

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
SEPTEMBER 12, 2012
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, Chief Financial Officer Lapp, Attorney O'Hern and Engineer Ballard.

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 12, 2012.

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Check Presentation by the Monmouth Boat Club

Mayor Menna asked Monmouth Boat Club Commodore Crissy Van Siclen to come forward. Ms. Van Siclen said she was appearing to present a check to the Borough in the amount of \$5,000. Mayor Menna expressed the Borough's appreciation and noted that the Club did not have to contribute but said they did it out of the goodness of their heart because they recognized that the Borough did provide assistance to their organization. He said he hoped that other not for profits would follow their example. He asked her to pass his thanks on to the members of the Boat Club.

Councilman DuPont commended the Monmouth Boat Club and called them a gracious and generous team participant. He said it was a blessing that they took it upon themselves to help out in these trying economic times.

Mayor Menna reviewed the Borough's history with the Club. He said he was the only member that was on the Council when the Board had pledged that, if the Borough would support their application for historic structure status, they would recognize their responsibility and maintain their commitment. He noted that 20 years later, the Board was honoring that commitment.

Councilman Zipprich asked Commodore Van Siclen to thank the membership on behalf of the Council and expressed his appreciation.

Mayor Menna thanked them again and discussed the possibility of holding a Council Meeting in their facility.

RESUME REGULAR ORDER OF BUSINESS

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

WORKSHOP

RiverCenter/JCP&L Request—Mayor Menna said RiverCenter had requested, as part of the Monmouth Street improvement project, permission to hook up light poles with additional outlets to provide for extended holiday lighting on the Monmouth Street corridor. He said the additional lighting had been part of the Borough's vision to make a more comprehensive downtown as part of the extended RiverCenter. He said it would be great for the entire town and there would be no cost to the Borough for the improvements as they would be paid by RiverCenter. He also noted that the residents, merchants and visitors to Monmouth Street would think it was an extraordinary improvement. He took a straw poll to see if any Council members were opposed to the request. There being none, the request was approved.

Community Garden Ad Hoc Committee

Councilwoman Horgan announced that they would be appointing an Ad Hoc Community Garden Committee by resolution at this meeting. She noted the amount of hours that had been put into project by Borough Officials as well as residents and non-residents. She said she wanted to particularly thank Administrator Sickels, Attorney O'Hern, CFO Lapp, Public Works Director Watson, Mayor Menna, Councilman Zipprich and Councilwoman Lee who had worked very hard to bring it to fruition. She also credit residents including Kathleen Gasienica, Elizabeth Seydell, Kenton Seydell and Annie Jones who worked very hard. She also thanked Tony Sloan of Atlantic Highlands for his efforts. She said she wanted to thank them all for being willing to speak to each other and compromise so the Borough could stay within the legal parameters while ensuring the Community Garden could work smoothly. She said the Borough would be responsible for insurance, maintenance of the no-freeze hydrant on the property, providing water and, possibly, the use of the shed on the property. She added that the shed was not currently in good condition and would have to be stabilized.

She said Elizabeth Seydell had agreed to serve as the Chairperson/Coordinator and would serve as the liaison between the Borough and the Community Garden. She said Ms. Seydell would report directly to Administrator Sickels regarding any activities that would require Borough approval or would involve expenditures by the Borough.

She said the Committee would establish rules and procedures for the garden including application forms, hold harmless agreements and a fee schedule for annual use. She said these items would all be subject to approval by the Administrator and Governing Body. She said fees received from applicants and users would be deposited in a separate line item in the Borough's Recreation Trust Account to be used to pay expenses associated with the establishment, operation and maintenance of the garden.

She said the Ad Hoc Committee would be composed of Elizabeth Seydell, Kenton Seydell, Anne Jones and Kathleen Gasienica. She noted they were all Borough residents which was a requirement to serve on the Committee.

She again thanked everyone who was involved.

Mayor Menna Councilwoman Horgan for being the team leader on the project and for making sure it was done right.

Councilman Zipprich said Councilwoman Horgan had been diligent in making sure that the Community Garden effort became a reality. He thanked her for her efforts.

Mayor Menna said it was a positive thing being done in a positive way. He said that it what he wanted to stress noting the Councilwoman Horgan had been so thorough in meting out the requirements as well as the benefits for the entire community.

Councilwoman Horgan also noted that there is a restaurant in town that was interested in using herbs from the garden.

APPROVAL OF MINUTES – July 25, 2012

Councilman Murphy offered a motion to approve the minutes, seconded by Councilwoman Lee.

ROLL CALL:

AYES: DuPont, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: Zipprich

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

APPROVAL OF MINUTES – August 8, 2012

Councilwoman Lee 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 minutes were declared approved.

APPROVAL OF MINUTES – August 22, 2012

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman DuPont expressed his appreciation to Doreen Hoffman for her assistance with the Mayor's Wellness Committee and noted they had held an employee health fair the previous day and said it was a great success with 40 percent of the Borough's employees attending. He thanked Meridian for their participation. He said many employees had taken advantage of the Y's offer of a free four month membership. He said, if the Borough could get their employees healthy, it could mean a savings of \$1,500 per employee and it would keep the employee around longer for family and friends.

He said the next activity would be a community kick-start walk which would be a one-mile walk led by the Mayor rain or shine on October 20 at 11 am. He said the walk would be a one mile loop beginning in Marine Park traveling to Riverside Gardens and back. He said there would also be a health fair for the community. He said he had spoken to the schools about participating and said they were extremely excited.

He also reported that the Finance Committee was currently reviewing Health Insurance options.

Mayor Menna said he had been blown away by the enthusiasm of the Borough Employees who had shown up at the Employee Health Fair and credited Doreen Hoffmann with creating a spirit of fun.

Councilman DuPont also thanked Riverview President Tim Hogan and his staff for their efforts. He also thanked the Y for their employee four month membership offer.

Councilman Ziprich thanked the Mayor for his appearance at the 911 Memorial Service the night before and commented on the solemnity of the day. He also reported that the Shade Tree Committee would be meeting to review the fall planting schedule and the summer inventory. He said the Historic Preservation Commission would be hosting a fall gathering on November 10 at the Women's Club and preservation specialists would be on hand. In regard to Public Works, he said Drummond Place was currently under construction including new curbs and paving. He also reported he had met with Director Watson the previous day to go over the Department's winter emergency management program. He said the DPW Committee would be meeting the following Wednesday.

Mayor Menna thanked Councilman Ziprich for reporting from the Democratic Convention and said it was educational for everyone.

Councilwoman Horgan said she had no further report other than her earlier information on the Community Garden.

Councilwoman Lee reported on the upcoming Library book sale. She also noted there was much more than books at the Library and she encouraged everyone to go to Library and check out the wonderful new programming and new materials. She also thanked the Monmouth County Regional Health Commission for establishing the loop that would be the path for the community walk.

Councilman Murphy reported there was a car show in the downtown that evening that was a fundraiser for a Borough child with cancer. He encouraged everyone to attend and make a donation. He also thanked Councilman DuPont for his efforts with the Mayor's Wellness Campaign. He said he was surprised at how many people had attended the health fair the day before and said the YMCA and Riverview Hospital had done an outstanding job.

COMMUNICATIONS AND PETITIONS

By Consent Agenda:

- Request from the residents of South Street to hold their annual block party on Saturday, September 22, 2012 with a rain date of Sunday, September 23, 2012 and to close South Street between Branch Avenue and East Bergen Place and at its' intersection with Brown Place from 4:00 p.m. to 10:00 p.m., approved by the Special Events Committee.
- Request from the residents of Elm Place to hold their annual block party on Saturday, September 15, 2012 and to close Elm Place between Hudson Avenue and Spring Street and at its' intersection with Horace Place from 3:00 p.m. to 11:00 p.m., approved by the Special Events Committee.
- Request from the Red Bank Triathlon Club to hold the Annual Red Bank Olympic & Sprint Triathlon on Sunday, May 19, 2013 and for use of Marine Park from 3:00 p.m., Saturday, May 18, 2013 until 2:00 p.m., Sunday May 19, 2013, approved by the Special Events Committee.
- Request from the Eastern Monmouth Area Chamber of Commerce for use of Marine Park for Riverfest 2013 from Thursday, May 30, 2013 through Sunday, June 2, 2013, approved by the Special Events Committee.
- Request from St. Anthony's Church to close entrance to Herbert Street at Bridge Avenue on Sunday, September 23, 2012 for an outdoor Fall Fest from 1:00 p.m. to 4:00 p.m., approved by the Special Events Committee.
- Request from Lunch Break to hold the 2012 Fall Gala at the Two River Theater on Friday, October 5, 2012 from 6:00 p.m. to 10:00 p.m., approved by the Special Events Committee.

- Request from Two River Theater to host a casino-themed fundraising event on Saturday, January 26, 2013 at 6:00 p.m., approved by the Special Events Committee.
- Request from the residents of John Street to hold their annual block party on Saturday, October 6, 2012 with a rain date of Sunday, October 7, 2012 and to close John Street from Prospect Avenue to Harrison Avenue from 11:00 a.m. to 11:00 p.m., approved by the Special Events Committee.
- Request from the residents of Hudson Avenue to hold their annual block party on Saturday, September 15, 2012 with a rain date of Sunday, September 16, 2012 and to close Hudson Avenue between Harding Road and East Berge Place from 5:00 p.m. to 10:00 p.m., approved by the Special Events Committee.
- Request from Parker Family Health Center to hang a banner on Shrewsbury Avenue from September 30, 2012 to October 31, 2012 to advertise their achievement of having over 100,000 patient visits since the year 2000.

Councilman Murphy offered a motion to approve the requests, 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 opened the public comment portion of the meeting and asked if anyone would like to speak.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

ORDINANCES – First Reading

2012-18 Mayor Menna read, “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, AMENDING CHAPTER XX “WATER AND SEWER”, SECTION 20-8, “SEWER CONNECTION FEES” AND SECTION 20-9, “WATER CONNECTION FEES.”

Mayor Menna said the ordinance would only apply to new connections and that action was taken to ensure that the connections fees would cover the bonding obligations incurred for the upgrade and rehabilitation of those particular connections. He said periodic increases would help to ensure that the Borough would not have to increase them substantially in the future. He also noted that the CFO would have details on the breakdown of the fees and charges.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, 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 September 26, 2012.

ORDINANCES – Public Hearing and Final Adoption

RESOLUTIONS

By Consent Agenda:

- 12-179 A RESOLUTION ACKNOWLEDGING ACCEPTANCE OF A REPORT FROM THE CFO REGARDING NOTE SALE.
- 12-180 A RESOLUTION AUTHORIZING THE APPOINTMENT OF REGULAR CROSSING GUARDS FOR THE 2012-12 SCHOOL YEAR.
- 12-181 A RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSE #1340-44-005-008 (BUY RITE).
- 12-182 A RESOLUTION OF APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF

TRANSPORTATION FOR THE RED BANK TRAIN STATION-BRIDGE AVENUE IMPROVEMENTS PROJECT.

- 12-183 A RESOLUTION OF APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE DRS. JAMES PARKER BOULEVARD IMPROVEMENTS PROJECT.
- 12-184 A RESOLUTION AUTHORIZING REFUNDS DUE TO OVERPAYMENT OF TAXES OR UTILITY FOR VARIOUS REASONS.
- 12-185 A RESOLUTION AUTHORIZING REFUNDS DUE TO OVERPAYMENT OF TAXES DUE TO A JUDGMENT OF THE TAX COURT OF NEW JERSEY.
- 12-186 A RESOLUTION AUTHORIZING VARIOUS FEES TO BE CHARGED IN CONNECTION WITH THE ANNUAL TAX SALE FOR UNPAID MUNICIPAL CHARGES.
- 12-187 A RESOLUTION AUTHORIZING CONTRACT FOR ANIMAL WARDEN SERVICES WITH THE BOROUGH OF SHREWSBURY.
- 12-189 A RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSE #1340-33-024-004 (GOOD FORK RESTAURANT GROUP LLC T/A CHAR RED BANK)

Councilman DuPont 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 resolutions were declared approved.

12-188 Mayor Menna read, “A RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACTS FOR COUNT BASIE PARK PHASE 3 IMPROVEMENTS (Proposal B Restroom Concession Building).”

Mayor Menna noted that Councilwoman Lewis had been delayed but said she had been working diligently on this matter. He asked Engineer Ballard to offer details in her absence. Ms. Ballard noted that the Borough had received bids for the Count Basie Park project the previous July and said the contract had an exception that allowed the Borough to award it piecemeal. She said Proposal A was for a baseball field and multi-purpose soccer field, Proposal B was a restroom building/concession stand and Proposal C was for a softball field. She said this saved the Borough a lot of money. She said there were grant funds allocated to the restroom building from Monmouth County CDBG but it was waiting clearance from HUD. She said the Borough could award the bid within 45 day HUD freeze time as long as no funds were expended until the time frame ended.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

12-189 Mayor Menna read, “A RESOLUTION CREATING THE BOROUGH OF RED BANK COMMUNITY GARDEN AD HOC COMMITTEE.”

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

PAYMENT OF VOUCHERS

12-191 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,452,828.35.”

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

PROCLAMATIONS

OLD BUSINESS

NEW BUSINESS

Councilman Zipprich thanked RiverCenter officials for coordinating the Car Show fundraiser.

AUDIENCE

Linda Glasschroeder—23 Arthur Place—said she had a question regarding political signs and their placement. She noted that the Borough ordinance said they could not be on public property. Mayor Menna said that was correct. Ms. Glasschroeder said she had noticed that signs for Council members DuPont and Murphy had been placed at the Primary School and had since been removed. She said she had also seen them at Count Basie Park and in the median of Hwy 520. She asked if the ordinance had been changed. Mayor Menna said it had not and noted that signs may have inadvertently been placed on public property. Councilman DuPont said he had noticed one in the Shrewsbury Avenue pocket park and it was taken down.

Ms. Glasschroeder noted that the ordinance also stated that the signs were supposed to have the phone number of the responsible party. Councilman DuPont said he had provided his contact information to the Borough Clerk and said he would be responsible for the signs.

Councilman Zipprich said there had been a similar problem the previous year with signs in the right of way on Broad Street and at the train station. He said the Department of Public Works would address the issue and asked her to contact them if she saw any signs where they shouldn't be.

Administrator Sickels also noted that the Borough's ordinance may not apply to properties that were not under its jurisdiction. Mayor Menna clarified that the question had been raised at the time of adoption as to whether or not the local ordinance would be enforceable on road ways or public right of ways that were either State or County owned.

No one else appearing, Councilman DuPont offered a motion to close the public comment portion, 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.

EXECUTIVE SESSION

ADJOURNMENT

Councilman DuPont offered a motion, seconded by Councilman Zipprich, 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