

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
MARCH 28, 2012  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

ABSENT: Councilman DuPont and Municipal Clerk Borghi.

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

**ROLL CALL:**

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

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

12-69 Mayor Menna read “A RESOLUTION COMMENDING NUMA SAISSELIN ON HIS 10<sup>TH</sup> ANNIVERSARY AS CEO OF COUNT BASIE THEATRE.”

Mayor Menna noted that the resolution was not just a testament to Mr. Saisselin but also to his Board of Directors, staff and customers.

Mayor Menna presented a copy of the resolution to Mr. Saisselin. Mr. Saisselin thanked the Mayor and Council and said he first came to the theater for an interview on a summer evening to 2001 and said he had been impressed by the town.

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

**ROLL CALL:**

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

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

12-70 Mayor Menna read “A RESOLUTION HONORING THE MEMORY OF RICHARD SMITH, SR.”

Mayor Menna spoke of Mr. Smith’s volunteerism and dedication to the community and presented the resolution to his wife.

Mrs. Smith thanked everyone for coming and said it was an honor, privilege and pleasure to receive the resolution in honor of her husband. She said they had been married for 65 years and spoke of his extensive charity work.

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

**ROLL CALL:**

AYES: Lewis, Zipprich, 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 Zipprich.

**ROLL CALL:**

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

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

## WORKSHOP

### Community Garden

Councilwoman Horgan said representatives of the Community Garden Committee would be making a presentation and asked their representative to come forward.

Cindy Burnham—146 Harrison Avenue, Fair Haven—said she wanted to introduce a gentleman she had met named Jan Zientek from Rutgers University. Mr. Zientek reviewed his credentials and said he was a Community Garden expert. He said he had been asked by Ms. Burnham to visit the proposed garden sites and evaluate them. He said the Berry Street location seemed the least appropriate due to issues with shade. He said, in his opinion, the three remaining sites could host a community garden and offered to answer any questions.

Councilwoman Horgan said the other sites he was referring to were not approved by the Council. She said she and Councilman Zipprich had visited the Borough owned vacant properties to come up with alternatives. She again noted that the sites proposed by the Committee were off the table and noted the matter had been discussed many times. She said they found a location on Marion Street that used to be a pump station that she believed had a water line to the property and she said it seemed to be the best property at the moment. She asked members of the Committee to check out the location.

Councilman Zipprich added that the property was situated on the northern side of Marion Street and had a full southern exposure. He said it was not overgrown and did not have trees shading the property. He said he and Councilwoman Horgan thought it would be an appropriate spot and asked Committee members to consider it.

Ms. Burnham said that she understood water seemed to be a concern regarding the 94 West Front Street location and said she had spoken with Mr. Zientek about how it worked. She said a connection would be hooked up to the fire hydrant and it would be done twice a week by one person. She said the Marion Street location was as far on the east side of Red Bank as one could get and expressed concern about the neighbors on the street. She said they had checked out other locations and felt residential areas would be an issue with people coming and going all day. She questioned the accessibility of the Marion Street location to all Borough residents.

Councilwoman Horgan explained that it was the only location they could identify that was Borough-owned and vacant that would be appropriate for a community garden. Councilman Zipprich explained that they had gone through a process of elimination and reviewed the locations they had looked at throughout town. He said he and Councilwoman Horgan had spent a Saturday doing the research because they were enthusiastic about a community garden happening in the Borough. He said they had identified three or four properties that they felt would be advantageous to a community garden.

Ms. Burnham again attempted to make a case for the use of 94 West Front Street and questioned the recommendation of the Marion Street location.

Administrator Mr. Sickels said the question the Council had wrestled with when they adopted the resolution saying they were not in favor of a garden at 94 West Front Street was that they did not think a garden was the highest and best use for waterfront property, it did not have street access for vehicles, people would have to walk down a hill and use the library parking lot for access. Ms. Burnham argued that people could park on Front Street or Maple Avenue. Mr. Sickels noted that those who parked on Maple would have to cross another person's property to get to the lot. Mr. Sickels again noted that the Council had passed a resolution the previous June stating that they would not approve a community garden at 94 West Front Street. He noted that Ms. Burnham had subsequently returned to the Council with a proposal for Marine Park. He said, from what he had heard, the Council was not in favor of committing Marine Park to that use because it would take a public Green Acres park and would dedicate it to those people who were selected by the Community Garden Committee to put a garden there which they did not feel was the highest and best use for that waterfront property.

Ms. Burnham noted that there was nothing at that location now. Mayor Menna noted there would be 150,000 people there in a few weeks with Riverfest and other events noting it was a highly used area. Mr. Sickels said, conversely, a community garden would take the property away from other taxpayers that wanted to use it as a park. He also noted that a piece of property they had been looking at on Mohawk Lane actually belonged to the power company and the Berry Street location was a small lot with trees.

Annie Jones—62 Peters Place—said she had appeared at the previous meeting when it was suggested they check out Berry Street and Mohawk Lane. She said they went there to look at them and outlined her reasons why they would not work. She presented pictures of a proposed location they had previously suggested at Maple Cove.

Councilman Zipprich asked if she had also looked at the Marion Street location. She said she had not. He said he thought she would find that it was a larger plot than what she was presenting. Ms. Burnham questioned the location's accessibility to all residents. Administrator Sickels said that was the property that the Council had determined was available and underutilized and that a garden would be a good use. Ms. Burnham asked what was wrong with the Maple Cove location. Mr. Sickels said they were not sure where the property line was. Ms. Burnham disagreed saying there were stakes along the property line. Councilman Zipprich asked who had staked it. Ms. Burnham said she did not know. Councilwoman Horgan said she did not think that was an appropriate location. Ms. Burnham again asked why they couldn't use the Maple Cove location.

Councilwoman Horgan asked why they could not use the Marion Street location. Ms. Burnham said Marion Street went against everything they had been saying. Councilman Zipprich noted that he and Councilwoman Horgan had spent the previous Saturday looking at the limited possible locations and, through a process of elimination, came up with the Marion Street location. Ms. Burnham outlined the reasons why she thought the property was a poor choice and again stated the reasons she thought the group should be able to use the Maple Cove location.

Councilwoman Horgan noted there was one other alternative she had investigated which was a property that might be available through the NJTransit Adopt a Train Station program and suggested Ms. Burnham call the organization to inquire. Ms. Burnham said she thought the location might be subject to vandalism. Councilwoman Horgan disagreed noting that it would probably be less likely to be vandalized because it was in a highly visible area.

Kathleen Gasienica—110 Locust Avenue—said the selection of gardeners for the project would not be up to the committee but would be up to the people of Red Bank. She said typically, on a first garden, there were not enough people to require a lottery because the garden was not known. She said only in the event of an abundance of people responding would there be a need for a lottery which was outlined in the bylaws they committee had submitted. She also asked if the Council had given consideration to her previous request of using the 94 West Front Street location for one season.

Councilwoman Horgan questioned the value of having a location just one year and noted they could achieve the same purpose at the Marion Street location.

Ms. Gasienica outlined the positive points of having a Community Garden and acknowledged that the Marion Street location might be okay. She said the Committee felt they hadn't heard a really good reason why the couldn't use the West Front Street location which she claimed had not been used for 19 years.

Councilwoman Horgan disagreed saying she felt people did use the area. Ms. Gasienica said there would still be plenty of land for others to use. Councilwoman Horgan disagreed.

Ms. Gasienica said it was hard for them to shift to a less desirable spot when they didn't understand why. Administrator Sickels said the Council did not share the Committee's vision for that property to be used as a garden.

Bruce Siegel—215 Maple Avenue—asked about some of the other locations that had been looked at. Councilman Zipprich and Councilwoman Horgan said they had looked at properties on Mohawk Lane, at the foot of Dr. Parker Blvd. and Marion Street. They noted the problems with the locations that were not chosen. Councilwoman Horgan also noted there was a possibility of working the NJTransit's Adopt a Train Station program. Mr. Siegel asked when construction would start on the project that would be using the area at the foot of Dr. Parker Blvd. as a staging area. Mayor Menna said the developer was waiting for the final permits from the State and he expected work to start this spring. Mr. Sickels noted that it was not just being used as a staging area, but the Borough planned to move a sewer lift station to that area also.

Annie Jones—Peters Place—said she had worked with Councilman Zipprich at the train station property and they had inquired about using the property for a garden but had been told by NJTransit that they did not approve of a garden at the site. She said they would approve planting such as bushed and shrubs but did not want a garden. Mayor Menna said he thought that assessment was probably correct. Ms. Jones again asked why they could not use the Maple Cove site. Councilwoman Horgan questioned the appropriateness of the location. A discussion followed regarding barrier that could be put in place to protect a garden at the site.

Tony Sloan—154 Bay Avenue, Atlantic Highlands—spoke of reasons why he thought the Maple Cove property would not be the best location. He asked for more information on the location of the Marion Street lot. He discussed the general requirements for an appropriate garden location and the timing required to start.

Andres Simonson—5 William Street—noted he was a member of the Environmental Commission. He questioned the reasons given for not having the garden at the 94 West Front Street location and gave his reasons for while he thought it was a good location. Mayor Menna asked how someone with physical challenges would access the site. Mr. Simonson said he had heard there was a way to access from another side. Council members noted that one would have to cross someone else's property. Mr. Simonson also asked about the Marine Park site and questioned the logic of the reason that it would limit access to others who wanted to use the park.

Linda Mulhausen—110 Manchester Court, Middletown—noted that she gardened in the Tinton Falls garden and said they had recently looked at expanding to a second location. She said they had identified a municipal lot in a residential area and it had been met with significant opposition and subsequently denied and noted that Red Bank could face a similar situation. She added that the Front Street site would not have that problem.

William Saganik—78 West Front Street, Corinthian Cove—stressed the need for maintenance of the bulkhead and said he did not want to see an exposed area that could lead to lower property values. He said he was not in favor of anything that would impede the development of the bulkhead. He questioned how equipment would be brought in for the project without destroying a garden that had been placed there. Mayor Menna agreed that it was a challenging site.

Ms. Burnham again appeared to discuss available space at the site. She also asked what the Council thought regarding the Maple Cove site. Councilman Zipprich asked if she had the details requested by the Engineer at the last meeting such as DEP approvals. Mayor Menna asked Engineer Ballard for her opinion regarding DEP requirements. She said, regarding waterfront property, it was not unusual to get differing opinions from within the agency. She added that there were a lot of questions that could be answered until there was a firm plan. Mayor Menna asked if a plan would have to be submitted. She said there would have to be some type of plan. Ms. Burnham claimed there were not near the high tide line and felt they wouldn't need the permit. Mayor Menna asked the Engineer her opinion. She said anything constructed with 300 feet of the water would have to be reviewed.

Councilman Murphy said they should vote on the resolution to approve the Marion Street location and move on.

Councilman Zipprich said it was his opinion that Red Bank should have a Community Garden and noted that the Council has passed a resolution the previous year in support of such a garden. He noted it was the proper time of year to start a garden.

Mayor Menna said the next question would be where.

Ms. Burnham noted Councilwoman Lee had called for the location to be more accessible to all residents. Councilwoman Lee said she had an issue with limiting the water front properties to the 20 to 30 people that would be working in the garden. She said there were very few properties left where everyone could access and said she did not think that a garden was the best use of that property. She said the Council was in favor of a garden and were trying to work out where the best use would be.

Ms. Burnham said she felt the 94 West Front property was perfect.

Councilman Zipprich again said he thought it was important for the Borough to have a Community Garden and they had spent a lot of time discussing it for more than a year. He said they had discussed many locations and were just trying to get a place for the community gardeners to plant.

Greg Hill—31 Spring Street—said he still did not understand why they could not use 94 West Front Street. He said he was familiar with the Marion Street lot and said it was probably fine but not easily accessible. He said he knew of a triangle in the corner of Count Basie Park where the railroad tracks and Newman Springs Road come together that was outside of the ball fields. He asked the Council to look at that location also.

Ernest Anemone—66 Riverside Avenue—criticized the Council, and particularly Councilman Zipprich, and accused them of not working hard enough in support of the Community Garden. He also spoke in favor of the 94 West Front Street location.

Councilwoman Horgan said it was unfair of him to single out Councilman Zipprich and noted that the Council had reached the decision together. She said they had been working diligently and did not feel they could hand over the property. She said they had a responsibility as elected officials and asked him to try to understand their position. She stressed that she wanted a community garden and felt that most of the people in attendance were dedicated to that project. She said the Council wanted it to happen as well.

Mr. Anemone asked her if she felt the Shrewsbury Borough Council was smarter than the Red Bank Council. She said she felt they had a lot more property and added that she knew he understood that the Borough of Red Bank was set up a lot differently than the Borough of Shrewsbury. She noted that both Shrewsbury and Oceanport had found property located adjacent to their Borough Halls and said that would be nice, but Red Bank does not have a similar piece of property. She stressed that the Council was not opposed to the garden but was trying to find a solution. She again said it was very unfair to single out Councilman Zipprich.

Mr. Anemone said he felt the way the Community Garden had been addressed at Council meetings was unfair and said his advice applied to the entire Council. He also took issue with the reason that it was not the highest and best use of the property and asked for a reason why it could not be used. He said he thought it was unprofessional and unproductive for the Council to offer another piece of property that two Council members had scoped out on their own without soliciting input from the community gardeners. He said the burden of proof was on the Council not on the community garden representatives.

Councilman Zipprich said he took offense at Mr. Anemone's tone and direction adding that he had been in favor of the garden since it was first brought up the previous year. He said he had been trying since last year to make sure they had a garden. He also criticized the committee for not returning with the information the Council had asked for.

Marge Lowe—9 Wall Street—invited everyone to visit 36 White Street to see their benches and planters.

Tony Sloan—Bay Avenue, Highlands—asked about the area at Count Basie Field that had been mentioned and said they had looked at the area. Mayor Menna said the Engineer had pointed out that the park was undergoing renovations and that area had been slated for use as part of a walking path. He asked Mr. Sloan if he was aware of any other areas of the field that would be appropriate. He said the rest of the park seems pretty beaten down.

Laura Dardi—Oakland Street/Environmental Commission—thanked Councilwoman Horgan and Council Zipprich for participating in the group's clean up and for going out to look at the properties. She said she understood the first location was off the table but wanted to know what the Council has said about the Maple Cove location. Mayor Menna said he understood it was the consensus of the Council that the Marion Street lot was larger and more appropriate for a Community Garden. Ms. Dardi asked if they felt it was more accessible. Mayor Menna said it was more accessible because it was a residential neighborhood with plenty of parking. Ms. Dardi said she was not familiar with the Marion Street lot but had been to the Maple Cove property and felt it was extremely accessible also and asked the Council to look at it again.

Councilwoman asked if the Council wanted to review the possibility of using the Maple Cove spot for a year. She asked Mr. Sloan to look at the Marion Street property and he said he would.

Councilwoman Lee reviewed the process the Council had used to consider various properties both public and privately owned. She also said the Council would consider the options for Maple Cove.

Mayor Menna asked Councilwoman Horgan what she was recommending. She said she thought the Council should recommend Marion Street. She asked the Garden representative to check out the property. She also said she would like the Council to consider allowing the Maple Cove property to be used for one year.

Councilwoman Lee noted that the Borough had a definite commitment to do bulkhead work in that area and they didn't know what their needs would be regarding staging. She noted the Borough had a limited amount of space

and needed to use it in the most expeditious manner. She said she would like to hear from the Garden representatives before the next Council meeting on the matter of Marion Street.

Mayor Menna said that he understood that Councilwoman Horgan had said she was prepared to move on the Marion Street lot at this meeting and was prepared to further explore other options. Councilwoman Horgan said she would like to look at Maple Cove but she was prepared to move on Marion Street. She noted that the resolution would include the condition that it was subject to the approval of the neighbors.

Cindy Burnham questioned the location and noted that one goal was for people that don't have gardens to be able to use it. Councilwoman Horgan noted that Red Bank is only 1.8 square miles and one could walk anywhere in the Borough and she encouraged them to do so. She added that all of Red Bank was accessible and walkable. She noted that Shrewsbury and Oceanport were completely different types of towns. Ms. Burnham agreed that Red Bank did not have the open land but again noted that she felt 94 West Front Street was underused and heavily littered. Councilwoman Horgan said she had not seen litter when she went to the site the previous weekend. She said they needed to move on and try to resolve the matter.

Administrator Sickels noted that the Borough had to do something with the bulkhead at the library which would include some improvement at the waterfront. He said the Borough may need access and may need to work a deal with the adjoining property owners. He said he did not think it would be to anyone's benefit to commit the property to a Community Garden that might have to be torn up in six months.

Kathleen Gasienica—110 Locust Avenue—Noted that the representative from the American Littoral Society had said that a Garden at 94 West Front would not be in the way of redoing the bulkhead because there was plenty of room to go around it. Mayor Menna said neither she nor the Council were contractors. Ms. Gasienica also noted that a garden was not permanent and could be moved in the future.

Councilwoman Horgan said she would like the Council to adopt the resolution to create a Community Garden at the Marion Street location. Mayor Menna noted that the resolution was subject to the approval of the neighbors. Councilwoman Horgan asked the Community Garden participants to look at Marion Street and asked the Council to consider the Maple Cove location.

Councilman Zipprich said he felt there needed to be guidelines developed in regard to the creation of the garden. Mayor Menna said the Borough would work with the group that had already been created to adopt and establish reasonable guidelines that had been generally adopted by other municipalities. He said participation would be subject to individuals signing a standard form that would share allocation of responsibilities.

Councilman Zipprich noted that last year Councilwoman Lee had expressed concern about the way the lots were to be given out and wanted to know if the Council should address that issue at this point. Mayor Menna said he had understood that the plan was to give the plots out by lottery but, he added, since time was of the essence for this first season, he believed the volunteers had a list of people who were ready, willing and able to work the first season.

Jan Zientek—reviewed ways plots could be allotted. He stressed the need for volunteer investment which he said often flushes out some people. He said it was usually the group that created the garden that worked it the first year. He noted that it is usually in the second year that a lottery system was developed after word had spread. He spoke of his experience in other cities and he recommended that returning gardeners have a chance to reclaim their lot. He also gave information on a website with models of regulations.

Councilman Zipprich asked him if he saw the garden growing after the first year in a town like Red Bank. Mr. Zientek said it was his experience that Community Gardens had grown in every town where they had been established and gave some examples that he was aware of. .

Councilman Zipprich asked if it was all vegetables that were planted or if anyone planted cuttings. Mr. Zientek said he advocated all types of gardening noting that he felt the value was in the act of gardening. He said there was currently more interest in food production because of the economy. He also said many successful gardens find a way to link to the local food bank which would bring more credibility to the effort. He outlined other benefits of a community garden.

12-72        Mayor Menna read “A RESOLUTION SUPPORTING THE CREATION OF A COMMUNITY GARDEN.”

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

ROLL CALL:

AYES:        Lewis, Zipprich, Horgan, Lee, Murphy

NAYS:        None

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

**APPROVAL OF MINUTES – March 14, 2012**

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

ROLL CALL:

AYES:        Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS:        None

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

## **MAYORAL APPOINTMENTS**

None.

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

Mayor Menna asked Council members to defer their reports for this meeting.

## **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from the Guy W. Opie for membership to the Red Bank Volunteer Fire Department First Aid & Rescue Squad.

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

### **ROLL CALL:**

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

There being five ayes, the request was declared approved.

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

Leonard Calabro—Red Bank—said he did not understand why the Borough was will to take on the debt for a second aerial ladder when they already had one.

Mayor Menna said it was the recommendation of the Borough's Fire Committee as well as the insurance provider that they have two working aerials to cover the Borough to protect both the Borough and its insurance rating. Fire Commission Murphy also noted that they were required to have a 100 foot ladder and the other truck was not 100 feet. Mr. Calabro asked if that was documented somewhere or if it was just a recommendation. Administrator Sickels said it was a requirement of the Insurance Services Office for buildings over five stories in order to protect the Borough insurance rating. Mr. Sickels also noted that one truck had been out of service for over a week and the other truck was also broken. He noted that there are purposely redundancies in the system. Mr. Calabro said every town around Red Bank had an aerial and suggested the Borough could rely on mutual aid. Mr. Sickels noted that because the Department protected high rise buildings and the hospital, they were required to have two ladders and four engines. Mr. Calabro said he still didn't understand the reasoning.

Suzanne Visconti—23 Arthur Place—asked about bond ordinance 2012-4 and whether it was a county bond or whether it was issued by Red Bank because she said the County had a better rating and the Borough could save money by going through them. Mayor Menna said the Borough did not issue its own bonds. He said it went through the Monmouth County Improvement Authority and the Borough received the best rating possible. Ms. Visconti asked how the bond would affect the Borough's Moody's rating considering it had been downgraded last fall. Mayor Menna said that had been a technical glitch that had been corrected and that the bond would have no effect on the Borough's bond rating because it was structured to coincide with a number of bonds that were coming off so there would be no increase. She asked what the town's total debt was. CFO Lapp said she did not know the amount off the top of her head. Mayor Menna said they would get the information and get back to her. He added that the Borough was no where near its total debt ceiling capacity. CFO Lapp said the debt ceiling was 3.5 percent of the Borough's total assessed value and that they were currently at approximately 0.6 percent. Mayor Menna again noted that they had scheduled the bonds to go one when others came off so they were essentially equalized. He also repeated that the Moody's change had been corrected.

## **ORDINANCES – First Reading**

2012-6        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 25-5.15 ‘RIGHTS-OF-WAY AND EASEMENTS.’”

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

### **ROLL CALL:**

AYES: Lewis, Zipprich, 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 April 11, 2012.

2012-7        Mayor Menna read “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XII “OPEN HOUSING PRACTICES; RENT CONTROL; PROTECTED TENANCY”, SECTION 12-2 “RENT CONTROL” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK.”

Mayor Menna noted that Red Bank had the oldest Rent Control Ordinance in the County and the terms of that Ordinance called for periodic reviews every five years. He said it had not been reviewed in many years and as a result of a recent review by the Rent Leveling Board many changes were proposed as contained in this ordinance. He said one change would equalize the standard with respect to CPI increases and noted another

change called for the Ordinance to be reviewed every two years. He also reviewed some of the other proposed changes.

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

**ROLL CALL:**

AYES: Lewis, Zipprich, 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 April 11, 2012.

**ORDINANCES – Public Hearing and Final Adoption**

2012-4 Mayor Menna read “A BOND ORDINANCE AUTHORIZING VARIOUS IMPROVEMENTS TO AND THE ACQUISITION OF CAPITAL EQUIPMENT FOR COUNT BASIE PARK (PHASE III) IN AND FOR THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY; APPROPRIATING THE SUM OF \$2,110,500 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$1,604,490; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING.”

Mayor Menna noted that grant applications had been submitted to the State’s Green Acres Office for the project and noted the Borough was also getting a contribution from Red Bank Catholic.

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

No appearing, Councilwoman Lee offered a motion to close the public hearing, seconded by Councilwoman Horgan.

**ROLL CALL:**

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

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

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

**ROLL CALL:**

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

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

2012-5 Mayor Menna read “CALENDAR YEAR 2012 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14).”

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

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

**ROLL CALL:**

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

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

Councilwoman Lewis offered a motion to adopt the ordinance on final reading, seconded by Councilman Murphy

**ROLL CALL:**

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

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

**RESOLUTIONS**

**By Consent Agenda:**

12-61 A Resolution Authorizing the Administrator to Sign the New Jersey Department of Environmental Protection LSRP Notice of Intention.

12-63 A Resolution Authorizing Acceptance of Performance Guarantees and Inspection Escrow Regarding Juanito’s Market, Block 69, Lot 9.

- 12-64 A Resolution Releasing Performance Bond and Accepting Maintenance Guarantee Regarding Cedar Crossing (Phase 1)/Red Bank Affordable Housing Corporation, Block 75.01, Lots 83, 84 & 85; and Block 75.03, Lots 50.01 & 69.
- 12-65 A Resolution Authorizing the Execution and Entry into a Developer's Agreement between MW Red Bank, LLC and the Borough of Red Bank.
- 12-66 A Resolution Releasing Maintenance Guarantee Posted by Nopoco Properties, LLC, 65 Monmouth Street, Block 44, Lot 5.

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

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

**By Individual Vote:**

- 12-62 Mayor Menna read "A RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEE AND INSPECTION ESCROW REGARDING DOWNTOWN INVESTORS I, II, III, V, LLCs, BLOCK47, LOTS 1, 2, 5.01, 9, 10, 10.1 AND 11; AND BLOCK 38, LOTS 36, 37, 38 AND 39."

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

ROLL CALL:

AYES: Horgan, Lee, Murphy

NAYS: None

ABSTAIN: Lewis, Zipprich

There being three ayes, no nays and two abstentions, the resolution was declared approved.

- 12-67 Mayor Menna read "A RESOLUTION AUTHORIZING TAX REFUND DUE TO TAX APPEAL JUDGMENT."

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

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

- 12-68 Mayor Menna read "A RESOLUTION AUTHORIZING EMERGENCY APPROPRIATIONS IN THE 2012 TEMPORARY BUDGET."

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

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

- 12-71 Mayor Menna read "A RESOLUTION OFFERING CONDOLENCES TO THE FAMILY OF TRAYVON MARTIN AND CALLING FOR AN END TO GUN VIOLENCE."

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

Mayor Menna summarized the content of the resolution and asked Councilwoman Lewis, who had brought it to his attention, had any additional comments. She said it was sad that young people could be judged on how they looked and that it was tragic that this incident had occurred and for the pain and suffering the family was enduring. She called for getting guns off of the street and said there was a need to not judge people on their appearances. She noted that on the following Monday at 6:30 pm there would be a silent assembly at Shrewsbury Avenue and Dr. Parkers Boulevard in remembrance of the young man and his family.

Councilwoman Horgan said there had been a lot of problems in Asbury Park with shootings and said she knew that the Boys and Girls Club Asbury Park unit had just had the Monmouth County Prosecutor talking to people about the fact that the residents needed to speak up and identify the people that were doing it.

Councilman Zipprich noted that Trayvon Martin's parents, rather than just grieving, had been speaking out about gun violence.

Councilwoman Lee noted that they had spent a lot of time at this meeting talking about a Community Garden but said there had not been a lot mentioned about the young people and the future. She urged everyone in town to take the opportunity to talk to the young people about they world they were going to inherit. She said the adults had not done a great job about delivering them a safe place. She said people need to community with

their children fully and openly because, if they did not, the children would make the same mistakes and it would not change.

**ROLL CALL:**

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

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

**PROCLAMATIONS**

**PAYMENT OF VOUCHERS**

12-73 Mayor Menna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,184,838.20."

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

**ROLL CALL:**

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

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

**OLD BUSINESS**

**NEW BUSINESS**

Mayor Menna said he wanted to report on behalf of Councilman DuPont, who was engaged in meetings in Washington, DC, that the Finance Committee would be holding its traditional meeting in the Council Chambers for a public presentation of the municipal budget by all Departments on Tuesday, April 17, 2012 at 6 pm. He said members of the public were encouraged and invited to attend to ask questions or make suggestions. He noted that the introduced budget was still in the review process.

**AUDIENCE**

**EXECUTIVE SESSION**

None.

**ADJOURNMENT**

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

**ROLL CALL:**

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

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

Respectfully submitted,

Pamela Borghi