

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
APRIL 24, 2013
6:30 P.M.**

PLEDGE OF ALLEGIANCE

Councilman Zipprich called for a moment of silence for the victims of the Boston bombing incident.

ROLL CALL

PRESENT: Council President Murphy and Council Members Lewis, Zipprich, DuPont and Horgan.

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

SUNSHINE STATEMENT

Council President Murphy 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, 2013.

Councilwoman Lee arrived at 6:37 pm.

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

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

NAYS: None

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

Mayor's Wellness Challenge

Councilman DuPont announced that Peggy Kirwan had won the Mayor's Wellness Challenge, Round 2 competition and commended her on her efforts. He and Council President Murphy presented her with a certificate acknowledging her success. Councilman DuPont reviewed the Mayor's Wellness Campaign and the success of its initiatives including the Employee Challenges. Ms. Kirwan thanked the Council and said she would not have gotten started if it wasn't for the challenge. Councilman DuPont announced that the Borough would be holding a Fitness in the Park event with classes on Tuesdays from mid-May to mid-September with more information to be announced.

Public Hearing of the 2013 Budget of the Special Improvement District

Council President Murphy opened the public hearing and asked if anyone would like to speak.

Councilman Zipprich congratulated the representatives from RiverCenter on continuing to maintain a flat budget.

Councilman DuPont said he also wanted to congratulate them on their budget and also on the success of continuing to lower the Borough's vacancy rate which was now below five percent. He also reviewed many of the improvement projects currently underway in the Borough.

No one from the public appearing, Councilman Zipprich offered a motion to close the public hearing, seconded by Councilman DuPont.

ROLL CALL:

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

NAYS: None

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

13-98 Council President Murphy read, "A Resolution Adopting 2013 Budget of the Special Improvement District."

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

ROLL CALL:

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

NAYS: None

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

Public Hearing of the 2013 Municipal Budget

Council President Murphy opened the public hearing and asked if anyone would like to speak.

No one appearing, Councilman DuPont offered a motion to close the public hearing, seconded by Councilwoman Lee.

ROLL CALL:

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

NAYS: None

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

Councilman DuPont noted that the resolution to adopt the budget would be done at a later date.

RESUME REGULAR ORDER OF BUSINESS

Councilman DuPont offered a motion to resume the regular order of business, seconded by Councilwoman Lee.

ROLL CALL:

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

NAYS: None

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

WORKSHOP

Flood Plain Ordinance

Administrator Sickels said he had distributed the information on the proposed changes to the Flood Plain ordinance to the Code Committee for their review and they hoped to have draft ready for the next Council meeting. Mr. Sickels summarized that the ordinance would adjust the base flood elevations in accordance with a recommendation from FEMA and to be consistent with surrounding towns.

Councilman Zipprich asked if it was a complete review of the existing ordinance to include the FEMA changes. Mr. Sickels said that was correct. He added that they had met with FEMA flood plain administrators and had incorporated their comments.

Councilman Murphy asked if FEMA had officially set regulations. Mr. Sickels said FEMA had issued recommendations but had not officially adopted them yet. However, he continued, they had been adopted by State Department of Environmental Protection. He also noted that Red Bank was not as affected as some neighboring towns because most of the properties in the Borough were up on a bluff and away from the waterline. He also pointed out that those properties that were damaged were not damaged more than 51 percent so there would be no changes to those properties at this time.

Councilwoman Horgan noted that Red Bank had much lower elevations than an area such as Belford and noted the changes to that community.

Councilwoman Lee said the focus was more on making sure Red Bank's ordinance was in alignment with surrounding towns.

APPROVAL OF MINUTES – April 10, 2013

Councilwoman Lewis asked that the minutes be correct to reflect that the sponsorship drive mentioned in her report was for the Vision Committee.

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

ROLL CALL:

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

NAYS: None

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

MAYORAL APPOINTMENTS

None.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman DuPont thanked the Parks and Recreation Department for their LaCrosse program. He said the sessions were phenomenal. He noted that his children participated and said the program was well run and that the fields were tremendous.

Councilman Zipprich noted that he had attended an anniversary celebration for former Fire Chief Herk Forgione the previous Saturday along with Councilman Murphy and Councilwomen Lee and Horgan. He said it was a terrific event and good to see so many generations of volunteers. He said he also wanted to congratulate Councilwoman Lewis, Councilman Murphy and Councilwoman Lee of the Parks and Recreation Committee on the opening of the new turf field and the ribbon cutting event. He also commended the efforts of Engineer Ballard on making the project a reality. He also thanked Administrator Sickels for his invaluable input. He reported that the Public Works Committee met the previous week to discuss the road repair program and projects for the coming year including facilities, parks and maintenance and repair projects. He said the department was working hard to keep the Borough's aging infrastructure in good repair. He said the Historic Preservation Commission was meeting on this same night and the Shade Tree Committee wanted to wish everyone a happy Earth Day week.

Councilwoman Lewis said the ribbon cutting ceremony had been a huge success and it had been good to see kids and families taking advantage of the Borough's resources. She said she wanted to thank everyone who had a vision to make the project happen including Engineer Ballard and Administrator Sickels. She said the Parks and Recreation Committee had met the previous Wednesday and discussed park maintenance and repairs. She also reported that the Vision Committee was moving ahead and would be getting sponsorship information out and hoped to make it bigger and better than last year.

Councilwoman Horgan reported that the Environmental Commission had met the previous night and were partnering with Clean Ocean Action the next Saturday April 27 in honor of Earth Day. She said they would be holding a cleanup at the end of Drs. Parker Blvd and said everyone was welcome to join. She also noted that on that same Saturday, the YMCA would be hosting a Healthy Kids Day at six locations in Monmouth County. She said it was part of a national initiative by the Y to improve the health and well-being of children. She also reported on an event to benefit Lunch Break that was held on April 22 that she attended with Councilman Zipprich. She said it appeared that it was extremely successful. She said the Boys and Girls Club Advisory Council had met on April 16 and were in the process of preparing summer programs for the kids. She said she also wanted to remind everyone that the Rent Leveling Board would be holding a special meeting on May 1st at the Senior Center to hear an application for capital improvements at Grandville Towers. She also reported that following Sunday would be the 2nd Annual International Flavor event in the White Street Parking Lot and the Town Wide Yard Sale would be Saturday.

Councilwoman Lee reported that the Town Wide Yard Sale was being sponsored by the Friends of the Library. She noted that the Red Bank Library is independent from the County Library System and reviewed some of the programs offered.

Council President Murphy thanked the Council for their support of the Fire Department members and for attending the event honoring Chief Forgione. He noted what an accomplishment it was for a member to reach the milestone of 50 years of service. He commended all of the volunteers who put their lives on the line for their town.

Councilwoman Lee said it members of the press did not have photos of either the ribbon cutting event or the Fire Department event, some members of the Council may have some.

COMMUNICATIONS AND PETITIONS

Council President Murphy read a request from OceanFirst Bank to hold their grand opening celebration in front of their building located at 73 Broad Street on Saturday, May 11, 2013 from 9 a.m. to 3 p.m., approved by the Special Events Committee.

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

ROLL CALL:

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

NAYS: None

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

Council President Murphy read a request from Pilgrim Baptist Church to close Leonard Street between Shrewsbury Avenue and Leighton Avenue on Saturday, May 4, 2013 from 11 a.m. to 5 p.m. for its 2nd Annual Community Festival and Bike Blessing Ceremony, approved by the Special Events Committee.

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

ROLL CALL:

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

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

Council President Murphy opened the public comment portion of the meeting and asked if anyone would like to speak.

Adam Philipson—99 Monmouth Street—said he was the new CEO for the Count Basie Theater. He noted that the theater had a resolution on the agenda tonight and he wanted to introduce himself and thank the Council for working with them on the issue.

Council members thanked him for attending and said it was nice to meet him.

Council President Murphy asked if anyone else would like to speak.

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

ROLL CALL:

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

NAYS: None

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

ORDINANCES – First Reading

None.

ORDINANCES – Public Hearing & Final Adoption

2013-3 Council President Murphy read, “Ordinance of the Borough of Red Bank, County of Monmouth, New Jersey Authorizing the Acceptance of a Deed of Easement Regarding Property Located at 40 Riverside Avenue, Block 7, Part of Lots 12.03 and 12.04.”

Mayor Menna opened the public hearing and asked if anyone would like to speak.

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

ROLL CALL:

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

NAYS: None

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

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

ROLL CALL:

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

NAYS: None

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

2013-4 Council President Murphy read, “Ordinance of the Borough of Red Bank, County of Monmouth, New Jersey Authorizing the Acceptance of a Deed of Easement Regarding Property Located at 40 Riverside Avenue, Block 7, Part of Lots 16 and 16.01.”

Mayor Menna opened the public hearing and asked if anyone would like to speak.

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

ROLL CALL:

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

NAYS: None

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

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

ROLL CALL:

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

NAYS: None

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

RESOLUTIONS

13-100 Council President Murphy read, “A Resolution Authorizing the Issuance and Sale of up to \$300,000 of Special Emergency Notes of the Borough of Red Bank; Making Certain Covenants to Maintain the Exemption of the Interest on Said Notes from Federal Income Taxation; and Authorizing Such Further Actions and Making Such Determinations as may be Necessary or Appropriate to Effectuate the Issuance and Sale of the Notes.”

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

ROLL CALL:

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

NAYS: None

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

13-101 Council President Murphy read, “A Resolution Authorizing the Issuance and Sale of Special Emergency Notes of the Borough of Red Bank in the Aggregate Principal Amount of up to \$363,200; Making Certain Covenants to Effect and Maintain the Exemption of Interest on Said Notes from Federal Income Taxation; and Authorizing Such Further Actions and Making Such Determinations as may be Necessary or Appropriate to Effectuate the Issuance and Sale of the Notes.”

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

ROLL CALL:

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

NAYS: None

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

13-102 Council President Murphy read, "A Resolution Authorizing the Execution and Entry into a Financial Agreement between Count Basie Theatre, Inc. and the Borough of Red Bank."

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: Zipprich

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

13-103 Council President Murphy read, "A Resolution Authorizing Emergency Appropriations in the 2013 Temporary Budget."

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

ROLL CALL:

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

NAYS: None

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

13-104 Council President Murphy read, "A Resolution Authorizing Sale of Personal Property."

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

ROLL CALL:

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

NAYS: None

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

13-105 Council President Murphy read, "A Resolution Authorizing Approval of Sidewalk Cafes."

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

ROLL CALL:

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

NAYS: None

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

13-106 Council President Murphy read, "A Resolution Opposing S-2/A-1171, a Shared Services Bill that Threatens to Penalize Taxpayers and Weaken Management Reforms."

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

ROLL CALL:

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

NAYS: None

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

13-107 Council President Murphy read, "A Resolution in Support of A-3393, Legislation to Protect Residential Property Taxpayers from the Loss of Telecommunications Tax Support."

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

ROLL CALL:

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

NAYS: None

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

13-108 Council President Murphy read, "A Resolution Opposing New Jersey Legislature Bill #S-2115/A-3317 Which Shall Preempt Municipal Ordinances Requiring Registration for Multi-Family Dwellings."

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

ROLL CALL:

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

NAYS: None

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

PROCLAMATIONS

Council President Murphy read a proclamation proclaiming April 26, 2013 as the 141st Anniversary Celebration of Arbor Day in the Borough of Red Bank.

PAYMENT OF VOUCHERS

13-109 Council President Murphy read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,190,718.48.”

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

ROLL CALL:

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

NAYS: None

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

OLD BUSINESS

None.

NEW BUSINESS

None.

AUDIENCE

Suzanne Viscomi—23 Arthur Place—noted that she had gotten separate bills for water and sewer and asked why they have come separately when they were usually combined.

CFO Lapp explained that there had been a problem with the computer software that they use. She noted that the problem was on the vendor’s end and they still weren’t sure what had happened but some customers had only gotten the water bill without the sewer fees included. She said they were working to get the matter settled.

Ms. Viscomi asked if the vendor would be covering the additional postage.

Ms. Lapp said that was something they could work on that once they got the problem resolved.

Cindy Burham—71 Wallace Street—asked that the basketball hoops at Montgomery Terrace be refurbished since there was currently nothing there but the poles. Administrator Sickels noted that that was not Borough property but belonged to the Housing Authority which was a separate entity. He also said he believed there was a fund raiser planned to rehabilitate that area and name it after a child who had passed away last year.

Ms. Burnham asked if the Housing Authority was a non-profit. Mr. Sickels confirmed that it was. She also asked if it was the same Housing Authority that oversaw Cedar Crossing. Mr. Sickels said it was not and noted that Cedar Crossing was under the Red Bank Affordable Housing Corporation which was a separate entity.

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

ROLL CALL:

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

NAYS: None

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

EXECUTIVE SESSION

13-110 The Attorney read a resolution to adjourn to executive session to discuss contract negotiations; possible action to be taken.

Councilman DuPont offered a motion to adjourn to executive session to discuss contract obligations, seconded by Councilwoman Lewis. Minutes to be made public in 180 days.

ROLL CALL:

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

NAYS: None

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

Councilman Zipprich offered a motion to close executive session, seconded by Councilwoman Horgan.

ROLL CALL:

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

NAYS: None

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

ADJOURNMENT

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

ROLL CALL:

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

NAYS: None

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

Respectfully submitted,

Pamela Borghi