

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
JULY 11, 2012
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Councilman Ziprich.

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.

Mayor Menna announced that all Ordinances and Resolutions would be posted to the website the day of the meeting and would be available for review or to download and print. He said, in an effort to reduce paper waste, there would be minimal paper copies available at the meetings. He also noted that all items were always available for review before and after the meeting on the bulletin board behind the Council Chamber.

SUSPEND REGULAR ORDER OF BUSINESS

Councilman Murphy offered a motion to suspend the regular order of business, seconded by Councilman DuPont.

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Lee, Murphy

NAYS: None

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

RiverCenter Presentation to RBR Athletic Foundation

RiverCenter Director Nancy Adams said her organization of local businesses had chosen to donate to the RBR Athletic Foundation to show how much they valued the Red Bank Regional community.

RiverCenter Board Chair Leo Zeik and Vice Chair Tom Fishkin presented a check for \$16,000 to representatives of the RBR Athletic Foundation and thanked them for their assistance with the recent International Food Festival that helped raise the funds. They also thanked the Borough for their support of the event. Ms. Adams thanked all of the volunteers that helped make it a phenomenal event.

RBR representatives thanked them for the donation and said they were working to put lights on their athletic field.

Councilman DuPont asked Ms. Adams to keep in mind the fact that the Borough had a Parks and Recreation Department and the Middle School had an Athletic Foundation that could also benefit from such donations.

12-137 Councilwoman Horgan read “A RESOLUTION HONORING GEMMA CIABATTONI AS THE HIGHEST RANKING RED BANK SENIOR.”

Mayor Menna presented the resolution to Ms. Ciabattoni and commended her on her accomplishments and wished her the best. Ms. Ciabattoni thanked the Council for honoring her.

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Lee, Murphy

NAYS: None

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

12-138 Councilwoman Horgan read “A RESOLUTION COMMENDING MANDY GALANTE ON BEING NAMED TEACHER OF THE YEAR FOR RED BANK REGIONAL HIGH SCHOOL.”

Mayor Menna presented the resolution to Ms. Galante and commended her on her success. Ms. Galante thanked the Mayor and Council for recognizing her.

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Lee, Murphy

NAYS: None

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

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, DuPont, Horgan, Lee, Murphy

NAYS: None

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

WORKSHOP

No workshop items.

APPROVAL OF MINUTES – June 27, 2012

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

ABSTAIN: Lee

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

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman DuPont reported that the Mayor's Wellness Committee had held two meetings and had created a Vision Statement was "Creating a Healthier Community – Today, Tomorrow, Together." He said they anticipated having a Health Fair for Borough employees as well as Borough residents. He said they were also discussing having a one mile walk with the Mayor leading the way.

Councilwoman Lewis reported that Summer Camp had started this week and was doing very well. She noted that they had added a program for three to five year olds which was very popular. She reported that enrollment was up overall and they were still expecting more late registrations. She said she was very happy to see the growth in the summer camp. She said she also wanted to recognize the seventh and eighth grade baseball team, as well as the fourth grade team, who both went to the playoffs. She said the 15 year old boys' soccer team also went to the quarter finals. She said she was happy to see the recreation programs doing so well. She said she also wanted to publicly recognize Rose Sestito and Michael Ballard for their hard work in organizing Baseball Day and said it was a great day.

In regard to the Vision Committee, she continued, they would be holding a series of three open air jazz concerts in August. She said they were working with the Special Events Committee to nail down the details. She said a press release would be going out with more information.

Councilwoman Horgan reported that the Environmental Commission had met the previous evening and had discussed two issues which were the Library bulkhead/living shoreline and the plans for the Bellhaven Nature Reserve at the end of Locust Avenue. She noted that Borough Administrator Sickels and Borough Attorney O'Hern had attended the meeting and had explained the Borough's stance in regard to those issues. She explained that, while she and some other Council members were in favor of a living shoreline, the Borough was bound by the terms of the deed for Library which states the Borough must maintain in good repair the bulkhead. She said the Council's fear was that, if they did not fulfill the terms of the deed, the Borough could be opened to lawsuits and the final decision was that they would be putting a bulkhead in. With regard to Bellhaven, she continued, no final decision had been made but added that they wanted to install a play area with a water element for all of the children of Red Bank and particular those on the west side who may not have access to transportation to the beach. She said the Borough had received a grant for the project but had not made a final decision. She said the Environmental Commission would be kept informed as the Borough moved forward.

Councilwoman Lee thanked Councilwoman Horgan for her work in setting up the meeting regarding the concerns at the Library and for getting all of the interested parties there. She said they will be moving

forward and having a new bulkhead installed. She said, in the absence of Councilman Zipprich, she would like to extend congratulations and thanks to Public Works Director Watson and Administrator Sickels for Joint Insurance Fund Award. She said it would result in lower insurance rates and future dividends. She said Director Watson and the entire DPW staff should be applauded.

Councilman Murphy had no report.

COMMUNICATIONS AND PETITIONS

There were no Communications or Petitions

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, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Lee, Murphy

NAYS: None

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

ORDINANCES – First Reading

ORDINANCES – Public Hearing and Final Adoption

2012-13 Mayor Menna 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.”

Mayor Menna noted that the Council had received a recommendation from the Planning Board that noted that the Ordinance was consistent with the Master Plan. He also noted that the Ordinance made provisions that any type of impediment on a public sidewalk, that has to be either placed or excavated on a site plan, must have a review and submission to the Zoning Officer prior to the work being done because it is a public right of way.

Mayor Menna opened the public hearing and asked if anyone would like to speak.

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Lee, Murphy

NAYS: None

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

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

Councilman DuPont said he had read the report dated June 19, 2012 and it was apparent that it had found that both of the ordinances being considered at this meeting were in compliance with the Master Plan. He said he wanted to make sure the Planning Board’s Findings and Conclusions in that report were referenced with the adoption of these Ordinances.

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Lee, Murphy

NAYS: None

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

2012-14 Mayor Menna 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.”

Mayor Menna said this was a “book end” to Ordinance 2012-13 and, as Councilman DuPont had mentioned, had been referred to in the Planning Board report and had been found to be consistent with the Master Plan.

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 Lewis.

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Lee, 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 together with the correspondence regarding the Findings and Conclusions of the Planning Board dated June 19, 2012, seconded by Councilman Murphy.

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Lee, Murphy

NAYS: None

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

RESOLUTIONS

By Consent Agenda:

12-139 A RESOLUTION AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE.

12-140 A RESOLUTION AUTHORIZING A TAX REFUND DUE TO OVERPAYMENT OF TAXES RESULTING FROM A STATE TAX COURT APPEAL JUDGMENT.

12-141 A RESOLUTION AUTHORIZING TAX REFUNDS DUE TO OVERPAYMENT OF TAXES FOR VARIOUS REASONS.

12-142 A RESOLUTION AUTHORIZING APPROVAL OF SIDEWALK CAFES.

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Lee, Murphy

NAYS: None

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

PAYMENT OF VOUCHERS

12-143 Mayor Menna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,151,084.09."

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Lee, Murphy

NAYS: None

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

PROCLAMATIONS

OLD BUSINESS

NEW BUSINESS

Councilwoman Lewis reported that Jazz in the Park would begin the following night and the opening act would be Keith Marks.

AUDIENCE

Mayor Menna asked if there was anyone who would like to speak.

Cindy Burnham—146 Harrison Avenue, Fair Haven—said she wanted to clarify something from the meeting the previous night asking if the town was going to do a bulkhead at 94 West Front Street along with the one at the Library. Mr. Sickels said they would be replacing bulkheads owned by the Borough that were in need of repair. He added that they had not finalized the plans and were waiting to see if they could get a grant. He said he thought it would be prudent to repair any bulkheads owned by the Borough that were in need of repair as part of this same project.

Ms. Burnham asked if the town would consider a living shoreline at 94 West Front Street. Mr. Sickels said, if they did not consider it at the Library, they would not consider it at 94 West Front Street.

Barbra Boas—135 Branch Avenue—said she wanted to make a comment about the professionalism of the First Aid Squad, Fire Department and Emergency Management Office. She said there had been a terrible accident and fire at her neighbor's house earlier in the week and she could not believe how sensitive and wonderful the emergency responders had been. She said they had been amazing with the victim, making sure someone stayed with her children and also kept the “insurance vultures” away. She asked that someone pass her comment on.

Councilwoman Horgan thanked her for her comments and noted that she was also a neighbor of the victim. She described her injuries and how the accident happened. She said she was doing well and was expected to make a full recovery. She said she was glad to hear everyone had been so helpful. Fire Commissioner Murphy said he would make sure Ms. Boas' words got passed on and said he could not say enough about the volunteers and said they were great people that were definitely there when they were needed.

Mayor Menna and Administrator Sickels noted that Ms. Boas had several family connections to the Fire Department including a father who was an ex-Chief.

No one else appearing, Councilman Murphy offered a motion to close the audience portion of the meeting, seconded by Councilwoman Lee.

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Lee, Murphy

NAYS: None

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

EXECUTIVE SESSION

ADJOURNMENT

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Respectfully submitted,

Pamela Borghi