

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
MAY 11, 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, Chief Financial Officer Mason and Auditor Kaplan.

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 1, 2011.

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

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

NAYS: None

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

Teacher of the Year Awards

Councilwoman Horgan read from each of the resolutions highlighting the achievements of each teacher as Mayor Menna presented them with their award.

By Consent Agenda:

- 11-94 A RESOLUTION COMMENDING ROXANNE JUDICE ON BEING NAMED TEACHER OF THE YEAR FOR RED BANK REGIONAL HIGH SCHOOL.
- 11-95 A RESOLUTION COMMENDING COLLEN SHANDRY ON BEING NAMED TEACHER OF THE YEAR FOR THE RED BANK CHARTER SCHOOL.
- 11-96 A RESOLUTION COMMENDING CHRISTOPHER IPPOLITO ON BEING NAMED TEACHER OF THE YEAR FOR THE RED BANK MIDDLE SCHOOL.
- 11-97 A RESOLUTION COMMENDING MARIA ZUFFANTI ON BEING NAMED TEACHER OF THE YEAR FOR THE RED BANK PRIMARY SCHOOL.

Councilman Zipprich noted that the Red Bank Charter School was one of 18 schools that would be receiving the Epic Gain Gold award.

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

ROLL CALL:

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

NAYS: None

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

2011 Budget

11-103 Mayor Menna read “A RESOLUTION AUTHORIZING THE BOROUGH OF RED BANK TO CONDUCT THE 2011 ANNUAL BUDGET EXAMINATION.”

Auditor Kaplan noted that the Department of Community Affairs usually conducts the budget examination but added that once every three years there is the opportunity for a self examination as long as the Borough meets very stringent criteria which are set forth in the New Jersey Administrative Code. He said he was happy to report that Red Bank met all of the criteria which indicated the town had done a great job with the budget.

Councilman DuPont noted the Borough deserved kudos for receiving the certification because of the number of categories that had to be met and itemized those categories. He also credited the Administrator and Department Heads for being enabling the Borough to qualify.

Councilman Zipprich added that there was also no operating deficit the previous year which was a trying year. He also commended the Department Heads for their work.

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.

Budget Amendment No. 1 Public Hearing

Auditor Kaplan noted that the budget amendment had been introduced on April 26 and reflected a \$13,422 overall reduction to the total revenues that the Borough anticipated and the same amount to the general appropriations. He said it covered a number of things including a reduction in Municipal Court revenue, an increase of Water/Sewer Utility surplus, amended the budget to conform with the new Municipal Library Levy Law adopted by the State after the budget was introduced and increased the amount to be received from delinquent tax revenue by \$100,000.

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

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

ROLL CALL:

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

NAYS: None

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

11-98 Mayor Menna read “A RESOLUTION ADOPTING THE 2011 MUNICIPAL BUDGET.”

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

Mayor Menna commended the Finance Committee for their work on the budget and noted the long hours they put in. Councilman DuPont, Chair of the Finance Committee thanked his committee and noted that it was an arduous task.

Presentation of Green Acres Development Application for the Count Basie Park Facility

Engineer Ballard explained that she was offering a formal presentation and requesting an enabling resolution on an Environmental Protection Green Acres Grant Application for Count Basie Park. She noted that the Borough had been notified in January that it would be awarded \$250,000 to go towards artificial turf for the baseball and soccer fields. She noted that the soccer field would be lined for multiple sports. She said the Borough would be seeking additional funds from the State Green Acres Program. She added that the football field had been completed the previous year and it was a very successful project with the field seeing extensive use. She said the Borough was requesting \$500,000 in this application to the Green Acres Program and outlined how the various fields would be used. She noted the fields were worn down and the Green Acres funding were match funding already in place.

Ms. Ballard said she was also making an application to Baseball America since the Borough would be adding more baseball programs.

Councilman Zipprich asked her to review blue line referenced on the plan.

Ms. Ballard said the grant application also covered a request to fund a half mile walking/jogging path. She noted there was no walking path currently in place.

Councilman Murphy noted that currently there was only a walking track within the gated football field and a small walking path around its perimeter. He said the new path would be approximately half a mile and would be around the perimeter of the park.

Councilwoman Horgan asked for more information on Baseball America. Ms. Ballard said it was funded by professional baseball and the offered grants to communities to offer access to more sports. She said currently the softball teams do not play under the lights so by adding the turf the Borough will be able to get more use out of the field.

Mayor Menna commended Engineer Ballard on her efforts.

11-99 Mayor Menna read “AN ENABLING RESOLUTION TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES FOR COUNT BASIE PARK.”

Councilwoman Lewis 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.

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

Anti-Idling Law for Vehicles

Mayor Menna said this issue came about from some calls he received from constituents who live in the downtown area above stores. He said they had expressed some legitimate concerns regarding delivery truck drivers that leave their trucks idling for an extended amount of time. He noted that they were starting to notice it more recently because the weather had been getting warmer and they had been leaving their windows open. He said he had had the Police Department look into it and there was a question regarding whether or not the town could do anything to address their concerns. After more research, he continued, they found there was existing regulations in place through the New Jersey Administrative

Code which were enforceable by the Municipal Police Department. He said, with Council consent, the Police Department will be instructed as to how it will enforce the Code. He added the Council did not need to adopt an Ordinance that it could be done by Policy. He said the reason to do it were common sense adding that Red Bank was fortunate to have a thriving downtown where people lived above stores who have a legitimate right to enjoy quality of life. He added that while they know they will have noise issues, they want environmentally sound policies to be adopted by the Council. He said there was no reason for a truck to keep idling while it was making a delivery.

Councilwoman Lee asked if such a policy could lead to double parked vehicles. Mayor Menna said they should not be double parked and that would be a separate violation. Councilman DuPont asked if RiverCenter had offered input on the issue. Mayor Menna said they were aware of it but it had nothing to do with parking adding that it was purely environmental. Councilman DuPont said he was concerned about businesses having difficulty with their deliveries. Mayor Menna noted that the policy had recently been adopted in major cities and read from a section of the New Jersey Administrative Code that outlined the environmental concerns. Councilman DuPont said he was not in opposition to it, but just wanted to know if RiverCenter had expressed an opinion on it. Mayor Menna said it would be passed on to them but it wouldn't really matter because the issue did not affect the merchants and that it was just a matter of telling the drivers to turn the engine off while they made the delivery. He also noted it was State law.

Councilwoman Horgan asked if it affected cars also. Mayor Menna said it was just for delivery trucks. Councilwoman Horgan said it should apply to cars also and said it was an economic as well as environmental concern.

Councilman DuPont offered a motion to authorize the Police Department to develop a policy to enforce the State anti-idling law, seconded by Councilman Murphy.

ROLL CALL:

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

NAYS: None

There being six ayes and no nays, the motion carried.

Valet Parking After 5 pm Program in Downtown

Mayor Menna said idea of valet parking had come up as the result of the concerns of a number of businesses, especially the restaurateurs. He said they wanted Red Bank to be customer friendly and accessible. He said they had had positive with the restaurant group and they had come up with a plan that would involve Riverview Medical Center, RiverCenter, the restaurants and the Borough. He said they will be asked the Police Chief and Traffic Safety Office to designate a number of spaces in the downtown to be available for a valet parking program to be coordinated by RiverCenter with participating restaurants. He added that it would be available after 5 or 6 pm so would not be during the hours of high demand. He also noted it would involve the use of the Globe Court garage. He said he was bringing it to the Council for their approval and then RiverCenter would work out the details with the Chief of Police.

Councilwoman Horgan asked if there would be a charge for the program. Mayor Menna said that would be worked out between RiverCenter and the participating restaurants but he envisioned the restaurants would have an agreement with the valet company. He said he didn't know if the customers would be charged.

Councilman Murphy said he would encourage the Council to have RiverCenter make a presentation to the Police Department before approving the program. He suggested they may also want to go to Special Events. Mayor Menna said the first step was for RiverCenter to see if they could get participants and when they determined how many spaces would be needed, they would have to come back before the Council because it would have to be done by resolution.

Councilman Zipprich asked if there had been a preliminary proposal. Mayor Menna said they were supposed to have it today and he just wanted to bring the idea to the Council.

Councilman DuPont said he thought it was a wonderful idea and sends another message that Red Bank was open for business by doing things out of the ordinary to attract business. He said he hoped it would alleviate some parking problems.

Mayor Menna said it was a novel idea and would be especially helpful to people who didn't know the area.

Councilman Murphy made a motion to authorize RiverCenter to meet with a representative of the Traffic Safety Division of the Police Department to coordinate the program, seconded by Councilman DuPont.

ROLL CALL:

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

NAYS: None

There being six ayes and no nays, the motion carried.

Rooftop Dining in Business District

Mayor Menna outlined a program entitled "Dine Under the Stars" that would permit rooftop dining. He said this idea also came out of meetings that had been held with restaurateurs. He said he thought the program was possible but would entail substantial planning designs. He said if the Council wanted to go forward with the idea, they should ask the Borough Engineer with the Construction Department to come up with some basic design and safety criteria which would probably be a separate design ordinance. He said this would put Red Bank on the cutting edge. He gave examples of other areas that had the program in place.

Councilwoman Lee noted that the issue had been addressed at the Planning Board and the issue of noise levels and how it would travel was a concern. She said she had been in favor of the idea but realized that light music could easily travel and asked the Engineer to include some noise studies.

Mayor Menna said the restaurateurs had been made aware of that concern and he felt if roof top dining was approved, audible music may not be permitted within a certain number of feet from a residential structure.

Councilman Zipprich said it was a good point and he had sat on the Planning Board at the time of the discussion and there had been a number of concerns including decibel levels, how late they would serve and other quality of life issues.

Mayor Menna suggested they look at similar areas that had the program in place. Councilwoman Horgan asked which restaurants were looking to participate. The Mayor said he was not in a liberty to say but that it was being looked at by those that owned their buildings.

Councilman Murphy made a motion to authorize the Borough Engineer to prepare a report, Councilman Zipprich seconded.

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: DuPont

There being five ayes, no nays and one abstention, the motion carried.

KaBoom Park Fees

Mayor Menna reviewed discussion with the members of the Kaboom Committee and said their revenue was coming in nicely. He said there had been discussion of charging a fee for entry to the parks and that he was happy to report that the Committee had come up with a plan that did not call for charging for all of the parks. He said they had sent a letter to the Mayor and Council requesting approval to charge a token \$10 admission fee per adult and \$5 per child only in Riverside Gardens Park. He noted the plan also called for a discount if tickets were purchased early. He said the other parks and public access areas would not be subject to an admission fee. He reported there was also a fund raising concert scheduled for the day before the fireworks.

Councilman Zipprich said he had attended a meeting where the issue was discussed and said they Committee had chosen to charge the fee only at Riverside Gardens because it was easily controlled. He said there was also ample discussion about the amount of the fee in order to make it affordable for everyone.

Councilwoman Horgan asked about the wording of the letter that said a \$5 charge would be for children 10 and under and asked if that would include an infant or toddler. A discussion followed and Mayor and

Councilman Zipprich said they thought that the intent was to charge a child rate for 10 and older. Councilwoman Horgan asked what age would determine the difference between the child and adult rates. Councilman Zipprich said the Committee would have to clarify that.

Councilwoman Lee said the Council would be taking a leap of faith to allow Kaboom to charge the entrance fee. She noted that Council would prefer to not have a fee for the event but said she recognized the fact that in order to continue with the quality of event everyone was accustomed to there would be a need to charge a fee. She said it would be done on a trial basis.

Councilwoman Horgan again asked for clarification regarding the ages.

Councilman Zipprich noted the Borough does not take responsibility for the fireworks and said the Committee had exhausted every idea to make sure the festival runs in the black.

Councilman Murphy said the Borough may not be responsible but the Council was in charge and said they should get clarification for Councilwoman Horgan's question. Administrator Sickels said he believed it was discussed at the Special Events Committee meeting to be ten and older and anyone under ten would be free. Councilwoman Lee said she felt they should ask the Committee representative for clarification because she thought they had written what they meant in the letter. Mr. Sickels again stated he thought they had represented at the Special Events meeting that there would be a different charge for adults and children and adults would be 18 and older.

Mayor Menna suggested tabling the matter until it could be clarified. Mr. Sickels said the Committee was hoping to begin marketing the event. He also noted the letter had been delivered a week later that it was expected. Mayor Menna said they could change the resolution and asked if it was the sense of the Council that there should be no charge for children under the age of 10. A discussion followed among the members of Council about what the intent of the Committee had been. Councilman Zipprich said he had attended a Committee meeting the previous week and the discussion was that children under 10 would not be charged. Mr. Sickels said that was also what was represented at Special Events. Councilwoman Lee expressed concern because they were approving a request from the letter and it didn't matter what was heard at the meetings. She again suggested it be clarified. Mr. Sickels stressed the importance of getting the information out for marketing and said the Committee would not want it held up.

RiverCenter Director Nancy Adams said she had contacted Mr. Moran and he said 10 and over would be charged. Mayor Menna said he understood that to mean 10 and under would not be charged. Councilwoman Horgan asked that that language be added to the resolution.

Count Basie Park Hours

Mayor Menna reported that he had attended a meeting the night before where a number of issues came up with residents that lived near Count Basie Park. He said one of the issues was accessibility to the park and he had told those in attendance the Council would be discussing the matter. He said he had spoken with a number of individuals including Borough staff and it appeared the Borough would be able to open the park earlier in the morning to offer more access. He said he had also told those in attendance that a number of other issues would be discussed by the Parks and Recreation Committee because that was the appropriate place for those issues. He said the Council could act on the issue of amending the park hours at this meeting if they wished to do so. Councilwoman Horgan asked for clarification on what the amended hours would be. Mayor Menna said the residents had asked for a 5 am opening and he added that the park currently closed at 10 pm.

Councilman Zipprich said he and Councilwoman Lewis, who were chairs of the Public Works and Recreation Committees respectively, had coordinated between the two departments to have the park opened for summer hours as of the first of May from 7 am to 9 pm. He said he and Councilwoman Lewis had discussed ways to make the park available earlier and the Mayor had offered some creative solutions. He said at this point, he thought it should go back to Committee so everyone was on the same page.

Councilman Murphy said there were several people at the meeting the previous night who expressed interest in having the park opened earlier. He said another issue was that the basketball courts were open until 10 pm and when a basketball went over the fence, people would pull up the fence to get the basketball because the gates were locked. He said he was sure people understood that they were locking it up to protect an investment. He said he thought the people had a valid request to have the park opened earlier and urged the Council to consider the request. He said the summer versus winter hours were another idea since it is light earlier in the morning at this time of year.

Councilwoman Lee said she also attended the meeting and spoke with the residents. She said she agreed with Councilman Murphy that the park should be opened at 5 am for the summer months. She noted it was not an issue of scheduling the fields but simply about neighborhood access. She said the group was stressed about organized leagues having access to the fields on a regular basis and what they were asking

for would not take too much extra effort. She said closing time was usually based on activities and when the lights went off and was less important than the opening time. She encouraged them to move it forward at this meeting.

Councilman Murphy noted that the Police Department and the Borough as a whole encourage the residents to use the parks but added that Count Basie was different from the other parks in town. He acknowledged that because of the investment, the town was locking part of the field to protect it but thought they should be considerate of those who want to go walking early in the morning. He added that he was happy to hear the plan to add the walking path around the park to give more access.

Councilwoman Lewis said she thought it was a reasonable request and said she agreed that there were a group of people that would use the park in the earlier hours and if they could find a way to accommodate them, then they should.

Councilman Zipprich said it was important to make sure the two departments continued to cooperate with each other so they could provide access in a safe community and no one is put in harms way at either an early or late hour.

Councilwoman Lewis noted that people had been walking at that hour before and if people were missing it, they should accommodate them.

Mayor Menna asked if the Council was in agreement to offer earlier hours at the park. Councilman Zipprich suggested they review the ordinances for all of the parks. Mayor Menna agreed they should be consistent. Councilwoman Lewis said she would bring the issue to the Parks and Recreation Committee.

Councilwoman Lee said one of the issues was that question of why the same rules didn't apply at all of the parks specifically that the other parks were not gated. She said Count Basie was gated because the town had made a major investment within the facility. Councilwoman Lewis noted they would be continuing to invest. Councilwoman Lee said the tennis courts were locked at other parks to protect those investments. She said they didn't have a lot of space left open at Count Basie and added that there would be less open as they continue to install more turf fields. She said a future budget may have to include some uniformed services assigned to that spot. Councilwoman Lewis agreed that the Recreation Committee needed to look at it.

Councilman Murphy noted that the budget passed earlier in this meeting included budgeting for Special Officers and bike patrols, which were lacking last year because of budget constraints. He said they were a big help at the parks. He asked the Council to come back to the next meeting with a definite opening and closing time for the park.

Administrator Sickels said the Mayor had indicated he had spoken with the Chief of Police and Police personnel would open the park at 5 am.

Councilman Murphy made a motion to temporarily have the park open from 5 am until 9 pm pending a discussion at the Parks and Recreation Committee, seconded by Councilman DuPont.

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: DuPont

There being five ayes, no nays and one abstention, the motion carried.

MAYORAL APPOINTMENTS

Mayor Menna appointed Councilman Zipprich as the Parking Committee Liaison.

Mayor Menna appointed Michael Anderson as Mayor's Alternate to the Planning Board expiring 12/31/11.

Councilman Murphy and Councilwoman Lee asked for more information on the appointee. Mayor Menna listed Mr. Anderson's credentials and noted that it was a statutory appointment and that Mr. Anderson would only attend when the Mayor was not available. Councilwoman Lee said she respected the Mayor's opinion but was uncomfortable with the appointment. Mayor Menna also noted that the appointment of an alternate did not require a Council vote. Councilman Murphy asked that the record reflect he was not in favor of the appointment.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman DuPont said that, at the next Council meeting, there would be a presentation regarding the reduction of business red tape.

Councilman Zipprich said the Department of Public Works Committee was meeting the following week to discuss the summer activities including Riverfest, concerts in the park and Kaboom. He said the Historic Preservation Commission was also scheduled to meet the following Wednesday. He reported that the past Friday he was proud to represent the Mayor and Council at the Count Basie Theater's Speakeasy Gala. He said the theater has been working diligently to upgrade the historic facility and add to the beautification of Monmouth Street. He said on behalf of the Council he let the Board now how proud the Council was of work and their ongoing efforts to attract world class performers.

Councilwoman Lewis said the Parks and Recreation Committee would be meeting toward the end of the month. She also said she wanted to remind everyone that there were park benches available for sponsorship in Marine Park and that they would be moving forward to install those that had already been submitted. She also said she would like to congratulate Mr. Watson and his team, Terrance and Alonzo, for the great work that they have done at the Count Basie fields. She said for the first time in a long time those fields look really good and they are getting a lot of play. She said baseball was back in Red Bank and it was amazing to see the kids playing. She thanked the Public Works staff for all they have done and continue to do to support that.

Councilwoman Horgan displayed the "Best Interactive Website in Monmouth County" Award the Borough had received two weeks prior at a presentation at Monmouth University she had attended along with Councilman Zipprich and Councilwoman Lewis. She said the award was a tribute to staff members who had worked diligently on the site and noted their work continues. She said she wanted to thank her fellow Council members for their participation and thanked Administrator Sickels, Clerk Borghi, Administrative Secretary Doreen Hoffman and all of the Department Heads and their staffs who work on the site. She said the award for "Best Interactive" referred to citizen participation and that was what they were striving for. She said there was still work to be done and said they welcomed ideas. She said the award would be displayed in the showcase in the lobby of Borough Hall.

Councilwoman Horgan also reported that the Fair Trade Town Committee will be holding their second annual Fair Trade Town Crawl the following Saturday from 11 am to 4 pm with nine different businesses participating. She outlined the details of the event and encouraged everyone to participate. She said she wanted to ask her fellow Council members if they had had a chance to look over the Diversity Survey and if they had time to fill it out and turn it in. She also asked if the Council was in favor of passing a resolution on the Diversity Statement at the next Council meeting. She also reported that the Red Bank Borough Education Foundation was holding its second annual art gala on June 10 at the Atrium. She said there would be 100 tickets sold and every attendee would receive an original work of art. She encouraged everyone to attend.

Councilwoman Lee reported that Governor Christie had announced a new Homekeeper program for people who are experiencing difficulty with their mortgage payments. She said information could be found on the State of New Jersey Website. She said the Health Department had asked her to report that there was another upswing of bedbugs. She said the Health Department was working on the issue and would be running some informational programs. She asked Administrator Sickels to announce a pending retirement from the Building Department. Mr. Sickels said Building Sub Code Official Jim Williams, who had been with the Borough since 1986, would be retiring at the end of the month. Councilwoman Lee thanked Mr. Williams for his years of service. She also urged people opening their pools in the coming weeks to be aware of water safety and noted there were safety programs sponsored by the boat clubs in town.

Councilman Murphy noted that the Borough's policy at one time was to replace firetrucks every 20 years and was later extended to 25 years. He said the trucks were replaced on rotation and he had thought Westside Hose was the next due for replacement but said he had received a letter from Navesink Hook and Ladder noting their truck had reached 25 years of service. He said while he wasn't sure of the order of replacement he knew the entire Department had pushed back replacement by an additional 5 years. He asked the Council to keep in mind that if they put off the purchase of a truck, others will become due which is why they stagger the purchases. He asked Mayor Menna, as the former Fire Commissioner, for guidance on the process.

Mayor Menna said the first step was for the Council to determine that the retiring truck was obsolete in that it would cost more to make the repairs than for the bond cost. He noted that many towns have a shorter life for their trucks but that Red Bank got full use and was a very busy town. He said the Council would have to give Navesink Hook and Ladder their collective go ahead to form a truck committee to investigate opportunities. He said once that was done they would coordinate the bonding for the new

truck with the retirement of the old truck. He also noted that CFO Mason was diligently making sure that new bonds were issued only when sufficient old bonds were rolling off. He said Mr. Murphy would serve as the liaison to the truck committee. Councilman Murphy also asked Administrator Sickels to provide a time line for when each truck would come due for replacement so the Council could be aware of what was coming due.

Mayor Menna reported on a recent visit to Red Bank of approximately 100 people involved in the Housing industry where he and Pastor Porter along with representative of River Street Commons showed them how two of Red Bank's projects had achieved success namely River Street Commons and Cedar Crossing. He said the story was picked up in newspapers throughout the State and showed interest that other elected officials have in making affordable housing work instead of frowning on it. He said it send the message not to be afraid of affordable housing as it is something everyone will need at some point. He stressed the importance of doing it right and cited River Street Commons and Cedar Crossing as examples.

Mayor Menna also reported that there had been a meeting of the State Transportation Board and Freeholder Arnone had contacted him to let him know that the funding for the Front Street safety improvement project would be complete. He said there had been concern because the project had been about \$100,000 short. He said he was happy to report that it would be 100 percent funded and the Borough and Riverview Medical Center will not have to contribute.

Mayor Menna also reported that the first of the Mayor's Caucus meetings would be held the following Saturday at Trinity Lutheran Church at 11 am.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from the Sandy Hookers Tri Club to place a barricade across the intersection of Wharf Avenue and Union Street leading into Marine Park and for use of the parking spaces at the top of Marine Park on Union Street for race staff beginning at 3 p.m. on Saturday, May 14, 2011 in preparation for the event to be held Sunday, May 15, 2011.

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

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 the Sandy Hookers Tri Club to hang a banner on the façade of 7 Broad Street to advertise the event from May 12-May 15, 2011.

Councilman Zipprich 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 This is it! Productions, Inc. to hang twenty-four (24) vertical banners on light poles throughout Red Bank from May 12-June 6, 2011 to advertise Riverfest.

Councilman Murphy 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 the Kaboom Fireworks Committee for use of Marine Park and Riverside Gardens Park on July 1-3, 2011 for events to be held in conjunction with the festival and fireworks display on the Navesink on July 3, 2011, approved by the Special Events Committee.

Councilman Zipprich 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 Kaboom Fireworks Committee to hang promotional banners on lamp posts throughout the downtown area from June 6-July 6, 2011.

Councilman Murphy 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.

Request from Kaboom Fireworks Committee to hang a banner on Broad Street from June 18-July 6, 2011 to advertise Kaboomfest.

Councilman Zipprich 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.

Request from Red Bank Family Reunion to expand the hours of the block party to end at 8:00 p.m. instead of 6:00 p.m. as previously requested, approved by the Special Events Committee.

Councilwoman Lee 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.

Request from RiverCenter to amend the approved Lunch Music event to include free fitness classes on Wednesdays in June from 12:00 to 2:00 p.m.

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

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

William Poku—90 Bank Street—asked about the resolution authorizing an emergency contract with Hunter Technologies for a new Borough phone system. He noted that the last time he had attended a Council meeting he had offered free services in regard to maintaining the Borough phone system. Mayor Menna acknowledged that he had but noted that the entire system had failed and the Borough had been without phone service for at least three days not counting the weekend. Mr. Poku questioned why no one had called him since he had offered free service. Administrator Sickels noted that the last time Mr. Poku attended he had spoken of a specific problem with a specific phone line and had offered to come in and help program that phone. Mr. Poku said he had also offered to maintain the Borough phone system for free. Mr. Sickels said that the Borough had already been investigating replacing the entire phone system for over a year and had been preparing a report for the Council that would call for going with a State contract purchase. Unfortunately, he continued, before that report was submitted, the system died and the purchase/replacement had to be accelerated. Mr. Poku asked if the new system was in place. Mr. Sickels said it was. Mayor Menna noted that was part of the reason the Borough had had no service for three days.

Councilman Murphy asked Mr. Poku about his expertise in the area. Mr. Poku explained what work he had done and said he had made the offer in an effort to help with the budget but noted if the purchase had already been done, it was a moot point.

J____ Taylor—Spring Street—asked about the bench installation at Marine Park. She said she had purchased one and wanted to know about the plans to install the benches.

Councilwoman Lewis said they had originally planned on ordering all the benches at once but were going to be ordering and installing the ones that had been ordered. She said she wasn't sure of the timing but that the project would be moving forward and she would report on the project when more was known.

Mr. Sickels said she would be notified of the timeline after the confirmed with the vendor. He said the original plan was to order all 18 at once to take advantage of better pricing but since they had not received orders for all 18, they were going to move forward with the seven that had been ordered.

ORDINANCES – First Reading

2011-6 Mayor Menna read “BOND ORDINANCE AUTHORIZING THE RECONSTRUCTION AND/OR RESURFACING OF VARIOUS ROADWAYS IN THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY; APPROPRIATING THE SUM OF \$1,484,432 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 \$984,432; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING.”

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

ROLL CALL:

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

NAYS: None

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

Public hearing and final adoption scheduled to be held May 25, 2011.

2011-7 Mayor Menna read “BOND ORDINANCE AUTHORIZING VARIOUS WATER/SEWER UTILITY IMPROVEMENTS IN AND FOR THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY; APPROPRIATING THE SUM OF \$189,168 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 \$189,168; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING.”

Councilman Zipprich asked Engineer Ballard to give an overview of the project. She said the two bond ordinances were for streetscape improvements to Monmouth Street and that there was a \$250,000 grant associated with that project. She also included Peters Place road resurfacing and pedestrian improvements which also had a \$200,000 grant associated with it. She listed several other streets that would have portions included in the project.

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

ROLL CALL:

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

NAYS: None

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

Public hearing and final adoption scheduled to be held May 25, 2011.

2011-8 Mayor Menna read “AN ORDINANCE FIXING COMPENSATION OF CERTAIN OFFICES, POSITIONS AND EMPLOYEES OF THE BOROUGH OF RED BANK FOR THE YEAR 2011.”

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

Councilwoman Horgan said she had a problem with the two percent across the board increase. She noted that the whole reason starting the performance evaluation process was to evaluate people and she didn’t see how everyone could get two percent. She said she was opposed to it.

Mayor Menna asked if she was opposed to introducing it since the final vote was not tonight. She said she would vote to introduce it.

Councilwoman Lewis said that issue had come up in Finance Committee meetings and they would be looking at it.

Councilman Zipprich also noted they had discussed it and agreed it needed further discussion.

Councilman DuPont agreed it needed to be tweaked and said there would be additional initiatives rolled out in the next month.

Councilman Murphy clarified that they were voting to introduce with a two percent increase.

Mayor Menna questioned the introduction if it was going to be tweaked.

Councilman DuPont said the process would be tweaked and that the ordinance would stand as it was.

ROLL CALL:

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

NAYS: None

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

Public hearing and final adoption scheduled to be held May 25, 2011.

ORDINANCES – Public Hearing & Final Adoption

RESOLUTIONS

11-100 Mayor Menna read “A RESOLUTION AUTHORIZING EMERGENCY CONTRACT WITH HUNTER TECHNOLOGIES FOR BOROUGH PHONE SYSTEM.”

Councilman Zipprich said he wanted to note that the system would save money over time. Councilwoman Lee asked if the Technology Committee had been included in the decision. Councilman Zipprich said he had represented the committee in meetings because they were held during the day.

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.

11-101 Mayor Menna read “A RESOLUTION AUTHORIZING SALE OF PERSONAL PROPERTY.”

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.

11-102 Mayor Menna read “A RESOLUTION AUTHORIZING APPROVAL OF SIDEWALK CAFÉS.”

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

ROLL CALL:

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

NAYS: None

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

11-104 Mayor Menna read “RESOLUTION FIXING FEES AND CHARGES IN REGARD TO FIREWORKS ON THE NAVESINK/KABOOM 2011.”

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: Lewis

There being five ayes and one nay, the resolution was declared approved.

Councilwoman Lewis stated she understood the concept but was opposed to charging for the fireworks.

PROCLAMATIONS

PAYMENT OF VOUCHERS

11-105 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$4,583,050.34.”

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

NEW BUSINESS

Councilman Zipprich commended the Mayor and Councilman DuPont for their efforts to improve the services for those opening a new business and said he was amazed at the number of new businesses that had opened recently. He also commended Zoning Officer Donna Barr on the amount of applications her office had processed. In the spirit of improving the way the Borough did business, he said he would like to suggest asking customers to complete a customer satisfaction survey. He said it was give the employees in the Borough's agencies an idea of how they were performing and improve service to the community.

He also announced that the Department of Public Works had received a grant and a number of bright yellow recycling pails. He said he and Councilman Murphy would like to start phasing the use of the pails with the senior population over the next several weeks. He said information was available at the Senior Center and at Public Works.

AUDIENCE

Marge Lowe—9 Wall Street—said she didn't know when she moved into her building that it was considered Senior Citizen Housing. She criticized the condition of the building saying it was infested with bedbugs and mice and that the management would not deal with the matter until it became a public issue. She distributed a photo of the garbage area and lodge several complaints about the building and its management. She said she was an active member of the community and was looking for an alternate location to live in Red Bank.

Mayor Menna asked if she had filed a complaint with the building's management.

She said she had, but had gotten no response.

Mayor Menna said the matter would be referred to the Health Department.

Ms. Lowe also asked about the status of teaching Borough children to swim. Councilwoman Lewis said it was a program that was on the list of projects to be undertaken. She also noted that the YMCA offers memberships to Red Bank school children.

Ms. Lowe stressed the importance of teaching a child to swim.

Councilman Murphy again noted that every Red Bank child could swim at the YMCA. Ms. Lowe said it needed to be publicized.

Councilwoman Lewis said there was one other thing that she wanted to share which was regarding a program that would assist with home repairs through an organization called World Changers. She said the service would be available for the right candidates in July. She said World Changers was a faith based organization headquartered in Georgia and that they would be working and looking for additional projects in our area. She outlined suggested projects such as handicapped accessibility, painting, siding and installation of windows and doors. She added that program participants would have to purchase their own materials but World Changers would provide the manpower.

Stephen Hecht—135 Branch Avenue—said resolution 11-103 was not on the agenda and he would have wanted to speak about it. Mayor Menna noted that it was on the agenda but that it had been moved up to the top.

Mr. Hecht said he would like to speak about the resolution regarding Kaboom and said it was a classic instance of the tail wagging the dog. He noted the Borough had experienced furloughs, businesses closing and other financial problems. He said it was a tough time for the town and now the Council was taking public land and gentrifying it if only for three days. He said he thought it was outrageous and he hoped the Council had discussed the pricing. He said he thought it was both a business decision and a values decision and he felt the Council had made the wrong decision. He added that he thought it was sad to sell public land for something we could not afford. He also said he loved the town and had respect for the Council as a whole and for the individuals but again said he thought this was a terrible decision.

Councilman Murphy noted that the fireworks had cost the Borough approximately \$60,000 the previous year and the Council considered the tradition and the amount of people that come to town to watch the event and decided they wanted to continue it. He said there were also discussion with the Police and Fire Department regarding safety issues and what the costs associated with that would be. He said the Committee thought they could change the fund raising process, pay the money owed to the Borough and cover the current year event in full. The Council decided to give the idea a try. He said the Fundraising Committee had done a great job and repaid the \$60,000 already. He said he understood the concern about charging for entrance to the park and the Council also had had concerns but noted that it would only be

for one park and all of the others would still have free access so payment would be by choice. He said he didn't have a problem with it and that, under the plan, the event would be paid for this year whereas in previous years the Borough had had to contribute. He again noted that it was being done on a trial basis and that it was not for all of the parks. He said the event had been a strain on the Borough and the event was a great tradition. He said they approved it because it was a way to continue the event without the residents having to foot the bill.

Mr. Hecht told Mr. Murphy he had spoken eloquently at the meeting the previous night and that he had talked about how people feel disconnect, disenfranchised and disempowered. He said there was a cost for what the Council had chosen to do because the decision regarding the fireworks was going to continue to make people feel disenfranchised, disconnected and disempowered. He said while the Borough wouldn't pay money for the event, there would be a cost and he wished the Council would have thought of that before they took the vote. He clarified that the cost would be a human cost and reminded Mr. Murphy that he had spoken the previous night on the importance of opening Count Basie Park at 5 am. He said this decision was the same kind of thing. Councilman Murphy said he disagreed and thanked Mr. Hecht for his comments.

William Poku—90 Bank Street—noted that the previous evening members of the Council had heard him promise people at the meeting that he would attend this meeting. He said there was one issue brought up by a home owner and that he had given them the cell phone number of the president of the NAACP and that he had said the group would be helping out in the next year. He said he wanted to address an issue with tax assessment in that the burden of presumption of validity was on the homeowner and was difficult to uphold. He compared it to filing taxes in that one may have a big refund but if they failed to file they wouldn't get it. He also noted that it everyone's assessments were reduced by the same factor, taxes would stay the same. He said it was noted at the previous evening's meeting that Borough officials know the process while residents had to get attorneys and were not as familiar with the process. He added that, as the market stands now, those that are least able to access the resource, such as attorneys and appraisers, were unable to do so so the rich would get their assessments lowered and the burden of taxation would be on those that were least able to deal with it. He asked the Council to consider this in the next year and the market was expected to continue to drop. He said it was his plea that the Borough not put the presumption of validity on those who file the appeals and to look for a way to bring the burden of taxation down on the west side of town.

John Bowers—866 Route 34, Colts Neck—noted that the Council had been discussing rooftop dining and the issue of noise. He recalled that he had settled an issue with the Molly Pitcher Inn to prevent them from having rooftop dining next to the Shrewsbury Manor garden apartments. He said they have been running weddings until late into the night and disturbing those tenants. He said, because of the noise issue, the hotel had agreed not to use it after 10 pm. He said he thought it was important that when the Council looks at the issue, they should make sure it would affect residential properties.

Mayor Menna said that was why it was important for them to look at the planning issue but also the details such as those mentioned.

Charles Moran—Executive Director of Kaboom—thanked the Council and said their decision tonight was very wise. He said the revenue they were going to gain by displacing a few people in Riverside Gardens Park would give them the ability to keep their financial footing and to continue the event from year to year.

Steven Hecht—135 Branch Avenue—said the primary purpose of any institution was to keep itself alive. He said he asked the Council, as the people responsible for the taxpayers money, to consider if the town could really afford the event. He said if we have to sell our conscience in order to have it, then we can't afford it.

EXECUTIVE SESSION

11-106 The Attorney read a resolution to adjourn to executive session to discuss contract negotiations.

Councilman Murphy offered a motion to adjourn to executive session to discuss contract negotiations, seconded by Councilman Zipprich. 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