

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
APRIL 10, 2013  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

PRESENT: Mayor Menna and Council Members Lewis (via phone), Zipprich, DuPont, Horgan, Lee and Murphy.

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

**SUNSHINE STATEMENT**

Mayor Menna requested the minutes reflect that, in compliance with Public Law 1975, Chapter 231 (Open Public Meetings Act), notice of this meeting has been provided by notifying the Asbury Park Press, the Two River Times and the Star Ledger and by placing a notice on the bulletin board and filing same with the Borough Clerk on January 1, 2013.

**SUSPEND REGULAR ORDER OF BUSINESS**

Councilman DuPont offered a motion to suspend 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.

Mayor Menna introduced the members of the Red Bank Area Chapter of the Barbershop Harmony Society. He said their group was one of the things that made Red Bank unique. He noted that they perform free of charge and thanked them for their service to the community.

Mayor Menna read a proclamation proclaiming April 7-April 13, 2013 as Barbershop Harmony Week in the Borough of Red Bank. He presented it to the Quartet who then performed for those present.

**RESUME REGULAR ORDER OF BUSINESS**

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

**WORKSHOP**

**Animal Cruelty Resolution**

Mayor Menna said it was unfortunate that we lived in a society where a small part showed a great deal of insensitivity to those who do not have a voice for themselves. He noted the cases of an abused dog that had been given the name of Sandy and also that of a group of puppies that had been abandoned on Red Bank's borders and had been saved by our animal control officer. He added that, while there were regulations and laws in place, he felt that the time had come for our legislators in Trenton to look at those bills that deal with incidents of animal cruelty and consider upgrading the penalties and also the gradation of the crime.

Councilman DuPont said he was in favor and thought it was a great resolution

Councilwoman Horgan said she thought Superstorm Sandy had exacerbated the mistreatment of animals due to stress.

Mayor Menna noted that, particularly in reference to the abandoned puppies, he felt people needed to be made aware that what they were doing was a criminal act.

Councilwoman Lee said, even prior to Sandy, the mortgage crises had resulted in shelters being overwhelmed with the amount of animals that were being abandoned. She said she whole-heartedly supported the resolution.

Mayor Menna said the resolution would be added to the agenda.

**Bills #2114/A-3317 Regarding Municipal Registration for Multi-Family Dwellings**

Mayor Menna noted that Councilwoman Lee had brought to the Council's attention the fact that there was a bill pending in the legislature that would preclude certain registrations of multi-family dwellings by local entities. He said the problem was that some of these may call for the abolishment of fire regulations. He said

Councilwoman Lee has asked them to consider it from a public health and safety standpoint. He asked if the Council wished to refer it to the Code Committee or to add the resolution.

Councilman Zipprich called for the Code Committee to review it and offer their opinion.

Councilwoman Lee also said she would like it review by the Committee.

#### **APPROVAL OF MINUTES – March 27, 2013**

Councilman Zipprich offered a motion to approve the minutes, 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.

#### **MAYORAL APPOINTMENTS**

None.

#### **REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilwoman Lewis reported that the Parks and Recreation Committee would meet the following week and the Vision Committee would begin a sponsorship drive the following weekend. She also reported that there would be a ribbon cutting at the new baseball field at Count Basie Field on Saturday

Councilman Murphy reported that there would be a party honoring ex-Fire Chief Arcalo Forgione for 50 years of service. He said it would be held at the First Aid Building on Saturday from 5pm to 9pm

Councilwoman Lee had no report.

Councilwoman Horgan reported that Lunch Break would be conducting a Community Food Drive on Saturday, May 18 between 11am and 12 noon at the Middle School. She said they were hoping to collect 30,000 pounds of non-perishable goods to commemorate their 30<sup>th</sup> anniversary. She also noted that it was Jazz Appreciation Month and point out that the Red Bank based Jazz Arts Project has a Monday night series of talks and would also have a presentation of a Gershwin program featuring the Red Bank Jazz Orchestra and Jon Faddis on the following Sunday. She also reported that the Red Bank Borough Education Foundation met on April 2 and said they were working on awarding grants to the Primary and Middle schools. She said the Food & Water Watch group had held a panel discussion with experts on energy policy at the Two River Theater on Thursday, April 4. She said they spoke about how the rush for natural gas development, particularly fracking, affects our food system.

Councilman Zipprich noted that there was a proclamation on the agenda regarding Child Abuse Prevention and Awareness month. He noted that he had been actively involved in the “It Gets Better” anti-bullying project. He noted that physical and mental abuse was damaging to children and families. He said the Public Works Committee would be meeting the following Wednesday. He also said he wanted to recognize Animal Control Officer Henry Perez for his heroism and efforts to rescue the abandoned puppies. He said he was also looking forward to the ribbon cutting at Count Basie Field on Saturday and said the fields look terrific. He noted the amount of children that had been using the field and doing things they would not have been able to do on a regular grass field. He said he also wanted to congratulate the Environmental Commission and the Community Garden Committee on the progress at the garden which he called it a great work in progress. He also reported that the Shade Tree Committee was getting ready for Earth Day and said an announcement was pending.

Councilman DuPont reported that the Finance Committee public budget presentation was scheduled for April 16 at 6 pm. He also reported that, in regard to the Mayor’s Wellness Campaign, they were prioritizing children and noted that doctors from the Children’s Specialized Hospital had agreed to come and speak to kids, parents and coaches about nutrition, exercise and the need to start early. He noted that a bike event had been planned but, due to concerns with road closures and safety, the event would be a walking tour. He also reported that the YMCA would be holding a Healthy Kids event on Saturday, April 27 from 9 am to 10:30 am including a breakfast and walk around town. He said there was also a Community Group Workout tentatively scheduled for June 8. He said the Borough had also been asked by the Governor’s Office to apply for a Mayor’s Wellness Campaign Healthy Town designation which would entitle the Borough to grants.

Mayor Menna expressed his appreciation to Doreen Hoffman for her efforts to assist with the Mayor’s Wellness Committee.

Councilman DuPont noted that they had also posted healthy recipes to the Borough’s website.

#### **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from Ten Thousand Villages to hold a World Fair Trade Day Drum Circle on the sidewalk in front of their store located at 69 Broad Street on May 11, 2013 from Noon to 4 p.m., approved by the Special Events Committee.

Councilwoman Horgan offered a motion to approve the request, 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.

Mayor Menna read a request from Lunch Break to hold a food drive at the Red Bank Middle School on May 18, 2013 from 11 a.m. to 2 p.m., approved by the Special Events Committee.

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

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 read a request from St. James Elementary School for use of Riverside Gardens Park to hold the annual Kindergarten Picnic on May 29, 2013, with a rain date of May 30, 2013, from 11 a.m. to 1 p.m., approved by the Special Events Committee.

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: DuPont

There being five ayes, no nays and one abstention, 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 DuPont offered a motion to close the public comment portion of the meeting, 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.

#### **ORDINANCES – First Reading**

None.

#### **ORDINANCES – Public Hearing & Final Adoption**

None.

#### **RESOLUTIONS**

13-88 Mayor Menna read, “A Resolution Supporting S-1896/A-1503 Sharing the Burden of Property Assessment Appeal Refunds.”

Councilman DuPont explained that the Borough was responsible for issuing the refunds on successful tax appeals but noted the taxes that had been collected had been partially distributed to other entities such as the County. He said the County was not required to return any of the funds that had been lost due to the appeal and they were asking that they be required to share in that burden.

Mayor Menna said it was a question of fairness and said it was long overdue. He said he was surprised that it had been ignored for so many decades and said he was glad the Council had taken the lead on getting the injustice rectified.

Councilman Zipprich thanked Councilman DuPont for bring the matter to the forefront. He said he had not been aware that when the Borough issued the repayment upon settlement, that they were “on the hook” for the whole amount including school taxes and that nothing came back from the Board of Education. He said he thought this was a very important matter for them to consider.

Councilwoman Lee said she was in full support of the Mayor and Finance Committee and said she thought they should pursue it aggressively.

Councilman DuPont offered a motion to approve the resolution, 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.

13-89 Mayor Menna read, “A Resolution Regarding Mosquito Extermination Commission 2013 Aerial Surveillance and Treatment Program.”

Councilwoman Lee offered a motion to approve the resolution, 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.

13-90 Mayor Menna read, "A Resolution Authorizing Change Order No. 3 Related to the Contract with Precise Construction, Inc. for the Count Basie Phase 3 Improvements Project."

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

Engineer Ballard explained that this was the final change order for Count Basie Park project. She outlined the items included in the change order including a crane rental to change certain lights, an alternate pitcher's mound, dugouts and some regrading.

Councilman Murphy questioned the changes and approvals. Engineer Ballard reviewed details.

Mayor Menna asked that an explanation memo be included with the resolutions in the future.

ROLL CALL:

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

NAYS: None

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

13-91 Mayor Menna read, "A Resolution Authorizing Change Order No. 7 Related to the Contract with Mecor, Inc. for the 2011 Road Program Project."

Engineer Ballard reviewed the changes included that resulted in a \$2.50 decrease.

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

ROLL CALL:

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

NAYS: None

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

13-92 Mayor Menna read, "A Resolution Amending the 2013 Temporary Appropriations."

Councilman DuPont offered a motion to approve the resolution, 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.

13-93 Mayor Menna read, "A Resolution Authorizing Emergency Appropriations in the 2013 Temporary Budget."

Councilman DuPont 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.

13-94 Mayor Menna read, "A Resolution Authorizing Valet Parking Services on Bridge Avenue on a Temporary Basis."

Mayor Menna noted that this was a result of redevelopment on the westside and said the program would assist merchants in the area and accommodate their customers in a similar fashion to the successful program currently in place on Broad Street.

Councilman Murphy agreed that the Broad Street program had worked very well.

Councilman DuPont said it was a highlight of the relationship of cooperation between the Borough and its businesses. He also noted it was the result of the project that was underway and pointed out that the vacancy rate was down to four percent.

Councilman DuPont offered a motion to approve the resolution, 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.

13-95 Mayor Menna read, “A Resolution Calling for Increased Fines and Penalties for Cases of Animal Cruelty.”

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

ROLL CALL:

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

NAYS: None

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

### **PROCLAMATIONS**

Mayor Menna read a proclamation proclaiming April 2013 as Child Abuse Prevention and Awareness Month in the Borough of Red Bank.

Mayor Menna read a proclamation proclaiming April 2013 as Jazz Appreciation Month in the Borough of Red Bank.

### **PAYMENT OF VOUCHERS**

13-96 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,319,289.37.”

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

ROLL CALL:

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

NAYS: None

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

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

Councilman Zipprich noted that Engineer Ballard had distributed an Engineer’s Report and urged everyone to review it.

### **AUDIENCE**

Sean Costoma—28 Morford Place—said he was a new resident and appreciated all that the Council did particular in matters of animal cruelty and child abuse. He said knew Red Bank had been labeled an inclusive town but said there was a matter they may not be aware of. He said some politicians were known hate-mongers and accused Michelle Roth of Manalpan of being one. He said Councilman Zipprich was scheduled to attend a fund raiser at the home of Larry and Michelle Roth and said Larry Roth had clearly stated to a fellow Councilmember that he did not like Italians. He noted the length of time it had taken Michelle Roth to respond regarding those comments. He asked Mr. Zipprich if he would refuse to attend the fundraiser.

Councilman Zipprich noted that he and Michelle Roth had been friends for a very long time. He also said he did not believe Mr. Costoma was aware of the fact that she and her husband had been divorced.

Mr. Costoma said he was not aware and again claimed she was a hate-monger. He also again asked Mr. Zipprich if he would refuse to attend her fundraiser.

Councilman Zipprich again noted they had been good friends for a number of years.

Mr. Costoma said he was not friends with hate-mongers.

Councilman Zipprich responded that neither was he.

Mr. Costoma again called for Councilman Zipprich to decline to attend the fundraiser.

Marge Lowe—9 Wall Street—thanked Mayor Menna, Administrator Sickels and the entire Council for the ability to use a cell phone at the parking meters. She said it would make her life easier.

Cindy Burnham—71 Wallace Street—asked for an update on the boat and fence at the food of Maple Avenue.

Mayor Menna asked Administrator Sickels for an update. Mr. Sickels said he believed there was a meeting scheduled within the next week regarding a plan to remove the debris from the waterways. He said he had delegated the matter to other people and he would have to follow up.

Mayor Menna asked if they had made contact with the owner of the boat. Mr. Sickels said the police have the name of the owner and said he had abandoned the boat. He said the State had contracted with a vendor to remove the debris from the waterways and the work was being prioritized. He said they were working on the channels right now.

Mayor Menna asked Ms. Burnham when the Paddle the Navesink Day was planned for. She said they would not be having it this year.

Ms. Burnham also asked about damaged fence on the property and said she had spoken with a public works employee that had said it could be easily fixed. She said she felt the property was a gateway to the Borough.

Mayor Menna said there was a question of who legally owned the fence. Ms. Burnham said there were two fences. Administrator Sickels said he believed only one fence belonged to the Borough. He also said some of the damage was storm related and the Borough was on a temporary budget and had limited funds that made it difficult to move forward with some projects until the budget passed. He said he would follow up with the Public Works Director.

Councilman Murphy questioned the amount of money that had been spent a Count Basie Field and asked why they couldn't repair a fence.

Ms. Burnham said it had been in this state since before Hurricane Sandy.

Mayor Menna pledged that it would be taken care of.

#### **EXECUTIVE SESSION**

13-97                The Attorney read a resolution to adjourn to executive session to discuss contract negotiations; possible action to be taken.

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

ROLL CALL:

AYES:              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 close executive session, 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.

#### **ROLL CALL**

PRESENT:          Mayor Menna and Council Members Lewis (via phone), Zipprich, DuPont, Horgan, Lee and Murphy.

#### **ADJOURNMENT**

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

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