

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
OCTOBER 9, 2013
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Council Members Lewis and Murphy.

Councilman Murphy arrived at 6:35 pm.

Councilwoman Lewis arrived at 6:52

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee

NAYS: None

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

Councilman Murphy arrived at 6:35 p.m.

Check Presentation by the Monmouth Boat Club

On behalf of Monmouth Boat Club, Commodore Leigh Bugdee presented a check to Mayor Menna in the amount of \$5,000. Mayor Menna thanked the members of the organization for their generosity.

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

WORKSHOP

Mayor Menna noted that the subject of Shrewsbury Township Municipal Court that had been listed on the draft agenda for discussion had been removed pending the receipt of more statistical data. He said it would probably be listed on the next agenda.

APPROVAL OF MINUTES – September 11, 2013

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Lee had no report.

Councilwoman Horgan reported on several events that she and Councilwoman Lee had intended including Monmouth Day Care's Touch a Truck event, the African American Festival at the PNC Bank Arts Center where Councilwoman Lewis was honored, the Red Bank Guinness Oysterfest, the Bates Lodge Back to School Fun Day, Mayor's Wellness Walk, and a T. Thomas Fortune House fundraiser.

Councilman Zipprich thanked the residents of Red Bank and the business community that turned out to pay tribute to our Police Chief Stephen McCarthy. He said Chief McCarthy was a man of integrity who commanded respect and would be sorely missed. He also reported that the Shade Tree Committee had been working with the County and the Department of Public Works to remove hazard trees some of which were damaged during Hurricane Sandy. He said the Committee was working to get the trees removed and the stumps ground. He said they would replace the trees with more durable species. On behalf of the Historic Preservation Committee, he thanked Councilwoman Horgan for joining them at the Save the T. Thomas Fortune House event at the Celestial Lodge the previous Thursday. He said the Committee had put on a well-informed presentation and thanked them for their effort. He said the Department of Public Works would continue curbside leaf collection through the fall. He said brush collection would end shortly but would still be accepted at the Recycling Center. He said when leaf collection ended later this year, Christmas tree pickups would begin. He reported that he had also gotten calls regarding the bridge reconstruction project on Route 520 and also on the bridge project on Route 10/Front Street. He said he had been reassured through conversations with the Borough Engineer and with the County Engineers that Route 520 Bridge would be completed in November. He said construction had begun on the Route 10 bridge and said it would remain open in both directions through December. He said he was excited to announce that the first electric vehicle charging station was scheduled to be installed on Monmouth Street in the coming weeks. He noted that it would be the first to be installed for public use in the Borough.

Councilman Murphy arrived at 6:35 pm.

Councilman Murphy said he did not have a report but wanted to thank the members of the Governing Body, the citizens of Red Bank and the Borough Staff for coming out to honor Chief McCarthy. He said the Borough lost a good friend and an excellent Chief. On behalf of Chief McCarthy's wife and children, he said he wanted to thank everyone for their support.

Councilman DuPont thanked the Police Department for the fabulous job they did to honor the Chief. He commended Captain Darren McConnell for the fabulous job he had done during difficult times. He also reported that he thought it was time to call JCP&L to task. He said since August he had been trying to get grants and/or information on how the Borough can reduce its utility charges which was one of the biggest expenses in the Borough. He said he knew that PSE&G was helping North Jersey communities to reduce their utilities. He said he wanted to ask the Borough Attorney to see the Borough could change from JCP&L to PSE&G and what the benefits and downfalls would be. He said he was aware that the Borough would have to go before the Board of Public Utilities. He said he learned during Hurricane Sandy that JCP&L's response time was dismal as was the ability to get through to them and their service in general. He said the JCP&L representative had told him that he had sent an email to the Borough Engineer on October 8 but he questioned that because he said the representative had been unable to confirm the email that it was sent to. He asked the Mayor to direct the Borough Attorney to look into making the change and said he would like to be a part of the discussions regarding the pros and cons. He said JCP&L was not responsive, not productive and did not serve the residents of Red Bank.

Mayor Menna said he agreed and noted that his opinion of JCP&L had not improved since the storm.

Councilman DuPont noted that they had had to go to JCP&L's office just to get them to talk to them during Hurricane Sandy.

Mayor Menna agreed.

Councilman DuPont noted that he had called them in August to discuss how to reduce utility expenses and their response was to send the Local Government Energy Audit which he said was no help. He said he had asked for specific ways to reduce and for information on obtaining grants for upgrading the Borough's lights.

Mayor Menna said he had also had sent a letter and receive a response that no such grants were available.

Councilman DuPont questioned that since PSE&G did have grants available.

Mayor Menna noted that JCP&L was now part of First Energy, a multi-million dollar conglomerate headquartered in the Midwest, and said he felt Red Bank was just a small speck in their corporate equation. He said he felt they should make an overture directly to PSE&G to find out if they have the ability to expand their service area to parts of Monmouth County.

Councilman DuPont said he believed they would have to petition the Board of Public Utilities.

Mayor Menna said he wanted to make sure that they had the ability to provide the service.

Councilman DuPont said he knew that they could because it was his understanding that some nearby communities had PSE&G as their utility. He again asked that the Attorney be instructed to look into it. He said he felt they had been dealing with JCP&L and First Energy for way too long. He said they were

unresponsive and unhelpful in reducing energy costs. He noted that Red Bank had been making efforts to be energy efficient and had one of the top Environmental Commissions in the State.

Councilman Murphy noted that reports were made to JCP&L/First Energy regarding light poles that were out and the response time was lax. He also noted that there were some poles in town that were in need of replacement and were accidents waiting to happen. He noted that some of these were in need of replacement since before the storm. He specifically cited a pole at Monmouth Street and Maple Avenue and said he and the Borough Administrator had seen JCP&L personnel looking at it and had mentioned their concerns. He agreed that response time was lacking and noted that the Borough was very fortunate to have Riverview Hospital which gave the area priority.

Mayor Menna asked Attorney O'Hern to look into the matter and said he and Councilman DuPont would report back on the matter.

Councilman DuPont also reported that New York City had gotten wi-fi access for all five Boroughs with minimal contribution from the City. He said he would like Red Bank to look into a similar program. He said he was aware the Councilwoman Horgan had been looking into it.

Councilwoman Horgan said she had been working with Chief McCarthy to look into the matter for Police purposes and possibly, by extension, the rest of the town. Unfortunately, she continued, due to his illness they had not followed up but said that she would continue the process.

Councilman DuPont suggested that the Borough's IT Coordinator, Vince Light, could assist with the project.

Mayor Menna said he wanted to remind him that the Council had passed a resolution on September 11, 2013 to compel Verizon to fulfill its obligations to New Jersey taxpayers and the Board of Public Utilities to establish full high-speed internet productivity for all municipalities throughout the State. He noted that they had already started the process and it was something Verizon said it was going to do ten years ago. He said they still hadn't done it and the Board of Public Utilities had not taken action. He suggested the Borough should approach the State legislators and ask them to stop catering to their corporate campaign contributors and make sure they do something for the taxpayers.

Councilman Zipprich said Councilwoman Horgan's Education and Technology Committee had made great headway with Chief McCarthy's assistance as well as that of Engineer Ballard. He said he felt enough groundwork had been laid that he thought they could pick it up.

Councilman Murphy asked where in the process the project to get wi-fi through the town had been left off.

Councilwoman Horgan said he was focusing on the project for Police Department use.

Councilman Murphy said he had been talking to IT Coordinator Light and said he thought he could assist.

Councilwoman Horgan said he was on the ad hoc committee that was established to look into wi-fi options.

Councilman DuPont also reported on the Mayor's Wellness Community Walk and noted that Councilwomen Horgan and Lee had attended and collected art supplies for the Red Bank Boys and Girls Club. He said the walk had had 100 participants. He thanked all who participated including the Committee members. He also noted that it was the final event for Health Officer Sandra Van Sant who was retiring from the Monmouth County Regional Health Commission. He also thanked those who donated to the event. He said the highlight of the event was awarding of two bikes, one of which went to a child who had recently had a heart transplant.

Councilwoman Lewis arrived at 6:52 pm.

Councilman Zipprich said he wanted to remind the Councilmembers that the Engineer's report had been distributed and thanked Engineer Ballard for her for providing it.

Mayor Menna asked Councilwoman Lewis if she had anything to report.

Councilwoman Lewis said she did not.

Mayor Menna said they had all had a great time at the Community Walk. He said he agreed that the highlight of the day was to have the privilege to walk with a young man who had endured so many challenges. He said seeing the joy on his face as he walked and how he beamed when his name was called as he won the bike made the day. The Mayor noted that a lot had been said about the Chief and said it had been a difficult time and the Borough was still in a period of mourning. He said the Police Department was very appreciative of all that had been done. He said the Council, after the period of mourning, would make an official report back regarding an appropriate commemoration of the life of the Chief. He noted that a token representation had been set up in the Borough Hall lobby. He said he appreciated everyone's sympathy and support during a difficult time.

He noted that the Borough had been dealing with another issue regarding one of the Borough's Alcoholic Beverage Control (ABC) licensees, Chubby's Waterside Café, trading as Fixx. He said he wanted to inform the Council that, as a result of two public incidents, separate administrative ABC charges had been

filed and a hearing by the Mayor and Council was scheduled to be held on November 16, 2013 at 6:30 pm. He said companion complaints would be filed regarding Fire Code violations that would carry a penalty of \$33,000. He said, because the issue concerned legal matters and charges had been filed, he urged the members of Council to not address the issue since they would be hearing the case. He said any comments should go through the Borough Attorney.

Councilman Zipprich said he also wanted to mention the passing of the Reverend Northington. Mayor Menna noted that he would be speaking at his memorial service the following Saturday at Calvary Baptist Church.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from Visiting Nurse Association to hang a banner on Shrewsbury Avenue from November 15-December 6, 2013 to advertise their Holiday House Tour.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from Learning Tree Preschool to hang a banner on Broad Street from January 3, 2014 to January 27, 2014 to advertise their annual open house.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from Tyler Poyner for membership to the Westside Hose Company of the Red Bank Volunteer Fire Department and from Andrew Siciliano for membership to the First Aid and Rescue Squad of the Red Bank Volunteer Fire Department.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from RiverCenter for free parking from December 12 to December 25, 2013 for holiday shopping.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

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

Stephen Hecht—135 Branch Avenue—asked about Ordinance 2013-24 regarding the revaluation. Mayor Menna said he would be explaining the ordinance when it was considered for introduction and Mr. Hecht would be welcome to ask questions. Mr. Hecht also asked if the request for free parking covered just the lots or the whole Borough. Councilman Murphy said it covered the downtown district.

Councilwoman Horgan asked RiverCenter Director James Scavone to encourage business owners to stay open late.

Suzanne Viscome—23 Arthur Place—asked about Ordinance 2013-22 regarding compensation of certain offices. She questioned the low end of the scale for part-time employees and noted that the Council would also be considering a resolution calling for an increase in the minimum wage.

Mayor Menna said it was a good question and explained that those wages were set by a collective bargaining agreement which would be expiring at the end of this year.

Ms. Viscomi asked if the law to raise the minimum wage succeeded, would that supersede the union agreement.

Mayor Menna said the law would prompt a change to the contract. He added that he did not believe there was anyone at the Borough employed at the minimum rate.

Ms. Viscomi said she was concerned about the additional expense to taxpayers should the law be passed and wages increased.

Mayor Menna repeated that he did not believe there were any employees at the low end of the range.

ORDINANCES – First Reading

2013-22 Mayor Menna read, “An Ordinance Fixing Compensation of Certain Offices, Positions and Employees of the Borough of Red Bank for the Years 2012-2013.”

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

Councilwoman Lee asked if it would be possible to separate only those employees that were statutorily mandated to receive an increase.

Mayor Menna said they could and also noted that this ordinance was only on for introduction. He said they could consider the matter as two separate ordinances at the time of public hearing because they would not be adding any positions to it.

Attorney O’Hern agreed.

Mayor Menna further explained the options they would have at the time of the Public Hearing that would not require readvertising.

Councilman Zipprich asked for clarification as to whether they could separate the matter into two Ordinances.

Mayor Menna said they could that at the Public Hearing as long as they were not adding new positions.

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 November 6, 2013.

2013-23 Mayor Menna read, “An Ordinance Amending and Supplementing Chapter XII “Open Housing Practices; Rent Control; Protected Tenancy,” Sections 12-2.4c “Appeal by Landlord”; 12-5 “Rent Leveling Board Established”; and 12-2.7 “Appeal” of the Revised General Ordinances of the Borough of Red Bank.”

Councilwoman Horgan 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 November 6, 2013.

2013-24 Mayor Menna read, “An Ordinance Authorizing a Special Emergency Appropriation Pursuant to N.J.S.A. 40A:4-53(B) to Fund the Costs Associated with the Execution of a Program of Revaluation of Real Property for the Borough of Red Bank, County of Monmouth, New Jersey.”

Mayor Menna explained that the last official revaluation had been done in 2002 and there had been a limited review in 2008. He said they had recently received a letter from the Monmouth County Tax Administrator ordering a revaluation. He said one reason for the order was that the ratio was beyond the acceptable level of ratio adjustment for tax appeals. He noted that revaluations were very expensive but had to be done by law so the cost was to be spread over time. He also noted that the County had enacted a five year reanalysis of property values that only applied to municipalities that were within the ratio. He said, while revaluations were expensive, there were only a limited number of companies that were equipped to perform them. He said it would be a long process but, based on the tax appeals the Borough had had, the local Assessor was also recommending the revaluation. He said the assessments were difficult to enforce because they were high due to the fact that the market had taken an adjustment. He said the Borough was spending a large amount of money every year to defend both commercial and residential appeals. He reviewed the number of appeals in 2013 and the status of those appeals.

Councilman DuPont said this would essentially stop the bleeding and noted that it was not just the professional fees but also the refunds and credits. He said if one weighed the cost of the revaluation, which had been ordered, against the refunds and credits, it would actually help the Borough.

Mayor Menna noted that they had been discussing the matter since the beginning of the year and the letter from the Tax Board basically reinforces the Finance Committee's discussions. He said the Ordinance being considered would supply the funding mechanism for the revaluation.

Councilman Zipprich said he, Councilwoman Lewis and Councilman DuPont had discussed the matter over the last couple of years and the impact that it would have on the Borough and what benefits Red Bank residents would see.

Mayor Menna said the biggest benefit would be for those residents who had not appealed their taxes whose evaluations were probably still high and anticipated they would see a reduction to the fair value for 2014 as opposed to the fair value of 2007. He said he thought this would reduce the number of tax appeals the Borough received.

Councilman DuPont also noted that the County had instituted a new program that could eliminate the need for future revaluations. He said the program would call for the reassessment of 20 percent of the town each year so that every five years the town would be completely reassessed. He said that would also eliminate the need for Special Emergency Appropriations such as the one being considered.

Borough Attorney O'Hern said another advantage of the program was that they were pushing up the deadline to file an appeal. Currently, he continued, when an appeal was granted, the Municipality had to issue credits and refunds after its budget had already been set. He added that the portion of the taxes that had already been forwarded to the County and the School District did not get refunded to the town. He said the earlier deadline would bring order to the financing aspect.

Councilman DuPont said that would be a big benefit for the town.

CFO Lapp clarified that the appeals will now have to be filed by January 15 and when the Borough strikes its tax rate, they will be using the property values that would already include any reductions.

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

Public hearing and final adoption to be held November 6, 2013.

2013-25 Mayor Menna read, "An Ordinance of the Borough of Red Bank, County of Monmouth, New Jersey Amending and Supplementing Chapter XXII, Flood Hazard Prevention."

Councilwoman Lee offered a motion to adopt the ordinance on first reading, 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.

Public hearing and final adoption to be held November 6, 2013.

ORDINANCES – Public Hearing & Final Adoption

2013-21 Mayor Menna read, "An Ordinance of the Borough of Red Bank, County of Monmouth, New Jersey Amending and Supplementing Chapter V, "Animal Control" Adding New Section 5-5, "Feral Cats."

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 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 offered a motion to adopt the ordinance on final 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.

RESOLUTIONS

13-216 Mayor Menna read, "A Resolution in Support of a Constitutional Amendment to Increase the New Jersey Minimum Wage."

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.

13-217 Mayor Menna read, "A Resolution Authorizing Temporary Use of Block 39, Lot 32 as Construction Office for Wet Front Street Bridge Reconstruction Project."

Mayor Menna said this was being done at the request of Monmouth County.

Councilman Murphy 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.

13-218 Mayor Menna read, "A Resolution Authorizing the Execution of Licensing Agreement between the Borough of Red Bank and the Community YMCA."

Mayor Menna explained that this resolution would permit the YMCA to build a playground on a portion of their property that adjoins Pearl Street. He added that that area had been set aside as a "paper street" and said the YMCA would be required to remove the improvements at their expense if the Borough decided to go forward with the extension of the street.

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: DuPont

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

13-219 Mayor Menna read, "A Resolution Awarding Bid for Aluminum Bleacher for Count Basie Field."

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 were declared approved.

13-220 Mayor Menna read, "A Resolution Granting Kleinfelder East Inc.'s Request to Conduct Borings and Install a Temporary Monitoring Device on Behalf of Exxon Mobil at 369 Shrewsbury Avenue."

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

Mayor Menna explained that the resolution would authorize the excavation of the property as part of the remediation process as directed by the Department of Environmental Protection. He said, even though it was private property, they were seeking the Borough's permission.

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

ABSTAIN: Zipprich, Lee

There being four ayes, no nays and two abstentions, the motion were declared approved.

13-221 Mayor Menna read, "A Resolution Authorizing Release of Maintenance Guarantee Regarding the Pilgrim Baptist Church, 172 Shrewsbury Avenue, Block 67, Lots 20, 21.01, 23.04, 25 and 25.01."

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 were declared approved.

13-222 Mayor Menna read, "A Resolution Requesting that the Legislature Vote to Override the Governor's Veto of a Bill to Establish Animal Cruelty Offense of Cruel Confinement of Gestating Pigs."

Mayor Menna explained that the Red Bank Governing Body was committed to animal protection issues. He said the bill, which had been overwhelmingly approved by the State Legislature and vetoed by Governor Christie, would ban the procedure of pig crating which was a system used in pig farms where a piglet was kept in a confined space.

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 were declared approved.

13-223 Mayor Menna read, "A Resolution Acknowledging Receipt of Best Practices Inventory as Prepared by the Chief Financial Officer."

Councilman DuPont noted the Borough had recently received record low interest rates on its recent bond sale which he said reflected on CFO Lapp and good fiscal management.

Councilman Zipprich also thanked CFO Lapp for a job well done and said he was pleased with the number of items the Borough was in compliance with.

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 were declared approved.

13-224 Mayor Menna read, "A Resolution Authorizing Change Order No. 5 and Final Related to the Contract for Count Basie Park Phase 3 Improvements."

Councilwoman Lewis 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 were declared approved.

13-225 Mayor Menna read, "A Resolution Authorizing Change Order No. 3 Related to the Contract with Sakoutis Builders & Land Developers, LLC for the Count Basie Phase 3 Improvements Project."

Councilman Murphy 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 were declared approved.

13-226 Mayor Menna read, "A Resolution Authorizing Refunds Due to Overpayment of Taxes Due to Judgments of the Tax Court of New Jersey."

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 were declared approved.

13-227 Mayor Menna read, "A Resolution Accepting Bid from and Awarding Contract to Layne Christensen, Inc. for the Routine Well and Booster Pump Inspection and Maintenance and Emergency Repair Services Contract for Water Treatment Plants, Wells and Pumping Equipment."

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 were declared approved.

13-228 Mayor Menna read, "A Resolution Requesting Special Item of Revenue – New Jersey Clean Communities."

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 were declared approved.

13-229 Mayor Menna read, "A Resolution Requesting Special Item of Revenue – New Jersey Drunk Driving Enforcement Fund (Municipal Court)."

Councilman Murphy 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 were declared approved.

13-230 Mayor Menna read, "A Resolution Requesting Special Item of Revenue – New Jersey Drunk Driving Enforcement Fund (Police)."

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

ROLL CALL:

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

NAYS: None

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

PROCLAMATIONS

Mayor Menna read a proclamation proclaiming October 6-12, 2013 as Fire Prevention Week in the Borough of Red Bank.

PAYMENT OF VOUCHERS

13-231 Mayor Menna read "A Resolution for Payment of Bills Amounting to \$8,569,024.66."

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.

OLD BUSINESS

Councilman Zipprich noted that he had forwarded information to the Councilmembers a few weeks prior regarding Professional Labor Agreements. He said he knew that Mayor Menna and Councilman DuPont had reached out to County Officials and wanted to report that PLA were used on certain County Public Works projects. He asked everyone to review the materials he had forwarded so the matter could be revisited under Workshop.

NEW BUSINESS

AUDIENCE

Suzanne Viscomi—23 Arthur Place—asked about the Electric Car station and asked who had funded the installation, would be paying for electricity being used and who would be maintaining the station.

Councilman Zipprich said the conduit had been run when the improvements were being made to the street.

Councilman Murphy added that it had been part of a grant received for the improvements.

Engineer Ballard explained that it was part of a Centers of Place grant and also included street lighting.

Ms. Viscomi asked who would be paying for the electricity being used.

Mayor Menna said the user would pay a fee to the Borough of Red Bank with the amount to be determined.

Ms. Viscomi noted that the Public Hearing on Ordinance 2013-22, to increase the wages of certain employees, would be held the day after the election when it would be too late for the Officials who were running for office to answer questions from their constituents.

Mayor Menna noted that they had to allow time for some of the Ordinances to be referred to other Boards for review so they were all placed for Public Hearing for the same night. He added that any tax payer or resident could ask a Councilperson or their opponent a question regarding their position at any time.

Stephen Hecht—135 Branch Avenue—asked for more information on the ration that had been mentioned during the revaluation discussion. He asked if the threshold for being inside the ratio or being outside the ratio was based on the total number of appeals or the number of successful appeals.

Mayor Menna said it was based on the sales datum for properties that had been successfully sold that was reported to the County and to the local Assessor at the end of any given year.

Attorney O'Hern agreed adding that it had nothing to do with appeals but had to do with the assessed value in comparison to the data the Mayor had mentioned.

Mr. Hecht asked if that meant housing were selling too high or being assessed too low.

Attorney O'Hern said properties were selling below their assessed value.

Mayor Menna noted that the last assessment was done several years ago which was why it was beyond the ration.

Councilman DuPont added that that was why the Borough had to give out refunds or credits.

Mr. Hecht asked if the County had required the revaluation.

Mayor Menna said the Council had seen the need for it based on the appeals but did not have the datum. He said the County confirmed the datum when they issued the order.

Mr. Hecht asked how other municipalities dealt with this issue.

Councilman DuPont said they handled it the same way by conducting either revaluations or reassessments. He again stressed the value of the County program that would that would allow the Tax Assessor to make adjustments.

Mr. Hecht said that would only be available if Red Bank qualified.

Attorney O'Hern said Red Bank would qualify because every Municipality in Monmouth County was in the program.

Mr. Hecht asked if the Red Bank Council had requested a revaluation, would they have been able to avoid the need for emergency funding.

Mayor Menna said they would not. He noted that he had been through two previous revaluations and it was an extraordinarily expensive process that was bonded for and spread out over time. He noted that New Jersey had a very fiscally conservative Governor and he had said, through the Division of Local Government Services, that the financially prudent way to fund a revaluation was to spread the payment over five years.

Mr. Hecht asked for a quick explanation of the difference between a revaluation and a reassessment.

Attorney O'Hern said a revaluation was basically a full blown appraisal of every property in town. He said a reassessment was a much more limited exercise where values were adjusted. He said the revaluation was a long complicated process that took several months and said property owners would be notified and given a chance to sit and review the findings.

Art Ziemanis—11 Grant Place—noted that he lived on Grant Place which intersected with Garfield. He distributed a photograph of the neighborhood. He explained that traffic had continued to build up and the neighborhood had become a cut through particularly during rush hour. He said traffic included commercial vehicles and tractor/trailers. He said he had recently learned that their neighbors on Rumson Place had recently petitioned Little Silver to close off that street which he said, if approved, would

increase the problem on Garfield and Grant. He asked what the Borough could do the help with the situation.

Mayor Menna said there were two issues. First, he said, the Borough does have the authority and the legal ability to impose a weight limit on certain streets. He said it then becomes an enforcement issue for the Police Department. Secondly, he continued, the residents of the Red Bank properties would have to meet as a neighborhood to discuss traffic flow and suggest a desired traffic configuration. He said the Police Department Traffic Safety Division would look at it and the Council would be very receptive.

Councilman Murphy agreed that the streets should be added to those with weight limits.

Mayor Menna said they would look at that but said he also thought the residents should meet.

Tony Busch—38 W. Front Street—said he wanted to talk about incidents that had occurred at the local business known as Fixx.

Mayor Menna asked Mr. Busch if he had been present at the beginning of the meeting where the issue had been discussed.

Mr. Busch said he had not.

Mayor Menna said he had advised the public that the Council was aware of the situation and that both he and the Police Commissioner along a number of other Departments had spent the previous two days reviewing the issue and formulating a response. He said he had also advised the public that two charges had been filed and served upon the owner of Chubby's Waterside Café in regard to ABC violations on 10/26/2013 and 9/22/2013. He added that the charges would be heard by the Mayor and Council on November 13, 2013 at 6:30 pm. In addition, he noted, they were being served the next day with fire code violations that carried penalties of \$33,000. He said, since the Governing Body would be serving as a jury on the matter, they would not be able to make any statements. He said any comment would have to come from the Borough Attorney.

Mr. Busch asked what could be done in the interim.

Mayor Menna said they had done what they could legally. He also said he could assure residents that the Police Department and Fire Marshal's Office would be monitoring the situation with a high degree of sensitivity.

Councilman Murphy told Mr. Busch that what was being done was the speediest course they could take under the law.

Mayor Menna agreed and complimented the various Departments involved.

Mr. Busch expressed his frustration with the situation.

Attorney O'Hern cautioned that the Governing Body would be sitting as the jury and should not comment. He said there would be a hearing on November 13 and people would be able to comment at that time.

Mr. Busch compared the situation to a terrorist attack that was getting worse by the day.

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

ROLL CALL:

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

NAYS: None

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

EXECUTIVE SESSION

ADJOURNMENT

Councilman DuPont offered a motion to adjourn the meeting, 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.

Respectfully submitted,

Pamela Borghi