

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

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Councilwoman Lewis.

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

Presentation by the Navesink Garden Club—Random Sightings of Beauty

Bernadette Kelly, Chair of the Random Sightings of Beauty Committee of the Navesink Garden Club, announced the winners for 2013 and presented certificates to those winners that were present. Recipients were: Dave Giuliano and Doug Standley, 81 Hope Rd, Tinton Falls; Astrid Dixon, 25 Barberry Drive, Ocean; Robert Clark, 51 Irving Place, Red Bank and Dawn and Mark Wilcox, 19 Carlyle Terrace, Little Silver.

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

RiverCenter Holiday Tree request—James Scavone, Executive Director of RiverCenter, appeared to request that the Council consider the organization’s request to place the annual holiday tree at Riverside Gardens Park. He explained the difficulties they had encountered with other locations and introduced Jim Bruno of Powerhouse Signs to explain the new proposal in more detail. Mr. Bruno explained that the tree would be placed just behind the arch and outlined the permanent modification that would have to be done to the paved area of the park. He said Bobby Holiday of the Public Works Department had worked up a design that would call for opening a hole to install the tree and placing a brass cap over the area during the off season. He noted the cap could bear the Borough seal.

Mayor Menna asked if there would be a permanent hole in the park.

Mr. Bruno said there would be but again noted that a 12 to 14 inch cap would be made that could include a design such as the Borough Seal or Parks and Recreation logo.

Mayor Menna asked who would bear the cost of renovations. Mr. Scavone said RiverCenter would cover the total expense.

Mayor Menna asked if they had considered having the tree at the municipal building. He noted that many other towns have their trees at the municipal buildings and asked them to consider making the investment there.

Councilman Murphy noted that there were plans in the works to make improvements to front of Borough

Hall in coordination with the Count Basie Theater. He also noted that the ice boat was no longer placed in Riverside Gardens Park for the holidays. He said he felt Front Street would be a better location and noted that RiverCenter was willing to cover the cost. He said he wasn't concerned about cutting the slab because it could be repaired fairly easily. He said if RiverCenter was willing to take the responsibility and bear the cost, he thought they should consider it. He added that it would provide additional space for pedestrians and said it was more viable for viewing.

Engineer Ballard noted that there had been storm damage in Riverside Gardens and the work to repair was planned for the upcoming winter with Public Works staff slated to do the work. She said they were planning on closing the park for part of the season to accommodate the repairs. She suggested it would be better to move the tree to that location next year.

Councilman Murphy said he understood that Public Works Director Gary Watson was on board with the plan.

Mr. Bruno confirmed that he was and said Mr. Watson had not mentioned the closure.

Councilman Murphy asked if there was an official closing date for the park.

Engineer Ballard said the plans to repair had been discussed at a recent meeting.

Councilman Murphy suggested the park could be closed as of January 15.

Mayor Menna agreed.

Councilman Zipprich asked if the work would have to be done weather/temperature permitting.

Engineer Ballard said the work could not be done during freezing temperatures and they wanted to start work.

Councilwoman Lee expressed her concern that Director Watson and Public Works Liaison Zipprich may not be fully aware of the details.

Administrator Sickels said this was the first that they had gotten details on the project. A discussion followed regarding the particulars of the design for how the tree would be installed.

Councilman Murphy and Mayor Menna agreed that it should be a fairly simple project. Mayor Menna said he was concerned that Public Works employees were having discussions with RiverCenter that the Committee Chair and Engineer were unaware of. He said the gap in communication was disturbing.

Councilman DuPont said he was in favor of the move and said he personally thought that was where it always should have been. He suggested either postponing the repairs or doing them at the same time as the modifications for the tree.

Councilwoman Horgan agreed that it would be a nice place for the tree.

Councilman Murphy said he would like a drawing of the plan to be submitted to Mr. Sickels for review by the following Tuesday.

Mr. Sickels said if the consensus of the Council was to move forward with the plan, he would work to make it happen.

Councilwoman Lee asked that Councilwoman Lewis, who serves as Chair of the Parks and Recreation Committee, be kept in the loop.

Councilman Zipprich said they would ask Mr. Watson to provide information on the schedule for the repairs to the park so they could make the appropriate accommodations.

APPROVAL OF MINUTES – October 23, 2013

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

ROLL CALL:

AYES: DuPont, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: Zipprich

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

MAYORAL APPOINTMENTS

None.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Murphy reported that the Liberty Hose Company had sent a letter to notify him that their Company would be moving to the First Aid Building. He noted that their existing building was in need of repairs and there had been ongoing talks about consolidating firehouses. He said the move would take place on November 14 and was just one of several moves that would be happening. He said, once the building becomes vacant, the Borough can decide how to proceed. He thanked the Fire Committee for being patient and letting the Fire Companies work it out. He also thanked the First Aid Squad for their

participation. He noted the long standing traditions in the Fire Department and commended those that volunteer.

Mayor Menna said, on behalf of the entire Council, he wanted to thank Fire Commissioner Murphy for his extraordinary effort along with that of the Fire Chiefs and former Fire Chiefs. He also thanked Liberty Hose Company and the First Aid Squad for their efforts and complimented them on their maturity. He noted that meetings had been going on for several months and also commended the other companies that were working on consolidation plans. He noted the moves would result in a savings for taxpayers. He also pointed out that, while the volunteers were all members of individual companies, they were all part of one Red Bank Volunteer Fire Department. He also stated that it could not have been done without the attention of Fire Commissioner Murphy and the tremendous knowledge of Mr. Sickels.

Councilman Murphy said the Borough was blessed with having the three current Chiefs. He agreed that Mr. Sickels had a lot of knowledge and, while he was always in the background, the idea behind the moves was to take the time to let the Fire Companies work it out. He thanked Mr. Sickels for stepping back and letting them do what they had to do. He also noted that MONOC had been assisting with First Aid calls from 6am to 6pm which had worked out very well and was an arrangement that would continue. He commended First Aid Captain Diana DeFazio and Fire Chief Doremus for spearheading that effort.

Councilman Murphy also reported that the Borough had received a FEMA grant for \$100,000 to be used toward purchasing a generator for the Senior Center. He said he felt all of the Firehouses should have generators because they found that, during the storms, residents went to their neighborhood Firehouse for relief.

Finally, he reported that the Chief Election would be held on the first Tuesday in December with a celebration to follow at the incoming Chief's firehouse which was Westside Hose Company.

Mayor Menna said the grant would not have come without the extraordinary work, dedication and intelligence of Emergency Management Coordinator Tom Welsh. Councilman Murphy agreed and commended Mr. Welsh on the great job in had done in Emergency Management and told Mayor Menna it had been a great selection.

Councilwoman Lee had no report.

Councilwoman Horgan had no report.

Councilman Zipprich had no report.

Councilman DuPont reported that the Finance Committee had been watching the discussions on the Firehouse mergers because it would save the Borough money. He said it should not be thought of as leaving a tradition but beginning a new one. He also commended the efforts of Commissioner Murphy for attending all of the meetings and acknowledged that some of them had been difficult. He commended the Firefighters for their efforts.

Councilman DuPont also reported that they had met with JCP&L to discuss the Borough's displeasure with the customer service that Red Bank had received. He noted that the Mayor had also attended the meeting and said he had felt it was evident that JCP&L had taken the Borough for granted. He said he did not realize until the meeting that there had not been a capital improvement to the Borough's infrastructure from JCP&L in almost 30 years. He said they spoke about the Borough's need, grant possibilities and environmental issues. He said the objective of the meeting was to find ways to reduce utility costs which was about two percent of the total budget. He said he hoped to hear back in about two weeks regarding an investment in the Borough infrastructure and a PILOT program involving environmentally safe lights. He said they had also said they would help with lighting in various areas including the train station, Broad Street and Shrewsbury Avenue. He said he did not know if anything would come to fruition but noted that promises were made.

Mayor Menna thanked Councilman DuPont for his efforts. He said he had received a subsequent phone call from the president of JCP&L and noted that a meeting was scheduled for the following week to follow up on some of the issues mentioned and also to discuss the possibility of Red Bank being an experimental zone for some new initiatives.

Councilwoman Horgan said the Environmental Commission would be very interested in being informed about proposed initiatives.

Councilman DuPont noted that the purpose of the meeting was to reduce utility expenses but also to be at the forefront of some environmental projects. He asked Councilwoman Horgan if there was any information from the Environmental Commission regarding composting.

Councilwoman Horgan said the Committee was looking into it.

Councilman DuPont also reported that the Finance Committee had been looking into outsourcing trash collection and Public Works Director Watson was preparing numbers. He also said that Department Heads had been sent information for their 2014 budget requests.

Mayor Menna noted that the Borough had received requests from Borough livery holders to ask the Council to review the taxi ordinance and consider a rate increase. He said he thought the review should

be comprehensive and should include an outright ban of any smoking by passengers and/or drivers in any taxicab. He noted that those prohibitions should be posted on the taxi as well as a laminated posting of the rates in two languages in every cab that services Red Bank. He said it should also include a ban on idling at the train station. He said he would not sign off on a rate request unless every single page was reviewed.

Councilman DuPont agreed noting the dangers of second hand smoke. He said he also wanted to revisit the issue of banning smoking in the Borough Parks. He also asked the Environmental Commission to consider the issue noting the amount of tobacco waste in the parks.

Mayor Menna said he believed there was a sign in at least one of the parks that stated smoking was prohibited but he wasn't sure if it was by ordinance.

Councilman DuPont suggested the Council consider an ordinance to make sure the policy was followed throughout all of the Borough's parks.

Councilwoman said the Environmental Commission would be meeting the following Tuesday.

COMMUNICATIONS AND PETITIONS

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 Murphy offered a motion to close the public comment portion of the meeting, seconded by Councilwoman Lee.

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

RESOLUTIONS

By Consent Agenda:

- 13-240 A Resolution Authorizing Change Order No. 1 Related to the Contract with Precise Construction, Inc. for Drs. James Parker Blvd. Pump Station Replacement Project.
- 13-241 A Resolution Authorizing Refunds of Unused Tax Sale Deposits.
- 13-242 A Resolution Authorizing a Transfer Due to Incorrectly Identified Payment of Taxes or Utility.
- 13-243 A Resolution Authorizing Refunds Due to Overpayment of Taxes Due to Judgments of the Tax Court of New Jersey.
- 13-244 A Resolution Authorizing Refunds due to Overpayment of Taxes or Utility for Various Reasons.
- 13-245 A Resolution Determining Final Completion of the Count Basie Phase III Improvement Project.
- 13-246 A Resolution Authorizing the Administrator to Make Application to the State of New Jersey Department of Environmental Protection State Forestry Services for 2013 CSIP Grant.
- 13-247 A Resolution Approving the Hiring of Arlene Slade as Temporary Part Time Library Assistant.
- 13-248 A Resolution Authorizing the Administrator to Advertise and Receive Proposals for a Contract for a Property Tax Revaluation of the Borough of Red Bank.
- 13-249 Monmouth County Board of Chosen Freeholders Open Space Trust Fund Enabling Resolution for Marine Park Restroom Relocation and Various Sandy Related Improvements.
- 13-250 A Resolution Granting Envirotactics Request to Conduct Borings and Install a Temporary Monitoring Well Points on Behalf of Globe Petroleum at 9 Central Avenue.

Councilman DuPont offered a motion to approve the resolutions, 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 noted that there was a need to discuss some personnel issues before the ordinances could be acted upon and called for an Executive Session.

EXECUTIVE SESSION

- 13-252 Mayor Menna read a resolution to adjourn to executive session to discuss personnel; formal action to be taken.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Councilman Zipprich offered a motion to close executive session, 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.

ROLL CALL

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

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

ABSENT: Councilwoman Lewis.

ORDINANCES – First Reading

None.

ORDINANCES – Public Hearing and Final Adoption

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."

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

Suzanne Viscomi—19 Morford Place—asked about the raise for Mayor and Council members.

Mayor Menna clarified that there would be an amendment to the ordinance to reflect no increase for the Mayor and Council members.

Ms. Viscomi commended the Governing Body for not taking the increase.

Mayor Menna also noted that the salary for the Borough Magistrate would remain unchanged as would the Secretary positions to the various Boards and/or Committees and that of the licensed water operator.

Ms. Viscomi asked if an incoming Council member would have to take the reduced salary or if they would be entitled to the increase.

Mayor Menna said the ordinance would freeze the salary at the old rate.

Ms. Viscomi again commended them for not taking the salary increase.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

2013-23 Mayor Menna read, "An Ordinance Amending and Supplementing Chapter XII "Open Housing Practices; Rent Control; Protected Tenancy", Sections: 12-2.4 c. "Appeal by Landlord"; 12-2.5 "Rent Leveling Board Established; and 12-2.7 "Appeal", of the Revised General Ordinances of the Borough of Red Bank."

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: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

2013-25 Mayor Menna read, "An Ordinance Amending and Supplementing Chapter XXII, Flood Hazard Prevention."

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: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Councilman DuPont excused himself at 8:17 pm.

PROCLAMATIONS

Mayor Menna read a proclamation proclaiming November 2013 as Pancreatic Cancer Awareness Month in the Borough of Red Bank.

PAYMENT OF VOUCHERS

13-251 Mayor Menna read "A Resolution for Payment of Bills Amounting to \$4,989,472.85."

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

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

OLD BUSINESS

Mayor Menna said he had received a call from representatives from Purina, who along with Red Bank Veterinary Hospital had been the primary sponsors of the Dog Days of Summer event. He said they were making their projections for the coming year and had indicated they really enjoyed the event and would like to know if the event would be extended for 2014 for a greater length of time. He asked the Council for their thoughts on the event. The Council had no objection to the event. Mayor Menna said he would let Purina know they could move forward with their plans.

NEW BUSINESS

Councilman Zipprich thanked everyone for their well wishes for his recent marriage.

AUDIENCE

Cindy Burnham—71 Wallace Street—asked about the arrangement with MONOC for first aid calls. She asked who would pay for the call when a patient was picked up. She asked if was covered by the patient's insurance and asked what would happen if someone was uninsured.

Mayor Menna said the patient's insurance would pay for it and if the person was uninsured, there were State and Federal programs that could assist. He also said the Council was waiting for a final report on the arrangement with MONOC and said that report would be public information. He said so far there had been favorable reaction to the agreement.

Ms. Burnham said she just wanted to know if the Borough would have to pay for calls for uninsured patients.

Mayor Menna said the Borough would not be paying for them.

Ben Forrest—16 Locust Avenue—said he wanted to comment on his experience with MONOC. He said he had called 911 for his daughter and both Red Bank First Aid and MONOC had showed up. He said

they had received a substantial bill from MONOC that their insurance company had refused to pay. He said it was a very unpleasant experience and they had ultimately paid the bill themselves.

Suzanne Viscomi—19 Morford Place—asked about campaign signs and wanted to know if there was any prohibition against placing them on school grounds.

Mayor Menna said he was aware of an incident that occurred two days before the election. He noted the School Board attorney had called him for guidance but said he had respectfully declined because School Board property was under the jurisdiction of the School Board. He said, in addition to what transpired with the School Board, there had also been allegations of campaigning in the Municipal Building and Senior Center which were supposed to be off-limits for political activity. He said it had been commonly recognized by most individuals, both Republican and Democrat, who had been involved with political affairs in town but, this year, it had become an issue with a particular candidate. He said he had asked the Clerk to look to see if there was anything on the books even though it was common sense and it was found that there were no ordinances that specifically bar electioneering or campaigning on Municipal property. He said the Borough Attorney had been directed to revise the Municipal Code to make it clear that Municipal Property was a place for the public forum and not for political campaigning.

Councilwoman Horgan asked about electioneering at the polls.

Mayor Menna said that was completely different and covered by the Election Board.

Ms. Viscomi asked how the Borough would respond to someone who claimed it was within their first amendment rights.

Mayor Menna said the first amendment was not unlimited and said it stated that one could express their opinion within parameters. He said, if someone wanted to express their opinion on a sidewalk or in a public park, they would have every right to do so. He said the Municipal property should not be a place for partisan diatribe but should be a place for public discussion. He added that it should not be a place to campaign and give out leaflets or to approach municipal employees at their desk while they were trying to do their work. He also noted that School Board property was private property and said one could not go onto a playground to give out literature for children to take home to their parents.

Attorney O'Hern said he agreed with Mayor Menna's opinion that if one expressed their opinion in a public park it would not create a distraction unless it was a large gathering and said governmental agencies could even control that through "time, place and manner" regulations. He said, when individuals come into a Municipal Building, it is a distraction to the employees and can put unnecessary pressure on them. He said he thought it was appropriate for a Governing Body in a Municipality to put some restrictions in place.

ADJOURNMENT

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

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

Respectfully submitted,

Pamela Borghi