

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
MAY 25, 2011  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

ALSO PRESENT: Administrator Sickels, Municipal Clerk Borghi, Attorney O’Hern, Engineer Ballard and Chief Financial Officer Mason.

Councilman Murphy arrived at 6:40 p.m.

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

**ROLL CALL:**

AYES: Lewis, Zipprich, DuPont, Horgan, Lee

NAYS: None

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

Councilman Murphy arrived at 6:40 p.m.

**Community Development Block Grant Presentation**

Engineer Ballard explained that this was the Public Hearing for the Borough’s Community Development Block Grant application. She said the application was for a remote restroom building at Count Basie Park and would serve as an ADA compliant restroom and a concession building that would be more accessible to all of the sport fields. She said someone walking to the existing restroom currently in place would have to walk 1,136 feet from the middle of the field which added up to almost half a mile round trip. She said in addition to being ADA compliant, the new restroom would alleviate the problem coaches had with sending children to a restroom which was out of their sight. She noted the project was being proposed for the Borough’s 2012 application and asked if anyone had any questions or comments.

Mayor Menna asked if any members of the Council had any questions for Engineer Ballard. There were none. Mayor Menna said the Community Development Block Grant was a great project and the Borough had been the beneficiary of Community Development Block Grants for many different projects. He said this project would be a tremendous book end to the work done by the Parks and Recreation Committee and the Department of Public Works and Councilwomen Lewis and Lee as liaisons to those Departments.

Councilman DuPont asked if the project would have a shovel to the ground before the end of the year. Engineer Ballard said the schedule for the CDBG application was that it would be submitted now followed by a community review process where a representative would attend a meeting in August with the representatives voting on each application. Depending on where the project falls in the ranking and the amount of funding available, she continued, approvals are granted and the towns are notified in late December. Ms. Ballard noted that the Borough had bid for a remote restroom building back in 2006 and the prices came back above what was budgeted so it was cut from the project. She said it was something they had been looking to do for a while and they were hoping some grant funding would help offset the cost so they could finally construct it.

Councilman DuPont said Councilman Zipprich had made a good point at an earlier meeting when he asked if any of the planned buildings would have solar panels installed. Mr. Zipprich asked if other

environmentally friendly plans would be included such as waterless urinals. Ms. Ballard said she thought that was a good comment and that they needed to look at the earlier plan to make sure it was still applicable and revamp it to include those suggestions.

Councilman Zipprich asked about the budget for the project. Engineer Ballard said the project was hinged on the grant and if the Borough did not receive the grant, the project would not move forward. She also noted that the grant application was for the restroom building as well as remote access walkways.

Mayor Menna asked Ms. Ballard if a resolution was needed. She said no formal resolution was needed but there should be a vote of the Council to see if they were in favor of the project. Mayor Menna said in the past they had taken a straw vote of the Council to authorize the Administrator or Mayor to draft a letter to the County indicating the Governing Body was in support of the application.

Councilman Murphy made the motion, Councilman Zipprich seconded.

**ROLL CALL:**

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

NAYS: None

There being six ayes and no nays, the motion 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**

**Request from Red Bank Landlords regarding Utility Pass Along**

Mayor Menna noted that Council members had received a letter from a number of landlords asking the Council to review the Rent Leveling Ordinance. He explained that Red Bank had one of the oldest and most successful Rent Leveling Ordinances in Central Jersey and noted they had had great success with it. He said it had created stabilization. He said the ordinance, adopted in the late 1960s, carried a provision that called for periodic review by the Council upon application by either tenants' organizations or landlords' organizations. He noted that John Bowers, an established residential and commercial landlord, was appearing to make a presentation regarding an aspect of the ordinance that perhaps should be looked at.

John Bowers—866 Route 34, Colts Neck, principal in Philip J. Bowers Company and Shrewsbury Manor (59 garden apartments)—said he had sent a letter to the members of Council and cited examples of two long term tenants. He said he felt the Rent Control Ordinance had a significant reduction in the tax maintenance which in turn had had an impact on the overall tax assessments and tax collections. He said it had also had a negative impact on the rental multiple-housing stock over the 30 years it had been in place because many weren't being kept up because the landlords weren't making any money. He said approximately 30 percent of the tenants were paying significantly under the market value. He cited the two examples he had included with his letter, noting that landlords were allowed 80 percent of the CPI as an increase. He said the first year someone was in, they were paying market rent but after that it was tantamount to a reduction in rent because 80 percent of the CPI was 20 percent less than the landlord's expenses. He said if the landlord and Borough were not collected the money, the burden was transferred to the homeowners and business owners who had to make up the difference.

He noted that most of the apartments in Red Bank were assessed at \$60,000 to \$80,000 per unit with a recent addition being assessed at \$276,000 per unit. He said he was citing these examples to show the disparity of what 30 years of rent control had done. He noted when he calls the roofer/landscaper/plumber he cannot obtain a 20 percent discount. He added that, under his example, the Borough was being shortchanged \$250,000. He said he would like to have no rent control, but realized that was not possible. He also suggested having fewer meetings of the Rent Leveling Board to save on

attorney's fees. He said he was asking the Borough to help the landlords bring the tax base up a little and help improve the quality of the housing stock.

Mayor Menna noted that the Bowers family had been involved in the rental business in the Borough for about 100 years. He added that the Borough fields a lot of issues with a lot of landlords but said Mr. Bowers ran a very tight ship and the Borough was grateful for that.

Dr. Marc Gelber—133 New Monmouth Road, Middletown—said that he had been in Red Bank for a long, long time and had been involved in several multi-family buildings. He said he never understood who rent control actually benefited. He said, when times were good, apartments were hard to come by and prices would go up but in times such as now that was not the case and there were a tremendous amount of vacancies. He again asked who benefited from rent control and said if an apartment was overpriced, no one would rent it. He said that apartments were deteriorating and they were expensive to repair. He said, in addition to rent control, landlords had to deal with the market. He asked the Mayor and Council members to explain what they thought about rent control. He added that he was not looking for them to abandon rent control but was looking for a change.

Councilman Murphy asked if rent control came with an age restriction. Mayor Menna said it did not and said the Borough ordinance applied to any building the encompassed three units or more and was owned by a single landlord. Councilman Murphy asked what the percentage was that the rent was increased by each year. Mayor Menna said it was a percentage of the CPI index.

Mr. Bowers gave an example based on formula of 80 percent of the CPI in the Borough ordinance where if the CPI went up two percent the landlords could increase by 1.6 percent. He again cited the tenant examples he had provided and showed that on received only a five dollar increase.

Dr. Gelber noted that the landlord is responsible for the heat, hot water and insurance and the expenses were out of line with 80 percent of the CPI. He said the formula did not take into account things that are essential for the landlord to keep the property in good shape.

Mayor Menna said landlords were entitled to an answer to their request as per the ordinance and he said he thought the dialog was also educational to the Council as well as the public. He said the Council would confer and that Councilwoman Horgan, as liaison to the Rent Leveling Board, would confer with them. He said he couldn't speak for the rest of the Council but said in his experience it was not unusual for the Council to undertake periodic review of the Rent Leveling Ordinance. He said he did not expect a revolutionary change by the Council but he thought a request to consider some adjustment to the percentage of the CPI was something to be considered. He asked Mr. Bowers and Dr. Gelber to allow approximately a month for the Council to discuss that matter.

He noted that they also raised a good point in that apartment houses are assessed based on the income and said that he has seen a number of appeals by apartment owners and the first argument they made was that the rate of return had decreased and so their assessment must be reduced. He noted Mr. Bowers had provided samples of that. He noted that the matter had to be referred to the Rent Leveling Board and said the process would take about a month. He said they would then be invited back for a follow up dialogue.

Councilwoman Lee said she agreed with that and said she would like more information including input from the tenant's perspective. She suggested a questionnaire from the Rent Leveling Board as a way to obtain that information.

Dr. Gelber noted that he had been before the Rent Leveling Board more than once. Councilwoman Lee said that in order to respond to his request, she felt she needed to be more educated on the matter.

Councilman Murphy asked if the CPI was used as a rule of thumb for rent leveling throughout the County or State. Mayor Menna the Ordinance was modeled in the 1960s from a famous case out of Fort Lee and local ordinances have generally adopted that method of adjusting rents. He also noted that different towns have different circumstances and the percentage could vary. Dr. Gelber said Red Bank was one of the more restrictive towns. Mayor Menna said that was why the Council would be looking at the Ordinance and invited Dr. Gelber to provide more information.

Councilman Zipprich asked if rent control was statutory. Mayor Menna said it was not adding that it was permissible, legal and recognized under landlord tenancy law but was left up to municipalities. He also noted that it was not applicable to commercial properties, only residential.

Dr. Gelber said there was a State law that said one could not raise rents in an unconscionable manner the usual figure for that was 10 percent. He said that was not where they were looking to go but they were just trying to make their facilities better. He said when multifamily properties in town look well, the town benefits.

Councilman Zipprich asked about the tenants cited in Mr. Bowers' example. Councilman Murphy said he was surprised that rent control was not based on an age restriction. Councilwoman Horgan said the Ordinance was in place to help people that were older. Councilman Murphy said the \$600 rents being paid by those in the example were a steal.

Mayor Menna said the Ordinance created stability of families, of communities and of residential stock. He added that a community was not just based on profit.

Councilman Murphy stressed the cost with maintaining the buildings and the fact that the matter hadn't been revisited in thirty years. He encouraged the Council to look at it after Councilwoman Horgan returned with a report from the Rent Leveling Board.

Mr. Bowers cited an article he had forwarded to the Council discussion rent control in New York. He noted that the city had strong rent control but recently allowed a five to six percent increase because of these factors.

Mayor Menna said that was why they had to take a look at the Ordinance.

### **Mayor's Wellness Campaign**

Councilman DuPont said he had been working on new ideas to keep everyone healthy in Red Bank. He said in order to start the Campaign, Mayor Menna needed to make a pledge that he was going to encourage all of the residents of Red Bank to live a healthy life. He said the reason Red Bank was a candidate for the program was because it had a number of resources such as Riverview Hospital that runs various wellness programs. He noted Central Jersey Blood Center was also active in the Borough. He pointed out the Borough's Safe Routes Study and the Senior Center's exercise classes and monthly health presentations as other ways the Borough promotes healthy life styles. He asked the Mayor to take the lead on the campaign and said he had already spoken with the president of Riverview who had said he would forward to supporting the cause. He said the Mayor's pledge was needed to continue the campaign.

Mayor Menna said would make the pledge and they would soon be rolling out the program.

### **Kaboom Park Fees**

Mayor Menna noted that the Council had adopted a resolution at the last Council meeting but it was done in an effort to move that matter along quickly and there had been some confusion. He noted that the Council members had received a letter from the Kaboomfest Committee clarifying the issue of admission fees to Riverside Gardens Park only that had been requested by the Committee. He added that a question had been raised regarding the charge for those between the ages of 10 and 18. He said the letter clarified the request and asked the Council if they were amenable to amending the resolution.

Councilman Zipprich said after discussion it was still unclear what age was considered to be a toddler and asked Committee Chair Charles Moran to come forward to clarify. Mr. Moran said the Committee felt it would apply to a child who would not be able to appreciate the fireworks and approximated it to be three or younger.

Councilman Murphy reviewed his recollection of how the fees were developed and said he thought the rate of \$10 per adult was set with the intent to allow for a reduced price if the tickets were purchased early. He said the same idea was in place for children's tickets but he couldn't recall if children were determined to be 10 and under. He said the confusion at the last meeting had been over what age was determined to be child rather than adult. He said the letter presented at this meeting represented the original request and intent.

Administrator Sickels noted that at the last meeting the Council had adopted a resolution stating that adults would be ten dollars and children down to age ten would be five dollars with no charge for those under age ten. He noted that Mr. Moran had arrived at the meeting late and there had been some confusion with resulted in the new letter. He asked Mr. Moran to explain to the Council what the Committee was requesting. Mr. Moran said his original letter had the correct request. Mr. Sickels said two people at the previous Council meeting that had been in Committee meetings understood it to be different and again asked Mr. Moran to explain what the Committee was requesting be changed from the first resolution. Mr. Moran said the resolution currently states the five dollar rate was for children 10 and over and they would like it to read children 10 and under.

Councilman DuPont said that was not accurate noting that they were also asking that anyone over the age of three be charged. Mr. Moran agreed that toddlers were excluded from the admission charge. Councilman Murphy confirmed that they were setting that at three and under. Councilman DuPont said there had been some confusion and, if that was what the Committee was looking for, he would have no problem making the motion.

Councilman Zipprich again reviewed the fees noting that it would be five dollars per child between three and ten and anyone eleven and older would be treated as an adult. Mr. Moran said that was correct. Councilman DuPont asked how they would verify ages and Mr. Moran said they would trust the parents.

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

**ROLL CALL:**

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: Lewis

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

**RiverCenter Signage/Kiosk**

Councilman Zipprich said, before RiverCenter Director Nancy Adams spoke, he wanted to note that travelers to new cities often get off a train and look for an information sign and a clearly marked Visitor's/Information Bureau.

Ms. Adams thanked the Councilman for his comments and explained that the RiverCenter offices had had their lease expire on their Broad Street location and had sought out another location that would offer more space. She noted that the Visitor's Center had been absorbed by RiverCenter and they had been cramped at their old location. She said while the new location may not be ideally located for visibility, they thought that this would be an opportunity to start a program she had been longing to do which was adding informational kiosks. She described the proposed kiosks and locations where they would like to place them. She said they would work with Engineer Ballard, Zoning Officer Barr and the RiverCenter Visual Improvement Committee on final design. She again noted that the new offices would be difficult to find. She noted that a lot of Visitor Center information is given out electronically but they did still have people coming in looking for information. She said, because it concerned public space, she did not feel it needed to go before the Planning or Zoning boards, but could be approved at the Council level. She said they were looking for approval to proceed and before anything was installed, they would come back to the Council for final design approval.

Councilman DuPont said it would be good if they could get the kiosks up before the fireworks or other big festivals.

Mayor Menna suggested that there should be a kiosk at the train station, at 90 Monmouth Street and the Senior Center. He said he had no objection and would welcome the kiosks on public property that the Borough or NJTransit owns. He said he was concerned about the location of English Plaza because of handicapped accessibility but acknowledged that Ms. Adams had said if would meet those requirements. He said he was also concerned that it would open the issue up to other businesses that were in areas such as alleyways.

Visitor Center Director Margaret Mass said this request would be for a public entity which would make it different than for a private business. Council members agreed.

Councilman Murphy asked about the status of a project to update the wayfinding signs. Ms. Adams said the Visual Improvement Committee had met on the issue and she was expecting a proposal with prices which she would forward to the Administrator when it was received.

Council members said they were in favor of the project. Mayor Menna confirmed that Ms. Adams would return with final drawings before going any further. Councilman Murphy asked if the signs would be lit. Ms. Adams said she would love to have the lit but cost was a factor.

**Business Friendly**

Councilman DuPont noted he had been working with RiverCenter and Borough Officials for the past 30 days regarding making Red Bank more business friendly. He said he had supplied to the Council the complaints and suggestions from RiverCenter. He said he had also met with Zoning Officer Barr and she offered suggestions that he had emailed to everyone. He also noted that Administrator Sickels had provided some suggestions from his Department to make Red Bank more business friendly and more efficient. He asked everyone to read through the material and make suggestions and recommendations before the next Council meeting. He said one suggestion from the State was to allow construction or other permits to be delivered via email and suggested the Borough look at similar ways to speed up the process. He anticipated that, at the next meeting, the Borough could present recommendations for changes to make opening a business in Red Bank easier.

Mayor Menna said RiverCenter Director Adams and the business community, particularly the restaurants, had been immeasurably helpful in the past month and remained focused on the positive. He said it was

phenomenal what the Borough had been able to do just by tweaking the ordinances. He also noted there was statistical data that would show permits were up over last year by 20 percent. He said construction was up and there were permits waiting for new construction. He also said the occupancy level in the core business district was getting back to where it should be. He commended the Council and said they had been tremendously courageous in going forward with suspending the parking contribution in an effort to encourage development. He said the Fire Marshal and Construction Office had been moving many plans that will not require Planning or Zoning board approval because they are for permitted uses. He agreed with Councilman DuPont that there would be more regulations before the Council in the coming month as they worked to tweak existing ordinances to eliminate even more applications before the Planning and Zoning boards.

He said there had been a number of meetings regarding a downtown valet parking proposal and he hoped to see something on it at the next meeting.

Councilman Dupont said he also wanted to note that, as an effort of the Borough's Code Committee, a tool kit had been created for the Planning and Zoning Department so that when someone comes in with a specific type of application, they are provided with a map of how to apply.

Councilman Ziprich noted that he had previously suggested the Borough offer a customer satisfaction survey to give the staff and idea of how they are performing while give the public an opportunity to critique the service. He said he thought it would improve public perception while giving feedback to the Borough.

Councilman DuPont said he loved the idea and suggested the questionnaire could go on the Borough's website. He asked Mr. Sickels to develop some questions for a link on the site where someone who had done business with the Borough could go to complete it in private.

Councilwoman Lee said the Building and Code Enforcement Departments were in the process of updating the information for the Department and would be including it on the page on the website.

RiverCenter Director Adams thanked the Mayor and Council for trying to work with them because it was a complaint she had heard since she had been here. She said, while it wasn't unique to Red Bank, it was nice to be able to work together to solve the problem. She said she really appreciated the support of the Mayor, Council and Administration.

Mayor Menna said he appreciated the positive feeling that had come out of the meetings they had been having with the business owners. He said Red Bank was still in the forefront and was alive and well and open for business.

#### **APPROVAL OF MINUTES – April 26, 2011**

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

#### **ROLL CALL:**

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

NAYS: None

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

#### **MAYORAL APPOINTMENTS**

Mayor Menna appointed Elizabeth Cain to the Senior Center Advisory Committee.

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

#### **ROLL CALL:**

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

NAYS: None

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

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

Councilman Murphy had no report.

Councilwoman Lee had no report.

Councilwoman Horgan noted that she had read a diversity statement from the Human Relations Advisory Committee at a previous meeting and that there was a resolution on tonight's agenda that incorporated it. She said the Committee had met Monday night and the members were still waiting for the Diversity Surveys to be returned. She said only two of the members of Council had turned them in and urged anyone that hadn't to please turn them in as soon as possible. She also reported that the Red Bank Borough Education Foundation's Second Annual Art Gala would take place on June 10 at the Atrium and each attendee would receive an original work of art.

Councilwoman Lewis reported that the regular scheduled Parks and Recreation Committee had been postponed but would be meeting soon. She said the Memorial Day program would take place on Monday, May 30 at 11am at the Veteran's Monument at 51 Monmouth Street. She also announced that this year's summer camp would have a different focus on things like music, arts and crafts, water sports, Double Dutch jump rope and other activities. She said she was excited about the program and the opportunities it would offer to the Borough children. She also asked the members of the Vision Project Committee to meet with her after the Council meeting.

Councilman Zipprich reported that the Historic Preservation Commission had met the previous Wednesday to review plans for both the Planning and Zoning boards, review the inventory and finalize the 2010 plan. He said they Commission was requesting further information on the renovations at the train station. He said the Shade Tree Committee had met and were discussing the possibility of a tree donor program to help maintain the Borough's Forestry Plan. He also reported that the Department of Public Works Committee had met the previous week to discuss the progress of the Road Program. He said the Department had received a grant from Monmouth County to purchase recycling pails that would be rolled out in a pilot program to Senior Citizens living in single family homes. He also noted that flushing had been completed and hardly anyone noticed when it was going on which he said was a credit to the Engineer's work on the water treatment facility.

Councilman DuPont had no report.

Councilwoman Lewis said she wanted to add that Red Bank Softball Day had taken place on Saturday the 21<sup>st</sup> at Count Basie Field and it was a huge success with over 120 kids in attendance. She said the Department of Public Works had done a tremendous job in getting the fields dried out and ready for ball play. She said she had heard that Red Bank was the only town that played that day because the fields in other towns were too wet. She said she also wanted to add that the 7<sup>th</sup> & 8<sup>th</sup> Grade Boys team was currently undefeated, a team that she believed was just fielded this year.

Mayor Menna said he had received a number of messages from individuals from out of town saying they thought it was a great day and he had communicated those messages to Recreation Director Crystian. He said he had been unable to attend because he had held constituent meetings that day including one at the Red Bank Senior Center while they held their Volunteer Appreciation celebration. He also noted that in addition to the regular Memorial Day service at 11 am, there would also be a Fire Department service at 10 am at Borough Hall. He also reported that the Borough would be honored the following evening by the Commissioner of Education who will be in town to present the Education Excellence Award to the Charter School at 5:30 pm. He expressed his pride in the Board of Trustees, administration, staff, parents and children of the school.

Councilman Zipprich noted that the Charter School was one of only 18 schools nationally to receive that award.

## **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from the Red Bank Triathlon to hang a banner on Broad Street from September 5, 2011 to October 8, 2011 to advertise the Red Bank "Fall Classic" Triathlon.

Councilman DuPont 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 John Attridge for membership to the Fire Police Unit of the Red Bank Volunteer Fire Department and from Michael Eberhardt and Daniel Kaufman for membership to the First Aid Squad of the Red Bank Volunteer Fire Department.

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

**ROLL CALL:**

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

NAYS: None

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

Mayor Menna read a request from Monmouth Medical Center to post directional signage on Broad Street, Pinckney Road and Branch Avenue from June 3 to June 5, 2011 for The Two Rivers Garden Tour.

Councilman DuPont 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.

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

Mayor Menna asked if anyone else would like to speak.

Stephen Mitchell—104 Prospect Avenue—spoke regarding Resolution 11-109, commending the efforts of the Red Bank Human Relations Advisory Committee to adopt a diversity statement, and said he was in favor of the statement and thought it was a wonderful gesture and that the Committee did a great job, however, he said he felt there was something missing from it which was including a reference for non-believers. He said the statement said people of all faiths but noted that he was part of a group of non-believers that represent 15 percent of the population of the United States and felt the statement did not include them. He said he had spoken with a representative of the Human Relations Committee and they had intended to include non-believers in the statement by the term “of all faiths.” He said he would take them at their word but he wanted to bring it to the attention of the Council.

Mayor Menna suggested changing the sentence to “persons of faith and non-believers” and Council members agreed.

**ORDINANCES – First Reading**

**ORDINANCES – Public Hearing & Final Adoption**

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.”

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 Councilman Zipprich.

ROLL CALL:

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

NAYS: None

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

Councilman Zipprich offered a motion to adopt the ordinance on final 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 final reading.

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.”

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 Councilman Zipprich.

ROLL CALL:

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

NAYS: None

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

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

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.”

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

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

ROLL CALL:

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

NAYS: None

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

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

Councilwoman Horgan questioned across the board increases without taking into consideration the performance evaluations that were put in place. Councilman DuPont said the Personnel Committee would be tweaking the process so they had the ability to give a higher raise to those with a better performance and a lesser raise to those with a poor performance. He said they would probably be asking the Council to consider a salary range ordinance that would allow for that.

Councilwoman Lee asked if the reviews that had been requested by the Personnel Committee multiple times been received. Councilman DuPont noted it had taken some time to get those reviews completed for various reasons and it had been an arduous task. Councilwoman Lee asked if Councilman DuPont was comfortable moving forward with the ordinance. Councilman DuPont noted that these employees hadn't had a raise since 2009 and had been subjected to furloughs the previous year. He also noted that many were wearing multiple hats. He said the employee evaluation process being undertaken by the Committee was new and had never been done and said he felt the majority of the employees were doing a great job under the circumstances. He said the Committee felt the employees had to be noticed and encouraged.

Councilman Zipprich said the Committee had discussed the issue and agreed that, for the coming year, the performance evaluations should be used as they were intended.

Councilman Murphy noted that seventy percent of the workforce was union and asked if their performance evaluations were checked. He said the people in the ordinances were mostly administrative.

Mayor Menna noted that the Mayor and Council would not be receiving a raise for the seventh year in a row.

**ROLL CALL:**

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

NAYS: None

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

**RESOLUTIONS**

11-107 Mayor Menna read "A RESOLUTION AUTHORIZING APPROVAL OF SIDEWALK CAFÉS."

Councilman DuPont 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.

11-108 Mayor Menna read "A RESOLUTION REQUEST SPECIAL ITEM OF REVENUE."

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.

11-109 Mayor Menna read "A RESOLUTION COMMENDING THE EFFORTS OF THE RED BANK HUMAN RELATIONS ADVISORY COMMITTEE TO ADOPT A DIVERSITY STATEMENT."

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

Councilman Zipprich said he was proud of the work that Councilwoman Horgan and the Committee had done. Councilwoman Horgan said Committee Chair David Pascale and the Committee members deserved the recognition and had worked very hard on the project.

**ROLL CALL:**

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

NAYS: None

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

11-110 Mayor Menna read “RESOLUTION COMMENDING JIM WILLIAMS.”

Councilwoman Lee 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.

11-111 Mayor Menna read “RESOLUTION AUTHORIZING APPOINTMENT OF A FACILITATOR FOR THE 2011 SUMMER SPORTS PROGRAM.”

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.

11-112 Mayor Menna read “RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEE REGARDING ANNA R. LETTIERI, 34 WASHINGTON STREET, BLOCK 27, LOT 18.”

Councilwoman Lee 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.

11-113 Mayor Menna read “RESOLUTION APPOINTING ACTING BUILDING SUBCODE OFFICIAL FOR A TERM NOT TO EXCEED SIXTY DAYS.”

Councilwoman Lee 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.

**PROCLAMATIONS**

## **PAYMENT OF VOUCHERS**

11-114        Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,003,933.00.”

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**

### **AUDIENCE**

Steven Hecht—135 Branch Avenue—asked if the Council retained any oversight function with the Kaboomfest funding. Mayor Menna said a directive went out at the beginning of the year that it had to be self sufficient and that the Borough would not be making any contribution to it in either hard cost or soft cost. Mr. Hecht asked what would happen to any profits. Mayor Menna said they would not be considered profits but would be considered funding toward the following year. Mr. Hecht asked about the concert on July 2 and asked if there would be a fee for that. Mayor Menna reported it was \$10 for both adults and children.

Sarah Klempner—35 Shressbury Avenue—said she was speaking on behalf of the Community Garden and asked if a couple of individuals could present new information on the garden at the previously proposed site. Mayor Menna noted it was open to the public.

Tony Sloan—154 Bay Avenue, Highlands—offered his opinion regarding other potential garden sites in the Borough. He said there were three that could be developed as follow up sites but were not suitable for a starter site. He added only the Front Street location would be suitable for a starter garden and cited the reasons why he felt that way. He also explained why the subsequent gardens would be easier to start.

Wendy Weiner—113 Rumson Road, Little Silver—said members of the Environmental Commission had come and asked her to speak because she was the owner of Front Yard Farmer. She said she had spoken to the Committee about the joys and benefits of gardening and said it had become very popular recently. She spoke of the benefits and being a truly sustainable town and a transitional town which she explained were towns preparing for energy descent. She expanded on the concepts in detail and the benefits that could be seen.

Ernest Anenome-66 Riverside Avenue—said he came out to support the community garden. He said he felt it was a sound plan and that he not only supported the community garden but he also supported having the garden at the Front Street site. He said he thought it was important for the Council to remember that Red Bank was not just known for things that happened one day out of the year, but also for things that had a presence all year long such as projects like the garden. He said that was something that attracted him to Red Bank in the first place.

He said he also wanted to speak on the petition by Mr. Bowers for reconsideration of the Borough’s Rent Leveling Ordinance and said he would personally discourage the Council from considering that. He added that he thought Rent Control in the State was a major victory back in the 70s and, he felt, if they looked at the figures they would see there was an exodus in the State where more than half of the people who work in the State can’t afford to live here. He said he thought Red Bank distinguished itself by measures such as the Rent Leveling Ordinance. He cautioned them against letting Red Bank turn into a municipality like those that take advantage of the community that they supposedly serve.

He reiterated that he supported the Community Garden and acknowledged the effort that the project would take adding that it would have a major payoff in the end.

Kathleen Gasienica—110 Locust Avenue—said she wanted to commend the Mayor’s Wellness program and added that the Community Garden would fit in well with that. She suggested a possible compromise would be to allow the Community Garden at the Front Street location for one year adding that there were no permanent structures and the property could be easily reverted to back to its original state. She said

the water source could be taken care of with rain barrels from the library. She said she thought all other concerns had been answered.

Sarah Klempner—35 Shrewsbury Avenue—asked the Council to take to heart what had been said and agreed that there was an awakening about the need to transition to a sustainable society. She said Red Bank would be getting ahead of the curve and said she felt if they placed the garden on Front Street it would speak volumes in terms of making that movement.

She asked the Council to imagine the story of the garden on the river told in a history book where the pros and cons would be presented plainly and asked how it would look that the objections to the site of the garden were based on aesthetics or perhaps making money on the sale of the property, or even personal antagonism. She felt that they hadn't been told any substantial reason why it shouldn't be there and said they had addressed all of the concrete practicalities. She asked if the matter had been voted on already, noting that if it had, the Garden Committee had not been made aware. She asked the Council to consider the new information and take another vote at this meeting.

Mayor Menna noted that the last time the matter was discussed, the Council had unanimously embraced and adhered to the concept of a community garden. He said the matter had been referred back to Councilwoman Horgan and the Environmental Commission. He said the Council had also expressed its unanimous opinion that the Borough had a number of available resources that would be made available to neighborhood groups who wished to use it as a community garden. He said the Council had already made the decision that they were not in favor of the Front Street site. He added that no member of the Council had said that that should be reviewed again. He said they want a community garden and look forward to working with any group to achieve a community garden. He noted that Councilwomen Horgan and Lee had spent enumerable hours seeking out possible locations, engaging Borough residents from both sides of town to make it a real community garden, involving the Borough students and possibly having it on school property. He said, in regard to visibility, the best visibility could be in a neighborhood where a lot of people live. He said they did discuss it in a Council setting and members of the Committee were there.

Ms. Klempner said there would be students from Red Bank Regional involved as well as volunteers from Lunch Break with food going to Lunch Break and the Red Bank Senior Center. Mayor Menna said it would be nice to involve the kindergarten children in Red Bank as they were the future.

Ms. Klempner referenced the resolution on diversity and said she felt putting the garden in the middle of the town would get east and west together because it was equidistant. She also noted the property was adjacent to high rise apartment buildings. She said she felt they had met the concerns that had been raised and asked that an actual vote be taken because it sounded like it had been informal.

Mayor Menna said he would be happy to put a resolution on for the next Council meeting saying the Council would not support a Community Garden at the proposed location. Ms. Klempner said she did not understand why there couldn't be a vote. Mayor Menna noted that he had said there would be.

Councilman Zipprich said it was his understanding that the Environmental Commission was going to come back with a report. Councilwoman Horgan said that was also her understanding and said that when she and Councilwoman Lee had met members of the Commission on Sunday, they had asked that the Garden Committee come back with alternative sites and none had been proposed.

Ms. Klempner said Councilwoman Lee and Environmental Chair Laura Bagwell had gone around and looked at alternative sites and that was what Mr. Sloan had reported on. She also said she felt that the points that had been made tonight had gone in one ear and out the other. She said she hadn't heard a response to the fact that it was a prominent location and benefit it would have for Red Bank as a tourist destination. She said putting it in the middle of the town was what made the statement about the importance of the transition.

Councilman Zipprich noted that Red Bank was approximately 1.8 square miles and asked the Borough Engineer to estimate where the center of the town would be. She estimated it near the train station.

Ms. Klempner said it might be better to let the Council members individually contemplate what had been presented and the committee could present something in writing about the transition movement. She said they would like to have it on the next agenda for a vote. She again stressed the importance of a garden and the benefits of the proposed location.

Mayor Menna said they would get a report from Councilwoman Horgan and if she wanted it on the agenda, it would go on the agenda. Councilwoman Horgan said she would meet with the Environmental Commission, including the representative to the Community Garden sub committee. She added that she thought there had been a lot of miscommunication and misunderstanding and she would seek to rectify that.

Councilwoman Lee noted that the Council had asked for a second location and stated that the Council was willing to support any other location. She said they had spent a lot of time and done a lot of research on the project and they want it to happen. She said she was concerned that the committee was reluctant to engage the idea of a second site anywhere and noted that the committee had shown no interest submitting a second site. She said that was a concern of hers. She said she appreciated the points made about a starter garden but suggested they go into the community and look to engage smaller or multiple spots. She said she felt that their focus was so narrow that they would not be able to start a second location because they had remained focused on one item and could not see what the Council was asking them to do. She noted the extensive list of alternate locations that the committee was not willing to consider.

Ms. Klempner said the point was that it was a starter site and asked Councilwoman Lee to comment on the suggestion that a central location would show that Red Bank was embracing the concept.

Councilwoman Lee said she thought a wonderful central location would be Drs. Parker Blvd. and noted the amount of time she had spent looking at alternative locations and existing gardens. She again noted that everyone on the Council was in support of a community garden but they had asked the committee members to select a second site. She added that the Committee's inability and disinterest in choosing an alternate site was what concerned her. Ms. Klempner said the Committee felt it should be in a prominent place.

Councilman Zipprich said the Council was all in agreement that a community garden was a good thing and they all wanted to see it happen. In the meantime, he continued, it was almost June and urged them to get started.

Administrator Sickels said the problem was that when the property was first purchased, it was with the idea of providing parking for the library and access for the whole community to the river. He said the proposal was to take that property and set it up for a specific use that would not be open to everyone. He said the Council was looking for what was best for the whole town at that particular site.

Ms. Klempner said that currently it was not being used and a private contractor was being paid to mow it. She also asked about the proposal to do the garden as a one year trial.

Laura Dardi—63 Oakland Street—said she was the Environmental Commission liaison to the Community Garden sub committee and asked if school property could be considered an alternative public site. Mayor Menna said they would need an agreement for the use but they could work on it. Ms. Dardi asked if she should go to the Board of Education to pursue that. Mayor Menna said the Board of Education would have to approve the project on school property.

Councilwoman Horgan noted that a garden project was already in the works at the Primary School. Ms. Dardi agreed that there was but said she was considering the Middle School as a location because of the visibility and being more in the center of town.

Tony Sloan—154 Bay Avenue, Highlands—said he understood the Council's concerns but assured them that the Committee was not looking to do just one garden. He said the future of community gardening was based on complexes. He said he had looked at 21 sites but the other locations would be biting off more than they could chew. He agreed that there would be no permanent installations and after one year, if it was a problem, it could be pulled out much faster than it went in. He told Councilwoman Lee that he would give his personal commitment. Councilwoman Lee said she would love his personal commitment on any other site in town. He said they would be too much work and said it was not like a backyard garden. He said there were only three sites that were developable and they were all way bigger than they were looking for. He also noted that the sites at the foot of James Parker Blvd. would be a great site but could not be developed until a current construction project was completed at the site. He said it would be way more work than the Front Street location.

Councilman Murphy suggested they did not have to develop an entire lot and could just use a section of the larger lot. Mr. Sloan said there would not be people who were willing to work on it and said the Front Street location had people attached to it that were willing to work it. He noted that subsequent gardens were much easier. Councilman Zipprich asked if the only reason the Front Street location was being sought was that the volunteers were unwilling to garden anywhere else. Mr. Sloan said that was not the case. Councilwoman Horgan asked why then were they unwilling to go to an alternate site. Mr. Sloan said Front Street would be easier to build, it had a parking lot right by it and, at 2,400 square feet, it was small. He said they did not want to start a small garden on a large parcel and then have to make it bigger.

Councilman Zipprich asked Mr. Sloan what the second, third and fourth choices were out of the 21 sites he looked at. Mr. Sloan said there was a location on Pearl Street that was nice and the one he had mentioned on James Parker Blvd. when the construction was done. He said there was a third place on Monmouth Street that would work but thought it was private property. He said a spot behind a Middle School that had also been mentioned would be workable location.

Annie Jones—62 Peters Place—said she didn't care where the garden went and noted she had been coming to meetings since October. She said tonight was the first time she had heard a possible reason why the garden could not be located on Front Street and said she thought it sounded like there was a private political agenda. Councilman Zipprich said members of the Community Garden Committee had come to the Council early on and the original objection was that they had wanted to town to put a water line in at the property which would have cost approximately \$10,000 and there would need to be a meter on it and someone would need to be billed for the water. Ms. Jones said she understood the Committee had come up with several alternatives for that. She said she was sorry if she sounded frustrated but she was anxious to get started. Councilman Zipprich said he was anxious for them to get started also.

Ms. Jones said it sounded like the Council was saying they could have the garden anywhere but Front Street. Councilman Murphy said that was what they were saying. Ms. Jones said there were not getting an explanation as to why. She disagreed that the lawn area was used as the Council said because there was no view and it was not comfortable.

Kathleen Gasienica—110 Locust Avenue—asked Mr. Sickels about his statement regarding the intent for the property and said the Community Garden would have a tremendous number of people involved in it and would bring more people to the land than were presently using it. She said there was no river view from the property because of the vegetation on the water. She said it would alleviate the problem of no one being at the site and vandalism at the library. She said it would be for the whole community and noted that they had engaged several groups including children and seniors. She also noted the population density in the neighborhood was greater than a plot in an area with single family homes because of the apartment dwellers. She said they wanted to do it at the Front Street location because it was a really great spot and the frustration the Council was hearing was because they did not understand the reasons the Council had given against having it on Front Street. She asked them to reconsider even if only for the temporary year plan. She stressed that the Committee did plan to branch out to subsequent locations but they needed to hear good reasons why it couldn't be at the Front Street location.

Jennifer Barrens—61 Oakland Street—said she had a huge garden that enriched her life. She said the Borough had a lot of rental properties and noted that many project had been approved over the past couple of years that would leave the Borough with a deficit of green space. She said a community garden might make reparations for the lack of green space. She said she thought the benefit was more from the community aspect that the garden aspect and that the Front Street location would be a fantastic centerpiece for the town. She said she felt giving people an opportunity to engage with the land by the river in a different way would be fantastic and make the river area more accessible for people. She said there was a large amount of passive use land by the river and she felt the proposed location would be a win-win for everyone.

Laura Dardi—63 Oakland Street—asked Councilwoman Horgan to keep her in the loop regarding any Council decision.

## **EXECUTIVE SESSION**

11-115            The Attorney read a resolution to adjourn to executive session to discuss contract negotiations and personnel.

Councilman Murphy offered a motion to adjourn to executive session to discuss contract negotiations and personnel, 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.

Mayor Menna excused himself before Executive Session began.

Councilman Zipprich offered a motion to close executive session, 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.

**ADJOURNMENT**

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

**ROLL CALL:**

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