

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
MAY 22, 2013
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor Menna and Council Members Lewis, Zipprich, DuPont, Horgan, Lee and Murphy
ALSO PRESENT: Administrator Sickels, Deputy Municipal Clerk Thomas, Attorney O’Hern, Engineer Herrman and Chief Financial Officer Lapp.
ABSENT: Municipal Clerk Borghi , 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, 2013.

SUSPEND REGULAR ORDER OF BUSINESS

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

2013 Budget Amendment No. 1 Public Hearing

Councilman DuPont said nothing had changed since it was outlined at the last meeting and it was ready to be adopted.

Mayor Menna asked if anyone had any comments regarding Councilman’s DuPont statement regarding the 2013 Budget Amendment that had no changes other than those previously announced and he noted a public hearing had been held.

No one appearing, Councilman Murphy 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.

13-133 Mayor Menna read, “A Resolution of the Borough of Red Bank, Count of Monmouth, State of New Jersey Authorizing 2012 County Tax Appeal Approval.”

CFO Lapp explained that this resolution was required by the State for budget adoption due to the large amount of tax appeals from the previous year.

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.

13-126 Mayor Menna read, “A Resolution Adopting the 2013 Municipal Budget.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy
NAYS: None

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

RESUME REGULAR ORDER OF BUSINESS

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

WORKSHOP

APPROVAL OF MINUTES – May 8, 2013

Councilman Zipprich 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 Murphy reported that there would be a retirement party for Lt. Mangold on Friday. He said he had 24 years of service of the police force.

Councilwoman Lee had no report.

Councilwoman Horgan had no report.

Councilwoman Lewis reported that the Vision Committee had met on the 13th and said the sponsorship letters had gone out. She said they had started the process of looking at bands and welcomed suggestions. She also reported that the Parks and Recreation Committee had met on the 15th to discuss general housekeeping regarding parks and maintenance.

Councilman Zipprich asked everyone to remember those in Oklahoma that had been affected by the tornado. In regard to the Department of Public Works, he reported that there were new trash and recycling containers throughout the downtown that had been put in place a couple of weeks prior. He said they were hoping to acquire about 30 more to be placed throughout town. He said he also wanted to remind everyone that bulk trash pickup was done by appointment and those pickups ended in October. He said DPW staff had installed ADA compliant tables in Riverside Gardens Park and had done extensive repair work to the brickwork and walls that had been damaged by skateboarders. He also reported that the Historic Preservation Commission would be holding their Spring Gathering at the Women's Club on June 8 from 2pm to 4pm and said all were welcome to attend to share and learn with neighbors and professionals who have an interest to see building preservation in Red Bank.

Councilman DuPont said the Mayor's Wellness Campaign had hosted a presentation about nutrition and healthy eating given by Meridian to parents and students of the Red Bank Middle School. He said the presentation was in both English and Spanish. He reviewed the information given and said it would be on the Borough's website. He complimented the Parks and Recreation on the many programs that had been running at Count Basie Field the previous Saturday and said they were doing a great job.

Mayor Menna thanked Councilman DuPont for his efforts with the school presentation. He said he and representatives of RiverCenter had had a meeting with the United States Trade Attaché to the Embassy in Ottawa, Canada. He said they had discussed tourism and corporate events to possibly be scheduled in Red Bank. He said they had been impressed with the reception they had received. He thanked James Scavone of RiverCenter and Margaret Mass of the Visitors Center for their assistance. He also reported that the Police and Fire departments had done an extraordinary job at the Triathlon the previous week. He said it was the third year for the event and had been attended by over 1,000 participants. He said it was good for Red Bank and attracted not only residents but also people from outside the area. He noted that there were a lot of good things going on in town and a lot of prospective development was moving ahead with both the Planning and Zoning boards. He said he felt the Borough had a serious shortfall when it came to hotel or hospitality spaces and felt they needed more. He said he felt some of the development projects, particularly on the west side of town, were moving quickly and plans were coming in on dormant projects. He added that he felt the Planning and Zoning boards had to be effective and sensitive to economic conditions as well as the cost of doing business and the cost of the application process. He noted that there was currently a shortage on the Zoning Board and said it would be his privilege to appoint a long standing resident with construction knowledge to replace a member who has recently resigned.

Mayor Menna appointed Sean Murphy to the Zoning Board of Adjustment as a Regular Member for an unexpired 4-year term expiring 12/31/16.

CFO Lapp left the meeting at 6:13pm.

COMMUNICATIONS AND PETITIONS

Requests Approved by the Special Events Committee voted on by Consent Agenda:

Request from Red Bank Flavour Culinary Alliance to hold their Party on the Promenade at the Molly Pitcher Inn on Thursday, May 23, 2013.

Request from Red Bank Regional High School to hold their fundraising barbecue in memory of Riyad'h Na Farrow at Count Basie Field on Saturday, June 1, 2013 with a rain date of Sunday, June 2, 2013.

Request from RiverCenter to hold their Food & Wine Walk on various dates from June through October.

Request from Red Bank Charter School for use of the Senior Center for the Spring Dance on Friday, June 7, 2013 from 5:00-10:30 p.m.

Request from Red Bank Charter School for use of Riverside Gardens Park for their graduation on Wednesday, June 12, 2013 with a rain date of Thursday, June 13, 2013 from 9 a.m. to 8 p.m.

Request from Red Bank Charter School for use of Eastside Park for their welcome picnic on Wednesday, August 28, 2013 with a rain date of Thursday, August 29, 2013 from 3:00-8:00 p.m.

Request from Count Basie Theatre to hold their annual gala on Friday, June 14, 2013.

Request from St. Anthony of Padua Church to close Herbert Street from Bridge Avenue to the railroad tracks in order to hold their feast day festival on Saturday, June 15, 2013 from 10 a.m. to 3:30 p.m.

Request from the Mayor's Wellness Committee in partnership with the YMCA to hold Fitness in the Park(s) on Tuesday evenings beginning May 21 through September 24, 2013 from 6:30-7:30 p.m.

Request from Nathan J. Williams Craftsmen Club, Inc. to hold their Car Wash Fundraiser on Saturday, June 15, 2013 from 10 a.m. to 4 p.m. with a rain date of Saturday, June 22, 2013 from 11 a.m. to 5 p.m.

Request from the Red Bank Volunteer Fire Department for use of Broad Street and Monmouth Street on Sunday, September 8, 2013 to hold their annual street fair.

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

ROLL CALL:

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

NAYS: None

There being six ayes and no nays, the requests were declared approved.

Mayor Menna read a request from Locust Landing Urban Renewal for adoption of a resolution allowing for waiver of permit fees associated with reconstruction of properties damaged by Hurricane Sandy.

Mayor Menna asked Administrator Sickels to clarify if they were requesting the waiving of permit fees or application fees and if they would be able to waive one and not the other.

Mr. Sickels said he believed the request was for all permit fees. He noted that after the hurricane the Department of Community Affairs had sent a letter out to all Construction Officials saying that the Department was waiving fees for certain activities in one and two family dwellings that had been damaged by Sandy. He said it had to do with interior finishes such as walls and insulation where they were replacing existing materials. He added they did not waive the fees for electrical installation, heating replacement, etc. He summarized that it was not a carte blanche waiver and it only applied to one and two family dwellings. He said numerous buildings had been damaged in town and they had not waived fees other than for direct replacement of items in residential buildings only. He said the request before them was a direct request to waive all construction permit fees.

Mayor Menna noted that they would still have to be inspected and the contractor that was doing the work as well as the engineer or architect that prepared the plans were all getting paid. He said if the town didn't charge fees to cover the inspections and application process, the burden would be placed on other taxpayers.

Mr. Sickels agreed.

Councilman DuPont asked for an estimate on the fees that were being discussed.

Mr. Sickels estimated it to be approximately \$9,000 thus far. He also noted that the manager of the property had been told that they were not eligible for waiver because it was a multi-family dwelling rather than a one or two family as directed by the DCA. He said they then contacted the DCA and were told that the Borough could waive its fees if it wanted. He also noted that they had not waived fees for other buildings such as another multiple unit dwelling located at 19 Morford Place which paid permit fees to replace their roof. He questioned how they could not waive them for one and then waive them for another.

Mayor Menna noted that a lot of other multiple unit dwellings had paid because they have to be inspected, etc.

A discussion followed regarding that State's response and the fact that the Borough had already made the determination to not waive fees other than for one and two family dwellings.

Mr. Sickels said he had written a letter back saying the Borough couldn't waive the fees because they hadn't done it for other similar properties. He noted that the company had written a formal request to the Mayor and Council so it had been placed on the agenda for consideration.

Mayor Menna said he was sympathetic to a low and moderate income dwelling but the basic permitting fee needed to be paid or the burden would be placed on the tax payers which he didn't think would be fair.

Councilman DuPont offered a motion to deny the request, seconded by Councilwoman Lee.

ROLL CALL:

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

NAYS: None

There being six ayes and no nays, the request was declared denied.

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.

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, Murphy

NAYS: None

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

ORDINANCES – First Reading

2013-6 Mayor Menna read, "An Ordinance of the Borough of Red Bank, County of Monmouth, New Jersey Amending and Supplementing Chapter XVI, "Fire Prevention and Protection" Section 16-8, "Additional Required Inspections and Fees Required by the New Jersey Administrative Code", Section 16-9, "Registration; Permits; Fees", and Section 16-10, "Technical Amendments."

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

Public hearing and final adoption to be held June 12, 2013.

2013-7 Mayor Menna read, "A Bond Ordinance Authorizing Various Water Utility Improvements for the Borough of Red Bank, County of Monmouth, New Jersey; Appropriating the Sum of \$500,000 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 \$500,000; Making Certain Determinations and Covenants; and Authorizing Certain Related Actions in Connection with the Foregoing."

Councilman Zipprich offered a motion to adopt the ordinance on first reading, 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 and final adoption to be held June 12, 2013.

2013-8 Mayor Menna read, "An Ordinance of the Borough of Red Bank, County of Monmouth, New Jersey Amending and Supplementing Chapter XVI, "Fire Prevention and Protection" Section 16-10, "Technical Amendments."

Mayor Menna explained that this ordinance had to do with issues rising from Hurricane Sandy and the fact the some of the Borough's houses of worship were hosting volunteers who were working in the area. He also noted that it was a two year ordinance with a sunset provision.

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

Public hearing and final adoption to be held June 12, 2013.

ORDINANCES – Public Hearing & Final Adoption

None.

RESOLUTIONS

Mayor Menna noted that resolution 13-131 has been previously posted to the Borough's website but had been removed from the agenda.

Councilman DuPont asked about resolution 13-130. Mayor Menna explained that Donna Barr was the Borough's Zoning Officer and, in her absence, the Administrator or Engineer would routinely cover. Due to unusual circumstances, he continued, all three would be unavailable for a short time so the Council would be temporarily appointing an Engineer at T&M Associates to answer zoning questions during that time.

Voted on by Consent Agenda:

- 13-124 A Resolution Requesting Authorization to Cancel Improvement Authorization Balances and Corresponding Grant Receivable Balances.
- 13-125 A Resolution Authorizing the Borough Engineer to Design and Advertise for Bids for the Lake Avenue Water Main Improvement Project.
- 13-127 A Resolution Authorizing Submission of a Grant Request to the New Jersey Forest Service for a 2013 CSIP Grant.
- 13-128 A Resolution Opposing S-2601 and A-3891 which would Permit Fifth and Sixth Class Counties to Assume Control and Responsibility for Operation and Maintenance of Beaches Bordering the Atlantic Ocean.
- 13-129 A Resolution Requesting that the Federal Government Reimburse New Jersey Residents for the Entire Cost of Raising Homes to Comply with the Advisory Base Flood Elevations.
- 13-130 A Resolution Authorizing the Appointments of Martin Truscott of T&M Associates as Temporary Acting Zoning Officer.
- 13-132 A Resolution to Approve the Hiring of Parks and Recreation Summer Staff.
- 13-134 A Resolution Fixing Fees and Charges under Chapter XVIII "Parks and Recreation" Section 18-6 "Fees and Charges." (Concessions)
- 13-135 A Resolution Fixing Fees and Charges under Chapter XVIII "Parks and Recreation" Section 18-6 "Fees and Charges." (Programs)
- 13-136 A Resolution Authorizing the Execution and Entry into a Developer's Agreement between Station Place at Red Bank, LLC and G.S. Realty Corp and the Borough of Red Bank.
- 13-137 A Resolution Authorizing Adoption of Capital Budget Amendment No. 1.
- 13-138 A Resolution Authorizing Change Order No. 1 Related to the Contract with Kovatch Mobile Equipment Corp for the Purchase of Aerial Fire Apparatus Truck.

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

ROLL CALL:

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

NAYS: None

There being six ayes and no nays, the resolutions were declared approved.

- 13-139 Mayor Menna read, "A Resolution Authorizing the Execution of the Sidebar Agreement between the Borough of Red Bank and Local 1038 of the Communications Workers of America AFL-CIO."

Mayor Menna explained that the resolution had been held over because it involved the removal of certain supervisory positions from the union that the Borough had wanted to make sure that those affected had consented to it and that the union had consented to it. He said the agreement had been executed on May 21, 2013.

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 resolution was declared approved.

PROCLAMATIONS

PAYMENT OF VOUCHERS

13-140 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,044,596.03.”

Councilwoman 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

AUDIENCE

Sean Di Somma—28 Morford Place—said he had been reading articles from this year and from budgets past and said he had noticed that one of the bigger issues was health insurance premiums. He acknowledged that there wasn’t much that could be done with that.

Councilman DuPont noted that they had met with the Borough’s Health Insurance Fund to find ways to reduce those costs.

Mr. Di Somma noted that next year the Affordable Care Act would come into play and said there was a reported that claimed that health insurance premium costs were expected to rise in New Jersey by 40 percent. He said that seemed to be a catastrophic number and asked the Council, specifically Council members Zipprich and Horgan, what their plan would be for fixing the budget next year to deal with that 40 percent increase in health insurance costs.

Councilman Zipprich said they had just resolved this year’s budget which had been a long work in progress and said they would cross that bridge when they got to it.

Mr. Di Somma asked if that meant he had no plan for dealing with the 40 percent potential increase.

Administrator Sickels said the Borough had been studying the issue for two years. He said changes had already been made to offer alternative plans that would take effect July 1 of this year. He also noted that contracts were negotiated to expire at the same time so that when changes were made to health plans they would have everyone at the table to discuss those changes. He also noted that they were still working with vendors to seek out additional plans and ways to reduce costs.

Mayor Menna said the Council members did not live in a vacuum and noted the Red Bank, as well as every other municipality in the County and the State, was going to be faced with this issue whether or not the Health Care Act goes through. He said the Borough had to be ready in a number of ways. He noted that they had already capped a number of traditionally held entitlements by our employees including members of the PBA and employees at DPW in terms of health care contributions. He said it was the Council’s intent that when the collective bargaining agreements come due, they must take a serious look at State legislation that was adopted earlier in the year that would mandate, without exception, a certain percentage of contributions to the highest degree by every employee. He said it is not that they want to do it, but said they have to do it. He said he has advocated for years for an analysis of health benefits to determine if the Borough would be better off going with the State plan rather than a private plan. He noted that the State plan deals with every statutory entitlement that employees have to get in the State. He said it may exclude some things that people have been traditionally used to but said times were changing. He also noted that the times were also changing with respect to retired employees that may be used to certain entitlements under their contributory or non-contributory plans. He said these things may be looked at if they change over to the State plan. He said the Borough has looked at what they pay for premiums and they had to look at every option including the State plan. He said the problem has been, in the past they were always locked into collective bargaining agreements which would have made it difficult. He said, this year it may be easier because those agreements were expiring. He noted that that was why they have done the sidebar agreement which he said was common sense.

Councilman DuPont said Mr. Di Somma raised a good point and added that the Finance Committee had recognized last year the potential for some serious jeopardy to the budget in regard to health care. He said the Borough had begun to institute a proactive plan such as approaching the Health Insurance Fund and stating the need to modify the Borough plans. He also noted that currently Borough employees contribute in excess of \$200,000 for health insurance. He also noted that the Borough was looking to negotiate health insurance benefits with the cooperation of the employees. He added that the Finance Committee had had hours upon hours of discussion about the issue because it was the Borough’s largest expense last year. He said in 2013 they were able to get the number down because the Finance Committee, which he noted included Councilman Zipprich, was able to look at what they were offering to employees and realize they needed to be proactive. He said that was also one of the reasons they had started the Mayor’s Wellness Campaign because, according to a think tank study, if they get employees healthy, they can save between \$1,000 and \$1,500 per employee on the health insurance. He

again noted that Mr. Di Somma had made a good point and said they had set a plan in motion to address the potential that Mr. Di Somma had raised.

Mr. Di Somma said he appreciated that and stressed the importance of addressing the issue and not losing focus of it.

Mr. Sickels said he wanted to note for the record that the Borough had started addressing health costs back in 1994 and said Red Bank was one of the first towns to have employees either contribute a percentage of salary or premium, whichever was less. He added that when the State recently adopted the law saying employees had to contribute, Red Bank's contributions were higher than the State requirement. He also noted that, over 25 years ago, the Borough had joined with other towns to pool resources and form the Central Jersey Health Insurance Fund which brought a huge saving at that time and continues to give saving. He said they were currently looking to determine if it was still the model that would give the most savings.

Sue Visconti—23 Arthur Place—asked if the Borough had any plans to sell or limit access to Maple Cove or would it always be available as an access point to the river for residents. She stressed the importance of the lot for people such as kayakers who wanted to access the river.

Mayor Menna said there was not any plan to sell Maple Cove.

Councilwoman Horgan added that, back in 2008, she had been asked that question by a reporter after the Council had considered selling and decided not to. She said she had made a statement at that time that the Borough would not be selling it.

Ms. Visconti said she just wanted to act as a voice or conduit for those that could not attend meetings and wanted to be clear on where the Council stood.

Marge Lowe—9 Wall Street—said she had worked 30 years in the insurance industry and said she expected that within the next five years, patients and doctors would have little to say about treatment and said she expected that it would all be done on computers.

Mayor Menna said he thought the industry was already there.

Ms. Lowe said she agreed that they needed to plan ahead.

EXECUTIVE SESSION

13-141 The Attorney read a resolution to adjourn to executive session to discuss contract negotiations; possible action to be taken.

Councilwoman Horgan offered a motion to adjourn to executive session to discuss contract obligations, seconded by Councilman DuPont. 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 Murphy offered a motion to close executive session, seconded by 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 Murphy offered a motion to rescind and table Resolution No. 13-125 pending further consideration, 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.

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