess municipal property and, under state law, it would have to go to public auction. He added that the Council had the authority to reject all bids.

Councilman DuPont offered a motion to close the Public Comment period, 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.

ORDINANCES – First Reading

2014-3 Mayor Menna read, “Bond Ordinance Authorizing Various Water and Sewer Utility Improvements for the Borough of Red Bank, County of Monmouth, New Jersey; Appropriating the Sum of \$2,208,000 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 \$2,208,000; Making Certain Determinations and Covenants; and Authorizing Certain Related Actions in Connection with the Foregoing.”

Councilman Zipprich said he wanted to thank Councilman DuPont for pointing out some of the issues that they had been experiencing at the Department of Public Utilities. He said he had asked DPW Director Watson and CFO Poulos for an analysis of the costs associated with the projects. He said he wanted to reiterate that a good many pieces of the Borough's infrastructure were aged and deteriorated and had been held together through the passion of the employees over the years. He again noted that New Jersey's infrastructure was failing and said it was very important that they address the issues to keep the drinking water safe and clean and to keep the sewer system operating.

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

Councilwoman Burnham expressed concern about the money going into the project and said many residents were concerned about the cost of the water and sewer. She suggested that, if it was in such bad condition, maybe it was the time to look into selling the utility.

Mayor Menna noted that part of the project was to replace sewer pumps in Marine Park that had been damaged in Hurricane Sandy and said the work needed to be done now.

She said she agreed that those repairs needed to be done but said maybe some other items on the list could be deferred until it could be looked over.

Mayor Menna said Councilman Zipprich had noted that the water clarifier at the processing plant was on its last legs. He added that even if they considered the possible sale or divestment of the water/sewer department, it would take time. He said they had been putting it off for a number of months and said it could become a public health situation.

Councilwoman Burnham said, much like the privatization of the garbage, timing was essential.

Councilman DuPont said it would not be privatization of the trash but would be outsourcing. He said they were seeking bids.

She said she would consider that privatization because they were hiring a private company.

Mayor Menna said even if they privatized the water/sewage or outsourced it, the Borough would still have to fix things like manhole covers which was \$400,000 worth of the bond.

Councilwoman Burnham said she thought it was a good time to look into it because it would take a year or two. She compared the expenditure to buying new garbage trucks right before they outsourced the service.

Councilman Zipprich noted that if the clarifier failed when the Borough switched back to its own system in the Spring, they would not be able to provide water to the residents.

Ms. Burnham said she thought it was the time to put together a task force to start the investigation.

Councilman DuPont said the Borough had had this discussion and done an investigation a few years ago. He asked Administrator Sickels to provide Councilwoman Burnham with the historical data. He said it had indicated that the Water Department provided and delivered water cheaper than any other water company in the area. He noted that there had been a recent spill in West Virginia where a private company had told the residents to go ahead and drink the water but it was found that people were getting sick. He said private entities were responsible to their bond holders and shareholders. He added that a municipal water company was only responsible to its residents. He said they had transparency and had done the investigation. He said he would like insight into any data that would show that the Borough's water/sewer rates were higher than private companies.

Councilwoman Burnham said, after living in Fair Haven with four daughters, a yard and a pool, it didn't compare to what she was now paying for one person. She said she could not support the issue.

Councilman DuPont said he was not asking for support but was asking that she understand the facts and see the data. He said, as Finance Chair, he would be happy to sit down with her to answer questions and look to see if there were any areas in need of improvement.

Councilwoman Burnham said she thought the Borough was getting a grant to fix the pumps at Marine Park.

Councilman Zipprich said a portion of the work was eligible for refunding through the grant program and asked the Engineer to explain.

Engineer Ballard said the project would be 75 percent reimbursable through FEMA.

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

Public hearing and final adoption to be held February 26, 2014.

2014-4 Mayor Menna read, "Ordinance Amending and Supplementing Chapter 490, Planning and Development Regulations, Article II ("Definitions"), §490-6, for Retail Food Establishment."

Mayor Menna noted there would be no BYOB component.

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

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 said the matter would be referred to the Planning Board for review.

Public hearing and final adoption to be held March 12, 2014.

ORDINANCES – Public Hearing and Final Adoption

RESOLUTIONS

By Consent Agenda:

- 14-32 A Resolution Authorizing Refunds Due to Overpayment of Taxes Due to Judgments of the Tax Court of New Jersey.
- 14-33 A Resolution Approving the Hiring of Maria Orrico as Code Enforcement Senior Secretary.
- 14-37 A Resolution Authorizing the Borough Engineer to Prepare Design Plans for the Marine Park Pump Station and for Three Emergency Generators of Pump Stations.
- 14-38 A Resolution Authorizing the Retention of Timothy Hoffman to Provide Expert Consulting Services for the Defense of Tax Appeals Filed by Morco, LLC with Respect to Property Located at 58-64 Broad Street.
- 14-39 A Resolution Awarding Contract to Visiting Nurse Association to Provide Public Health Services.
- 14-40 A Resolution Requesting a Transfer of Appropriation Reserves.
- 14-41 A Resolution Amending the 2014 Temporary Appropriations.

14-42 A Resolution Authorizing Adoption of Temporary Capital Budget.

14-44 A Resolution Authorizing the Borough Engineer to Prepare, Advertise and Receive Bids for Annual Force Account and Parks Maintenance Contracts.

Councilwoman Burnham said she had questions on Resolution 14-37.

Mayor Menna said that would authorize the Borough Engineer to create design specification for the pump stations. He said it would not authorize the work or a contract.

Councilman DuPont 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.

14-34 Mayor Menna read, "A Resolution Authorizing the Execution of Lease Agreement between the Borough of Red Bank and 17 Red Bank, LLC with Respect to Patrizia's of Red Bank, LLC (28 Broad Street)."

Mayor Menna explained that the resolution was a condition from the Planning Board. He said there would two spaces that would house a dumpster and, since they were Borough-owned, they would be charged \$2,000 per year.

A discussion of the history of the irregular spaces followed.

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

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.

14-35 Mayor Menna read, "A Resolution Authorizing the Public Sale of Land Located at 40 White Street Owned by the Borough of Red Bank through an Auction Process."

Mayor Menna said this concerned the property know as Liberty Hose Company and said it would be sold at a public auction with the Administrator and Borough Attorney. He noted that the Council reserved the right to reject and an all bids.

Councilman Murphy offered a motion to approve the resolutions, 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.

14-36 Mayor Menna read, "A Resolution Authorizing the Advertisement of Bids for Solid Waste Collection and Disposal Services. "

He said this would be done through a public RFP process and the Mayor and Council would retain the right to reject any and all proposals.

Councilman Zipprich said, in light of Councilman DuPont's voicing of concern for fiscal responsibility, he had asked Mr. Watson to do a complete analysis of the costs associated with trash removal, pickup and disposal. He said it would have to make good economic sense for the Borough to contract out for solid waste.

Councilwoman Lewis said she understood the economic impact of going this route, but had concern for the employees. She said they would need to understand the numbers and the full impact.

Councilman Zipprich said the analysis he had asked for would include people power.

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: Lewis

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

14-43 Mayor Menna read, “A Resolution Awarding Contract for Chestnut Street Clarifier Improvements.”

Councilman DuPont offered a motion to approve the resolutions, 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.

14-45 Mayor Menna read, “A Resolution Addressing the Borough of Red Bank’s Request for an Amendment to its’ Recreation and Open Space Inventory (“ROSI”).”

Mayor Menna asked the Borough Engineer to give a quick synopsis.

Engineer Ballard said the resolution before the Council was basically a statement of fact regarding the property. She explained that application as originally submitted included all of Lot 1 and all of Lot 4 but after listening to public comment, a resolution was drafted that would have Lot 1 remain on the ROSI and would have Lot 4 subdivided to leave the waterfront piece on the ROSI while the parking lot and adjacent area would remain on the ROSI.

Mayor Menna said, even though they had offer a chance for public comment earlier, he thought they should open the matter back up to members of the public that had questions.

Boris Kofman—28 Riverside Avenue—said the Environmental Commission had a question about the extent of the property beyond the parking lot.

Engineer Ballard said it was approximately 20 feet off of the back of the building.

Administrator Sickels said it included the slope, the stairwell and 20 feet of property from the back of the building because they did not know what may be required for repairs or renovations to the building in the future. He said they did not want to redo the process to gain access to the building.

Mr. Kofman asked why temporary work would require approvals.

Mr. Sickels said it may not be temporary but could be permanent and gave several examples including an addition, handicap ramp or elevator. He said they chose to leave the 20 feet of property on the ROSI so they would not have to repeat the process.

Kathleen Gasiencia—110 Locust—Asked how expensive the process would be to put in another application.

Mayor Menna questioned why they would want to do that.

Ms. Gasiencia questioned why they would remove it from the list if it was not necessary.

Mr. Sickels noted that the property had been purchased for the purpose of serving the Library. He said they had considered a list of “what-ifs” and had felt it was better to do it once. He said they would want to have a buffer anyway for access to the building.

Ms. Gasiencia asked if there was a mechanism to ask the DEP to use the property for access only.

Mr. Sickels said that would not necessarily be the case. He said they had not anticipated putting \$2 million in the Library five years ago when it was mandated by the Department of Justice. He said they did not want to have a situation where they needed to do renovations then had to repeat this process. He noted that the property was contiguous to the Library.

Ms. Gasiencia questioned the likelihood of adding on to the Library when it had just been redone.

Mr. Sickels said it had not been redone. He explained that the Borough had done some interior work and may have to do some exterior work.

Ms. Gasiencia suggest the Borough could ask the DEP if the Borough could step on their property while they did the work.

Mr. Sickels noted that it was Borough property and they were trying to preserve it for its intended purpose. He said that that was the proposal that was on the table and was what had been recommended to the Council.

Ms Gasiencia said she did not see the need for the buffer. She said she understood the need to remove the parking lot but thought they should wait until a need arose before addressing the adjacent land.

Councilman Zipprich offered the suggestion of the need to replace a window in the large glass wall at the back of the building. He said they would need to get materials and equipment behind there.

Ms. Gasiencia asked what difference would be made if the property remained on the ROSI.

Councilman Murphy said it was similar to the situation they were in now where they had ended up fighting over it. He said they had kept all of Lot 4 on the ROSI and were just keeping an extra 20 feet for access to the back of the building.

Ms. Gasienca said she felt the Borough had access.

Councilman Murphy disagreed.

Ms. Gasienca said she felt 20 feet was a lot of space.

Councilman Murphy said it was nothing compared to the rest of Lot 4.

Ms. Gasienca again said she did not understand it.

Councilman DuPont offered a motion to close the public comment, 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 explained that he was in support of the resolution since it included a lot of the public comments that had been placed on the record at the December 30, 2013 Public hearing. He said he thought the resolution was historically accurate and said he had read the transcript from the Public Hearing. He said he understood Ms. Gasienca's concerns but said he knew that the DEP did not act quickly in regard to access. He said he fully supported the Library and felt that any need for growth or renovations should not have to wait for DEP authorization. He said the Library needed to remain a priority for the future and for the children. He also noted that Councilwoman Horgan and met with the Environmental Commission and they had approved the resolution.

Mr. Kofman noted that the Commission had had questions.

Councilwoman Horgan said that, generally speaking, the Commission had been in favor of the resolution.

Councilman DuPont said the resolution achieved the goal of being environmentally friendly. He said he liked the fact that the income generated from the parking lot at Maple Cove and at Marine Park, would specifically be dedicated to the maintenance of the parks which he said was a priority for this year. He said the resolution would address that. He also commented on the fact that there had been some hysteria around the thought that the Borough intended to sell the property. He noted that the resolution specifically stated that there was no plan or intention to sell any of the lots mentioned in the resolution which should lay to rest any concerns. He added that the Mayor had used his platform to explain that over many months. He said for those reasons and to protect the Borough's access to the river, he would be happy to move the resolution.

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

Councilwoman Burnham asked who had drafted the resolution because she had not had any input on what had gone into the resolution.

Mayor Menna said it had been drafted by the Engineer.

Councilwoman Burnham asked who had decided that they would be leaving all of Maple Cove on the ROSI.

Mayor Menna said it was a proposed resolution.

Councilman DuPont said the Council was deciding at this meeting.

Mayor Menna said, based on comments he had read, he had had discussions with the Borough Engineer, the Borough Attorney and the Administrator. He said it was a proposed road map to a resolution. He said it did not have to be accepted. He said it could be rejected by the Council. He said he had been trying to put some focus on what the issues were when he had had those discussions.

Councilwoman Burnham said she was happy with what it said but she would like to see some revisions. She noted that the Engineer has said the resolution was fact but said she felt many items could be disputed including the statements that the properties had not been originally acquired for open space or recreation purposes. She said that had not been decided. She said Administrator Sickels said it had but she disagreed. She also took issue with the word "mistake" saying that she didn't think it was a mistake. She said she would like to see those words come out of the resolution.

Councilman Murphy said the Mayor had discussed it with them as individuals and they felt it had been a mistake. He said she could vote no if she didn't believe in it, but the remaining Council members saw it that way.

Mayor Menna said he wanted to clarify the word "mistake." He noted that he was only person on the current Council who was there when it had happened and said that the matter of listing the property on the ROSI had never been discussed.

Councilwoman Burnham said it had been listed before he had been on the Council.

Mayor Menna said there had been no discussion of the ROSI in those days.

Ms. Burnham said she had documents.

Mayor Menna asked if she had documents regarding discussion by the Council.

She said she did not know but she had ROSI documents listing the property.

Administrator Sickels said the property had been acquired the goal of providing parking for the Library. He said the Borough had acquired a vacant house adjacent to the Library and the Mayor at the time had approached the bank that held the property to ask about an adjacent property that they also held which is now known as Maple Cove. He said the properties were purchased together, which had been authorized by ordinance, for the purposes of providing parking to the Library. He said the research on the property acquisition had been done after a complaint was filed with the DEP stating people were parking in the Maple Avenue lot but were not there for river access. He said the only thing he had been able to find on the issue were the ordinances that adopted by the Council. He again noted that they stated the intended purpose was to provide parking for the Library. He added that they had not been able to find any minutes, ordinances or other official action by the Governing Body to authorize the Administrator at that time to add the properties to the ROSI. He said it had not been anticipated that there would be a parking restriction since it was specifically purchased for use as Library parking.

Councilman DuPont said they could dispute the details all evening but what they could not dispute was putting something in place for the future. He said the resolution would protect the future, protect the parks and protect water access and officially place the lots on the ROSI. He said he felt they should focus on that rather than disputing history.

Councilwoman Burnham said what would happen with the determination that was coming from the DEP.

Mr. Sickels said the DEP would have the final say.

Mayor Menna said they would adopt whatever findings the DEP came up with.

She asked what would happen if they came back and said they found Maple Cove not to be park land.

Attorney O'Hern said the application had been to remove it from the ROSI so if the DEP came back and said the Governing Body can remove it, they do not have to follow through.

Ms. Burnham asked if the resolution was affirming that it would stay on even if the DEP came back and said they could remove it.

Councilman Zipprich said it was his understanding that after the public hearing and fact finding that the Governing Body was to go back to the DEP with a resolution to finalize the request.

Councilwoman Burnham said that was not how she understood it.

Councilman DuPont said he thought they had the right to accept, reject or modify the Borough's resolution. He said he did not believe that anyone voting for the resolution would then rescind their intention. He said he would not change his vote.

Councilwoman Lewis said she thought the resolution addressed all of the hysteria that had surrounded the issue. She said she thought it was a thoughtful and considerate approach to resolving the issue and she was glad they were moving forward.

Councilman Zipprich said there had been concern expressed about intentions to sell the properties and said he was very comfortable with the clause the stated the Borough had no plan or intention to sell any of the lots listed for private development purposes.

Ms. Burnham said resolutions could be changed.

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

14-46 Mayor Menna read, "A Resolution Appointing Cindy Burnham as Liaison to the Garden Committee."

Councilman Murphy offered a motion to approve the resolutions, 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.

PROCLAMATIONS

PAYMENT OF VOUCHERS

14-47 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$6,647,951.28”

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

ROLL CALL:

AYES: Burnham, Murphy, Horgan, Lewis, Zipprich, DuPont

NAYS: None

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

OLD BUSINESS

Councilman Murphy asked for a status report regarding the antenna on Tower Hill.

Administrator Sickels said they would mobilizing the following week to begin the footing. He said the old wooden structure had been removed by Public Works to facilitate the work.

NEW BUSINESS

AUDIENCE

Marge Lowe—9 Wall Street—praised the garbage collection service provide by the Borough. She also said the water quality was so good that she had stopped purchasing bottled water.

Anthony Setaro—Spring Street—asked how the Firehouse that was the subject of Resolution 14-35 was zoned.

Mayor Menna said it was located in the core business district. He said the permissible uses for the property would be listed in the Zoning Ordinance. He said if a use was not permitted, the owner had the right to go before the Zoning Board of Adjustment.

Mr. Setaro asked if there would be an opportunity to tour the property

Mayor Menna said he should contact the Administrator’s Office to make arrangement.

Administrator Sickels said there would be a mandatory pre-auction inspection as part of the auction process.

Freddie Boynton—365 Shrewsbury Avenue—asked why garbage collection had taken place so late a couple of weeks prior.

Mr. Sickels said, if he could provide a date, he would look into it. He speculated it could be due to the fact that employees had called out.

Councilman Murphy said it could also be because of being backed up to deal with snow removal.

Mr. Boynton said it was not a day that was after a snow storm. He said he had nothing against the workers, but said if they weren’t working the Borough should get rid of them.

Mr. Boynton also discussed a police matter where a Bank Street resident had been questioned by a Police Officer. He said the resident wanted to meet with Councilman Murphy to discuss the matter.

Councilman Murphy took the information.

Mr. Boynton said she said she had been pulled over because they had been unable to read her plate, which was from New Jersey. He cited the number of out of state plates in town and questioned why the law requiring residents to register their cars in New Jersey wasn’t being enforced.

Mayor Menna said, unfortunately, some people forum shop for where they can get licenses that are less restrictive than New Jersey’s. He said he understood the concern.

Mr. Boynton said he felt if the Borough privatized sanitation, they would run into problems.

Councilman Murphy asked him why he thought that.

Mr. Boynton said the houses were too close and asked what would happen if the company went on strike.

Councilman Murphy compared it to employees not showing up for work.

Mr. Boynton said that was what saying about getting rid of problem employees. He again stated that he did not think privatization would work in Red Bank.

Councilwoman Lewis said she wanted to report that the Two River Little League Baseball/Softball registrations were taking place and registration could be done through the Borough website.

Freddie Boynton reappeared to discuss an incident that happened at 365 Shrewsbury Avenue after a recent snow storm where a County snow plow had missed the curb and pushed all of the dirt onto the sidewalk in front of the home. He said it had happened twice and the second time it was worse. He said he had contacted the County and they had said they would take care of it. He said they had not taken care of it. He said he would like someone from the Borough to contact the County.

Mayor Menna said he had seen pictures of the damage. He asked Mr. Boynton to give him the information and said he would send a letter.

EXECUTIVE SESSION

ADJOURNMENT

Councilman Zipprich offered a motion, seconded by Councilman DuPont 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