

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
FEBRUARY 13, 2013
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

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.

WORKSHOP

Tobacco-Free Ordinance

Councilman DuPont reported that the Mayor's Wellness Committee had discussed the issue of smoking in the Borough's Parks and the litter that it caused. He said the Committee would like the Borough to declare the parks smoke-free.

Mayor Menna noted that Count Basie Field was already smoke-free because of the artificial turf.

Councilman DuPont said the members of the Mayor's Wellness Committee had wanted to make all of the parks smoke-free as part of their healthy initiatives.

Councilwoman Lee said it could dovetail with a similar smoking ban that had been requested by the Health Department.

Councilman DuPont said Parks and Recreation Director Memone Crystian had been instrumental in bringing it to his attention and asked that the Council continue discussion at the next meeting.

Mayor Menna said he thought that was wise since Councilwoman Lewis, who was liaison to the Parks and Recreation Committee, was not present and said he felt she should be included in the discussion. He said he also felt that Councilwoman Lee, as the representative to the Health Department, would also want input. He said it was an issue that had been facing municipalities across the State and across the Nation. He said they would have to discuss areas and parameters such as whether it would just be parks or if it would include all public spaces.

Councilman DuPont said he would like to see it start small by just concentrating on parks. He said he felt it would promote the goals of the Mayor's Wellness Campaign goals while, at the same time, reducing litter in the parks.

Mayor Menna suggested that the matter be carried for discussion and asked Councilman DuPont to review the matter with Councilwoman Lewis, Councilwoman Lee and their respective Departments for a recommendation.

Councilman DuPont noted that Parks and Recreation Director had a proposed ordinance and asked the Clerk to reach out to her for a copy of it.

Mayor Menna noted that Councilman DuPont also served as the Borough Attorney in Belmar and asked what that municipality's reaction had been regarding similar legislation calling for smoke free beaches.

Councilman DuPont said people loved it and said it was also in place in Bradley Beach. He said people don't want to sit on the beach and inhale smoke filled air. He said it also reduced the need for the town's DPW staff to rake the beaches each night to clean up the associated litter.

Administrator Sickels noted that a sample ordinance had been included with the memo from the Borough's Health Officer.

APPROVAL OF MINUTES – January 23, 2013

Councilman DuPont offered a motion to approve the minutes, 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.

MAYORAL APPOINTMENTS

Mayor Menna made the following appointments:

Gilda Rogers to member of Historic Preservation Commission to 12/31/15.

Nicola Bowers to member of Rent Leveling Board unexpired term to 12/31/14.

Laura Dardi to member of the Environmental Commission to 12/31/15.

Helen Blyskun to member of the Environmental Commission to 12/31/15.

Michael-Paul Raspanti to Environmental Commission as Alternate No. 1 unexpired term to 12/31/14.

Councilman Murphy offered to approve the appointments en masse, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

There being five ayes and no nays, the appointments were declared approved en masse.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Murphy said the Police Chief had requested that the resolution to appoint a crossing guard on this agenda be amended to include two additional applicants. He said they would be approved pending a positive report on their physical examinations and this would avoid the need to wait for the next Council meeting to hire them.

Mayor Menna said if there were any objections, the resolution would be amended.

Councilwoman Lee said, on behalf of Councilwoman Lewis, she would like to announce a basketball game between the Red Bank Celtics and the Red Bank Magic. She said they were both undefeated Grade 5/6 recreation teams and they would be playing a special game at Red Bank Regional High School.

Councilwoman Horgan reported that the Environmental Commission was working with the schools to create a Kids' Recycling Challenge. She said the kids would take items to Red Bank Recycling on Central Avenue. She said the program would run between April 22 and June 3 and, at the end of the challenge, the winners would be treated to a pizza party.

She also reported that the Rent Leveling Board had been advised of that the owners of Grandville Towers, Morford Place, had submitted plans for a three phase capital improvement project. She said the Board would meet and discuss the matter in detail on February 28. She also noted that the meeting was open to the public and explained the purpose of the Board to anyone who may want to learn more about the process.

She said she also wanted to bring to the Council's attention the fact that David Pascale, Chair of the Borough's Human Relations Advisory Committee, had a 33 year old brother who was seriously ill with meningitis and would be requiring long term care and did not have insurance. She said Mr. Pascale and his family had set up a website for donations and already raised \$33,000.

Councilman Zipprich reported that the Department of Public Works was prepared for the coming storm and had pretreated the roadways. He said they were also watching the next possible storm and were making appropriate preparations. He said the Shade Tree Committee would be meeting later tonight and among the agenda items to be discussed was their annual celebration of Arbor Day. He said he expected an announcement to be made regarding the event in the next week or so.

He said the Historic Preservation Committee was working on ways to promote Historic Preservation Awareness throughout the Borough and would be meeting to discuss the concept the following week.

Michael DuPont reported the Senate was proposing a bill that would amend the Open Public Meetings Act that would require sub-committees to provide public notice of sub-committee meetings and to require them to submit reports. He said this would require additional administrative support for sub-committees as well as increasing the level of advertising costs. He said he would like to oppose the bill because it places a greater burden on the municipalities as well as additional fees. He said he would provide a draft of a resolution to oppose Senate bill 2511 and have it on the agenda for the next meeting. He also noted that the budget must be introduced by 15, 2013.

He also reported that RiverCenter had agreed to support an idea where the restaurants would be encouraged to participate in a program that would provide information on the calories associated with their meals.

Mayor Menna said it would fit in with the items they had discussed in workshop. He also noted that the Council had done a resolution to oppose when the bill when it was first introduced last year and said they could readopt the same resolution.

In regard to the calorie issue, he suggested that the Borough should look at other town ordinances and asked the Clerk to reach out for information. He said he felt it should be looked at for the whole town rather than just RiverCenter and, because there would be a cost factor, there should be a substantial amount of lead time to comply.

Councilwoman Lee said she wanted to note that when she returned to Red Bank after working during the most recent storm, she found that Red Bank looked really good compared to other towns. She said she didn't want to skip over given that the Public Works Department was already preparing for the next one. She also commended the Red Bank Fire Department for their efforts to keep everyone safe during the storm.

Councilman Zipprich thanked her for her comments and said he and Public Works Director Watson had discussed the terrific coordination of effort they had with the Red Bank Police Department. He said he also

wanted to remind residents that the Parking Ordinance is enforceable in storm events and said it was available on the Borough's website.

Councilwoman Lee asked reporters present to assist with getting the word out that off-street parking was in effect during snow events to allow access for emergency vehicles and to facilitate plowing.

Councilman Murphy noted the information was on the Borough's website.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from Red Bank Catholic High School to hang a banner on Shrewsbury Avenue from April 8-May 13, 2013 to advertise their Make-A-Wish Benefit Carnival.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from Meridian Health to hang a banner on Broad Street from May 15-June 4, 2013 for Paint the Town Pink to heighten awareness of breast cancer and the importance of early detection.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from The Dublin House to erect a tent in their front courtyard for the weekend of St. Patrick's Day, Friday, March 15 to Sunday, March 18, 2013, approved by the Special Events Committee.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from Meridian Health to hold Paint the Town Pink Events throughout the month of May 2013, approved by the Special Events Committee.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from Red Bank Catholic High School to hold their Make-A-Wish Benefit Carnival in the parking lot of St. James Elementary School on May 11, 2013 from 12-4 pm, pending further approval of the Special Events Committee.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from Liberty Hose Company to hold the annual Robert "Doc" Holiday memorial car show on Sunday, July 14, 2013 with a rain date of Sunday July 21, 2013 in the White Street Parking Lot and to close White Street from 7 a.m. to 4 p.m., approved by the Special Events Committee.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from the Red Bank Area CROP Walk to hold the 31st Red Bank CROP Hunger Walk on Sunday, October 20, 2013 from 2 p.m. to 4 p.m., approved by the Special Events Committee.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

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

Mayor Menna asked if anyone would like to speak.

Cindy Burnham asked about resolution 13-38 regarding the YMCA. Mayor Menna explained it was a standard resolution that would release performance guarantees for site work and offered details on the Planning Board process. Engineer Ballard added that it was a guarantee for a project from 2005 that was being cleared up.

Mayor Menna asked if anyone else would like to speak. No one else appeared.

ORDINANCES – First Reading

ORDINANCES – Public Hearing & Final Adoption

RESOLUTIONS

Mayor Menna offered the following resolutions:

- 13-38 A Resolution Releasing Performance Guarantees Regarding Community YMCA, 166 Maple Avenue, Block 75.02, Lots 125.02, 135, 139.01 and 140.
- 13-39 A Resolution Authorizing Transfer of Current Fund Appropriation Reserves.
- 13-40 A Resolution Releasing Performance Guarantee Regarding Anna R. Lettieri, 34 Washington Street, Block 27, Lot 18.
- 13-41 A Resolution Authorizing the Cancellation of Municipally Held Tax Sale Certificates.
- 13-42 A Resolution Extending the Contract with Dynamic Testing Service to a 2-Year Term for Alcohol and Drug Testing Services.
- 13-43 A Resolution Releasing Maintenance Guarantee Regarding 120 Maple Avenue, LLC, Block 75.02, Lot 146.
- 13-44 A Resolution Commending Patricia Daniels.
- 13-45 A Resolution Accepting Bid from and Awarding Contract to Precise Construction, Inc. for the Drs. James Parker Pump Station Replacement Project.
- 13-46 A Resolution Authorizing the Appointment of a Regular Crossing Guard for the 2012-2013 School Year.
- 13-47 A Resolution Authorizing Approval of Winter Sidewalk Cafes.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

- 13-48 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$4,412,228.68.”

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

AUDIENCE

Carl Colmorgen—67 Oakland Street—said he wanted to discuss issues with parking on his street regarding Charter School staff. He noted that there were several parking spaces in the neighborhood that were not directly in front of residents' homes. He identified specific locations and noted that the spaces in front of homes were needed by those who lived there.

Councilman Murphy noted that a lot used by the staff had recently been blocked off without notice and forced them to park on the street. He said they had received a letter from several people on Chestnut Street. In the meantime, he continued, they were looking into making alternate arrangements with local businesses. He said they appreciated the patience of the residents.

Mayor Menna said he appreciated Councilman Murphy's efforts with the Charter School and noted that both he and Councilman Murphy had met with them and some of the neighbors. He said he thought what Mr. Colmorgen was saying was that, in addition to that great news, it might behoove the Borough and the Parking Committee to take a look at the additional spaces available.

Mr. Colmorgen said it was not all of the cars that had been in that lot that were causing a problem. He said it was only about eight cars that park on Oakland Street and place signs in their windows that say "Charter School Faculty." He added that those cars could go into any of the 27 spaces he had identified that were not in front of residences.

Councilman Murphy said they had been receiving tickets for parking violations. He said he had been working with the school diligently after the lot was closed off without notification. He reviewed the lots they were hoping to secure for staff parking. He said he knew that was not the only concern and was aware that the area still needed to be patrolled.

Mr. Colmorgen again noted that it was just a few cars that were the problem.

Councilman Murphy asked him to notify him if the problem continued after the lot was secured.

Mr. Colmorgen again stated that, in the meantime, the staff should use the spaces that would not affect homeowners and gave an account of his own experience of not having easy access to his home.

EXECUTIVE SESSION

13-49 The Attorney read a resolution to adjourn to executive session to discuss contract negotiations and personnel; formal action to be taken.

Councilman Murphy offered a motion to adjourn to executive session to discuss contract negotiations and personnel; formal action to be taken, seconded by Councilman DuPont. 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 DuPont offered a motion to close executive session, seconded by Councilman Murphy.

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna reviewed the CWA agreement and resolution regarding a Memorandum of Understanding to extend the existing agreement to the end of 2013. He noted that it had been accepted by Union members. He said the changes were consistent with what had been mandated by the State and what was being done in other municipalities. He also said it conformed with Best Practices and State Law.

13-50 Mayor Menna read, "A Resolution of Accepting Memorandum of Agreement Between the Borough of Red Bank and CWA Local 1038."

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Councilman Murphy thanked his fellow Council members for supporting the agreement. He said he was particularly concerned with employees in Public Works and said he had been a longtime advocate for them saying he felt they were underpaid for their workload and that they did a great job.

Councilman Zipprich said he appreciated his words and noted how the crews had worked tirelessly and around the clock during storm events. He said he knew they would be grateful to have the contract resolved.

Mayor Menna said this Council as well as previous Councils had had tremendous relations with the Collective Bargaining Units. He said they have always sat down and come up with a fair and reasonable plan. He said they were faithful employees, many of who had been with the Borough for 30 and 40 years and were at the low end of the pay scale. He also thanked the Council members for supporting it.

Councilman DuPont said the agreement showed true cooperation between the Borough and the Union and, at the same time, was within the means of the Borough. He said he also wanted to recognize those at the low end of the pay scale who do a tremendous job day in and day out especially during the storms.

13-51 Mayor Menna read, "A Resolution Approving the Hiring of Linda Courtney as Technical Assistant to the Construction Official."

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

Mayor Menna noted that the position was a Technical Assistant to the Construction Official but the person would not be an Office Administrator so there was a cost savings while accomplishing the same goal.

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

13-52 Mayor Menna read, "A Resolution Approving the Appointment of John Drucker as Assistant Construction Official."

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

Mayor Menna noted that because the Office Administration duties had been eliminated from the previous position, John Drucker would serve that function under the new title of Assistant Construction Official. He said Mr. Drucker would be able to delegate more and handle personnel issues.

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

AUDIENCE

ADJOURNMENT

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Respectfully submitted,

Pamela Borghi