

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
DECEMBER 18, 2013
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Council Member Murphy and Interim Chief Financial Officer Lapp.

Councilman Murphy arrived at 6:38 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.

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee

NAYS: None

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

Presentation to Red Bank Veterinary Hospital

Mayor Menna said over the past year he had had the grace of getting to know the extraordinary men and women of the Red Bank Veterinary Hospital. He said they had become involved in Red Bank because the Borough had held an extraordinary event called Dog Days of Red Bank. He said the event was made possible through their generosity, vision and planning with very little effort on the Mayor and Council’s part including getting sponsors to pay for it. He said it resulted in bringing hundreds of people to the Borough’s streets, created more business for the merchants and created greater awareness of animals’ rights. He said he was pleased to announce that the event would continue next year in an expanded fashion. He again noted that the event would not have come about if it were not for the friendship and partnership of Red Bank Veterinary Hospital and its entire team.

Mayor Menna noted that the Hospital had recently celebrated its 25th Anniversary and the Council had wanted to acknowledge the facility’s staff, members and clients. He said they were presenting a proclamation as a small token of their appreciation.

Mayor Menna read the proclamation honoring Red Bank Veterinary Hospital and presented it to Dr. Anthony DeCarlo. He asked Dr. DeCarlo if he would like to say a few words.

Dr. DeCarlo thanked the Police Department and said they were the organization’s introduction to the public service and their charities. He spoke of the importance of giving back to the community and thanked the Council for the recognition.

Councilman Murphy arrived at 6:38 pm.

Appointment of Chief of Police and Probationary Police Officers

Police Commission Murphy thanked the Police Committee and candidates for taking time with the interviews. He announced that Captain Darren McConnell had been selected as the new Chief of Police. He reviewed Capt. McConnell’s career and accomplishments.

13-285 Mayor Menna read, “A Resolution Appointing Darren McConnell as Chief of Police.”

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 was declared approved.

Mayor Menna administered the oath of office to Darren McConnell.

Chief McConnell thanked the Mayor and Council, and particularly Commissioner Murphy, for the opportunity. He said he had served under five Chiefs and he had learned a lot from each of them especially Chief McCarthy. He also thanked the Council Borough employees who supported the Police Department over the last few months and said it had not gone unnoticed. He thanked the outside agencies and other Police Chiefs for attending and thanked them for their support.

Councilwoman Lee said the Police Department had made it extremely easy to be a Council person in the town. She said without their support, they could not do it. She thanked all of the officers and Police Chiefs in the room and congratulated Chief McConnell.

Councilman DuPont said he wanted to take the opportunity to say "welcome" and, more importantly, "thank you." He said over the past several months since Chief McCarthy's passing, then Captain McConnell and held himself with grace and professionalism. He added that that held true for all of the men and women of the Borough's Police Department. He said it was a tribute to Chief McConnell to see the number of individuals who had come out for his appointment. He wished him the best.

Councilwoman Horgan offered her congratulations and her thanks to all of the Police Department for how they handled themselves over the last few months. She said Mr. McConnell had done a great job and said he had attributed it to the people he had worked with. She congratulated the entire Department and especially Chief McConnell. She said she was looking forward to working with him.

Councilwoman Lewis said she wanted to congratulate him as well. She said the Police Department was part of the Borough's family and there was not greater testament to that than when they were all saying goodbye to Chief McCarthy. She praised the Department and said she was looking forward to working with Chief McConnell and wished him well on his new adventure.

Councilman Zipprich congratulated Chief McConnell and said it had been a pleasure to work with him over the years. He commended his professionalism and said it was amazing to see people from all over the county and from various branches of police work in attendance. He said that was a testament to Mr. McConnell.

Mayor Menna said his remarks were from the heart because they were all part of the same family. He thanked dignitaries who were present for their support of Red Bank's Department. He said he was extraordinarily touched that members of Chief McCarthy's family were in attendance and warmly welcomed them. He spoke Chief McCarthy and his love for the Department. He added that he felt Chief McCarthy would be pleased with their choice for his successor. He added that Chief McConnell would continue a tradition of decency, respect and professionalism. He also thanked him for agreeing to serve.

Mayor Menna noted that they were also appointing four probationary Police Officers.

Police Commissioner Murphy thanked the Mayor for his kind words and said they had been fortunate to have so many talented people on the police force that had stepped up to the plate when it was needed. He commended Captain Tom McDonough along with Darren McConnell and said they were instrumental in running the Department and thanked them both.

He reviewed the qualifications of each candidate being appointed as a Probationary Police Officer which included Sean Hauschmidt, Shane Dengel, Tanner Shea and Cevin Albert.

13-279 Mayor Menna read, "A Resolution Appointing Probationary Police Officers."

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 was declared approved.

Mayor Menna administered the oath of office to all four men en masse.

Councilman DuPont said he had not been aware the Chief McCarthy's family was in attendance until the Mayor had pointed it out and said he also wanted to acknowledge them. He noted that it had been less than 90 days since the Chief had passed and their presence demonstrated their love and devotion to Red Bank and their continued support of the Police Department.

Mayor Menna asked Richard Incremona, First Deputy Monmouth County Prosecutor, if he would like to comment. Mr. Incremona congratulated the Probationary Officers and the entire Fire and Police departments on how they had carried themselves in the past year with Superstorm Sandy. He congratulated Chief McConnell, said he did a great job and carried on a fine tradition.

Mayor Menna also recognized Councilman Anthony Talerico from Eatontown. Mr. Talerico said he was attending to support Tanner Shea and said Red Bank was getting a tremendous asset.

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

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

NAYS: None

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

WORKSHOP

APPROVAL OF MINUTES – November 25, 2013

Councilman Murphy offered a motion to approve the minutes, 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.

MAYORAL APPOINTMENTS

None.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Murphy had no report.

Councilwoman Lee had no report.

Councilwoman Horgan noted that this was Councilwoman Lee's last Council meeting. She said that they had worked hard together on the recent election and she was proud that they had run a clean campaign. She said they had become very close and she thanked her for her years of service. She said she knew Councilwoman Lee would continue to serve in other capacities. She said it had been a pleasure to work with her and she respected her perspective.

Councilwoman Lewis said she wanted to mirror Councilwoman Horgan's comments and said it had been a pleasure to have Councilwoman Lee as a mentor. She said her always wise and practical wisdom had come in handy many times. She also reported that the Parks and Recreation Department was holding the annual holiday home decorating contest and said the deadline to register was at noon on the following Friday.

Councilman Zipprich said he wanted to echo the sentiments of his colleagues and thanked Councilwoman Lee for all of her tutelage over the years. He said she had always kept the heart and soul of Red Bank in mind and reminded them that it was about their town. He said those words would echo in his mind as they moved forward into the new year. He thanked her for her service.

Councilman DuPont offered a humble appreciation for having the opportunity to get to know Councilwoman Lee. He noted that he had known her for a long time and had worked on her campaigns. He said it had been a privilege and an honor to share their views. He said he admired her devotion and commitment to Red Bank. He reviewed the Committees she had served on and said both the Committees and Red Bank were better for her service. He said she had concentrated on the protection of the Borough's neighborhoods and the creation of the parks. He thanked her on behalf of all those that use the parks. He also noted that she had never thought of it as east and west but had worked for the whole town.

Mayor Menna said the previous comments had made Councilwoman Lee's leaving seem dour. He said he wanted to focus on the fact that he had known Sharon Lee longer than any of them. He said whenever he says goodbye to her, he ends up saying hello a short time later. He reviewed the history of their friendship and her history in the Borough. He said when she had been called to serve, she immediately said she would be happy to serve and said she had served with grace, intelligence, sensitivity and passion. He thanked her for her friendship and for teaching him to be less judgmental and more reflective. He noted that their friendship did not stop and the dais and said it would continue.

Councilman Murphy said he wanted to echo the sentiments of the rest of the Council and said he admired the fact that Councilwoman Lee had always steadied the course and voted with her heart. He added that she never let pressure or criticism steer her off the path which he acknowledged was hard to do.

Councilwoman Lee thanked everyone for their comments and said she was a much better person for knowing each and every one of them. She said she had learned so much. She said it was sad to be leaving but she would enjoy sitting back and watching someone else figure things out. She said she enjoyed her time on the Council and told a story from her childhood about the meaning of home. She said she believe everyone on the Council understood that and that was why they served. She thanked everyone for the opportunity to serve.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from RiverCenter to install 18" x 36" temporary sign in Riverside Gardens Park to denote sponsorship of Holiday Tree.

Councilman DuPont offered a motion to approve the request, 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 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.

Suzanne Visconti—19 Morford Place—said she wanted to address Ordinance 2013-27 regarding Pay to Play. She said she felt Red Bank had been a leader in many different aspects. She cited the changes in the donation limits and said she felt that would weaken it. She said she didn't understand the reasons behind the change.

Mayor Menna explained that public disclosure would still be required no matter what the threshold was. He said the Borough Attorney would address some of the legal issues that had arisen. He noted that the County had adopted the State regulation which was uniform with a higher donation threshold but again stated that it was all reportable. He noted that other municipalities had also adopted the State regulation. He said noted that the Borough's ordinance had been adopted on a model ordinance that had come out of Belmar and said a similar ordinance had recently been challenged in court. He reviewed the some of the issues with the ordinance and noted that a judge had determined it was a violation of the first amendment and the right to privacy. He said the way the ordinance was currently written it must be amended and added that it was the consensus of the Council to make it uniform with the County and the State. He said he understood her frustration and questions but said, if they do nothing, it would be challenged.

Attorney O'Hern said the Mayor was correct and agreed that there were problems with the ordinance as it currently existed. He also noted that other municipalities, the County and the State had adopted uniform legislation. He said he had gone back and reviewed the relevant local finance notice. He also noted that when the State had adopted the Pay to Play law, the general consensus was that it would preempt all municipal Pay to Play ordinances but there was subsequent legislation that said municipalities could adopt their own ordinances. He pointed out the Governor Codey had issued a statement that said "When considering local policies, however, officials should consider the pertinent part of the Governor's Statement which states that 'while the law provides these local agencies with new authority, local policies must be consistent with the disclosure themes established by the Legislature'" and said he thought that was the intent of the Governing Body to try to create some consistency with the State because there were inconsistencies. He added that every elected official in Red Bank, or any municipality, was subject to both the local ordinance and the State which could sometimes be confusing and difficult to interpret. He said he also agreed with the Mayor that the State's system was set up better to provide transparency. He reviewed the details of each version.

Stephen Hecht—135 Branch Avenue—said he was sure there was legal precedent and arguments for making things consistent. He said he felt the truth was that they had diluted the ordinance. He said he understood the reasons to modify but urged them to do so without diluting the issues.

Cindy Burnham—71 Wallace Street—said she was concerned about the change and said she considered it a watering down of a successful law. She said she felt the law protected the tax payers and said it shouldn't be about making it easier but should be about integrity, honesty and ethics. She said the Mayor had noted that the Boards only had two elected officials but said both Zoning and Planning Board members were appointed by the Mayor and Council and could be influenced.

Mayor Menna said that would be illegal and criminal and said if she was aware of such a situation, she should turn it over to the Prosecutor's Office.

Ms. Burnham said her point was that she supported the Pay to Play ordinance the way it was.

Jennifer Barons—61 Oakland Street—said she was attending the meeting regarding the Ordinance on Pay to Play. She said she had been very proud of the initial ordinance and she wanted to voice her concern. She said she appreciated the explanation but said she would be extremely disappointed with the change. She said she liked that Red Bank held themselves to a higher standard.

Councilman Murphy asked when Red Bank's Pay to Play ordinance had been written.

Attorney O'Hern said he believed it was in 2005 with subsequent amendments.

Councilman Murphy asked when the State's had been written.

Attorney O’Hern said it had been done in 2006.

Councilman Murphy said he remembered when Senator Beck had been on the Council and they had gone through the process. He noted Red Bank had been one of the first to adopt it and agreed that it had come from Belmar. He said they had thought they were doing the right thing and they had thought the State and County would follow. He said the Council did not realize they would adopt less stringent standards. He said he had thought that Red Bank had always been squeaky clean. He said they had been pointed at and nothing had ever come of it. He said he would like to see all of the regulations be as one to make it easier for everyone. He asked why his constituents should have less of an opportunity than those at the State or County level. He said he had been proud to be one of the first but the idea was to ideally follow the State.

Councilwoman Lee said there had been a history on Council of being left with things by people who had moved on while those that remained had to live with the ordinances. She believed that the best thing for the Borough would be to fall in with the State. She said the Borough does not have the manpower to spend the time on the requirements of the ordinance. She said they do all the reporting required. She noted that the current State Senator had moved on from the Council and now lived under a different rule. She said it was time to get in line with the State so they could focus on the business of governing the town. She said the existing ordinance was an administrative nightmare for any organization and also for an individual who chooses to support several towns where there are different rules. She said she liked the fact that Red Bank was on the forefront and held themselves to a higher standard, but said it had become so tedious and had bound up attorneys and Borough staff. She said they would still do full reporting and said no one was hiding anything. She again said she didn’t see any reason why they shouldn’t be in line with the State.

Councilman Zipprich noted that former Council member John Curley had also been a proponent of Pay to Play ordinance and when he had moved on to the County Board of Chosen Freeholders, he had also found it was important to fall in line with what the State had dictated. He said he agreed that it should be uniform with the State.

Councilman DuPont said this was not an easy vote. He said he had researched other municipalities and counties and found that many had adopted the State regulations. He said he had gotten a copy of the resolution that had been adopted by the County and noted that it included language that said the Board had determined that the disparities between the State statute and their own stronger resolution caused confusion among those performing business within Monmouth County. He said the resolution also stated that the County Board of Freeholders had determined that the State statute effectively protected the taxpayers and residents of the County and that the State’s comprehensive political campaign reform was what needed to be adopted. He agreed that transparency was important and said the reporting requirements were just as stringent, if not more so, with the State statute.

Rosemary Costa—141 River Road—said she understood that it was not a mandated requirement that the Borough had to fall in line with the State of New Jersey.

Mayor Menna said it was not.

Ms. Costa said she would like to Red Bank stay with whatever was required by law.

No one else appearing, Councilman DuPont offered a motion to close the public comment 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 was declared approved.

Mayor Menna said, since Public Comment had been held, he suggested the Council act on Ordinance 2013-27 at this time.

2013-27 Mayor Menna read, “An Ordinance Amending Chapter II, “Administration,” Subsection 2-65, “Payment of Claims by Borough” and Subsection 2-76, “Conflicts of Interest” of the Revised General Ordinances of the Borough of Red Bank.”

Councilman Murphy offered a motion to adopt the ordinance on final 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.

ORDINANCES – First Reading

None.

ORDINANCES – Public Hearing and Final Adoption

2013-26 Mayor Menna read, “An Ordinance of the Borough of Red Bank, County of Monmouth, New Jersey Amending and Supplementing Chapter V, “Animal Control”, Section 5-1.6, “License Required, Fees [Dogs],” and Section 5-3.3, “Licensing Requirements [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 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.

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.

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

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 Murphy.

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 adopt the ordinance on final reading, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: Lee

There being five ayes and one nay, the motion was declared approved.

RESOLUTIONS

By Consent Agenda:

- 13-273 A Resolution Authorizing Contracts with Certain Approved State Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40A:11-12a (Public Works Vehicles).
- 13-274 A Resolution to Authorize Shared Services Agreement between the Borough of Eatontown and the Borough of Red Bank for Shared Use of Brush Compost Services.
- 13-275 A Resolution Authorizing the Appointment of a Regular Crossing Guards for the 2013-2014 School Year.
- 13-276 A Resolution Authorizing Lease Agreement with Fire and First Aid Companies for Storage of Vehicles and Equipment.
- 13-277 A Resolution Approving Participation with the State of New Jersey Division of Alcoholic Beverage Control Program (Cops in Shops).
- 13-280 A Resolution Authorizing the Borough Engineer to Prepare, Advertise and Receive Bids for Repairs to Chestnut Street Clarifier.
- 13-281 A Resolution to Authorize Shared Services Agreement between the Borough of Tinton Falls and the Borough of Red Bank for Shared Use of Truck Wash Facility.
- 13-284 A Resolution Authorizing the Borough Engineer to Prepare Design and Specifications for Installation of Generator at Red Bank Senior Center.
- 13-286 A Resolution Appointing Francesco Metta as Full-Time Dispatcher.

- 13-287 A Resolution Authorizing Transfer of 2013 Water/Sewer Utility Fund.
- 13-288 A Resolution to Cancel 2013 Current Fund Appropriations.
- 13-289 A Resolution Authorizing Transfer 2013 Current Fund Appropriations.
- 13-290 A Resolution Requesting Special Item of Revenue (Tonnage Grant).
- 13-291 A Resolution Requesting Special Item of Revenue (Body Armor Grant).
- 13-292 A Resolution Requesting Special Item of Revenue (Bulletproof Vest Participation).
- 13-294 A Resolution to Cancel Unexpended Bond Ordinances.

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 motion was declared approved.

13-278 Mayor Menna read, “A Resolution Authorizing Change Order No. 2 (Final) Related to the Contract with Mark Woszczak Mechanical Contractors for the Lake Avenue Water Main Improvements Project.”

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

ROLL CALL:

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

NAYS: None

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

13-282 Mayor Menna read, “A Resolution Accepting Plea of Non Vult by Chubby’s Waterside Café, Inc. t/a Fixx to Certain ABC Charges and Imposing Penalty Therefor.”

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

Mayor Menna reviewed the conditions outlined in the resolution.

Councilman Zipprich asked who would maintain the list of ejected patrons mentioned in section F of the resolution.

Mayor Menna said the list would be maintained on premises by the licensee and provided to the Police Department.

Councilman Zipprich confirmed that it would be reviewed by the Police Department.

Councilman Murphy noted that the conditions would follow the license.

Mayor Menna agreed and added that they would follow the license unless they were amended or rescinded by the Mayor and Council at a Public Hearing.

Councilman Murphy noted that this was the second time they had imposed conditions and said that this time they had included a closure and attached the conditions to the license.

Councilman Murphy and Mayor Menna agreed that the previous conditions had worked while they had been in place.

Councilman DuPont said he felt the resolution sent a clear and loud message to the business community and to Fixx that the protection of the Borough’s neighborhoods and the quality of life were more important than a single business.

Mayor Menna noted that there were also outstanding Code violations that had been filed in Municipal Court and were separate from the ones being discussed.

Councilwoman Lee thanked the Council for considering the restrictions because she felt the venue was one of the few places for younger people to revel in. She said she believed they were asking for guidance through their behavior and that the Council was giving them the best guidance that they could afford to give them. She said she felt they were encouraging them, as well as the owners, on the right path. She added that she did not feel there were enough facilities in the Borough for young people to find adult entertainment. She said this would give them the opportunity to have a place but with boundaries.

ROLL CALL:

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

NAYS: None

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

13-283 Mayor Menna read, “A Resolution to Extend the Temporary Suspension of the Parking Deficiency Schedules in the Borough’s Planning and Development Regulations During Economic Emergency.”

Mayor Menna said this would extend the moratorium on contributions toward the Parking Deficiency Fund. He said there had been discussion with the Municipal Planner and the Planning Office in regard to revising the schedules to make them more manageable.

Councilman DuPont said he felt it was still early in the economic recovery and that he felt the extension was needed by the downtown business district. He noted that it was only a three month extension.

Mayor Menna confirmed that it was only a 90 day extension and that during that time there should be a workable formula that should make more sense. He said the moratorium had been successful and noted that the vacancy rate had dropped from 20 percent to just over five percent. He said he felt that, without the moratorium, it would still be at 20 percent.

Councilman Ziprich said he agreed and said he wanted to remind everyone of a couple of years ago when the economy was in a serious downturn and Councilman DuPont had reminded everyone that Red Bank was open for business. He said he felt the Council had proven that through measures like this one.

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

ROLL CALL:

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

NAYS: None

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

13-293 Mayor Menna read, “A Resolution Authorizing Disposal of Surplus Property.”

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

ROLL CALL:

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

NAYS: None

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

13-295 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 (Emergency Services Communication Tower).”

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

ROLL CALL:

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

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

13-296 Mayor Menna read “A Resolution for Payment of Bills Amounting to \$1,324,537.78.”

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

ROLL CALL:

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

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

AUDIENCE

Anthony Young—39 Highland Avenue—said he was appearing to discuss the deterioration of his street. Administrator Sickels said Highland Avenue had been on the schedule for the most recent road program but due to hurricane damage, they had to put the program on hold. He said the program should be reintroduced in early 2014.

Mr. Young said a contractor had recently come in and ripped up the street to put in gas lines which further made the street a complete mess.

Mayor Menna asked if the contractor had not restored it.

Mr. Young said he had but said the street had gotten worse every year.

Councilman Murphy said Highland Avenue had been looked at about a year and a half ago and agreed that parts of the street were beyond repair. He said it had been added to the road program. He reviewed the program and noted its success. He said he hadn't realized that it had been put on hold after the storm and said when he had seen the truck there, he had thought they were repairing gas and water lines in preparation for paving the street. He agreed that the street was in dire need of paving.

Mr. Young said it was a mess before and said now it was a disaster. He said every winter when it snows, the plows rip up whatever repairs had been made.

Mr. Sickels noted that before paving, the utility companies were notified so they could upgrade their systems and not have to reopen the street once it is paved. He said he didn't know if the recent work had been prompted by that but when it was done, the company would place a temporary patch until the work settled and then would return to do a final patch. He said the street was definitely on the list and said it was a priority for the current road program.

Mayor Menna asked Mr. Sickels to look into the patch work that was done and noted that there should be a road opening permit.

Councilman Murphy asked for authorization to have the Engineer go and take a look at the street in regard to safety.

Mayor Menna agreed.

Administrator Sickels said it would be looked at the next day.

Mayor Menna questioned who had inspected following the road opening permit to make sure that it was repaired.

Mr. Young confirmed that that had been done but said the patches were damaged by the plows.

A discussion followed regarding budgeting and the timing of the paving.

Mimi Coffenberg—32 Highland Avenue—said she had recently moved to the street and had been shocked by the condition of the road. She said she had brought the matter to the attention of Councilmembers and had been contacted by Public Works Director Watson. She said he had told her the work would be done in 2013. She said he had explained that utility work would be done prior to paving. She said she had spoken with him several times and had been told the work would be pushed into 2014. She said she wanted to know when it would really be done.

Mayor Menna assured her that the work would be done in 2014 and the paperwork would be done in early in the year.

Councilman Murphy explained the program and said the work would be going forward as long as the Council passed the bond for it.

Mayor Menna explained that debt service would be coming off which would free up funding for the road program.

Ms. Coffenberg asked why the town did not set aside money every year to pay for the program and other improvements.

Administrator Sickels explained that the town budgets money for Capital Improvement down payments and noted that projects overlap. He said the town raised funds through taxation and, in order to put money aside and bank it, they would have to raise taxes to put the money aside. By bonding for improvements over a 20 year period, the Borough was able to keep the debt service even.

Mayor Menna noted that, due to the fact that debt is coming off at the end of 2013, the 2014 number will be lower even though they were bonding for the road project because earlier debt had been fully paid off.

Councilman DuPont said the Borough did have a plan to manage debt and incur expenses. He said it wasn't about raising taxes, but about managing and reducing debt. He noted that the Borough's debt had decreased by about 30 percent over the last five years. He said they had done that by managing their debt while also planning for capital expenditures such as the road program.

Cindy Burnham—71 Wallace Street—noted that she had appeared at a recent meeting to request that the Council reschedule the Public Hearing for Maple Cove. She reviewed the Council Meeting schedule and noted that the December meetings had been changed to avoid meetings during the holidays. She again asked that the Council change the date of the Public Hearing.

Councilman Zipprich noted that the Council meeting calendar was set at the beginning of the year.

Mayor Menna noted that if they had not changed the calendar, the regular meeting date would have fallen on Christmas day.

Ms. Burnham again criticized the choice of the date for the Public Hearing.

Mayor Menna said he would have no problem changing the date if that was what the Council wanted but pointed out that the notice of the hearing had been legally published with a six week notification as required. He said she should have brought the issue forward six weeks prior.

Administrator Sickels said the urgency was because the Borough had received a letter from the DEP dated November 25 asking what they would be doing. He said that prompted the need to schedule the hearing and decide the matter. He said they had given notice and needed to hold the hearing. He noted that it was just for information and said no action would be taken the Council at that time. He added that any such action would be done at a public meeting with a chance for public comment.

Mayor Menna reiterated that no action would be taken at the public hearing.

Ms. Burnham said she did not agree with that.

Mayor Menna said comments would be taken and communicated to the Council. Ultimately, he continued, any action that would be taken would be formal action by the Governing Body and would not be determined at the December 30th Public Hearing. He noted that Ms. Burnham would be at the Council table in 2014 and would be a part of that process.

Ms. Burnham said it was her understanding that the comments from the Public Hearing would be forwarded to the DEP and they would make the decision.

A discussion followed regarding the process following the Public Hearing and how Green Acres funding was received for Borough owned properties.

Mr. Sickels stated that no DEP or Green Acres funding was received in regard to the properties that were the subject of the December 30th Public Hearing.

EXECUTIVE SESSION

13-297 The Attorney read a resolution to adjourn to executive session to discuss personnel.

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

ROLL CALL:

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

NAYS: None

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

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

ADJOURNMENT

Councilman DuPont offered a motion to adjourn the meeting Sine Die, 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