

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
DECEMBER 4, 2013  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

ABSENT: Council Members Lewis, Lee and Murphy and Chief Financial Officer Lapp.

Councilwoman Lee arrived at 6:45 p.m.

Councilwoman Lewis arrived at 6:50 p.m.

**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.

**WORKSHOP**

**Sandwich Board Signs**

Mayor Menna explained that Sandwich Board signs were not allowed in the Borough but said the Council had granted annual permission to allow them pursuant to guidelines that had been adopted and said those guidelines were supposed to be enforced by RiverCenter. He said if the Council chose to continue to allow them they would need to introduce an ordinance and hold a public hearing. He asked if there was any discussion from Council members.

Councilman Zipprich spoke in favor of continuing to allow the signs and said he felt they had been well received throughout the business community. He suggested they should push the expiration date beyond the traditional one year to a year and a half.

Mayor Menna said his only concern was that, in previous years, some Council members had been against the idea and said there was a problem with enforcement. He added that the Borough's Code Enforcement Office was inundated with other problems so there had been an agreement with RiverCenter that they would police their own businesses to make sure that the signs conformed to the approved standards. Unfortunately, he continued, there were glaring violations especially in the Front Street corridor. He said he believed they should extend it, but said they should remind RiverCenter that they needed to enforce the guidelines.

Margaret Mass of the Red Bank Visitor's Center and RiverCenter said they would keep on top of it.

Councilwoman Horgan asked what the time frame for the ordinance would be.

Mayor Menna explained that it would be added to this agenda and said there would be a public hearing on December 18. He also suggested that they eliminate the need to make changes by ordinance and add language to allow changes by resolution.

Councilman Zipprich suggested the expiration date should be June 30, 2015.

**APPROVAL OF MINUTES**

**MAYORAL APPOINTMENTS**

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilwoman Horgan reported that there was a resolution on the agenda that pledged the Borough would be taking steps toward sustainable land use. She said the Environmental Commission was in favor of the resolution and said it would help with the Sustainable Jersey program which could result in grant money. She said the resolution was also approved by the Planning Board.

Councilman Zipprich said he wanted to congratulate incoming Fire Chief Tommy Welsh and the members of the Red Bank Volunteer Fire Department. He said several members of the Council had attended a celebration following his election and he was proud to be a part of it. He also reported that there would be a presentation at the Library the following Thursday called "People Speak." He said it was being given in support of the "Save the T. Thomas Fortune House" project. He encouraged everyone to come out for the event and noted it would begin at 6:30 pm on December 12.

Councilman DuPont noted that Council Zipprich would be speaking at the event that would review the history and importance of the property. He also reported that Councilwoman Horgan had brought the composting discussion to the Environmental Commission. He said they had liked the program and wanted to have the County come in and do some training in the spring which would include composting machines for those that took the class. He said he felt the Environmental Commission recognized the value of composting and also the fact that it would help reduce the Borough's tipping fees at the landfill. He added that the Environmental Commission had done its homework and looked at programs in other towns where they had save between \$7,500 and \$10,000 in tipping fees through composting. He added that he thought the training from the County would help educate everyone in the benefits of composting while reducing the Borough's garbage collection. He also noted that, while attending a Council Meeting in another town, he had learned about urban green energy which was a system of wind turbines. He reviewed the program and its benefits and suggested Red Bank could look into implementing the program at Count Basie Field. He reported that JCP&L had not invested in the Borough's infrastructure since 1987 and said he had been told they were trying to rectify the situation but believed the Borough should look into alternative energy.

Mayor Menna asked him to distribute the information to the Council and said they would look at it after the first of the year.

Councilman DuPont also said he would like the Borough to institute a "Living Treasure" award to citizens that had contributed to the community. He asked the Mayor to set up a committee to come up with ideas in 2014.

Councilwoman Lee arrived at 6:45 p.m.

#### **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from St. Anthony's Church to have a street procession for the celebration of Our Lady of Guadalupe on Thursday, December 12, 2013 from approximately 7:00 p.m. to 7:45 p.m., approved by the Special Events Committee.

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

#### **ROLL CALL:**

AYES: Zipprich, DuPont, Horgan, Lee

NAYS: None

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

Mayor Menna read a request from Lunch Break to hang a banner on Shrewsbury Avenue from December 6, 2013 to January 31, 2013.

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

#### **ROLL CALL:**

AYES: Zipprich, DuPont, Horgan, Lee

NAYS: None

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

Mayor Menna read a request from Red Bank RiverCenter and Main Street New Jersey to apply removable decals on the sidewalk in the area of Monmouth Street and Maple Avenue between December 27, 2013 and January 6, 2014 to promote a NJ 350<sup>th</sup> pop-up store.

Councilman Zipprich confirmed that the event store would be promoting New Jersey's 350<sup>th</sup> Anniversary.

Councilman DuPont noted that this would be the first store of this type in the state and was proud that they had chosen Red Bank.

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

#### **ROLL CALL:**

AYES: Zipprich, DuPont, Horgan, Lee

NAYS: None

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

**PUBLIC COMMENT ON RESOLUTIONS ON THE AGENDA AND ORDINANCES ON THE AGENDA ON FIRST READING**

Mayor Menna opened the public comment portion of the meeting and asked if anyone would like to speak.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee

NAYS: None

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

**ORDINANCES – First Reading**

2013-28 Mayor Menna read, “An Ordinance of the Borough of Red Bank, County of Monmouth, New Jersey Amending Authorization of Sandwich Board Signs.”

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

Public hearing and final adoption to be held December 18, 2013.

**RESOLUTIONS**

13-265 Mayor Menna read, “A Resolution Authorizing Change Order No. 8 Related to the Contract with Meco, Inc. for the 2011 Road Improvement Program.”

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee

NAYS: None

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

13-266 Mayor Menna read, “A Resolution Authorizing Contracts with Certain Approved State Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40A:11-12a (Public Works Littler Lockers).”

Councilman DuPont offered a motion to approve the resolution, 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.

13-267 Mayor Menna read, “A Resolution Pledging to Take Steps Toward Sustainable Land Use.”

Councilwoman Horgan offered a motion to approve the resolution, 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.

13-268 Mayor Menna read, “A Resolution Regarding the 2014 Reorganization Meeting of the Governing Body.”

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee

NAYS: None

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

13-269 Mayor Menna read, "A Resolution Authorizing Shared Services Agreement between the Borough of Red Bank and the Township of Shrewsbury for the Shared Use of Municipal Court."

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee

NAYS: None

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

13-270 Mayor Menna read, "A Resolution Appointing Diane Lapp as Interim Chief Financial Officer."

Mayor Menna explained that Diane Lapp would be acting as the Borough's CFO until a replacement could be found for Colleen Lapp who was leaving the position. He noted Diane Lapp had a full time CFO position in another town and would be working at a rate of \$50 an hour.

Councilman DuPont said the Borough was currently taking resumes and looking to fill the position as soon as possible. He noted that Department Head would be submitting their budget requests shortly. Councilman DuPont offered a motion to approve the resolution, 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.

13-271 Mayor Menna read, "A Resolution Authorizing Transfer of 2013 Current Fund."

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee

NAYS: None

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

Mayor Menna asked Councilwoman Lee if she had a report since she had not been present during that portion of the meeting.

Councilwoman Lee said she had a report regarding the Parks and Recreation Department. She said the Westside Tree Lighting would be taking place on Saturday, December 7 at 4 pm. She also reported that the Department would be accepting applications for the Marine Park boat slip lottery starting January 2, 2014 and more information could be obtained by contacting the Parks and Recreation Department. She said the Department had worked hard to improve participation in its baseball/soft ball program and would be joining a five town effort to form the Two River Little League program and said residents could register on line or in person. She also reported that free basketball clinics for children in grades 5 through 8 were being held at the Middle School on Tuesday and Thursday evenings in December. She said pre-registration was not required.

## **PROCLAMATIONS**

### **PAYMENT OF VOUCHERS**

13-272 Mayor Menna read "A Resolution for Payment of Bills Amounting to \$3,209,439.32."

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee

NAYS: None

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

## **OLD BUSINESS**

## **NEW BUSINESS**

Councilwoman Lewis arrived at 6:50 p.m.

### **AUDIENCE**

Cindy Burnham—71 Wallace Street—said she was appearing to respectfully ask the Mayor to reschedule the Public Hearing currently scheduled for Monday, December 30<sup>th</sup>. She said it was a terrible time because most people were away and it was a holiday week.

Administrator Sickels clarified that it was a hearing to discuss the removal of the library and Maple Cove parking lots from the ROSI.

Ms. Burnham asked Mayor Menna to clarify because she had understood that he had said the Borough was seeking to remove the entire Maple Cove site from the list.

Mayor Menna said it would be part of the public hearing.

Ms. Burnham noted that Mr. Sickels had said they were only looking to remove the parking lot.

Mayor Menna said the parking lot would definitely be coming off.

Administrator Sickels explained the both parcels had been purchased for the purpose of providing parking for the library. He noted that that was what had been in the ordinance authorizing the purchase. He said that was the way it had been operated until they had gotten a letter from the DEP stating that they had to restrict parking solely for park use. He said that had been an unanticipated consequence of placing the properties on the ROSI. He added that it had not been the intent of the Council to restrict the parking for that purpose at the time they bought the property. He again noted that the hearing would be to discuss the removal of those lots from the ROSI with the main focus on eliminating the restriction on the parking.

Ms. Burnham said there had been permit parking signs at the location which would mean it was not public, but for permit parking.

Mr. Sickels explained that they used to issue permits to library employees.

Ms. Burnham said when she had requested that Mr. Watson show proof of some type of revenue from permits at that location, he had been unable to.

Mr. Sickels said the permits had probably been issued prior to Mr. Watson taking over the Department.

Mr. Sickels reviewed some of the documents the Borough had in support of the removal and said they would all be available at the Public Hearing and could currently be reviewed in the Clerk's Office.

Mayor Menna summarized by saying he believed her question was whether or not both lots would be included in the request and said he believed the answer was both lots were included but they will be clarified in regard to public use.

Councilwoman Horgan asked Ms. Burnham if she was going to be away on the 30<sup>th</sup>.

Mr. Sickels said the purposed of the hearing would be to discuss all four lots and the Council, based on the input from the public and the results of the hearing, would decide which ones they wanted to remove. He said they wanted to address all of the parcels because they were all covered in the ordinance authorizing the purchase and bonding.

Mr. Burnham asked for confirmation that they had bonded.

Mr. Sickels corrected himself and said the ordinance authorized the Borough to spend the money to purchase the property and said he wasn't sure if they had bonded.

Ms. Burnham said she had read that both properties were purchased for \$25,000.

Mayor Menna said, if that was the case, they probably had not bonded for it.

Ms. Burnham said the bottom line was she was requesting they move the public hearing until after the holidays.

Mayor Menna said he didn't have a problem with it but it was up to the Council.

Mr. Sickels noted that the Borough had had to publish notification of the hearing and purchase signs that were printed with the hearing date and it would be a waste of money to postpone. He also noted that 200 foot letters had been sent out.

Ms. Burnham noted that she had repeatedly asked about a date for the public hearing and gotten no answer and then suddenly, after the election, the public hearing was announced. She said she felt it was sneaky and didn't reflect well on the Council.

Councilman DuPont said the Ms. Burnham had failed to mention that the Borough had recently received a letter from the DEP asking about the hearing. He agreed that the issue had been going on for a long time and said the public could also attend the Council meeting where the matter would be voted on. He said he had heard no other objections to the date. He felt it should take place because the Borough had noticed it and the DEP had contacted them to ask about it. He noted that the Public Hearing would just be a chance for the public to voice their advocacy issues and the Council would still have to take action at a meeting where the public would have another chance to have discourse with the Mayor and Council. He added that in light of the fact that they had incurred expenses to notice the meeting he didn't see a down side to going forward. He also noted that Ms. Burnham had been pushing them to hold the hearing.

Ms. Burnham again stated that she felt it was a bad time for the hearing.

Mayor Menna asked Attorney O'Hern to confirm that removing the property from the ROSI would have to be done by ordinance.

Attorney O'Hern confirmed that it would.

Mayor Menna explained that December 30th would just be a preliminary hearing and no action would be taken. He said it was for the convenience of individuals that may want to give testimony. The committee that will hear the testimony will report back to the Mayor and Council in January. Based upon those minutes, the Mayor and Council would have to schedule an introduction of an ordinance and the public would be given an opportunity to speak at the introduction of that ordinance. He said there would then be a public hearing on the ordinance where the public would be given another opportunity to be heard.

Councilman DuPont added that, whether it was done by ordinance or resolution, there would be ample opportunity because he believed that everyone on the Council would demand that there be discourse. He said there would be another opportunity with public notice on the discourse. He said the December 30<sup>th</sup> hearing was just an opportunity for people to come and voice whatever advocacy issues they had.

Ms. Burnham said it was her understanding that minutes would be taken at the public hearing which would be transcribed verbatim and forwarded to the DEP with other exhibits.

Mayor Menna said the DEP would get minutes of whatever the proceedings were and the proceedings would not be complete until there was formal action by the Governing Body. He said the property got on the ROSI because of what the Borough had done and the Governing Body was the only party that could take it off.

Ms. Burnham said they Borough was seeking a ROSI amendment.

Mayor Menna said it did not make a difference; they would still have to conduct a Public Hearing.

Administrator Sickels said they would do what they had to do to follow the DEP requirements and again pointed out that December 30<sup>th</sup> would just be a Public Hearing and not an action meeting. He said the public can access the documents on line on the Borough's website or they could visit the Clerk's Office and see the hard copy. He said if someone was unable to make the hearing, they were welcome to come in and review the documents.

Ms. Burnham asked why Red Bank was so adamant that the ten-space lot used by boaters, kayakers and rower be public.

Mayor Menna said that had already been answered.

Attorney O'Hern said that would be the subject of the Public Hearing. He said the Governing Body will review the Public Hearing and make a decision.

Ms. Burnham asked for confirmation that they wanted to use the lot for the library.

Mr. Sickels said the impetus for this was that the DEP had sent a letter based on Ms. Burnham's stated complaint that parking should be restricted.

Ms. Burnham said that was a regulation.

Mr. Sickels said it was a rule that the Council had not been aware of. Once they were made aware of it, the lot had been restricted for one purpose but that had not been the intent of the Council. He said he was following the direction of the Council to do what needed to be done to remove the restriction. He said the Council had no problem with kayakers parking there but the Council didn't feel it should be restricted from others who wanted to use the lot including those who wanted to use the library.

Ms. Burnham said once the property was off of the ROSI it would be available for sale.

Mayor Menna said it would not be for sale and noted that the Council had said that before.

Administrator Sickels said the property had never been offered for sale and had never been considered to be offered for sale. He noted that a former Borough Attorney had presented the Council with a list of unbuilt-upon properties suggesting they should be offered for sale to adjoining property owners. He said he believed that Councilwoman Lee had been the first to speak against selling riverfront property. He again said it had never been for sale and had never been appraised for sale.

Ms. Burnham insisted it had been appraised.

Mr. Sickels insisted it had not.

Ms. Burnham said it would all come out in the Public Hearing. She said read an article that said Mayor Menna was looking to sell the unused property.

Mr. Sickels said the Council had disagreed.

Councilwoman Lee said the Council had voted down any potential sale. She said it had never been for sale and that was something she was adamant about. She said that and the Count Basie Learning Center had been discussed at the same time. She repeated that it had not been for sale. She added that people may want to buy it but it was not for sale.

Ms. Burnham said that while Councilwoman Lee was opposed to the sale, everyone else on the Council had been for it.

Councilwoman Horgan and Mayor Menna disagreed. Councilwoman Lewis said that was not true and asked her to stop spreading rumors.

Councilman Zipprich suggested Ms. Burnham should research the minutes of those meetings.

Ms. Burnham again asked the Council to reschedule the Public Hearing.

Attorney O'Hern noted that the Council had made their decision and the hearing would be held on December 30<sup>th</sup>.

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

Councilwoman Lee noted that she had given the Parks and Recreation report.

Councilwoman Lewis said she had nothing to add.

## **EXECUTIVE SESSION**

## **ADJOURNMENT**

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

## **ROLL CALL:**

AYES: Lewis, Zipprich, DuPont, Horgan, Lee

NAYS: None

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

Respectfully submitted,

Pamela Borghi