

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

ABSENT: Council Members Lewis (arrived 6:45pm), Horgan and Murphy.

**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**

**Amendment of Personnel Policies**—Mayor Menna said in reviewing the Personnel Policies, it was found that a number of issues needed to be address. He cited as an example the fact that crossing guards had previously been appointed by the Department Head or Administrator and, by State Statute, the appointments must be made by resolution. He said this also applied to a number of other employees within the Borough so to make it clearer he recommended amending the Personnel Policies to specifically state that hirees of the Borough shall have to be ratified by resolution of the Mayor and Council. He said the same would hold true when an individual retired or resigned which would call for a formal resolution of the Governing Body. He said that would be consistent with State law and with good governance because they were the ultimate responsible party for hiring and firing and he thought it should be in the personnel policies. He said there was a caveat that, if something needed to be addressed in an emergency situation, it could be done by the Administrator but it would have to be ratified by the Council.

Councilman DuPont made a motion to add the resolution to the agenda, seconded by Councilwoman Lee.

**ROLL CALL:**

AYES: Zipprich, DuPont, Lee

NAYS: None

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

**APPROVAL OF MINUTES – December 19, 2012**

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

**ROLL CALL:**

AYES: Zipprich, DuPont, Lee

NAYS: None

There being three ayes and no nays, the minutes were declared approved.

**MAYORAL APPOINTMENTS**

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilman DuPont reported that the Finance Committee was beginning their efforts to prepare the 2013 budget and he would have more to report at the end of January or the beginning of February.

Councilman Zipprich reported that the Public Works Committee would be meeting at the end of the month. He also noted that the Historic Preservation Committee had an outstanding event that they had to postpone due to the storm so they were working on another date. He said the Shade Tree Committee was meeting on Thursday to go over the inventory which had been seriously impacted by Hurricane Sandy.

Councilwoman Lee said she would like to see a new committee under the Health Department for the disabled. Mayor Menna thanked her for bringing the matter to the table and noted that the Borough had an ADA officer which was the Administrator or his designee which was the standard for most municipalities. He said State law provides for municipalities to provide increasing openness and access to individuals with challenges. He said he felt the only way to do that was to get the community that was subject to those challenges to be a part of the process. He said he welcomed her suggestion and asked if there was any objection from any of the Councilmembers present.

Councilman DuPont said he thought it was a great idea for the voices that weren't often heard.

Councilwoman Lee said the function was often taken on by the staff at the Borough's Senior Center, however, there were many who did not fit in that category and a committee could touch base with the work that Parks and Recreation was doing as well as the work that was being done by the Senior Center, the Health Department and RiverCenter.

Mayor Menna agreed and said it should be a full-fledged citizen committee. He asked Borough Attorney O'Hern to prepare an ordinance for introduction to create the committee with standard rotational changes of members. He said he would make the appointments with Council approval. He said anyone interested should contact Councilwoman Lee.

Councilman Zipprich asked Councilwoman Lee how many members she anticipated being on the Committee. She suggested five or six possibly as a wing of the Health Department Committee which was a very small group.

Councilwoman Lee also reported that the Library was having a book drive and was asking for donations to be dropped off a carton at a time before February 2.

## **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from HABcore to hang a banner on Broad Street from September 1, 2013 to September 30, 2013 to announce their 25<sup>th</sup> Anniversary Year of Service.

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

### **ROLL CALL:**

AYES: Zipprich, DuPont, Lee

NAYS: None

There being three ayes and no nays, the request was declared approved.

Mayor Menna read a request from Red Bank Flavour to hold their "Sippin' on the River" event in Marine Park on Saturday, June 29, 2013 and Sunday, June 30, 2013, pending approval of the Special Events Committee.

Mayor Menna said the Special Events Committee had reviewed the event favorably and it had been referred back to the Mayor and Council for comment. He asked the event representatives to come forward. George Lyrasis, Tom Capello and Scott Harrison appeared. Mr. Lyrasis said they had been attending Special Events Committee meetings for several months to hash out details. He said Mr. Harrison would be taking the lead regarding the layout of the event. He said their goal was to draw attention to Red Bank and planned on having a charitable component but had not contacted anyone on that yet because they were waiting for approvals.

Councilman DuPont said he thought it was a great program and asked what the line of questioning was.

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

Mayor Menna explained that if the Council approved it, it would require that they authorize the sale of alcoholic products limited to beer and wine and would be limited in scope to an area designated by the Chief of Police. He said because the Borough ordinances prohibit the public consumption of alcohol in the parks, the Council would have to act affirmatively and then work to develop some discernible standard and guidelines that would apply in future applications and would dovetail with ABC regulations.

such as eliminating sites within 200 feet of residential structures, schools and churches. He said he would also like to see a limit on the number of events.

Councilwoman Lewis arrived at 6:45pm.

Councilwoman Lee noted that the name of the event was “Sipping on the River” and asked if they would actually be going out on the river. Mr. Lyrasis and Mr. Capello said they would not and said the activity would be limited to within the park. Councilwoman Lee said she would like to see a river cruise. She also asked if they had given consideration to the fact that the June 30 date was near the July 4 holiday. Mr. Capello said he thought it was a great weekend to do it because it was near the 4<sup>th</sup> of July. Administrator Sickels also noted that it was at the end of the month when Riverfest was at the beginning. He added that they were appearing before the Council to reserve the date and the concept. He said there had been continuous meetings with the Special Events Committee and the Police Department to develop the plan and said he felt that by the next Special Events Committee meeting they would have a more concrete plan to present to the Council regarding the scope of the event. He said they would be meeting with the Committee to come up with parameters because the town had always frowned on alcohol in the parks. However, he continued, the town had had success with RiverCenter hosting events in the White Street Parking Lot. He said they need to develop the parameters and memorialize it in an ordinance so there was a standard to follow so the events could be run safely without lessening the Borough playgrounds and sporting areas.

Councilman DuPont said the event would also be a good because there were not going to be any fireworks during that week. He said it would be another indication that Red Bank was open for business and they were inviting people to town. He agreed that they should discuss parameters but thought this event should go forward.

Mayor Menna said that was exactly what he was saying.

Councilwoman Lee asked in Councilwoman Lewis had been involved in the matter since it was being held in a park. Councilwoman Lewis said she had not been involved. Councilwoman Lee said Councilwoman Lewis should have been included and she herself sat on the Parks and Recreation Committee and had no idea about the event but did say she thought it was a great idea.

Mr. Lyrasis said they had appeared before the Special Events Committee.

Councilwoman Lee noted that the event was taking place in a park and again questioned why the Council Representative to the Department was not involved. She also said she thought the whole Council should be made aware of an event of this magnitude. She said she thought it should have gone to the Parks Committee before it went to Special Events.

Administrator Sickels noted that Recreation Director Memone Crystian sits on the Special Events Committee, attends every meeting and was an integral part of the process.

Councilwoman Lee again stated she had not been aware of it and said she sits on the Parks and Recreation Committee. She also again noted that the Council Liaison to the Department had not been aware of it. She expressed concern about scheduling events in the parks and possible conflicting dates. She again stressed that she did not have a problem with the event but thought the information should be shared before it got to the present stage.

Mr. Sickels noted that events had been going to the Council for approval before they had gone to the Special Events Committee for input, so last year the decision was made to send the organizers to the Special Events Committee first before it went to Council so problems could be worked out. He added that he thought it had been the event being discussed that had triggered that decision.

Mr. Lyrasis noted that they had first tried to do the event last October.

Councilwoman Lee said she would like to see boats going up and down the water as part of the event. She also said there had been discussions in the Parks Department about allowing alcohol in the parks and what the cost would be of opening the parks to events that serve alcohol because, even during events, the parks were still technically open to families. She said that was the first priority and function of the parks.

Councilman Zipprich said that when he had seen the item on the agenda he had had a lengthy conversation with the Police Commissioner and he had expressed his concerns. He said he loved the idea and commended them on their efforts to raise money for charities and hoped to discuss opportunities with the Borough’s Education Foundation. He said he thought the Mayor had addressed concerns such as controlling how the alcohol is distributed and agreed that the Borough needed to do its due diligence going forward regarding any future events so there would be a guidebook to work from. He noted that they were first organizers to present this type of proposal and said they were trying to hash it out.

Mr. Lyrasis said he understood and knew it was a difficult task which was why they had been working on the event for well over a year. He said they were trying to keep Red Bank relevant from a business perspective.

Councilman Zipprich said he was very grateful for that and commended his work on the Flavour Campaign.

Mr. Lyrasis said everything the Flavour Campaign did had a charitable component and noted that every dollar raised outside of the charities went to market the town.

Mayor Menna said the only thing the Council was being asked to do at this meeting was to give the organizers a green light to plan for the event and to reserve the date. He stressed that they would have to prepare discernible standards on a number of issues including the frequency of events that would be allowed because if they occurred too often it would tax the Borough's resources. He said they would also have to discern the appropriate places to permit a deviation from the "no alcohol in the park" provision. He said they also have to discuss the fact that, should they permit the deviation, the administrative fees would probably have to be increased. He said, while organizers often say they were doing things for the Community, the Community was ultimately all of the taxpayers and the Council needed to look out for everyone instead of just limited groups. He noted that Councilwoman would be involved in the discussion as the Liaison to the Parks Department and acknowledged that Ms. Crystian had been involved in the technical aspects of specific events. He said he thought they could get those standards together in the coming weeks but said the organizers of this particular event had to start planning, budgeting and doing PR. He said they would be granting them approval to go forward but with the provision that the event would be subject to condition that will be applied to everyone. He said he thought that was fair and he thought it would be a great event for Red Bank.

Councilman DuPont noted that the petition stated "pending approval of the Special Events Committee."

Councilwoman Lee again expressed to desire to see boats added to the event. She said she felt many people in Red Bank did not get to appreciate the river.

Mr. Lyrasis said that was why they chose to request the event in the park rather than the White Street parking lot so attendees could enjoy the river.

Mr. Harrison said they were reaching out to the Monmouth Boat Club to see if they could coordinate a boat parade.

Councilwoman said that was a good thing but addressed people that were already on the river. She noted that there were people in Red Bank that never got to see their town from the river. Mr. Lyrasis agreed that it was very underutilized and said they just needed to find a way. Councilwoman Lee reviewed some of the boats that had been available to the public in the past.

Councilman Zipprich said time was of the essence and said he was okay with approving the event.

Mayor Menna asked Councilwoman Lewis for her input. She said she was fine with it.

#### ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee

NAYS: None

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

Mayor Menna noted that the policy had been made to go paperless and reaffirmed that decision. Councilwoman Lee said she had requested to continue to receive paper documents of agenda items through her Council packet. She said she thought the presence of police officers performing that function was socially relevant and it was good for residents to see the police officers in an alternate function. She said she thought it was a huge boost to her neighborhood to see first responders participating in the Community in any way other than their normal function.

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

Mayor Menna noted that Resolution 13-17 had originally been a resolution to approve a contract for Dr. Kahn for Employee Assistance Services but had been changed to a resolution to authorize the advertisement and receipt of bids for the replacement of a pump station.

Mayor Menna opened the public hearing.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee

NAYS: None

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

**ORDINANCES – First Reading**

**ORDINANCES – Public Hearing & Final Adoption**

**RESOLUTIONS**

**By Consent Agenda:**

- 13-07 A RESOLUTION DESIGNATING THE HUMAN RELATIONS MANAGER AS THE AS THE CERTIFYING AGENT AND THE BOROUGH TREASURER AS THE SUPERVISOR OF THE CERTIFYING AGENT IN CONNECTION WITH THE PUBLIC RETIREMENT SYSTEM.
- 13-08 A RESOLUTION AUTHORIZING THE BOROUGH TREASURER TO OPEN AN ACCOUNT IN TD BANK N.A. AND VALLEY NATIONAL BANK AND TO SIGN ALL PAYROLL CHECKS.
- 13-09 A RESOLUTION AUTHORIZING CREATION OF CHANGE FUNDS.
- 13-10 A RESOLUTION DESIGNATING DEPOSITORIES FOR THE BOROUGH OF RED BANK.
- 13-11 A RESOLUTION FIXING THE RATE OF INTEREST TO BE CHARGED ON DELINQUENT TAXES, UTILITY AND OTHER MUNICIPAL ASSESSMENTS.
- 13-12 A RESOLUTION AUTHORIZING THE BOROUGH TREASURER TO OPEN AN ACCOUNT FOR MAKING PAYMENTS IN CONNECTION WITH THE REDEMPTION OF TAX TITLE LIENS.
- 13-13 A RESOLUTION APPOINTING COLLEEN LAPP AS FUND COMMISSIONER AND EVA BIVIANO AS ALTERNATE FUND COMMISSIONER TO CENTRAL JERSEY HEALTH INSURANCE FUND.
- 13-14 A RESOLUTION APPOINTING COLLEEN LAPP AS FUND COMMISSIONER AND GARY WATSON AS ALTERNATE FUND COMMISSIONER TO MONMOUTH COUNTY JOINT INSURANCE FUND.
- 13-15 A RESOLUTION APPROVING CASH MANAGEMENT PLAN.
- 13-16 A RESOLUTION AUTHORIZING AGREEMENT WITH INTERFAITH NEIGHBORS, INC. FOR 2013 NUTRITION PROGRAM FOR RED BANK SENIOR CENTER.
- 13-17 A RESOLUTION AUTHORIZING THE BOROUGH ENGINEER TO ADVERTISE AND RECEIVED BIDS FOR THE REPLACEMENT OF THE PUMP STATION AT DRS. JAMES PARKER BOULEVARD.
- 13-18 A RESOLUTION AUTHORIZING THE FILING OF A RECYCLING TONNAGE GRANT.
- 13-19 A RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEE AND INSPECTION ESCROW REGARDING DENISE DIBONA, 146 MAPLE AVENUE, BLOCK 75.02, LOT 142.

- 13-20 A RESOLUTION AUTHORIZING CHANGE ORDER NO. 4 RELATED TO THE CONTRACT WITH MECO, INC. FOR THE 2011 ROAD IMPROVEMENT PROGRAM.
- 13-21 A RESOLUTION AUTHORIZING THE RETENTION OF PAMELA J. BRODOWSKI TO PROVIDE EXPERT CONSULTING SERVICES FOR THE DEFENSE OF TAX APPEALS FILED BY RB CAPITAL, LLC WITH RESPECT TO PROPERTY LOCATED AT 80 RECTOR PLACE.
- 13-22 A RESOLUTION AUTHORIZING AGREEMENT WITH DYNAMIC TESTING SERVICE FOR 2013 ALCOHOL AND DRUG TESTING SERVICES.
- 13-23 A RESOLUTION AUTHORIZING REFUNDS DUE TO OVERPAYMENT OF TAXES DUE TO A JUDGMENT OF THE MONMOUTH COUNTY BOARD OF TAXATION.
- 13-24 A RESOLUTION AUTHORIZING THE TRANSFER OF A UTILITY OVERPAYMENT TO TAXES.

Councilman Zipprich offered a motion to approve the resolutions, seconded by Councilwoman Lee.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee

NAYS: None

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

- 13-25 Mayor Menna read "A RESOLUTION OF THE BOROUGH OF RED BANK AMENDING THE BOROUGH'S PERSONNEL POLICIES."

Mayor Menna noted that Councilwoman Lewis had not been present when this matter had been discussed early in the meeting and reviewed that the resolution would call for any appointments or changes in appointment to be ratified by resolution of the Council as the ultimate authority and so there would be a record. He added that, in an emergency, the appointment could be made by the Administrator and ratified by the Council at their next meeting.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee

NAYS: None

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

## **PROCLAMATIONS**

### **PAYMENT OF VOUCHERS**

- 13-26 Mayor Menna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,839,720.30."

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee

NAYS: None

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

## **OLD BUSINESS**

Mayor Menna offered Councilwoman Lewis an opportunity to give a report. She said she had no report. Councilwoman Lee asked Councilwoman Lewis to announce that her Young Orators group would be

making an appearance the following weekend. Councilwoman Lewis said that was correct and said the Red Bank Chapter of the New Jersey Orators would be competing the following weekend with approximately ten other Chapters at New Brunswick High School. She said her group ranged in age from ten to twelve and seven of them would be competing the following Saturday. She said they had worked very hard and she was looking forward to seeing their presentations as they represented the town of Red Bank.

## **NEW BUSINESS**

### **AUDIENCE**

Marge Lowe—9 Wall Street—said she had received a letter from Wesleyan Arms with the quote that their building had been praised by town officials as a shining star of Red Bank. She said the building management would not give her the name of the town officials they were quoting. She distributed copies of the letter to the Council and ask them to contact her if they were willing to go on the record as having said that. She also offered to give them a tour of the building.

## **EXECUTIVE SESSION**

### **ADJOURNMENT**

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

### **ROLL CALL:**

AYES: Lewis, Zipprich, DuPont, Lee

NAYS: None

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

Respectfully submitted,

Pamela Borghi