

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
APRIL 26, 2011
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Chief Financial Officer Mason.

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 March 17, 2011.

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, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna said he would like to move Resolution 11-83 under the Suspended Order of Business

11-83 Mayor Menna read “A RESOLUTION AUTHORIZING PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL DISTRIBUTION LICENSE NO. 1340-44-013-007.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

2011 Municipal Budget Public Hearing

Mayor Menna noted that there was an amendment to the budget on the agenda and asked Auditor Kaplan to explain. Auditor Kaplan said the amendment would do quite a few things but would only net a \$13,000 change to the bottom line. He said among other things, the amendment would bring Municipal Court anticipated revenue down to a more realistic level based on history from January to March of 2011, it anticipates a \$100,000 water/sewer utility surplus and it increases the amount of delinquent tax revenue anticipated from \$1,000,000 to \$1,100,000. He also noted that way that the Library appropriations were reflected in the budget had been changed as per the State and the Public Defender salary had been reallocated to a different area of the budget, but neither change would affect the bottom line of the appropriations. He outlined several other changes including reducing the appropriation for expenses from the winter blizzard and said the net result would be a decrease in the total budget of \$13,422.57 which would have a minuscule impact on the tax rate.

He noted that the Finance Committee had reviewed the numbers and had held meetings where the public was invited to comment. He asked if any members of the council had any comments.

Councilman DuPont said, with respect to the reduction of Court revenue, the number of snow days had a severe impact on the Department’s operations.

Mayor Menna asked if any members of the public had any comments on the amendment.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

There being six ayes and no nays, the public comment was declared closed.

Mayor Menna opened the Public Hearing on the 2011 Municipal Budget.

Steven Hecht—135 Branch Avenue—referred to material that had been distributed at the Finance Committee's meeting with the public, specifically to a page titled "Hurdles to Overcome." He said the first hurdle noted was the fact that it cost the Borough \$384,708 for tax appeals. He noted that he had repeatedly questioned the Council regarding resolutions on the agenda for tax appeals and had often asked how much money a settlement would cost the taxpayers. He also said he had seen the Mayor and Administrator quoted in the newspaper as saying that one of the reasons for tax increases was the amount of tax appeals. He also said one of the articles noted that tax appeals had been "won" which he took to mean it had been litigated. He asked what portion of the \$384,708 represented resolutions to settle and what part represented lost litigation. Councilman DuPont said it represented settled cases. Mr. Hecht said he wanted to know what was tried and lost and what was settled. Mayor Menna said it was a good question but one would have to look at the docket and control system of the State Tax Court as it concerned Red Bank. He said he didn't know the number of cases but said the number was an accumulation of hundreds of appeals from 2009, 2010 and possibly some from 2008. He also noted that some were for commercial properties but the vast majority were residential. Mr. Hecht asked if they were settled or litigated. Mayor Menna said they were initially filed with the County and some proceeded to a tax appeal with the State. Ninety percent of all residential tax appeal cases, he continued, are resolved by an award by the Monmouth County Board of Taxation and the Assessor was the person, statutorily, that had to certify that that award was in conformity with State law and fair assessment practices in terms of the valuation of the properties at the time the assessment was made which was October of the previous year. He said there was a roster of the hundreds of cases and Tax Assessor Mitchell Elias would have the numbers of the original assessments, what the appeal was and whether an adjustment was made by the County Board of Taxation or by the Tax Court. He said he didn't think anyone on the Council could tell him what percentage of cases were tried and what percentage was settled. He again noted that the person with the most detailed information would be Mr. Elias.

Mr. Hecht said he had expressed concern before about the larger commercial appeals and the fact that the Borough may be "rolling over" prematurely and sending a message to the other commercial properties. He said he understood the Borough hires its own experts for appeals and if they are recommending the Borough not fight the appeals then that would put the original assessment in doubt. He asked the Council to look into that issue during the next year.

Councilman DuPont said the issue had been looked at and disagreed with Mr. Hecht's statement that the Borough "rolled over." He reviewed the appeal process and said there had been internal discussions about the possible need to do a revaluation. He said they were told last year that they couldn't do a reassessment. He also said they looked at the cost of doing a revaluation versus payment on tax appeals adding that the revaluation was an expensive process.

Mayor Menna noted that it would cost Red Bank between \$400,000 and \$450,000.

Mr. Hecht noted that he had not and would not request a personal appeal but was concerned about the process. He added that revaluation or reassessment would not address that issue.

Councilman DuPont said it would because it would eliminate the tax appeals.

Administrator Sickels said Mr. Hecht was viewing the issue too broadly. He said the appeals are considered on a case by case basis and some appeals covered multiple years. He added that some cases involved large properties under rent control.

Councilman DuPont said that it was an issue the every municipality had to address. He noted that real estate values had steadily declined since the Borough's last valuation. He added that the town was faced with the decision of incurring the cost to eliminate the tax appeals and said Mr. Hecht had a good point. He said he wanted to emphasize that the process was fair but the real estate market was not in the Borough's favor. He said some assessments may be too high but that was what tax appeals were for.

Mayor Menna told Mr. Hecht that even if the Borough did a revaluation based on the current market values, they would still get a sizable number of tax appeals.

Mr. Hecht said he understood that and wanted to apologize to Councilman DuPont for using the term "roll over" and that he didn't mean to impugn anyone's efforts.

Councilman DuPont said the Finance Committee had considered the issue and told Mr. Hecht his concerns and comments had been heard.

Mr. Hecht said he would continue to express his concerns and again noted that he felt if the Borough's experts advised to settle that would call the original assessment into question.

Mayor Menna said it was an imperfect science. Councilman DuPont suggested there might be a need for discussions to find a funding alternative to property taxes.

Mr. Hecht questioned the amount that was set aside in the budget for tax appeal settlements and said that, if the economy and human nature remain as is, the Borough was continue to be faced with the problem and asked the Council to make a commitment to examine the issue.

William Poku—90 Bank Street—said he wanted to speak on the same issue and said he had brought a copy of the March 23, 2009 minutes that showed he had addressed the issue when he had done his tax appeal. He said at that time he had stated that property values were inflated. He said that during the last assessment it appeared that the values on the west side of Red Bank had gone up 3 times the previous assessment while the east side had seen 1.5 to 2. He attributed the increase in property values on the west side of the Borough to overcrowding and noted that some of that problem had been abated. He asked the Council to recognize that the market was still really down and to look at ways to reconcile that fact with today's assessments. He compared real estate values to out dated technology and said he thought the Council should not base the budget on the assessments. He asked the Council to be creative to find new ways to reconcile the value of housing in Red Bank.

No one else appearing, Councilman Murphy offered a motion to close the public comment, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

There being six ayes and no nays, the public comment was declared closed.

11-86 Mayor Menna read “A RESOLUTION PROVIDING FOR INTRODUCTION AND APPROVAL OF AMENDMENT NO. 1 TO THE 2011 MUNICIPAL BUDGET.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Public hearing to be held on May 11, 2011.

Special Improvement District 2011 Budget Public Hearing

Councilman Zipprich noted that the 2011 Special Improvement district was flat from last year.

Mayor Menna opened the Public Hearing on the 2011 Special Improvement District Budget.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

There being six ayes and no nays, the public comment was declared closed.

11-87 Mayor Menna read “A RESOLUTION ADOPTING 2011 BUDGET OF THE SPECIAL IMPROVEMENT DISTRICT.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Presentation of County Improvements to Front Street

Kevin Nugent – Monmouth County Engineering Department – reviewed proposed improvements to West Front Street (County Route 10) between English Plaza and Washington Street near the hospital. He reviewed the staff involved with the project. He said the project had advanced since the last presentation in January of 2010. He added that they had been working with the Borough Engineer and the hospital staff. He reviewed some of the objectives of the plan and said there were some funding issues. He outlined problems in the area including traffic congestion, drainage problems and pedestrian accidents. He said goals included increasing pedestrian safety while maintaining traffic flow. He said some of the items planned included extending curbs to better define the intersections and crossing areas, replacing the traffic/crossing signal at Globe Court and raising the intersection of Broad and Front streets. He said some long term ideas included improvements to sidewalks and street lighting. Mr. Nugent cited specific details of the proposed plan that included a textured crosswalk at English Plaza and the previously mentioned raised speed table at Broad and Front streets.

Councilman DuPont asked if it would be similar to the intersection on Ocean Avenue in Long Branch. Mr. Nugent said it was. Councilman DuPont noted that many of the proposed improvements seemed pedestrian friendly and added that he hoped it would improve pedestrian safety on the heavily traveled road. Mr. Nugent said they also planned to add bump outs closer to the hospital where employees tend to cross.

Councilwoman Lee asked how the raised intersection at Broad and Front streets would affect ambulances traveling to the hospital. Mr. Nugent said they had discussed it with the hospital. Councilwoman Lee asked for statistical information where the raised table had been used near a hospital. Mr. Nugent said he had not done one in Monmouth County. Councilwoman Lee also asked how many of the accidents in his statistics involved vehicles going to the hospital. He said they were not able to break that out. Mayor Menna said he thought it was very few if any adding that, based on Police Department information, most of the accidents seemed to involved issues with turning.

Mr. Nugent described the materials to be used in the project and how the bump outs would be used to increase pedestrian safety without restricting ambulances. Councilman DuPont had specific questions about pedestrian signage to be used and asked Mr. Nugent to look into signage similar to what is used near the Courthouse in Toms River adding that he thought it would be better aesthetically.

Councilman Zipprich noted that Mr. Nugent had mentioned the use of bollards at the foot of Broad Street to separate traffic and asked if they would be made of plastic. Mr. Nugent said they would be steel and similar to ones in place in Freehold Borough. He continued his description of materials to be used in the crosswalks. He also discussed some minor changes that would be made to be in ADA compliance such as moving push buttons for the crosswalk lights.

Councilman DuPont asked if any input had been received from the Borough's Business Improvement District. Mayor Menna said they had in the hearings along with Riverview and the Police and Fire Departments. He added that the meetings had been going on for quite some time and said that it was important to have RiverCenter involved and for them to have the opportunity to offer suggestions particularly from the merchants on Front Street who were looking forward to an enhancement of the streetscape.

Councilman DuPont noted that, not only would it be an enhancement, but it would promote pedestrian safety which was something the Mayor and Council as well as several community individuals were very concerned with.

Councilwoman Lee asked about the maintenance of the proposed painted intersections. Mr. Nugent said it was actually stamped asphalt that would last longer. Councilwoman Lee expressed concern that the County would install but leave the Borough with the cost of maintaining them.

Mr. Nugent said they would also be fully upgrading the signal at Globe Court which had made the cost go up and that, at this time, project was estimated at \$500,000 over available funding. He said they were looking into increased funding or possible cost sharing with other sources. He said they needed a resolution from the town in support of the project and were also looking for support from Riverview Medical Center. He said the needed to submit an application to the DOT in early May and were hoping for final approval in September with construction to begin the following year.

Mayor Menna thanked Mr. Nugent and the Office of the County Engineer for their work on the project and commended the cooperation of the parties involved. He also thanked the President's Administration for the Federal funding through the American Recovery Act and said Sen. Lautenberg and Sen. Menendez were instrumental in the process.

Mayor Menna asked if the members of the Council had any other questions.

Councilman Murphy said the DOT had been working hard with the Chief of Police and the hospital on this project that had been in the works for the past five or six years. He noted the number of accidents that had taken place in the area and spoke of some of the improvements that would help the situation.

Councilman Zipprich said the Council was grateful for the improvements toward pedestrian safety asked about an earlier statement where Mr. Nugent had said the stamped asphalt would help slow the traffic down. Mr. Nugent said the stamped asphalt would not slow the traffic down but would make the crosswalk more visible. He said the improvement that would slow the traffic down was the raised intersection. He added that someone traveling the speed limit may not notice the change but a vehicle traveling faster would. Councilman Murphy said he thought

something similar had been installed on Leighton Avenue and agreed that they were more noticeable at higher speeds.

Mayor Menna asked if anyone from the public had any questions for the Engineer. No one appeared.

11-90 Mayor Menna read "A RESOLUTION SUPPORTING THE COUNTY OF MONMOUTH CONSTRUCTION OF IMPROVEMENTS TO COUNTY ROUTE 10 (FRONT/EAST FRONT STREET) BETWEEN ENGLISH PLAZA AND WASHINGTON STREET IN THE BOROUGH OF RED BANK."

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a proclamation proclaiming April 29, 2011 as the 139th Anniversary of Arbor Day in the Borough of Red Bank.

Councilman Zipprich said the Shade Tree Committee had been working diligently and he wanted to congratulate them for their efforts noting that, for the fifth year in a row, Red Bank had been honored by the National Arbor Day Foundation with a Tree City USA designation. He also commended the Committee for being recognized by the New Jersey Forestry Management Plan for successfully completing their second five year plan. Councilman Zipprich asked Boris Kofman from the Shade Tree Committee to come forward to address the Council. Mr. Kofman said the Committee had received white pine seedlings from the State and he would be giving them out to anyone interested. Mayor Menna thanked Mr. Kofman and the members of the Shade Tree Committee.

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, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

WORKSHOP

No workshop items.

APPROVAL OF MINUTES – March 30, 2011

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

ABSTAIN: Horgan

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

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Murphy noted that there were two resolutions on the agenda for members of the Red Bank Volunteer Fire Department that had each served 50 years. He noted there had been a gathering a couple of weeks before and thanked the Council members that attended. He spoke of the dedication of the volunteers.

Councilwoman Lee had no report.

Councilwoman Horgan reported that the Human Relations Advisory Committee had adopted a Diversity Statement which she read. She said the Committee had also distributed a Diversity Survey to all of the Borough's Boards and Commissions. She noted she had surveys for the Mayor and Council to fill out as part of that project. She said the purpose of the survey was to help the Environmental Commission with its Sustainable Jersey

program and also to find out how diverse and inclusive the Borough was. She said the Human Relations Advisory Committee had asked the Mayor and Council to pass a resolution in regard to the diversity statement and asked for the Council's feedback on the idea.

Councilwoman Horgan also reported that the Borough's website would be receiving a New Jersey E-Government Award at Monmouth University. She said the Borough was receiving the award for having the best interactive website in Monmouth County. She said she and Councilman Zipprich and Councilwoman Lewis, who all served on the Education/Technology Committee, would be attending to accept the award. She commended the employees and volunteers that had worked hard on the website.

She also reminded everyone that the school election was the next day.

Mayor Menna said the resolution on diversity was a "no brainer" and thanked her for covering at the award ceremony as he was unable to attend.

Councilwoman Lewis said the Park and Recreation Committee had met on April 20th and agenda items included a recap on the Easter Egg Hunt, which she said was a huge success even though the weather did not cooperate, the boat slips, summer camp and park maintenance. She said she had also had the opportunity to drop by the special needs dance that takes place at the Elks Club every third Thursday. She said the event, which was done in cooperation with the Parks and Recreation department, had been cancelled for period of time due to renovations at the Elks club but was back in force.

Councilman Zipprich said he and Gary Watson had gone out earlier in the day to survey the parks and the fields to check the results of the seeding efforts. He said the seed had germinated and taken root and thanked Mr. Watson and his staff for their efforts. He said he also wanted to thank Councilwoman Lewis and Recreation Director Crystian for their cooperation in working with the Public Works Department.

He said he also wanted to congratulate Councilwoman Horgan on the website award.

Councilman DuPont commended Councilwoman Horgan and the Human Relations Advisory Committee for their efforts regarding diversity and said the statement sounded very well thought out. Councilwoman Horgan credited the Committee members. Councilman DuPont also commended her for the work on the website and said it fulfilled some of the mission statement that the Committee had set forth under her leadership in regard to transparency and access to the public. He added that he knew it wasn't an easy task and that they had done a wonderful job.

Councilman DuPont also noted that he had spoken about trying to reduce the bureaucratic red tape in the Borough and trying to promote the business process. He said he had distributed a memo from RiverCenter with suggestions on ways to make Red Bank even more business friendly. He noted that, at the Planning Board meeting the night before, resolutions had been prepared for applications before the board and said it was impressive. He noted that he would be meeting with the Zoning Officer, Administrator and Mayor to see what other Planning and Zoning ordinances could be tweaked or removed to promote the business "welcome mat."

Mayor Menna said he thought they were all going in the same direction and noted that he had gotten positive responses from both the business and the residential communities. He noted it was a team effort.

Mayor Menna said he wanted to complement the Zoning Board of Adjustment for something they had done the previous week. He said, after six months of hearings on the Courtyards of Monmouth where neighbors had been concerned about a set back issue, there had been several architects and engineers in the room that had been unable to solve the issue. He credited Board member Vincent Light with coming up with the solution and get the board to agree. He said it showed extraordinary sensitivity and intelligence in our volunteers. He said the project would be an anchor for Monmouth Street and he was glad it was approved. He said the it showed the Borough's volunteers can work together to bridge gaps and make issues understandable by all parties.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from Monmouth Day Care Center to hold their 2nd Annual Touch-A-Truck fundraising event on Saturday, September 24, 2011 from 10:00 a.m. to 4:00 p.m. in the Middle School Parking Lot, approved by the Special Events Committee.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from St. James Elementary School for use of Riverside Gardens Park on Wednesday, June 1, 2011, with a rain date of Friday, June 3, 2011, between the hours of 11:00 a.m. and 1:00 p.m. for their Kindergarten end of the year picnic, approved by the Special Events Committee.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from Clean Ocean Action to hold their 26th Annual Beach Sweeps on Saturday, April 30, 2011 and Saturday, October 22, 2011 between the hours of 9:00 a.m. and 12:30 p.m., approved by the Special Events Committee.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from St. Anthony's Church to hold a mini carnival on Saturday, June 11, 2011 between the hours of 11:00 a.m. and 3:00 p.m. and to close Herbert Street from Bridge Avenue east to the railroad tracks until 3:30 p.m., approved by the Special Events Committee.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from Soapmarket, 12 Monmouth Street, to hold the World Fair Trade Day "Shop Crawl" throughout the business district on May 14, 2011 between the hours of 12:00 p.m. and 4:00 p.m., approved by the Special Events Committee.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Request from Red Bank Family Reunion to close Drs. James Parker Boulevard from Shrewsbury Avenue to Bridge Avenue on Saturday, August 13, 2011 for a community block party from 10 a.m. to 6 p.m., approved by the Special Events Committee.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

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

Jim ____ —Leonard Street—expressed concern about the Family Reunion Event adding that he thought it was a good idea but noted that the previous year it had spilled onto Leighton Avenue and was going strong well after 10 pm.

Mayor Menna asked Mr. Sickels to bring the matter up to the Special Events Committee.

ORDINANCES – First Reading

ORDINANCES – Public Hearing & Final Adoption

RESOLUTIONS

11-80 Mayor Menna read “A RESOLUTION HONORING WILLIAM STRATZ ON HIS 50TH ANNIVERSARY IN THE RED BANK VOLUNTEER FIRE DEPARTMENT.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

11-81 Mayor Menna read “A RESOLUTION HONORING WILLIAM CLAYTON ON HIS 50TH ANNIVERSARY IN THE RED BANK VOLUNTEER FIRE DEPARTMENT.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

11-82 Mayor Menna read “A RESOLUTION AUTHORIZING CHANGE ORDER NO. 4 TO THE CONTRACT WITH BLACK ROCK ENTERPRISES FOR THE 2010 ROAD PROGRAM.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

11-84 Mayor Menna read “RESOLUTION AUTHORIZING APPOINTMENT OF SPECIAL COUNSEL.”

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: DuPont

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

11-85 Mayor Menna read “A RESOLUTION AUTHORIZING THE PUBLIC DISPLAY OF FIREWORKS.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

11-88 Mayor Menna read “A RESOLUTION AUTHORIZING APPROVAL OF SIDEWALK CAFES.”

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: DuPont

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

11-89 Mayor Menna read “A RESOLUTION WAIVING AND AUTHORIZING REFUND OF PARKING CONTRIBUTIONS IMPOSED UPON LINCOLN SQUARE @ RED BANK, L.L.C., 247 BRIDGE AVENUE, BLOCK 75.01, LOTS 76.01, 90, 90.01, 91, 92 AND 93.”

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: DuPont

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

11-91 Mayor Menna read “A RESOLUTION AUTHORIZING CHANGE ORDER NO. 5 RELATED TO THE CONTRACT WITH BLACK ROCK ENTERPRISES FOR THE 2010 ROAD IMPROVEMENT PROJECT.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

11-92 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,733,450.27.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

OLD BUSINESS

Councilwoman Lewis asked Mayor Menna when he would begin his Community events. Mayor Menna noted that the Spring has been cold and he wanted to do it outside. He said now that it was getting warmer he had a list of sites that had asked to host them and an announcement would be going out in the next day or so and it would be on the website.

NEW BUSINESS

AUDIENCE

Cindy Burnham—71 Wallace. Councilman Zipprich asked Ms. Burnham if she had recently moved. She said she had not but she owned that house. Several Council members noted that she needed to give her residential address.

She said it was 176 Harrison Avenue, Fair Haven. She said she had reached out to Councilman Zipprich on the 4th of the month and asked if he had gotten the email. He said he had not. She said she had also copied Councilwoman Lewis. Mayor Menna said they may not have gotten it and asked her to discuss the issue directly. She said she was requesting mulch for Maple Cove and added that the volunteers had paid for everything and felt it was too much to ask for.

Administrator Sickels asked what it would be used for. Ms. Burnham said it would be put around the sign. Councilman Murphy said the Council was questioning it because the agreement was the volunteers were going to maintain the property noting that it was not a park. Councilwoman Lewis agreed that it was not a park and noted that that was the issue from the beginning because the Borough had enough issues maintaining the parks they have and added that that was why they chose to keep it as open space. She said she had gone on the record with that a year before and said she didn't understand why the matter was bringing brought to the Council.

Ms. Burnham acknowledged that it was open space and said Council members had talked about the area as being a wonderful place and she didn't think a truck load of mulch was too much to ask. Councilwoman Horgan said she understood that Ms. Burnham and the Friends of Maple Cove were maintaining the area. Councilman Zipprich said Ms. Burnham had told the Council her group would be maintaining the site and that the Navesink Maritime Heritage Association would be donated the sign and benches, etc. Ms. Burnham said she was only asking for a half a truck load of mulch. Mayor Menna said he thought Councilman Zipprich was only asking for a clarification because he thought everyone was under the same impression that the Friends of Maple Cove were going to maintain it. Ms. Burnham said that that was never formally said and the only reason they have done it was because the Council refused to maintain it. In regard to the Navesink Maritime Heritage Association, she continued, they strictly were donating the benches and the sign and had not volunteered to donate landscaping. Councilman Zipprich again asked if that was not the agreement. She said it was not. Councilwoman Horgan said she thought Siciliano Landscaping had volunteered to help with the area and suggested she ask them for the mulch. Ms. Burnham said she would not and that she was asking the Council. She said she didn't think it was too much to ask. Councilman Zipprich noted the strict budget issues the Borough was facing and that they were responsible to the taxpayers of the town. Ms. Burnham asked why one of the Councilmembers took benefits. Councilwoman Horgan noted that that issue had nothing to do with the matter being discussed.

Ms. Burnham estimated the cost of the mulch to be \$25 and asked Public Works Director Watson, who was in the audience, how much it would cost. Mayor Menna told Ms. Burnham she should not be having a conversation with Mr. Watson when she was addressing the Council. She said she was looking for his advice. Mayor Menna said she could ask the Council. He also noted that it didn't matter how much it was because Councilwoman Lewis had indicated that it was her understanding that the Friends of Maple Cove were going to maintain it. Ms. Burnham said Councilwoman Lewis was wrong and the only reason the Friends of Maple Cove came out to maintain it was because the town had decided not to do anything. Councilman Murphy disagreed saying that the development was never there and Ms. Burnham had wanted to have a canoe launch so had presented that she was going to maintain it. Councilman Murphy said they supported her in that and would support her now. Ms. Burnham said the Council had originally wanted to sell it. Several members of the Council took issue with her statement.

Mayor Menna summarized saying a request had been made for mulch and they would take it under advisement.

Ms. Burnham asked, if the town did not supply the mulch, could the Friends of Maple Cove supply the mulch. Mayor Menna again said he thought she was going to maintain it. She again denied saying that. Several Council members said they remembered her saying that. Councilman Murphy again said the Council had supported Ms. Burnham when she said she would maintain it. Councilwoman Lee disagreed that the entire Council had supported the idea. Councilman Murphy credited Ms. Burnham for doing a good job but criticized her methods.

William Poku—90 Bank Street—said he didn't think it was fair for Ms. Burnham to go through what she was going through and said it was difficult to make a plea before the Council. He said she wasn't asking for much and that it would benefit the community. He said he was appearing on another issue but he felt that the town needed an ombudsman so residents would have to sit through a Council meeting to make a request of the Council. He said there had been times when he had tried to reach Administrator Sickels and he had to make an appointment. He said another time he had needed to speak with Public Works Director Watson and he had to make an appointment. He said some issues could be easily resolved and noted that when he wanted to talk to the Mayor he could just walk into his office and he would see him. He added that there were some things that they didn't have to allow to escalate to the type of discourse that had taken place. He again spoke of the difficulty of publicly addressing the Council.

He said the reason he was appearing was to let the Council know that the west side of town was not plowed during the storms earlier in the year. He said he had to pay someone to plow his property. He said when the plowing crew did arrive, they picked up snow in a bobcat and dumped it in front of a fire hydrant.

Mayor Menna said he believed Mr. Poku had already addressed the issue at a previous Council meeting. Mr. Poku said he had not. Mayor Menna said he may be recalling a conversation they had had. Mr. Poku said he had gone to see Mr. Watson several month before and was promised someone would call him but no one called. He said he then went to see Mr. Sickels who told him Mr. Watson should have called him but Mr. Poku said he never heard from anyone.

Mr. Sickels said he had discussed the matter with Mr. Poku at length. Mr. Poku agreed but said he did not feel he should have to make an appointment to talk about something that annoyed him to that point and noted that he had threatened to file a tort claim. He again suggested if the Borough had an ombudsman for residents to talk to things might not get so escalated. He said the way the process works now, he has to wait several months and possibly

lose his rights so he would be tempted to file the tort claim first and then talk about it. He said it didn't think it was fair to make people come out and wait for the audience portion of the meeting.

Mayor Menna said he understood and would take it under consideration. He added that, under our democracy, every person at the Council table, by tradition was a representative of each and every resident of and visitor to the Borough of Red Bank. He noted individuals should be able to pick up the phone and have a conversation with any elected official as part of their duties. He said the Council members may not agree with a person, but they were the conveyors of their message or the ombudsmen Mr. Poku was referring to because that was what they were elected to do.

Councilwoman Horgan agreed noting that she gets calls all of the time.

Mr. Poku noted that Ms. Burnham had claimed she sent an email and Council members said they had not gotten it. Councilman Zipprich said there may have been an error in the email address. Mr. Poku said that was why he thought there should be a contact person.

Councilman DuPont noted that the Borough could not afford to hire an ombudsman and offer the Mayor as an alternative. Councilwoman Horgan said she was in support of the idea. Several members of the Council noted that he serves in that role already.

Councilwoman Lee noted that, in the past, Mr. Poku had had conversations with her in her home on different occasions. She also noted that she was the liaison to Public Works during the snow storm and she never heard from him. Councilwoman Lee said she had also spoken with Ms. Burnham for hours on the phone. She added that, before the Council meetings begin, all of the Council members are available to the public.

Mr. Poku said he had one more issue he wanted to address. He said he had tried to reach the Tax Assessor's Office recently he had gotten a busy signal. He criticized the phone system and said people should not receive a busy signal. He said it appeared to be a programming problem. Mayor Menna agreed that it was. Mr. Poku said he had offered to reprogram the machine free of charge because his business did that. He said he had mentioned it to Mr. Sickels and had not heard back from him. He said he had also heard that the Borough was looking to buy a new phone system. Mr. Sickels explained that the current phone system was antiquated and no one would service it. He said the Borough had budgeted money to replace it. He also noted that the issue Mr. Poku had experienced occurred when he called a single person office and that person was on the phone. He said that phone had not been programmed properly and he had spoken with Clerk Borghi who was familiar with how to do that and they would be instructing staff in that office. He noted that he had been away but would follow up the next day to make sure it was taken care of.

Mr. Poku said the phone system the Borough currently had was the same type of system that he had serviced for other businesses and named some of those businesses. He said the system was still useful and suggested that Borough let him program and keep it going for free. Mr. Sickels thanked him for the offer.

EXECUTIVE SESSION

11-93 The Attorney read a resolution to adjourn to executive session to discuss personnel and contract negotiations.

Councilman Murphy offered a motion to adjourn to executive session to discuss contract negotiations and pending litigation, seconded by Councilman DuPont. Minutes to be made public in 180 days.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Councilman Murphy offered a motion, seconded by Councilman Zipprich to close executive session and adjourn the meeting.

AYES: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Respectfully submitted,

Pamela Borghi