

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
MARCH 26, 2014  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

ABSENT: Councilman 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 January 1, 2014.

**SUSPEND REGULAR ORDER OF BUSINESS**

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

**ROLL CALL:**

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

Mayor Menna said he wanted to acknowledge the member of the Police Department and its leadership. He acknowledged the former Chiefs in attendance and the family of Chief McCarthy. He acknowledged the many out of town officers in attendance.

Councilman Murphy welcomed the dignitaries in the room. He commended the members of the Police Department. He reviewed the hiring and promotion process and reviewed the career and background of each candidate.

14-80 A Resolution Promoting Borough of Red Bank Police Department Lieutenant Michael Clay to Rank of Captain.

14-81 A Resolution Promoting Borough of Red Bank Police Department Sergeant Michael Frazee to Rank of Lieutenant.

14-82 A Resolution Promoting Borough of Red Bank Police Department Sergeant Errico Vescio to Rank of Lieutenant.

14-83 A Resolution Promoting Borough of Red Bank Police Department Sergeant Robert Sean Kennedy to Rank of Lieutenant.

14-84 A Resolution Promoting Borough of Red Bank Police Department Sergeant Robert Clayton to Rank of Lieutenant.

14-85 A Resolution Promoting Borough of Red Bank Police Department Detective Juan Sardo to Rank of Sergeant.

14-86 A Resolution Promoting Borough of Red Bank Police Department Detective Wendy Samis to Rank of Sergeant.

14-87 A Resolution Promoting Borough of Red Bank Police Department Detective Joey Fields to Rank of Sergeant.

14-88 A Resolution Promoting Borough of Red Bank Police Department Patrolman Robert Talerico, Jr. to Rank of Sergeant.

14-89 A Resolution Promoting Borough of Red Bank Police Department Patrolman David Hicks to Rank of Sergeant.

14-90 A Resolution Promoting Borough of Red Bank Police Department Patrolman Beau Broadley to Rank of Sergeant.

14-91 A Resolution Appointing Probationary Police Officers.

Mayor Menna administered the Oath of Office to each candidate.

Chief McConnell thanked the Council for their continued support. He said they worked hard to find the right people for the positions.

Councilman Murphy offered a motion to approve the resolutions en masse, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

Councilman Murphy stepped out of the meeting momentarily.

### **2014 Proposed Budget Presentation**

2014-7 Mayor Menna read, "Borough of Red Bank Calendar Year 2014 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A: 4-45.14)."

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.

Public hearing to be held April 23, 2014.

Mayor Menna said the proposed budget was on the Borough's website and also in the Finance Office and the Municipal Clerk's Office. He said it was a work in progress and reflected hundreds of hours of review by the Auditor, Chief Financial Officer and the Finance Committee. He said the budget was likely to change and said there would be public hearing. He reviewed the salient points including the fact that the total assessed net valuation, on which the budget was based, had seen a decrease of 1.97 percent as of January 4, 2014. He said the total valuation was \$2,203,990,361. He said the loss of rateables had resulted in a major impact on the budget and the Borough's spending. He said the current fund appropriations that would be used to run the Borough over the next year would be decreased by 1.25 percent. He said the budget was currently \$21,206,212.10 and would be decreased to \$20,941,806. He said there was also a reserve in the budget for contractual obligations upon retirements. He said the amount to be raised by tax levy was estimated to be an increase of \$217,829.53 or roughly 1.86 percent over 2013 and was under cap. He noted that last year's increase had been 5.93 percent so this year's would be substantially lower. He reviewed increases and reductions including a significant savings in Police Department salaries due to retirements and also in debt payments. He said the average impact to a taxpayer would be about \$64.77. He noted that it was still subject to review and the public hearing would be held on April 23<sup>rd</sup> at 6:30 pm. He said there would also be an opportunity on a date to be announced for the public to meet with Department Heads to review the budget.

Councilman Murphy returned to the meeting.

Councilman Zipprich commended CFO Poulos on her efforts.

14-92 Mayor Menna read, "A Resolution Authorizing Introduction of 2014 Municipal Budget."

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

Public hearing to be held April 23, 2014.

### **RESUME REGULAR ORDER OF BUSINESS**

Councilman Murphy offered a motion to resume the regular order of business, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

## **WORKSHOP**

### **Parking Moratorium**

Mayor Menna noted that the Parking Moratorium would expire on March 31, 2014.

Council President and Parking Committee Liaison asked that the moratorium be extended for a month by Executive Order to give the Parking Committee a chance to meet on the matter.

Mayor Menna said he would authorize an extension to April 30th by Executive Order and said he would like the Council to see a statistical analysis for discussion.

### **Riverfest**

Mayor Menna said he believed everyone on the Council had received letters from the Eastern Monmouth Area Chamber of Commerce and the Rotary Club. He noted that they had previously been given approvals to host Riverfest on May 30, 31 and June 1. He said they were asking for permission to allow for the sale and consumption of beer and wine. He said there had been internal discussions about allowing alcohol at Special Events and said the Borough shied away from that. He said permissions had been issued but only for purely Red Bank based and Red Bank recipient organizations exclusively such as the Oysterfest and Sippin' on the River. He said proceeds from those events were donated to Red Bank organizations exclusively.

Councilwoman Horgan asked who the recipient would be for Riverfest.

Mayor Menna said the Chamber was in partnership with the Rotary and said the Rotary did a lot of great work but it was not exclusive to Red Bank.

Councilman Murphy said he would make a motion to deny the request since the event would not benefit a Red Bank organization exclusively. He suggested funds should be donated to the maintenance of the Borough's parks.

Councilman Zipprich said he agreed and said there were a number of organizations in Red Bank that needed assistance. He said he would second the motion to deny.

Councilwoman Horgan suggested they could ask the Chamber to change the beneficiary to a local organization.

Mayor Menna said there would not be enough time.

Councilwoman Burnham said she agreed and noted that the Council had already approved the event without alcohol and she thought they should stay with that. She said maybe next year they would donate to a local charity.

Mayor Menna polled the Council and all were in agreement.

### **APPROVAL OF MINUTES – February 12, 2014**

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

### **MAYORAL APPOINTMENTS**

Mayor Menna appointed Mary Nicosia to the Board of Health as a Regular Member to a term expiring 12/31/16.

Councilman Murphy offered a motion to approve the appointment, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

### **REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilman Murphy reported that the Fire Department had put some equipment up for sale on govdeals.com and, as a result, would be receiving approximately \$41,000.

Councilwoman Burnham said she was a member of the Parking Committee and said she had noticed a problem with valet parking. She said the employees of the valet company had been using Mechanic Street and driving in the wrong direction. She said she had personally seen it and had had reports from residents.

Councilman Murphy said he had not heard about it but would check it out.

Mayor Menna said he enthusiastically supported the valet program but had sent a number of emails to the Police Department about problems with the way the program had been administered.

RiverCenter Director James Scavone agreed that there had been complaints about the program and said he had been working with the Police Department. He said they would be implementing a new program with changes on Monday, March 31. He reviewed some of the changes.

Councilwoman Burnham said she had a second issue with parking which was that there had been an influx of tickets throughout town and reviewed a specific situation with a friend of hers who lived on Mechanic Street. She asked for an explanation.

Mayor Menna said he couldn't explain because he didn't have the information. He urged her to get in touch with Public Works Director Watson. He said sometimes an area was patrol based on complaints.

Councilwoman Burnham said she had noticed that there had been an influx of tickets against residents.

Councilman Murphy noted that the Council had implemented an ordinance regarding a ban on overnight parking during snow storms. He also noted that there had been issues regarding commercial vehicles parking overnight. He said Mr. Watson has set up a program to go through various neighborhoods to address the issue. He welcomed Councilwoman Burnham to meet with Mr. Watson to review the policy. He also reviewed the residential permit program and said those permits would not be issued to commercial vehicles. He said they ticket when there was a complaint and, out of 63 tickets issued, he had only heard one complaint from someone who said they felt they had been singled out. He said there were also problems with commuter parking. He said people needed to get permits to be allowed to park. He said no one wants to ticket residents but said people had been taking advantage.

Administrator Sickels noted that most of the parking ordinances had been established at the request of residents because of people parking in residential areas. He also reviewed the policy established by Mr. Watson and said they had been enforcing because they had been getting complaints.

Councilwoman Burnham again discussed the specific case of the person on Peters Place and said she had had a residential sticker. She said she had a problem with residents that pay taxes not being able to park on their street because of a private school.

Mayor Menna said the restriction was not imposed by the Borough but may have been done because of the school.

Administrator Sickels said there were also issues with the fact that Peters Place was very narrow and because of pick up and drop off at the school, there was no parking.

Mayor Menna again said it had not come from the Borough. He noted that he did not disagree but would have to look into the matter. He said he agreed that people should be able to park in front of their house but the restriction may have been imposed by the Commissioner of Education because of the school on the street.

Councilman Murphy noted that tickets were written and immediately logged in with the State and he reviewed statistics from how many and what type of tickets were issued on specific streets on a specific date. He stressed that they were distributed throughout town.

Mayor Menna said the person that had contact Council people was in attendance and invited him to come forward.

Fred Boynton—365 Shrewsbury Avenue—said he took issue with statements made by Councilman Murphy. He noted that he had a power of attorney for his aunt and had applied for a permit for her property but was denied. He said it was not for a commercial vehicle but was a pickup truck. He said he had received a ticket for parking on Shrewsbury Avenue. A discussion followed on specific vehicles and parking situations, parking policies and resident parking rules.

Mayor Menna noted that the matter had gone beyond the scope of the original discussion and noted that the ordinance stated that vehicles that applied for residential permits must be registered at the address.

Councilwoman Horgan said the Environmental Commission had met the previous night and would be partnering with Red Bank Safe Routes for a Bike Rodeo on May 17 at the Middle School. She said they had been working toward a backyard composting workshop and were still working on a Sustainable Jersey certification and called for volunteers for a Green Team. She also noted that there had been an article in the Asbury Park Press regarding Sunshine Week which was an annual observance of transparency in government and said Red Bank had been featured prominently. She noted that there were a lot of people from the Library in attendance at the meeting and said it was a serious issue. She noted that the Borough Administrator and Chief Financial Officer had met with the Library Trustees. She said she and Councilman Zipprich had also attended one of those meetings. She said the Borough had been working diligently to bring the matter to a beneficial conclusion. She asked Administrator Sickels to elaborate.

Mayor Menna noted that there would be a Board of Trustee meeting the following night.

Mr. Sickels said, shortly after the layoff action taken by the Library, the Borough had received a copy of the final budget from its Director. He said he and the CFO had reviewed it as part of the budget process and said they felt they could come up with a budget that could maintain the staff. He said they had developed a proposed budget and had shared it with representatives of the Board's Finance Committee. He said they had had subsequent meetings to review the budget and said there had been good give and take on how the Borough could support the library and how the board could utilize that support. He said he believed it would be discussed at the meeting tomorrow and believed they had made progress. He said they were now waiting to hear from the Board.

Mayor Menna said discussions would continue and hope a joint statement would be issued. He stressed that neither the Council nor the Library Trustees had ever wanted closure of the library.

Councilman Zipprich said the meeting he had attended had been very spirited but said everyone had been on the said page. He complimented CFO Poulos and Administrator Sickels for their professionalism.

Mayor Menna said he was confident that it would be resolved.

Library Board President John Grandits said they had been working in good faith toward a solution and said he agreed with what the Administrator had said. He said they had been working with the Borough to try to solve the problem. He said there were a number of problems and they were trying to get to the bottom of it. He denied the rumors that the Library was going to close. He said they wanted to make it work.

Councilwoman Lewis reported that the Parks and Recreation Committee had met on the 11<sup>th</sup> and the 19<sup>th</sup> and had been rigorously reviewing the budget. She thanked the CFO and Administrator for their hard work. She said she also wanted to remind everyone that registration was ongoing for basketball, baseball, softball and soccer. She also reported that the 5<sup>th</sup> and 6<sup>th</sup> grade girls were the winners of the Two River Basketball League. She congratulated them on their hard work and success.

Councilman Zipprich reported that he had joined the Mayor, Council President Murphy and the Police Chief at the Men's Breakfast at Pilgrim Baptist Church the week before last. He also reported that the Shade Tree Committee had received quotes to plant trees around the Borough. He said the trees would help replace those damaged by Hurricane Sandy. He thanked the members of the Committee for their attention to the Borough Forestry Management Plan and said they hoped to maintain their Tree City USA status for 2014. He said the Historic Preservation Commission had submitted their annual report for 2013. He said they would be meeting Monday night and said Chairman Fitzsimmons was working on final plans for a Spring Gathering. He said the Commission would be surveying properties west of Bridge Avenue for inclusion on the Borough's Historic Inventory for the next year. He said the Public Works Committee had met the previous week and discussed Eastside Park tune ups including the basketball and tennis courts. He said the road program would begin in the next several weeks. He thanked CFO Poulos for helping to reduce the anticipated expenditures. He said the loss of State Aid forces them to reduce or postpone repair and replacement of critical parts of the Borough's infrastructure which were in serious condition after the harsh winter. He noted that Earth Day and Arbor Day were around the corner and asked everyone to watch for Environmental Commission and Shade Tree Committee announcements on clean ups and plantings. He thanked Councilwoman Horgan and the volunteers with the Environmental Commission for their cleanup of Swimming River the previous weekend. He reported that he, Councilwoman Lewis and Councilwoman Horgan would be meeting with the YMCA the following month to discuss a possible collaborative effort in starting a youth council in the Borough. He said he would also be meeting with the Monmouth Consortium of LGBT Youth to discuss a youth centered pride celebration for June.

## **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from Navesink Hook & Ladder Company request to hold new ladder truck dedication and to close Mechanic Street between Globe Court and Broad Street on May 18, 2014 from 10 a.m. to 7 p.m. for the event, approved by the Special Events Committee.

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

### **ROLL CALL:**

AYES:            Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS:           None

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

Mayor Menna read requests from Red Bank Charter School approved by the Special Events Committee as follows:

1. For use of the Red Bank Senior Center on Friday, June 6, 2014 from 5 p.m. to 10:30 p.m. to hold their annual Spring Dance.
2. For use of Riverside Gardens Park, the concession stand and the lavatories on Wednesday, Jun 11, 2014, with a rain date of Thursday, June 12, 2014, from 9 a.m. to 8 p.m., to hold their graduation ceremony.

3. For use of Eastside Park on Wednesday, August 27, 2014, with a rain date of Thursday, August 28, 2014, from 3 p.m. to 8 p.m. to hold their annual welcome picnic.

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

Mayor Menna read a request from the Greater Red Bank, New Jersey NAACP request to hold a civil rights rally on April 5, 2014, approved by the Special Events Committee.

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

Mayor Menna read a request from Red Bank Safe Routes request to hold a Bike Rodeo and Bike Tour of Red Bank's Safe Routes on Saturday, May 17, 2014 from 10 a.m. to 1 p.m., approved by the Special Events Committee.

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

Mayor Menna read a request from Liberty Hose Company No. 2 request to hang a banner on Broad Street from June 15, 2014 to July 13, 2014 to advertise their annual car show.

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich

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 comment portion of the meeting and asked if anyone would like to speak.

Stephen Hecht—135 Branch Avenue—asked about resolution 14-98 regarding tax appeal refunds. He asked how many appeals were involved and if they were residential or commercial.

Attorney O'Hern said there was one commercial appeal and reviewed the specifics of the refunds.

Mr. Hecht noted that the amount of funds in the proposed budget that were reserved for tax appeals was higher than the previous year. He asked if they were expecting that many more appeals.

Mayor Menna said they were not fortune tellers but there had been more appeals filed for this year than last year. He said that was one of the reasons they were doing a total revaluation.

Mayor Menna asked if anyone else would like to speak.

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

#### **ORDINANCES – First Reading**

2014-8 Mayor Menna read, "A Bond Ordinance Authorizing the Acquisition of Various Capital Equipment and the Completion of Various Capital Improvements in and for the Borough

of Red Bank, County of Monmouth, New Jersey; Appropriating the Sum of \$2,253,000 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 \$2,140,350; Making Certain Determinations and Covenants; and Authorizing Certain Related Actions in Connection with the Foregoing.”

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

Public hearing scheduled for April 9, 2014.

2014-9 Mayor Menna read, “An Ordinance Canceling Certain Funded Appropriation Balances heretofore Provided for Capital Improvements and Reappropriating such Funded Appropriation Balances for Other Capital Project.”

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

Public hearing scheduled for April 9, 2014.

**ORDINANCES – Public Hearing and Final Adoption**

**RESOLUTIONS**

14-93 Mayor Menna read, “A Resolution Authorizing Acceptance of the Historic Preservation Commission’s 2013 Annual Report.”

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

14-94 Mayor Menna read, “A Resolution Accepting Bid from and Awarding Contract to Thassian Mechanical Contracting, Inc. for the Replacement of Existing Boilers and Cooling Tower Project.”

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

14-95 Mayor Menna read, “A Resolution Accepting Bid from and Awarding Contract to Mark Woszczak Mechanical Contractors, Inc. for the Water and Sewer Connection and Mains Force Account 2014-2017 Project.”

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

14-96 Mayor Menna read, “A Resolution Accepting Bid from and Awarding Contract to National Water Main Cleaning Co. for the Sewer Cleaning and Television Inspection Force Account 2014-2017 Project.”

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

14-97 Mayor Menna read, "A Resolution Accepting Bid from and Awarding Contract to CMS Construction for the Riverside Gardens Park Repairs Project."

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

14-98 Mayor Menna read, "A Resolution Authorizing Refunds Due to Overpayment of Taxes Due to Judgments of the Tax Court of New Jersey."

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

Councilwoman Lewis expressed her frustration with the Tax Appeals and said she was glad the Borough was addressing the problem.

Mayor Menna agreed that it was frustrating and explained the tax appeal settlement process where recommendations were made by the Tax Assessor and the Council was following through on that recommendation.

Councilman Zipprich said when Councilwoman Lewis had served on the Finance Committee this had been a concern of hers. He said he was also glad it was being addressed with a revaluation.

Attorney O'Hern explained that another component now in place was that the Assessor could look at the town and make adjustments each year which should improve matters going forward.

14-99 Mayor Menna read, "A Resolution Authorizing Acceptance of Performance Guarantee Regarding Lunch Break, Inc., 113-115 Drs. James Parker Boulevard, Block 96, Lots 1.01, 2.01 and 2.02."

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

14-100 Mayor Menna read, "A Resolution Authorizing and Approving Employment Agreement between the Borough of Red Bank and Darren McConnell to Serve as Chief of Police."

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

14-101 Mayor Menna read, "A Resolution Authorizing the Borough Engineer to Advertise for Bids for the 2014 Road Program."

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS: None

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



14-102 Mayor Menna read, "A Resolution Awarding Professional Services Contract for Redevelopment Planning Services."

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

Councilwoman Burnham asked if the appointment was being made as a result of the December 2013 Request for Qualifications.

Mayor Menna said it was not and explained that it was a professional appointment under \$17,500 with a designated professional who had done this type of specific services in a number of municipalities. He noted that the contract was not to exceed \$15,000.

Councilwoman Burnham asked again if it was associated with December 2013 Request for Qualifications for a Redevelopment Planner.

Mayor Menna said it was not and noted that it was associated with a review of Borough owned properties, specifically the municipal parking lot, and to give the Mayor and Council guidance pursuant to a recommendation made in the last municipal Master Plan which recommended that the Mayor and Council look at municipal owned assets with greater capitalization, use and development.

Councilwoman Burnham said she noticed that it was being done through the "Non Fair and Open" process which she said she understood implied that extraordinary and specific skills were needed. She said CME was just a civil engineering firm and asked what extraordinary and specific skill they had that T&M did not since T&M was already on the Borough's payroll.

Mayor Menna said every engineering firm had its pluses and minuses. He said they were enormously blessed to have T&M as the Borough engineer but said it had previously been discussed to have different people look at different projects.

Councilwoman Burnham asked if a proposal had been put out for the contract.

Mayor Menna said there had been no RFP because they had actually replied to one two years ago but the appointment had never been made.

Councilwoman Burnham questioned the wording that the contract would not exceed \$15,000 but allowed for additional reimbursable expenses.

Mayor Menna assured her that it would not be more than \$15,000. He explained that the intent was to not exceed \$15,000.

Administrator Sickels said that language was not in the final version of the resolution.

Borough Clerk Borghi said the language had been in the draft copy that she had created from a boiler plate resolution. She said the Attorney had reviewed it and made changes.

Councilwoman Burnham asked where the \$15,000 was coming from.

Mayor Menna said it would come from the parking fund and would not come from general tax revenue.

Councilwoman Burnham asked if the Council had thought about partnering with RiverCenter to split costs on this endeavor.

Mayor Menna said it was a good question but said he did not think they had it in their budget. He said going forward in future phases, RiverCenter would be substantially involved. He noted that past Master Plans had called for this type of development review.

Councilwoman Burnham said she understood and agreed but felt the review the Mayor was discussing would take more than \$15,000. She asked if they would be focusing on the White Street lot and if it was "a garage thing."

Mayor Menna said that was precisely the case noting that they would focus on White Street in the center of downtown but it would not be a focus directly on parking but would be to give the Council planning considerations and objectives to analytically look to the future to see how they could best manage and develop the Borough's existing facilities in a given area.

Councilwoman Burnham asked how they had ended up with CME.

Mayor Menna said they had done a lot of this type of work throughout the State.

Councilwoman Burnham asked if it would be a feasibility study.

Mayor Menna said they were well recognized and reviewed the other areas of the State that they had done work in.

Councilwoman Burnham said she had heard that they don't specialize in garages.

Mayor Menna said he would hope not and said Planners didn't specialize in garages but looked at entire concepts.

Councilwoman Burnham asked if the Borough had received RFQs from other companies.

Mayor Menna said they had not.

Councilwoman Burnham asked if other companies had responded to the December RFQs.

Councilman Murphy noted that it was under the threshold and asked if it would have to go out for that.

Attorney O'Hern clarified that companies like CME and T&M were licensed professionals and were not subject to the Local Public Contracts Law so the Borough was not required to bid it out. He added that if they were under \$17,500, the State Pay to Play Law did not require it to go out for an RFP.

Councilwoman Burnham made reference to the recent change to the Borough's Pay to Play ordinance.

Attorney O'Hern said he was referring to the State law and had nothing to do with the Borough's ordinance.

Councilwoman Burnham again asked why they were going with CME instead of T&M who was already on the Borough's payroll.

Mayor Menna said it was good to get different opinions even though they would be relying on the Borough Engineer on a number of issues.

Councilwoman Burnham asked why they couldn't have gone with a local firm.

Mayor Menna said they had to go with what was practical and had a proven record.

ROLL CALL:

AYES: Murphy, Horgan, Lewis, Zipprich

NAYS: Burnham

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

14-103 Mayor Menna read, "A Resolution to Amend Resolution 13-294 to Rescind Cancellation of Unexpended Bond Ordinances."

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

14-104 Mayor Menna read, "A Resolution Authorizing Transfer of Appropriation Reserves."

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

14-105 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 explained that this would relist the firehouse for auction at a lower minimum bid of \$400,000 since there were no bidders at the previous auction.

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

ROLL CALL:

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

Councilwoman Burnham asked when that would be held.

Attorney O'Hern said the date was listed at April 24, but said it could potentially change. He explained the legalities and advertising requirements.

Administrator Sickels asked that the date be removed and replaced with the wording "within 30 days" to make sure they were able to comply with the advertising requirements.

## **PROCLAMATIONS**

Mayor Menna read a proclamation proclaiming April 7-13, 2014 as Public Health Week in the Borough of Red Bank.

Mayor Menna read a proclamation proclaiming April 13-19, 2014 as Library Week in the Borough of Red Bank.

## **PAYMENT OF VOUCHERS**

14-106 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,033,458.45”

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

### **ROLL CALL:**

AYES: Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS: None

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

## **OLD BUSINESS**

### **NEW BUSINESS**

Councilman Zipprich said he wanted to compliment the Borough Engineer for her efforts on various Public Works projects.

CFO Poulos said she needed to note a correction to Ordinance 2014-09. She said the amount was incorrect. Mayor Menna asked her to provide the exact amount so the Council could vote on an amendment. He said he would proceed with the audience comments while she researched the amount.

## **AUDIENCE**

Rose Sestito—190 River Street—said there were two things she would like to address. First, she noted River Street led into the Primary School and said it was like a raceway.

Mayor Menna said he had had discussions with the Chief of Police regarding traffic counts on the street in anticipation of a possible four way stop.

Engineer Ballard noted that the intersection would have to meet four criteria to become a four way stop and if, for any reason it did not meet the four, there would be nothing the Borough could do.

Ms. Sestito noted the dangers the traffic and speeding posed to school children.

Engineer Ballard noted it was a Federal rule but added that she was not saying it wouldn't meet the criteria.

Councilman Murphy asked for clarification if they were discussing the intersection at River Street and Leighton Avenue.

Ms. Sestito said the speeding problem was farther down toward Tilton Avenue because drivers picked up speed as they came down the hill.

In regard to her second issue, Ms. Sestito asked if it would be proper to address an individual Council person.

Mayor Menna said she could ask a question to a member of Council.

Ms. Sestito said she wanted to address Councilwoman Burnham and said she appreciated her passion regarding parking tickets. She said she also appreciated her work to get a basketball net for Montgomery Terrace. She said, at the NAACP Meet the Candidates Night, Ms. Burnham's platform had been about what she would do about people living six families in single family homes on the west side of town. She said she understood Councilwoman Burnham was now the Chairperson for Code Enforcement. She took issue with Councilwoman Burnham addressing the issue of a friend's parking ticket and asked what she was doing about the people that were living six families in house. She said she was unable to call Code Enforcement during working hours.

Councilwoman Burnham said Ms. Sestito could call her anytime—morning, noon or night. She said she had been working on Code Enforcement issues before she was even running for office and had made it a campaign issue.

Administrator Sickels asked if Ms. Sestito was referring to specific properties.

Ms. Sestito said it was the west side in general. She suggested the Code Enforcement Committee should be forming a bridge between the school and the town to alert officials when there were excessive children registered at one address.

Administrator Sickels said he was quite familiar with the situation. He said with all due respect to Councilwoman Burnham, she was new to the Committee but noted there had been several meetings where she had been brought up to speed. He said they worked aggressively on Code Enforcement and said there was a log for overcrowded properties and vacant properties. He said they follow up on the vacant properties once a week and investigate the overcrowded properties based on probable cause or change of owner/tenant. He said they also receive police and fire referrals. He said if someone made a report to the Police Department at 10:00 at night, they would report it to Code Enforcement. He said they took action when there was probable cause but noted one property with multiple complaints that whenever they go to investigate, they find it in compliance. He said the Code Enforcement staff felt they could be subject to

harassment complaints if they continued. He noted some people have different motives for calling. He said, when there was true overcrowding, he did not think one would find a more aggressive town.

Ms. Sestito said she was just questioning Councilwoman Burnham because she had said it was a top priority at Meet the Candidates Night.

Councilwoman Burnham said she did not remember saying that. She reviewed specific streets where she had addressed overcrowding.

Mayor Menna said Councilwoman Burnham was saying she had aggressively reviewed the issues and followed up with the appropriate officials who were statutorily ordained to look into the allegations. He clarified that she had not personally gone in the residences in question.

Ms. Sestito said she wanted to address the issue because Ms. Burnham had made it her platform but had begun the meeting discussing a personal ticket.

Councilwoman Burnham said she had been addressing general ticketing.

Councilwoman Burnham encouraged all residents to call her when they saw overcrowding.

Councilman Zipprich asked about what response or enforcement was in place for when people moved out in the middle of the night.

Councilwoman Burnham said she had not received any reports on that. She said she had received reports of overcrowding, houses in bad shape, boarded up homes, animal issues, etc. She said every time she had heard of overcrowding, she had addressed it to Code Enforcement and said they had been on top of it.

Councilman Murphy said he thought moving in overnight would have been the bigger issue.

Mayor Menna noted that residents of a neighborhood were seeing changes from single family homes to multiple family homes. He noted the inspections happened in the middle of the day when there were fewer people home. He discussed the issues of interior subdivisions and how to ensure approvals were in place.

A discussion of general overcrowding issues.

Ms. Sestito again called for the Code Enforcement Committee to work with the schools to identify a large number of children registered at one address.

Councilwoman Burnham asked if Ms. Sestito was document about undocumented residents.

Ms. Sestito she did not know if they were documented or not, she was just talking about multiple families living in a single home.

Marge Lowe—9 Wall Street—said she had also been at candidates night and agreed that Ms. Burnham had jumped on the question of overcrowding and said she would handle the situation. She said she also wanted to complain about members of the audience at this meeting who had rested their feet on chairs that people would have to sit in the next day.

Linda Cohen—28 Riverside Avenue—said she was happy to hear that the Council would be addressing repairs to Riverside Gardens Park. She said she also hoped that all of the bickering about parking would be history with the possibility of a parking garage which, she said, was desperately needed in town.

Suzanne Viscomi—19 Morford Place—asked about the status of Council meeting minutes being posted to the Borough's website.

Borough Clerk Borghi said it was an oversight that they had not been posted and she would make sure the website was updated the following day.

Ms. Viscomi referenced School Board minutes from a meeting on November 19 and said the matter of cross referencing school records with town records had been discussed. She said she hoped it was an idea they could run with.

Mayor Menna said it had been discussed when Dr. Morana as the Superintendent and said the Borough had committed to cross reference Borough records on residency unless they were governed by confidentiality.

Carl Colmorgen—67 Oakland Street—said he volunteered at Municipal Court and said there were Code Enforcement, overcrowding and property maintenance case in court every week. He said he want to defend Code Enforcement regarding earlier comments.

John Bowers—866 Route 34, Colts Neck—said he had been present when the Borough had started offering residential permits for vehicles and noted when some of the rules were enforced, there were unintended consequences that some people did not realize. He said if the town ticketed commercial vehicles, they would then end up in parking lots. He said that would affect other businesses. He agreed there was a need for a garage. He applauded the Council for considering ways to make Red Bank better and said it would help improve property values.

Sarah Klempner—25 Campbell Street, Middletown—asked the Mayor if he would be at the Library Board meeting the next day.

Mayor Menna said he would if he was available.

Ms. Klempner said she thought it was very important that he be there as the individual who appointed the Board. She expressed concern about the lack of communication between the Board and the Friends of the Library. She asked if the Council was aware that the Board had not provided budgetary information to the Friends of the Library.

Mayor Menna said he had read an email from the very well-respected President of the Friends of the Library and was saddened by some of the comments and that was how he had been made aware of the situation.

Ms. Klempner asked when he had become aware.

Mayor Menna said he had become aware when he had read the email.

Ms. Klempner said the layoffs had occurred on short notice and were done without an opportunity for public fundraising. She noted that there was a foundation established for that purpose.

Mayor Menna noted he supported that foundation.

Ms. Klempner offered specific numbers regarding the shortfall.

Mayor Menna asked how she knew the amounts because the Council wasn't even sure. He said she was relying on third hand press reports and said the Council could not discuss the matter in open session.

Ms. Klempner said she had gotten the information from the Friends of the Library foundation and again noted that they could have done fundraising.

Administrator Sickels said salaries could not be based on fundraising. He said it would need a guaranteed funding stream and they were working on the matter.

Councilman Murphy offered a motion to close the audience portion of the meeting, seconded by Councilman Zipprich.

AYES:            Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS:           None

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

Mayor Menna noted that the Council needed to consider the amendment to Ordinance 2014-9 that had had an incorrect dollar amount. He said it would reflect \$164,182.30 instead of \$285,751.53.

Councilman Murphy offered a motion to amend the ordinance, seconded by Councilman Zipprich.

ROLL CALL:

AYES:            Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS:           None

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

## **EXECUTIVE SESSION**

### **ADJOURNMENT**

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

ROLL CALL:

AYES:            Murphy, Burnham, Horgan, Lewis, Zipprich

NAYS:           None

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

Respectfully submitted,

Pamela Borghi