

**MINUTES**  
**REGULAR MEETING**  
**MUNICIPAL COUNCIL – BOROUGH OF RED BANK**  
**JUNE 27, 2012**  
**6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

ABSENT: Councilwoman Lee, Administrator Sickels and Attorney O’Hern.

**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 12, 2012.

**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, Murphy

NAYS: None

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

**Presentation of Council Portrait**

John Paul Nicolaides told the Council how much he enjoyed living in Red Bank and said he wanted to give back by donating a portrait of the Council taken by local business Kramer Photography. He unveiled the portrait and showed it to the audience and then the Council members. He suggested that, after the portrait was retired from Borough Hall, it could be sent to the New Jersey Room at the Eisner Library. He again noted that he wanted to make the gesture out of affection for the members of the Council and happiness for living in the community and the quality of life it offered.

Mayor Menna said, on behalf of the entire Council, he wanted to express their gratitude and added that the gift was a testament of Mr. Nicolaides love and affection for the group. He said it was a beautiful piece by a local artist.

Councilwoman Horgan said it was a testament to Mr. Nicolaides’ and Councilman Zipprich’s generosity in so many ways. She said she wanted to thank them very much and said the Council appreciated the wonderful gesture. She noted that Mr. Nicolaides had bid on the offer of a portrait sitting while attending a gala to benefit Lunch Break so that charity also benefited from his gesture. She thanked them for being good friends and good citizens.

Councilman DuPont thanked Mr. Nicolaides for the donation of the portrait and said he also wanted to thank him for doing a wonderful job emceeing at the recent First Annual LGBT event. He said Mr. Nicolaides’ generosity was exhibited that evening and it was epitomized by the gift. He thanked him again for the portrait and for his love of Red Bank.

Councilman Zipprich said the Council was a great team to work with. He said Kramer Photography had done a wonderful job and it was a testament to his colleagues on the Council.

Councilwoman Lewis, who was participating by phone, said she couldn’t wait to see it.

**Check Presentation from Lunch Break**

Gwendolyn Love of Lunch Break thanked Mr. Nicolaides and Councilman Zipprich for their support. She said the organization had sent a letter to the Council to let them know of their gratitude for the fact that Red Bank had been very good to Lunch Break over the years. She said they were always looking for ways to give back in their humble and modest way. She said the Board discussed the matter and found that one of the areas where they identified a need was for more affordable recreation programs as there were many families that could not afford the fees for their children to participate in some of the activities offered. She said the Lunch Break Board of Trustees has approved a modest donation of \$500 to be directed to the Red Bank Summer Camp Program for direct assistance to a family to help offset the cost of attending the summer camp program.

In addition, she continued, the Lunch Break Board of Trustees had also approved a modest donation of \$500 to be directed to the Red Bank Police Department for their support throughout the community. She said the donation was to be used to support the National Night Out Activities which were activities the entire community to enjoy. She said, on behalf of the Lunch Break Board of Trustees, their staff, their

staff volunteers and especially their clients, she wanted to thank the Mayor and Council for the time and commitment they unselfishly give.

Ms. Love introduced the Board President, Georgiana Harris. Ms. Harris said they really did want to thank the Council for all of their support. She said they benefitted from being in Red Bank with all the town does to help them and the clients they serve.

Mayor Menna assured them the donations would be put to good use and said, on behalf of Recreation Committee Liaison Councilwoman Lewis, Recreation Director Crystian and Police Committee Liaison Councilman Murphy, they were very grateful. He said he had noted at their reception that he had been one of the founding Board of Trustee members. He said he had seen it grow from its infancy to a full grown adult corporate participant under great leadership.

Councilwoman Lewis said she wanted to tell Ms. Love that when she had seen the letter from Lunch Break it had warmed her heart. She said the money would go so far to help the Borough's children. She said, on behalf of the Recreation Department and the younger residents of Red Bank, she wanted to truly thank Lunch Break for their generosity and support.

Mayor Menna offered one more thanks to both John Paul Nicolaides and Gwendolyn Love for both of their presentations.

12-123        Mayor Menna read "A RESOLUTION OF THE GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT."

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

ROLL CALL:

AYES:        DuPont, Lewis, Zipprich, Horgan, Murphy

NAYS:        None

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

12-124        A RESOLUTION COMMENDING JESSICA CLARK ON BEING NAMED TEACHER OF THE YEAR FOR RED BANK CHARTER SCHOOL.

Councilwoman Horgan read the resolution as Mayor Menna presented it.

Ms. Clark said she had learned from the best which included her colleagues, her family and her principal. She said she absolutely loved teaching.

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

ROLL CALL:

AYES:        DuPont, Lewis, Zipprich, Horgan, Murphy

NAYS:        None

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

12-125        A RESOLUTION COMMENDING BRANDY BALTHAZAR ON BEING NAMED TEACHER OF THE YEAR FOR RED BANK PRIMARY SCHOOL.

Brandy Balthazar was not present to accept the resolution. The matter was carried to the end of the meeting.

### **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, Murphy

NAYS:        None

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

### **WORKSHOP**

Planning and Development Regulations pertaining to approvals of Retail & Food Establishments and the Distribution of Adhesive Advertisements and Responsibility for Removal.

Mayor Menna said he took destruction of property very seriously. He noted the Borough had taken a strong stance on graffiti and on people who despoil Borough parks and public places. He reviewed ongoing problems the Borough has had in regard to businesses distributing stickers to advertise their businesses and the difficulty of removing them from both public and private property. He said he would like to propose an ordinance that would make it a condition of approval for any new establishments that they would have to agree to use only removable stickers for their advertising and accept responsibility for removing them once they were notified. He said the Planning Board had already added the language to a couple of resolutions and he would like to see it as a general regulation.

The Council members were all of favor of directing the Attorney to draft an ordinance to address the issue.

#### **APPROVAL OF MINUTES – June 13, 2012**

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

#### **ROLL CALL:**

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

#### **MAYORAL APPOINTMENTS**

None

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

Councilman Murphy reported that new parking meters had been installed over the weekend and said they had gone into operation the previous Monday. He said there would be staff on hand for the first two weeks to show people how to use the new machines. He also reported that Bates Lodge would be hosting an open house for the Police and Fire departments on June 30<sup>th</sup>.

Councilwoman Horgan reported that the Borough had hosted its first Pride event and she would let Councilman Zipprich report on the details. She said it was a resounding success and had been geared to the LGBT youth. She also reported on an event that had been held the previous Saturday at Calvary Baptist Church to honor Sandra Davis who had been a teacher in the Red Bank Public School system for the past 33 years. She said Mayor Menna had attended to present a resolution and Councilwoman Lewis had also attended.

Councilwoman Lewis reported that the Parks and Recreation Committee had met on the 21<sup>st</sup> of the month and discussed park and field maintenance. She also reported that summer camp was thriving and said a new age category for three to five year olds had been added and said it was going over really well. She said registration was currently where it had been at the end of the program last year. She said there were programs for children from ages three to fourteen and said there were also programs for adults. She also reported that the Vision Committee had been working diligently and as soon the details were finalized they would present all of the things they had been working on.

Councilman Zipprich reported that the Public Works Committee had met the previous week to go over the road program. He said work was beginning on Peters Place. He said Drummond Place, Monmouth Street and Boat Club Court would follow. He also reported that the Historic Preservation Committee would be meeting later in the evening to review plans for a historic homeowner roundtable discussion to be held later this year. He also noted that the Shade Tree Committee had met the previous Thursday to identify Borough trees in need of pruning and further updated the Forestry Management Plan. He said he wanted to thank Public Works Director Gary Watson because he had been working to coordinate volunteers who had come forward to work on the flower beds and shrubbery in Riverside Gardens Park. He said Mr. Watson was also coordinating with someone who had volunteered to maintain the overgrowth at Mohawk Pond to keep the fishing area accessible. He said the First Annual Pride Event at the Two River Theater had been a resounding success. He thanked the Mayor and Council members who had come out to support the event. He said they had also had great support from David Pascale of the Human Relations Advisory Committee as well as the staff at the Two River Theater. He also thanked the Make It Better for Youth Organization and said their staff had done an outstanding job at coordinating the program for the evening. He thanked John Paul Nicolaides for moderating and serving as emcee. He said the young people were incredible impressed by the outpouring of support from the adults who turned out for the event. He said the was an exquisite presentation of talent from the youth. He said he wanted to extend a special thanks to Councilwoman Horgan for her support on the project. He said many people had already said they wanted to be involved in the second event. He also thanked Mayor Menna for speaking from his heart to the youth and said he eloquence meant a lot.

He also reported that he and Mr. Nicolaides had travelled to Minneapolis for the weekend where they were welcomed by the Council Vice President and given a tour of City Hall. He said the Council member had introduced them to the city's Bike Share program and had given them bicycle to tour the city. He said on Sunday they had been invited to March with the City Council in the Twin Cities Pride Parade which he said was an honor. He also told Council members that he would be away for the month of July to attend the Kennedy School of Government at Harvard as a Victory Institute Fellow.

Councilman DuPont said he wanted to thank CFO Lapp for the tremendous job of getting the Borough's budget in and receiving an audit with glowing comments. He said he thought it might have been the earliest that the Borough had adopted the budget for quite some time. He thanked Ms. Lapp and Council members Zipprich and Lewis for working tirelessly to get the budget in as well as on the great audit report. He said he also wanted to thank Council members Horgan and Zipprich for the great evening of the First Annual Pride event. He said it had been an eye opening experience as well as a moment of reflection and thought on how to improve himself. He commended the Parks and Recreation Committee for adding exercise activities for the residents and noted the Mayor's Wellness Committee had had its first meeting a couple of week prior. He said it was a great meeting and there was another one planned in the next week or two. He said he had received a number of comments from people looking forward to the

Mayor's programs. He said he hoped to have an announcement at the next meeting for the first event for the Mayor's Wellness Campaign.

#### **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from Juanito's Market to close Catherine Street from Shrewsbury Avenue to the end of their property on Sunday, July 1, 2012 from 1 p.m. to 8 p.m. (instead of Sunday, June 24, 2012) to hold their Grand Opening Celebration, approved by the Special Events Committee.

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

#### **ROLL CALL:**

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

Mayor Menna read a request from Clayton Smith, Jr. for membership to Independent Engine Company of the Red Bank Volunteer Fire Department.

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

#### **ROLL CALL:**

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

Mayor Menna read a request from RiverCenter for free parking in the borough parking lots within the downtown business district on Friday, July 27, Saturday, July 28, and Sunday, July 29, 2012 for the 58th Annual Sidewalk Sale.

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

#### **ROLL CALL:**

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

There being five ayes and no nays, the request 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.

Stephen Mitchell—Prospect Avenue—Asked about the procedure regarding the adoption of ordinances. Mayor Menna explained the ordinances were introduced and then there was a public comment period. He said some were sent to the Planning Board before coming back to the Mayor and Council.

Mr. Mitchell said there were no copies of the ordinance he was interested in on the table at the front of the room. Mayor Menna asked Clerk Borghi if copies had been placed for the ordinances for introduction. She said the policy that she inherited was to only place out copies of those items on for public hearing but they could certainly amend the policy. She also noted that all items were posted on the bulletin board behind the Council Chamber. Mayor Menna said he would like to see copies of all ordinances and resolutions place out for the public. He also told Mr. Mitchell that the ordinance he was concerned about was only on for introduction and that they would not be taking final action at this meeting.

Frank Valentino—157 Branch Avenue—said he had read an article in a local paper regarding jetties or mini-buses to encourage shopping in or near Red Bank. He said he was told there used to be a similar service but that it had been done away with. Mayor Menna said there had been jetty service between Red Bank and other shopping destinations during special holidays but he was not aware of it as a regular service at the present time. Mr. Valentine also said he had been told by a cab company that the former Broad Street restaurant known as River's Edge had moved and asked the Mayor if he knew where it had gone. He said he did not.

Cindy Burnham—146 Harrison Avenue, Fair Haven—asked about ordinance 2012-10. Mayor Menna told her there would be a Public Hearing for that ordinance and she should speak on it then.

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: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

## ORDINANCES – First Reading

2012-15      Mayor Menna read “AN ORDINANCE AMENDING THE BOROUGH OF RED BANK’S ZONING MAP TO RE-CLASSIFY THE RESIDENTIAL PROPERTIES LOCATED ON RECTOR PLACE FROM THE WD WATERFRONT DEVELOPMENT DISTRICT TO THE R-B2 RESIDENTIAL ZONE DISTRICT.”

Mayor Menna noted that the Council had received a letter from Borough Planner Kramer that identifies the need to make the particular area in the waterfront development district somewhat consistent because of the ambiguity which was clearly expressed by the fact that there were at least two litigations involving the matter. He added that the Zoning Board had interpreted certain matters regarding the ordinance and, in their opinion, had found it ambiguous and weak. He said it was the role of government to clarify ambiguity and courts had traditionally deferred to the role of elected officials as being closest to the public domain and the wishes of the people to try to address local zoning issues to make them conform to Master Plan guidelines and regulations. He said he thought Mr. Kramer had done a great job in identifying that the ordinance was consistent with the 1995 Master Plan and also that the particular property involved, at the corner of Rector Place and Highway 35, was the only commercial property on that side of the river and it would be consistent to make that property part of the waterfront development district.

At the same time, he continued, it protects the residential properties on Rector Place with an ordinance that clearly reaffirms what the intent of the amendments were since the 1995 Master Plan. He said it was also consistent the intent of the amendments done in 1990’s Reexamination which was to create a corridor on Rector Place which would advance and stabilize the residential character of those properties and preclude high-rise development on Rector Place. He said the amendments have served their purpose and Rector Place was, once again, of residential character. He said the rest of Rector Place would be in the R-B2 zone which would permit single and two family accommodations. He said any pre-existing, non-conforming uses would have the right to go before the board and be treated as such.

He said they had also reviewed the waterfront development ordinances and had found they were very complicated so decided the Governing Body should try to make them more clear. He added that there was confusion regarding height in the district and said it could be allowed up to 150 feet under certain conditions. He said the amending ordinance would limit that to 75 feet so they were actually reducing the height allowed on certain properties. He said the 75 foot limitation was consistent with the Planning Table provided by Mr. Kramer. He gave several examples of buildings in the area that were within the 75 foot limitation. He said ordinances 2012-15, 2012-16 and 2012-17 had to be read together. He said one would eliminate the corner property from the Rector Place zoning district and places it in the waterfront district. He said another would control the height along the entire waterfront district and limit it to 75 feet. He said individuals could still make an application under exceptional circumstances which they would have to prove. He said the ordinances would also change the uses along the waterfront development district to make them more residential friendly. He said one should not look at one without the other, but should view all three ordinances together.

Councilman DuPont said he thought it was a great bold step that the Council was taking. He said it would clear up a lot of confusion that had existed since 1995, but more importantly, he said it demonstrated that Red Bank would not be prohibited or intimidated from doing what was right within its Master Plan and also to protect its neighborhoods. He said he had reviewed the plan report from Mr. Kramer who he knew had years of planning experience. He said Mr. Kramer’s opinion demonstrates that the proposed changes comply with the Master Plan, remove confusion, promote the Borough’s businesses and protect its neighborhoods. He said he wanted to congratulate Mayor Menna on spearheading the effort and, more importantly, on not taking a back seat in the face of adversity for the betterment of Red Bank businesses and neighborhoods.

Mayor Menna said he appreciated his generous comments.

Councilman Zipprich asked how the ordinances would affect the riverfront homes on the Rector Place corridor.

Mayor Menna noted that he was the only current member of the Council that was on the body when the Rector Place corridor was carved out. He reviewed the history of the neighborhood including a bankruptcy filing that resulted in the municipality have the opportunity to protect those historic and architecturally significant houses on Rector Place. He said there had been a plan to tear most of them down and build a high rise development. He said the properties had been obtained by a developer that filed bankruptcy and the bankruptcy court trustee had been able to dispose of the properties. He said the Council at that time decided they needed to protect Rector Place. He said they created the ordinance that referred to properties abutting on Rector Place but noted that it was confusing as written and should have included block and lot numbers. He said that was what the current ordinance would do while still reflecting the intent of what the Council was trying to do under Mayor McKenna. He noted that they had successfully protected the properties on Rector Place from being demolished by the developer and they were subsequently purchased by individual buyers. He said it was never the Council’s intent to include the gas station, which he pointed out was operational at the time, and they never thought it would be included because there was a question as to whether it was on Rector Place or Highway 35. He said the ordinance was vague because it did not include block and lot numbers and said it had become a bone of contention for the greater part of a year and a half and he said he felt the Council had an obligation and

duty to clarify the ambiguity. He said he felt the ordinance before them reflected the original intent of the previous administration.

Councilman Zipprich clarified that one could not buy one of the homes facing the river and tear it down to build a 75 foot tall structure. Mayor Menna said one could not because the Rector Place corridor was not in the waterfront development zone. The only block and lot on Rector Place that was in the waterfront development zone was the corner which was actually on Bridge Avenue and Highway 35.

Attorney O’Hern said Mayor Menna had done an excellent job explaining, but said he wanted to add that the Rector Place zone had previously been an overlay zone and that the Council had already adopted an ordinance to clarify the properties within the zone. He said it was obviously the intent of the Council that the area be zoned residential and this ordinance was just another step that would make it truly residential by taking it out of the WD zone and putting it in a residential zone which was where it should be. He said it really wouldn’t impact the properties because they were already zoned residential.

Councilman DuPont offered a motion to adopt the ordinance on first reading, seconded by Councilman Murphy.

**ROLL CALL:**

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

Public hearing and final adoption scheduled to be held July 25, 2012.

2012-16 Mayor Menna read “AN ORDINANCE AMENDING AND SUPPLEMENTING THE CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS, SECTION 25-10.7, “REGULATIONS CONTROLLING R-B2 RESIDENTIAL ZONE DISTRICT.”

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

**ROLL CALL:**

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

Public hearing and final adoption scheduled to be held July 25, 2012.

2012-17 Mayor Menna read “AN ORDINANCE AMENDING AND SUPPLEMENTING THE CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS, SECTION 25-10.16, “USE REGULATIONS CONTROLLING THE WATERFRONT DEVELOPMENT DISTRICT”, SECTION A. “PERMITTED USES” AND SECTION E. “AREA, YARD AND STRUCTURE REQUIREMENTS”, SUB-PARAGRAPH 6. “MAXIMUM STRUCTURE HEIGHT.”

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

**ROLL CALL:**

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

Public hearing and final adoption scheduled to be held July 25, 2012.

**ORDINANCES – Public Hearing and Final Adoption**

2012-10 Mayor Menna 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.”

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 Zipprich.

**ROLL CALL:**

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

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

**ROLL CALL:**

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

2012-11 Mayor Menna read “AN ORDINANCE AUTHORIZING THE BOROUGH OF RED BANK TO GRANT A STORM FILTER ACCESS EASEMENT.”

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 Councilwoman Horgan.

**ROLL CALL:**

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

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

**ROLL CALL:**

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

2012-12 Mayor Menna read “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VIII, “PARKING LOTS AND HANDICAPPED SPACES”, SECTION 8-2.8, “RESTRICTED PARKING,” SCHEDULE IV, “PUBLIC STREETS.”

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 Zipprich.

**ROLL CALL:**

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

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

**ROLL CALL:**

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

**RESOLUTIONS**

12-126 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.”

Councilman DuPont said he thought this was a wonderful resolution that would protect and promote businesses and their patrons while sending the message that Red Bank was open for business.

Mayor Menna thanked him for his comments and said he felt it was the right thing to do and said he thought they were seeing positive results from it. He also noted that it was supported by RiverCenter and others in the community.

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

**ROLL CALL:**

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

12-127 Mayor Menna read "A RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE FOR CHUBBY'S WATERSIDE CAFÉ, INC. T/A FIXX FOR THE PERIOD OF JULY 1, 2012 THROUGH JUNE 30, 2013."

Councilman Zipprich said he knew they had had some concerns about the establishment and asked if there had been incidents reported to the Police Department that needed to be addressed. Mayor Menna said there had been routine incidents and he believed the Chief felt the conditions that were imposed were working.

Police Commissioner Murphy said he had discussed the matter with the Chief of Police who told him he had met with the owner of the establishment a couple of times and said he had been complying with the conditions and there been no major incidents. He said he also had concerns about the Downtown Café and how they maintained their property in regard to litter and he had asked the Chief to contact them.

Councilman Zipprich said he was also concerned with the litter.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

12-128 Mayor Menna read "A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 RELATED TO THE CONTRACT WITH MEDCO, INC. FOR THE 2011 ROAD PROGRAM."

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

12-129 Mayor Menna read "A RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES 2012-2013."

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

12-130 Mayor Menna read "A RESOLUTION AUTHORIZING PLACE-TO-PLACE (EXPANSION OF PREMISE) TRANSFER OF PLENARY RETAIL CONSUMPTION (THEATRE EXCEPTION) LICENSE NO. 1340-37-045-002 (COUNT BASIE THEATRE)."

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

ABSTAIN: Zipprich

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

12-131 Mayor Menna read "A RESOLUTION GRANTING DISCRETION TO THE TAX COLLECTOR FOR CANCELLATION OF PROPERTY TAX REFUNDS OR DELINQUENT AMOUNTS OF \$10.00 OR LESS."

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

12-132 Mayor Menna read "A RESOLUTION APPOINTING CONSTANCE LUDDEN AS TAX SEARCH OFFICER."

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

12-133 Mayor Menna read “A RESOLUTION FOR ADOPTING AN UPDATED PLAN DOCUMENT FOR AN EXISTING EMERGENCY SERVICES VOLUNTEER LENGTH OF SERVICE AWARD PLAN.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

12-134 Mayor Menna read “A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR COUNT BASIE CULTURAL SERIES DONATIONS REQUIRED BY NJSA 40A:5-29.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

12-135 Mayor Menna read “A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS TO PARTICIPATE IN THE MAIN STREET NEW JERSEY PROGRAM.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

12-125 A RESOLUTION COMMENDING BRANDY BALTHAZAR ON BEING NAMED TEACHER OF THE YEAR FOR RED BANK PRIMARY SCHOOL.

Mayor Menna called for a motion to carry the matter.

Councilman Zipprich made a motion to carry the resolution, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

The Clerk was directed to contact Ms. Balthazar and reschedule.

## **PAYMENT OF VOUCHERS**

12-136 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$860,954.23.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

## **PROCLAMATIONS**

None

## **OLD BUSINESS**

None

## **NEW BUSINESS**

None

**AUDIENCE**

Frank Valentino--157 Branch Avenue—said he wanted to clarify who had given him the information he mentioned earlier adding that it was not a cab company but a medical transportation company.

**EXECUTIVE SESSION**

**ADJOURNMENT**

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

**ROLL CALL:**

AYES:        Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS:        None

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

Respectfully submitted,

Pamela Borghi