

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
JUNE 13, 2012  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

PRESENT: Council President Murphy and Council Members Zipprich, Horgan and Lee.

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

ABSENT: Mayor Menna, Council Members Lewis and DuPont and Chief Financial Officer Lapp.

**SUNSHINE STATEMENT**

Council President Murphy 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 12, 2012.

**WORKSHOP**

None.

**APPROVAL OF MINUTES – May 23, 2012**

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

**ROLL CALL:**

AYES: Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

**MAYORAL APPOINTMENTS**

None

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilman Zipprich reported that the following Wednesday, the First Annual Pride Event at the Two River Theater would be taking place from 6 to 9 pm. He said there had been an overwhelming response from the youth in the community. He said the Mayor would be attending to present a proclamation. He said the event was focused on the youth. He said the Public Works Committee would be meeting to review the Road Program and other issues.

Councilwoman Horgan reported the she and Councilman Zipprich, along with other elected officials, participated in the Pride March in Asbury Park on June 3. She said the Environmental Commission was encouraging everyone to stop idling their cars, to walk and bike more often, to combine driving trips and to car pool. She also reported on a web site that offered information on how to reduce car emissions.

Councilwoman Lee had no report.

**COMMUNICATIONS AND PETITIONS**

Request from Juanito’s Market to close Catherine Street from Shrewsbury Avenue to the end of their property on Sunday, June 24, 2012 from 1 p.m. to 8 p.m. to hold their Grand Opening Celebration, approved by the Special Events Committee.

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

**ROLL CALL:**

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

Request from Buona Sera to hold a car show on July 25, 2012 beginning at 7 p.m. in the Stavola Parking Lot, Firestone Parking Lot, Sleep Shop Parking Lot and along Maple Avenue to Oakland Street, approved by the Special Events Committee.

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

**ROLL CALL:**

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

Request from The Count the Children Movement to hold the “I-Build, U-Build, We-Build...A Better Community Family Day” in Count Basie Park on Saturday, August 18, 2012 with a rain date of Sunday, August 19, 2012 from 1 p.m. to 8 p.m., approved by the Special Events Committee.

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

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

Request from the Red Bank Volunteer Fire Department for use of Broad Street and Monmouth Street for the annual Street Fair on Sunday, September 9, 2012, approved by the Special Events Committee.

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

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

Request from the Red Bank Area CROP Walk to hold the 31<sup>st</sup> Red Bank CROP Hunger Walk on Sunday, October 16, 2012 from 2 p.m. to 4 p.m., approved by the Special Events Committee.

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

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

Request from Liberty Hose Company of the Red Bank Volunteer Fire Department to hang a banner on Shrewsbury Avenue from July 1 to July 9, 2012 to advertise their Annual Memorial Car Show.

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

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

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

Council President Murphy opened the public comment portion of the meeting and asked if anyone would like to speak.

Cindy Burnham—146 Harrison Avenue, Fair Haven—asked about ordinance 2012-10 and if it concerned the property off of Locust Avenue that ran to the Primary School. Administrator Sickels said it was not and said it concerned property that went from Bergen Place to Bank Street. He said it was a condition of approval for a project that the easement be granted.

Ms. Burnham also asked about ordinance 2012-12 and what parking lots it pertained to. Administrator Sickels said the amendment was in regard to a handicapped parking space that was being added on Broad Street.

Council President Murphy asked if anyone else would like to speak

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

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

#### **ORDINANCES – First Reading**

2012-10      Council President Murphy read, “AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A WATERFRONT PUBLIC ACCESS EASEMENT AND OPEN SPACE EASEMENTS BLOCK 82, LOT 10 (PORTION THEREOF) BLOCK 83, LOTS 5, 6.01 AND 6.02 (PORTION) RED BANK, NJ.”

Councilwoman Lee offered a motion to adopt the ordinance on first reading, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

There being four ayes and no nays, the ordinance was declared adopted on first reading.

Public hearing and final adoption scheduled to be held June 27, 2012.

2012-11 Council President Murphy read, "AN ORDINANCE AUTHORIZING THE BOROUGH OF RED BANK TO GRANT A STORM FILTER ACCESS EASEMENT."

Councilman Zipprich offered a motion to adopt the ordinance on first reading, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

There being four ayes and no nays, the ordinance was declared adopted on first reading.

Public hearing and final adoption scheduled to be held June 27, 2012.

2012-12 Council President Murphy read, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VIII, "PARKING LOTS AND HANDICAPPED SPACES", SECTION 8-2.8, "RESTRICTED PARKING," SCHEDULE IV, "PUBLIC STREETS", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK."

Councilwoman Lee offered a motion to adopt the ordinance on first reading, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

There being four ayes and no nays, the ordinance was declared adopted on first reading.

Public hearing and final adoption scheduled to be held June 27, 2012.

2012-13 Council President Murphy read, "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS, SECTION 25-5.10 "GENERAL PROVISIONS", "NON-APPLICABILITY."

Councilwoman Horgan offered a motion to adopt the ordinance on first reading, seconded by Councilwoman Lee.

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

There being four ayes and no nays, the ordinance was declared adopted on first reading.

Public hearing and final adoption scheduled to be held July 11, 2012.

2012-14 Council President Murphy read, "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS, SECTION 25-9.3 "CONDITIONAL USES", "PUBLIC UTILITIES."

Councilman Zipprich offered a motion to adopt the ordinance on first reading, seconded by Councilwoman Lee.

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

There being four ayes and no nays, the ordinance was declared adopted on first reading.

Public hearing and final adoption scheduled to be held July 11, 2012.

**ORDINANCES – Public Hearing and Final Adoption**

2012-9 Council President Murphy read, "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$350,000 FOR ACQUISITION AND INSTALLTION OF PARKING PAY STATIONS."

Council President Murphy opened the public hearing and asked if anyone would like to speak.

Suzanne Viscomi—23 Arthur Place—said she had visited the site and had seen a pole that looked like someone had hit it and wanted to know if the Borough was aware of it. Administrator Sickels confirmed that they were aware of the damage pole on Maple Avenue. Ms. Viscomi asked if the pole was maintained by the town. Mr. Sickels said it was.

No one else appearing, Councilman Zipprich offered a motion to close the public hearing, seconded by Councilwoman Lee.

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

There being four ayes and no nays, the public hearing was declared closed.

Councilman Zipprich offered a motion to adopt the ordinance on final reading, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

There being four ayes and no nays, the ordinance was declared adopted on final reading.

### **RESOLUTIONS**

12-112 Council President Murphy read “A RESOLUTION AUTHORIZING THE CANCELLATION OF UNCOLLECTABLE TAXES.”

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

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

12-113 Council President Murphy read “A RESOLUTION ACKNOWLEDGING ACCEPTANCE OF A REPORT FROM THE CFO REGARDING NOTE SALE.”

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

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

12-114 Council President Murphy read “A RESOLUTION APPOINTING CONSTANCE LUDDEN AS TAX/UTILITY COLLECTOR.”

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

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

12-115 Council President Murphy read “A RESOLUTION REQUESTING SPECIAL ITEM OF REVENUE.”

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

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

12-116 Council President Murphy read “A RESOLUTION REQUESTING SPECIAL ITEM OF REVENUE.”

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

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

12-117      Council President Murphy read “A RESOLUTION AUTHORIZING TAX REFUNDS DUE TO TAX APPEAL JUDGMENTS.”

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

ROLL CALL:

AYES:      Zipprich, Horgan, Lee, Murphy

NAYS:      None

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

12-118      Council President Murphy read “A RESOLUTION AUTHORIZING APPROVAL OF SIDEWALK CAFES.”

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

ROLL CALL:

AYES:      Zipprich, Horgan, Lee, Murphy

NAYS:      None

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

12-119      Council President Murphy read “A RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES 2012-2013.”

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

ROLL CALL:

AYES:      Zipprich, Horgan, Lee, Murphy

NAYS:      None

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

12-120      Council President Murphy read “A RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSES 2012-2013.”

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

ROLL CALL:

AYES:      Zipprich, Horgan, Lee, Murphy

NAYS:      None

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

12-121      Council President Murphy read “A RESOLUTION AUTHORIZING RENEWAL OF CLUB LICENSES 2012-2013.”

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

ROLL CALL:

AYES:      Zipprich, Horgan, Lee, Murphy

NAYS:      None

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

### **PAYMENT OF VOUCHERS**

12-122      Council President Murphy read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,795,356.05.”

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

ROLL CALL:

AYES:      Zipprich, Horgan, Lee, Murphy

NAYS:      None

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

### **PROCLAMATIONS**

### **OLD BUSINESS**

### **NEW BUSINESS**

### **AUDIENCE**

Cindy Burnham—146 Harrison Avenue, Fair Haven—asked who owned the land that ran from Locust Avenue to the Primary School. Mr. Sickels said the Borough owned the portion that he believed was known as Locust Place which ran from the curb line on Locust Avenue to the property line of the apartment complex known as Locust Landing. He said from that point on, it was owned by the school. Ms. Burnham asked if the area was supposed to be a second egress from the school. Mr. Sickels said the

Borough had been discussing the issue with the school since 2001 and the school had wanted to the Borough to make the improvements. He said they had recently had a meeting with the school where it was shown on the tax map that they owned the property. He said they were currently looking for funding sources.

Ms. Burnham also asked if the Borough could supply two yards of mulch for the Maple Cove site. Council President Murphy said they would refer the matter to Public Works Director Watson.

Frank Valentino—157 Branch Avenue—expressed concerns about traffic on Branch Avenue, especially at night. He asked about the possibility of getting speed bumps like the ones on Leighton Avenue. Several Council members noted that it was a County road and the Borough had no jurisdiction. Council President Murphy said he would ask the Police Department to put out the sign that registers how fast cars were travelling and to follow up with an officer in the area.

Carl Colmorgen—67 Oakland Street—noted that he had sent a letter to the Mayor but wanted to put a matter on the record. He said Public Works employee Doug Lang had come upon an Oakland Street resident who was bleeding outside of her home. He said when she refused medical attention, Mr. Lang got her into the house and then travelled to her son's house on Madison Avenue to tell him of the incident. He said he believed, if not for the efforts of Mr. Lang, the resident may have bled to death. He said he would like to see him recognized in a manner similar to the recognition given to two men who had helped a woman from a burning building.

Councilman Zipprich said he was aware of the situation and would follow up.

Councilman Zipprich offered a motion to close the audience portion of the meeting, seconded by Councilwoman Lee.

**ROLL CALL:**

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

**EXECUTIVE SESSION**

**ADJOURNMENT**

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

**ROLL CALL:**

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

Respectfully submitted,

Pamela Borghi