

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
JUNE 8, 2011  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

ABSENT: Councilwoman Lewis.

Councilwoman Lewis arrived at 7:10 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.

**WORKSHOP**

**APPROVAL OF MINUTES – May 11, 2011**

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

**ROLL CALL:**

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

**MAYORAL APPOINTMENTS**

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilman Murphy said there was a resolution on the agenda for this meeting that would adopt a zero tolerance policy for the Police Department for the July 3<sup>rd</sup> fireworks event. He said the Policy would allow the Chief of Police to establish higher fines during the event.

Mayor Menna confirmed that the resolution would be added to tonight’s agenda and clarified that it would say that on July 3<sup>rd</sup>, anyone charged with any disorderly persons offenses, ordinance violations or a municipal violation by the Police Department, they, if convicted, will be assessed the maximum fines and penalties. He said it did not require a change to the statute because it was already on the books. He said this was basically an advisory that the Borough would not tolerate behavior that was antisocial. He said if offenders were convicted in Municipal Court they would receive maximum fines and penalties. He noted the Prosecutor would be advised accordingly.

Councilman DuPont noted that the fines could range up to \$2,500. Mayor Menna agreed and noted that under State Statute most of the offenses were \$1,250 but some could go up to \$2,500. The Mayor also said the policy had the complete approval of the Fireworks Committee and that the goal was to make it a community and family oriented weekend with little or no disturbance.

Councilwoman Lee reported on behalf of the Health Department that there was an extreme heat warning and information on cooling stations was posted on the Borough website and added that they included the Red Bank Senior Center and the County libraries. She also reported that, on June 16 at 5:30 pm, Pilgrim Baptist Church and the Health Department would be host a Childhood Obesity kickoff. She said the Mayor would open it in conjunction with his Mayor’s Wellness Campaign.

Councilwoman Horgan said she wanted to remind everyone that the Red Bank Borough Education Foundation Art Gala was the following Friday, June 10 and that tickets were still available. She encouraged

everyone to attend and noted that the event would benefit the Red Bank Primary School and said all attendees would walk away with a beautiful original work of art.

Councilman Zipprich said it was LGBT Pride Month and he was happy to report that he represented the Borough the previous Sunday in the New Jersey Pride Parade. He said he understood Riverfest was a great success and he wanted to congratulate all of those involved. He said the Historic Preservation Commission had received an update on the train station repairs which would happen after the Fourth of July holiday. He thanked Engineer Ballard for follow up with NJTransit. He said the Borough was looking for volunteers to help with cleaning up around the garden at the Count Basie bust on the train station property. He said Public Works Director Watson had received a call that the area was overgrown and they were looking for gardening volunteers to assist. He said he also wanted to thank the volunteers that turned out to help clean the triangle by the train station over that last two weekends, noting that they had done a terrific job.

He also reported that the Road Program was underway and reviewed streets that were under reconstruction and those that had been completed. He said he was also happy to report that the Planning Board had voted to include the Bicycle and Pedestrian Plan in the Borough's Master Plan.

Councilman DuPont said it was his understanding that the Red Tape Committee had presented its suggestions and comments to Mr. Sickels and that those suggestions and comments would be brought back to the Council at the next meeting. He said he also understood that the Mayor had been contacted about writing an article for New Jersey League of Municipalities magazine about red tape.

Mayor Menna noted that there had been some representation that was incorrect by individuals on a certain community blog site regarding the lot at the foot of Maple Avenue that was now in the process of being repaved as part of the borough's road program. He asked the Administrator to shed some factual light on the issue rather than hypothetical speculation and gossip.

Administrator Sickels noted that comments had appeared in the Eastside Newsletter and on redbankgreen.com regarding the paving at Maple Avenue. He offered a background on the Borough's acquisition of the property and its initial plans to build a boat launch and parking lot at that location. He reported that the Borough had subsequently been notified that the DEP would deny a request for a boat ramp permit at that location due to "special shellfish resources." He said the property remained in limbo and Parking Enforcement, under the direction of Capt. Van Pelt of the Police Department, determined there was a need for permit spaces in the area and took it upon himself to issue twelve permits. Mr. Sickels noted that the spaces were included in the parking inventory of 2001. He said it continued to be a permit lot until construction began in the area and it was determined that it would be beneficial to use the lot for construction staging to keep the vehicles off of Front Street. Mr. Sickels said, in return for that favor, KHovnanian gave the Borough \$17,000 to be used toward the resurfacing of the lot which was approved by Council resolution in 2008.

Around the same time, he continued, interest developed in using the area as a kayak launch and volunteers, lead by Cindy Burnham, cleaned up the site for that purpose. He said in 2007 he received a letter from Ms. Burnham in response to a request from the Borough that she submit a plan regarding work at the site. In the plan she provided, Mr. Sickels said, ten parking spaces were noted. He added that, in the website comments, there had been allegations that the Borough had eliminated 16 spaces from an original 28 planned for the lot despite the fact that Ms. Burnham's plan showed 10 spaces and Borough records showed 12. He noted that Ms. Burnham had spoken at a Council meeting in 2009 asking that the lot be expanded and it was explained to her that the DEP had been adamant that the Borough could not expand of the facility, including the lot, without getting new permits. He also noted that the minutes of that meeting reflect that Mr. Sickels had said the contractor had agreed to restore that parking lot and he had also said he didn't know if they could expand it. He said Ms. Burnham had replied that it was currently marked for 10 cars. He said the Council reviewed the cost to restore the lot. He noted that there was \$17,000 on deposit for that purpose and also that the road program had been presented with the proviso that it would include any and all paving that may be determined otherwise necessary. He said the plan was, if the bids came in favorably, they would use some of the funding toward the repaving of the lot which was what occurred. He said the lot was paved for 12 spaces but they were required to provide handicapped parking so two of those spaces were allotted for that purpose.

Mayor Menna clarified that the lot had originally had ten spaces and that it was now marked for twelve. He said the only question that remained was whether the lot would a permit lot or would have some sort of pay station which was for the Council to decide.

Councilman Murphy said the matter would be going to the Parking Committee for review and a determination should be made by the following Council Meeting.

## **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from RiverCenter to host a Classic Car Cruise on Wednesday, August 17, 2011 from 5 p.m. to 10 p.m., approved by the Special Events Committee.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from RiverCenter for free parking in the borough parking lots within the downtown business district on Friday, July 29 and Saturday, July 30, 2011 for the 57<sup>th</sup> Annual Sidewalk Sale.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from The Junior League of Monmouth County to hang a banner on Shrewsbury Avenue from November 18 through December 3, 2011 to promote their 4<sup>th</sup> Annual Home for the Holidays event to be held at the Two River Theater on December 2 & 3, 2011.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from the Red Bank Fire Department Executive Council to hang a banner on Shrewsbury Avenue from September 1, 2011 to September 19, 2011 to promote the annual street fair.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from Michelle Buhler for membership to the First Aid and Rescue Squad of the Red Bank Volunteer Fire Department.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

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

No one appeared.

**ORDINANCES – First Reading**

**ORDINANCES – Public Hearing & Final Adoption**

## RESOLUTIONS

11-116      Mayor Menna read “A RESOLUTION AUTHORIZING APPROVAL OF SIDEWALK CAFÉS.”

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

Councilwoman Horgan asked for a clarification on the application by Buona Sera. Mr. Sickels said the inspection report had the correct information.

ROLL CALL:

AYES:      Zipprich, Horgan, Lee, Murphy

NAYS:      None

ABSTAIN:      DuPont

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

11-117      Mayor Menna read “A RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEE REGARDING 201 HARDING ROAD, BLOCK 110, LOT 11.01.”

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

ROLL CALL:

AYES:      Zipprich, DuPont, Horgan, Lee, Murphy

NAYS:      None

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

11-118      Mayor Menna read “A RESOLUTION RENEWING A CONTRACT RELATED TO THE BOROUGH’S WATER AND SEWER CONNECTIONS AND MAINS FORCE ACCOUNT.”

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

Mayor Menna asked if this pertained to general maintenance of the Borough water and sewer system or was it regarding third party contractors. Administrator Sickels said it was for third party contractors for emergency work or work beyond the capability of our personnel. Mayor Menna said he had asked a couple of weeks prior that the Borough put out RFPs to get secondary or tertiary contractors to be able to bid when the primary contractor is unable to do the work. He asked if that had been done. Mr. Sickels said it had not and that there had been some issues with the plan that he had discussed with the Borough Engineer and he thought it had been discussed with the Mayor. Mayor Menna said no one had discussed it with him. He added that he just wanted to make sure the if the primary contractor was busy, a secondary contractor could pick up the slack.

Engineer Ballard noted that the contract had expired and needed to be renewed. She noted that the contract had gone out to public bid so the Borough was getting the lowest price. She said with multiple bidders, they would receive multiple prices and the third party, whether homeowner or business, would obviously want to use the lowest priced contractor.

Councilman DuPont asked the Mayor if he was saying the contractor was unavailable. Mayor Menna said there was concern that with one contractor to do all the work, some people had been complaining they couldn't get work done. Mr. Sickels noted that a specific case the Mayor was aware of may not have been the fault of the contractor but was due to paperwork in house.

Councilman Zipprich asked Engineer Ballard to clarify the bid price. She said every bidder contractor included a year one price and a year two price and the winning contractor had held the same price for the second year despite increasing cost of supplies.

Mayor Menna said he didn't have a problem with the contract but suggested that there should be a provision in case the primary contractor, who had a monopoly on the work, could not do the work within a certain number of days then the homeowner should have the ability to get a secondary contractor.

Councilman Murphy said he thought the homeowner always had the right to go out and get their own contractor as long as they had the proper insurance. He added that, to his knowledge, the contractor that the Borough currently had, was always there when needed.

Engineer Ballard said there were varied prices in the contract depending on the amount of time he was given to respond.

Mr. Sickels noted that, other than the case of the in house error, the contractor had responded within the time frame given.

**ROLL CALL:**

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

11-119 Mayor Menna read “RESOLUTION SUPPORTING THE CREATION OF A COMMUNITY GARDEN.”

Councilwoman Horgan explained that the Council was in favor of a Community Garden but not at the proposed West Front Street location. She said it seemed that the perception of the press and the members of the Community Garden Committee was that the Council was against the idea and she assured them that they were not. She said the Council did not feel that the site at West Front Street was an appropriate site. She also said both she and Councilwoman Lee had spoken with representatives of the Environmental Commission as well as to the Commission’s representative to the Garden Committee and asked that the Garden Committee come up with alternative sites.

She said the resolution at hand was showing support of a Community Garden, but not at the West Front Street site and was asking the Committee to come up with alternative sites.

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

**ROLL CALL:**

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

11-120 Mayor Menna read “RESOLUTION AUTHORIZING A ZERO TOLERANCE POLICY.”

Mayor Menna said, with this resolution, the Municipal Prosecutor and Police Department will be asked to enforce the regulations currently on the books and to enforce the maximum fines and penalties for any violations.

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

Councilman Zipprich asked for clarification that the Borough would not be doubling the fines. Mayor Menna said everything on the books would remain the same and explained that the fine structures were regulated by the State Code and by the Municipal Court fine schedule. He said the Council was asking the Municipal Prosecutor to impose the maximum fines on anyone violating those ordinances and engaging in anti-social conduct during the July 3<sup>rd</sup> event.

Councilman Zipprich said the Kaboom Committee was conscious of the fact that the event should be family friendly and said he thought the resolution was a great thing to have.

**ROLL CALL:**

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

**PROCLAMATIONS**

Mayor Menna read a proclamation proclaiming June 2011 as Lesbian, Gay, Bisexual & Transgender Pride Month.

Mayor Menna read a proclamation proclaiming June 11, 2011 as a day of recognition for St. Anthony’s 90<sup>th</sup> Anniversary.

## **PAYMENT OF VOUCHERS**

11-121      Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,199,136.26.”

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

### **ROLL CALL:**

AYES:      Zipprich, DuPont, Horgan, Lee, Murphy

NAYS:      None

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

### **OLD BUSINESS**

### **NEW BUSINESS**

Councilman Zipprich thanked Mayor Menna for both proclamation and said it was month full of accomplishments.

### **AUDIENCE**

Councilwoman Lewis arrived at 7:10.

Ernest Anemone—66 Riverside Avenue, Apt. 2—applauded the Council for affirming that a Community Garden was a good idea. He said he also wanted to caution the Council that refusing to consider the West Front Street site was a very big mistake. He said the Council was not going to make a community garden on its own and said it would happen from the residents of Red Bank. He noted that there was a room filled with residents who were ready to make a community garden happen at that site. He outlined the many benefits that could be realized with the garden. He said he was a relative newcomer to the cause and offered some observations. He said he had been upset by the way the Community Garden Committee had been treated at a previous Council Meeting. He said he had understood the concerns that Council had regarding the site and noted the Committee had found answers to those concerns. He also noted that they had found ways to do it without costing the taxpayers. He said the Council then said it was about the location and he said that argument didn't make sense to him. He outlined benefits of the location. He said he felt the history of the Garden Committee pleading to the Council to allow the garden at the requested site was a history of misunderstanding and that communication had been lacking on both sides. He told the Council members that the project was supported by their constituents and warned them against ignoring their request. He spoke of his own involvement in the town and said he did not support political parties or political figures but that he supported ideas including the Community Garden. He said when he heard the Council was opposed to the idea he came to a meeting and didn't hear what he considered a valid reason. He again stated his support of the garden and the importance of listening to their constituents. He said it wasn't just a residential issue but claimed local businesses were also in support of the project.

Councilwoman Horgan asked him if he had spoken with the Library Board about the water issue and noted that she had. She said they were not in favor of rain barrels being put around the building and were generally not in favor of having the garden at that location. Mr. Anemone stressed that the garden would not be a blight. Councilwoman Horgan said she was just relaying what had been expressed to her and again asked if he had spoken to the Library Board. She noted that the Board had sent a letter to the Community Garden Committee asking that they change wording in all of their correspondence that they felt currently led people in the Community to believe that the project was sanctioned and overseen by the Red Bank Public Library. She said she felt the Library had to be taken into consideration and there had been misinformation going around in regard to that. She again asked if anyone had spoken to the members of the Library Board to find out their opinion. She noted they had also expressed concern about parking.

Mr. Anemone said these were new issues adding that it had started with the water issue. He asked Councilwoman Horgan if she had spoken with the Library to get them on board with the idea. He said he felt it was the job of the Council to be on their side. Councilwoman Horgan said the Council had never said they were not in favor of a community garden. Mr. Anemone said the Master Gardener would be addressing the Council regarding the water issue and noted that there was an alternative solution if the Library was not on board. He said he felt it was sad that the library wouldn't want to be involved in a project like this one and again said he felt it was the Council's job to persuade them. He added that the parking area was already reserved for the Library and the public park that was also there which was the plot they were discussing. He said they would not be stealing the spots but would be using them and the land better. He said that was consistent with the Master Plan and Municipal Land Use Law in general and urged the Council to support the project.

Sarah Klempner—135 Shrewsbury Avenue—said she was the sub committee chair and that she had responded to the email regarding the Library. She said the Committee has complied with the wishes of the Library. She added that Mr. Anemone was speaking as a resident that saw the potential and was sad the Library was not supporting the project. Councilwoman Horgan said the Library was not against the garden and she did not want the press to pick up more misinformation. Ms. Klempner asked what misinformation she was referring to. Councilwoman Horgan said the reporting that the Library was total against the plan. Ms. Klempner said she had understood that the Library did not want to be associated in any way.

Mayor Menna told Ms. Klempner that this was her time to address the Council on her opinions and that she should have a dialog with Councilwoman Horgan at another time. She said she had wanted to weigh in because the issue of the Library had been brought up. She also said the water issue had been resolved and that the rain barrels were merely a good idea but were not necessary for the garden to function. She stated she felt that no real answer had been given as to why the garden could not be located on Front Street.

Kathleen Gascienica—110 Locust Avenue—said she wanted to introduce the Farm Engineer who was the expert and that he would address the fact that they did not need the support of the Library to have a successful garden. She said she felt it was a shame and that she would like to have their support.

She said she want to speak on a different subject that she felt was related. She said she was speaking as a trustee of the American Littoral Society and asked when they could expect to hear from the Council regarding their support of the living shoreline project. She outlined the history and scope of the project and the minimal cost that would be involved. She noted that, in order to seek the grants, Council approval was required. She also noted that the town was obligated to maintain the shoreline and there were no grants available for bulkheads. She said that type of project could run over \$100,000. She said she was worried about the timeline and was concerned they would lose the donation of the design work.

Councilwoman Horgan explained that the problem lies with the Eisner family. She said the deed states that the Borough must maintain the bulkhead and an interpretation would need to be given by the family. She also there was a sensitive relationship between the Library and the family and the matter was currently stalled over the interpretation. Ms. Gascienica said she was aware of the issue and felt the sensitivity was because the Library was going to be requesting additional funding from the family for other projects and didn't want to stress the relationship. She said she felt the family would be hugely supportive and suggested that the reason it was stated that they must maintain the bulkhead was because when the deed was prepared there was no living shoreline technology. She said the American Littoral Society has offered to have their specialist write the letter on behalf of the Library. She said they were told they had to deal with the Council because the town owns the property. She noted that the Library did not have any authority over the Community Garden or the bulkhead replacement.

Administrator Sickels said part of the proposed project would be to take out the bulkhead and let the shoreline naturally erode. He said this could be detrimental to the adjoining properties. Ms. Gascienica said this had been addressed at the presentation and the expert had stated that any detriment would be addressed. Mr. Sickels said it was not addressed and it would need to be as well as how it would fit with the Borough's waterfront access and Riverwalk plans. Ms. Gascienica said it would fit beautifully. Mr. Sickels said it needed to be discussed. She said time was of the essence.

Councilman Zipprich asked if there was an expiration date on the offer. She said there was not a specific date, but said she had been told that there were three other sites that were being designed and if the Council did not approve the Red Bank project the Borough would lose a multi-thousand dollar design phase and the grant finding expertise that went along with it. She added that it would be a huge savings to the town. Councilman Zipprich asked that Mr. Sickels and the Engineer meet with the representatives from the American Littoral Society quickly. Ms. Gascienica said this was the first that she was hearing that the Council had not gotten enough information at the presentation on February 28<sup>th</sup>. She again noted that the town was obligated to maintain the shoreline. Mr. Sickels clarified that the Borough was obligated to maintain the bulkhead.

Mayor Menna said he understood what she was trying to say and asked Administrator Sickels to arrange a meeting as quickly as possible with the Engineer, Ms. Gascienica and whoever else should be involved. He suggested that, due to the possible impact on adjacent property owners, they should be involved. He said that once the technical issues were identified, a memo should be delivered to all of the members of the Council and they would have to make up their minds as quickly as possible. He said he wanted the meeting to take place with a week or so.

Councilman DuPont asked that Attorney O'Hern be included in the meeting. Councilman Zipprich requested that he represent the Council at the meeting.

On the other issue, Ms. Gascienica continued, she said she had attended a fundraiser in New York City for the Battery Park Conservatory and she said they had just opened an acre-sized community garden. She said it was the most beautiful thing that she had ever seen adding that every other plot was maintained by a school. She offered statistics on what the garden would produce. She said Red Bank could be a leader in the State on the subject.

Steven Hecht—135 Branch Avenue—said he had listened to the Master Gardener at a previous meeting and he thought he had mentioned that there were 20 sites that were potential locations for a garden. He asked if the Council had received any information on the additional sites. Mayor Menna said they had not. Mr. Hecht said that was something that concerned him. He noted that the Council had gone on record as favoring a Community Garden and he had heard them request information on other sites. Since none of that information had been forthcoming, he continued, he asked the Council to again request information on other possible sites. He said he understood they felt the Front Street site was preferable, but they should provide information on other sites that were feasible. He said before the Council made a decision, they should have all of the data. He said it sounded like that information could only be provided by the people representing the Community Garden Committee.

Councilman Zipprich noted that, at the previous meeting, he had asked the Master Garden how many sites had been identified and he had replied that there were 21. He said he then asked for the top three sites and he had listed them at the meeting.

John de la Parra—66 Riverside Avenue—said he was a certified horticulturalist and wanted to thank the Council saying he thought they were progressive to endorse a Community Garden. He said the town was also blessed to have such an amazing site right next to the Public Library. He said he was aware that the Council had said the Library did support the Garden, but added that he felt if they got behind the Library, the Library would get behind them. He also said he thought if the Council got behind the plan, then the Library would get behind the plan. He said he thought there was a question about how diverse the Garden would be and pledged they would be affirmatively inclusive. He said the Library was already a hub and having the Garden there would make it an even greater hub. He explained why he thought the location was ideal. He urged the Council not to think of the Garden as the extension of one particular person because they had originally brought it to the Council. He noted that they had a petition with almost 600 signatures but admitted they were not all from Red Bank but from all over the world.

Councilman DuPont spoke of his history with gardening and said he would like to hear from Mr. de la Parra after meeting as to why this specific site, other than the location but rather from a horticulturalists point of view, was the best site. He said he understood the beauty of the location in question but noted that the Council had only been presented information on that one location.

Mr. de la Parra said he understood the politics of eastside vs. Westside. Councilman DuPont said he was not talking about politics. Mr. de la Parra said they were looking for a site where everyone could come together and they felt the Library was already such a place. He asked what they could do further to convince the Council that this was the location the Community Garden group was behind.

Mayor Menna asked him to submit his petition and said the Council would be happy to take a look at it.

Councilwoman Lee asked Mr. de la Parra about his statement that he had 600 signatures. He again noted they were from all over the world. Councilwoman Lee told him they also had six signatures from the Council in the form of a resolution saying they wanted the garden. She noted she had ridden around the Environmental Commission Chair Laura Bagwell for several hours to review the other sites. She said she understood Ms. Bagwell had taken the information back to the Garden Sub Committee and they had said no other site would do other than the one on Front Street. She said that was where they had a difference of opinion. Mr. de la Parra asked her why that site was a no.

She again stated that she had toured all of the sites. She also noted that when the idea was first presented she had asked about a lottery system and the idea had been complete refused. She said the plots had already been meted out to a very small group. She said she was not talking about diversity but about the manner in which the program was set up. She said the project was one of the greatest things she had seen come forward. She added that she had asked that they include the schools as possible locations. She said the Council was committed to helping the Committee establish a garden but said Front Street was not the optimal spot. She said it had been discussed ad nauseum and asked him to explain why the second or third choice was not an option. She asked if him if he was aware of the list that had been presented with over 20 alternative sites.

Mr. de la Parra said this was the site that the group was willing to work on. Councilwoman Lee agreed and said that the fact that the group was comprised of a limited number of people not interested in a lottery system troubled her. Ms. Lee summarized that the group had the Council behind them and had been asked to come forward with a secondary site.

Mr. de la Parra said her question about the lottery would be a question no matter where the garden was located and said he was not aware of the issue with the lottery. He added that the Committee would work with the Borough on that issue. He said they wanted the project to be a peaceful and positive. He said they were ready and able will to work and had identified this spot as an amazing spot where everyone can come together and get good things done.

Councilman Zipprich noted that at the last meeting the Council had adopted a resolution regarding diversity that had been presented by Councilwoman Horgan and the Human Relations Advisory Committee and noted that the group had previously worked to have the Borough named as an inclusive community. He said when they talk about an inclusive community in respect to the Community Garden, he had a genuine concern had a

handicapped person would be able to access the proposed site. Mr. de la Parra said he was making the perfect an enemy of the good.

Councilman Murphy said he would like to here from some of the other people who were waiting to comment.

Mayor Menna said the Master Gardener would probably be coming forward to answer the question from Councilman DuPont regarding why Front Street was such a terrific site. He noted that the gentleman had testified about the issue previously and it was in the record.

Greg Hill—31 Spring Street—spoke of the Victory Garden that was in the Borough at one time and said that it had been located where the Manor Apartments are now. He thanked the Council for their support of the project but said he wanted to speak about something else. He said he needed to have some sewer work done but was told the only person that could do it was the contractor. He said he heard tonight that he could have chosen someone else. He said he just wanted to clarify if that was the case or if he always had to use the Borough contractor.

Administrator Sickels explained that the problem in the past had been that when they allowed people to use their own contractors, they would often get broken mains and that would cause a disruption in service to other people. Mr. Hill said he understood that and just wanted a yes or no answer as to whether he could use someone else. Mr. Sickels said the answer was no.

Mr. Hill also asked about the money that Riverview had given to the Borough a number of years ago that was supposed to go toward public access to the river and asked where it was now. Mayor Menna said it was over \$200,000 and it was in a trust. Mr. Hill asked if they were still looking for a site. Mayor Menna said they were and that the Borough had been looking at the foot of Maple as a location for a boat ramp but it was nixed by the DEP. Mr. Hill asked if the Borough would continue to look for an alternate location. Mayor Menna said they would.

Tony Sloan—154 Bay Avenue, Highlands—said he specialized in building growing installations between 800 and 50,000 square feet. He said the proposed garden at 2,400 was exactly what he worked with. He said he was independent from the Master Gardeners. He said he worked with them but was separate. He said the idea of getting water from the Library was no longer being considered and would be obtained from placing a reducing coupler on the fire hydrant. He said the Parks and Street departments already used this. In regard to the handicapped issue, he said it was noted earlier that there would be two handicapped parking spaces in the lot at the foot of Maple Avenue. He said they generally build handicapped accessible gardens at the schools which were designed more as educational tools and were not major growing installations. He said handicapped gardens were easily doable. He said the proposed locations was best because it was fast and cheap. He offered to go to the alternate sites with anyone interested.

William Poku—90 Bank Street—said the meeting had been a good civics lesson and reviewed the Council process. He asked where the Library representative was to state the opposition. He said without them present it was hearsay.

Ben Forrest—16 Locust Avenue—said he was glad the Council had stated their support of a Community Garden. He said he didn't know if Front Street was the ideal location, but he did know there was a group of motivated people and said great things could happen with a motivated group. He said he knew it was the job of the Council to look out for all of the interests in town. He said he would like to find a way to make a community garden work. He said it was too bad it had gotten a little tense and urged everyone to find a way to make it work.

Sarah Klempner—135 Shrewsbury Avenue—Thanked the Council for taking the time to listen to their responses to the resolution. She said she wanted to clarify that she did not think that there had been a definitive position taken by the committee on whether or not there should be a lottery but she did feel there should be some consideration for the tenants of the three high rise buildings that were close to the garden. She said information on alternative sites had been presented to the Council in a packet at least two months prior. She said another issue she wanted to address was vandalism and said she thought the garden was an opportunity to turn something negative into something positive. She said they may want to offer a plot to kids that hang out in the area. She also said the idea of having a garden at the schools was great but it would not be a summer activity because the students were not in school. She said if was a shame the Library was not in support and agreed with the earlier comment that the Library would get behind it when the Borough got behind it. She said she felt the Library was underutilized.

Mayor Menna challenged that comment saying that the Library was being used statistically 700 percent over what it was five years prior. He outlined the extensive number of services provided by the Library with many programs full. He noted there was also, for the first time, a Friends of the Library group and encouraged her to join.

She said she made noted of the fact but the Library was not at capacity every day and a garden would be an awesome addition. She also asked them to keep in mind that the location would be idea for people who had no property at all such as those in the three nearby high rises.

Steven Hecht—135 Branch Avenue—said he wanted to ask the Community Garden group if they would participate with the same fervor if the garden was not on Front Street. Several members from the audience said they would. Mr. Hecht said he thought he had heard Mr. Anemone say that the group planned to install the garden on Front Street with or without the Council's concurrence. Mayor Menna said he did not think that was said. Councilman Murphy said he thought it was implied. Mr. Hecht said he was glad to hear people would participate and that he would like to take Mr. Sloan up on his offer regarding the other sites. He added that he didn't want a tour, but wanted a list. Mayor Menna said the Council had the list. Mr. Hecht said he thought the Council had a list of Borough owned sites and he wanted to see all twenty one alternative sites.

Mike Harmon—33 Bonnie Brae Path, Atlantic Highlands—said he wanted to congratulate the Governing Body and the volunteers who worked on Maple Cove. He said he had served on his local Governing Body and had worked for the Monmouth County Parks Department for 21 years and said he thought the location was excellent and spoke of the benefits of the site. He said many towns had been purchasing properties along the river and people started volunteering for clean ups. He described some of the areas along the river some of which were areas where a kayak could be launched. He said the possibility existed for a trail along the waterfront and Maple Cove could be a part of that. He also spoke of problems with parking in his town where people would leave their cars for extended periods and warned the Council of that situation occurring at Maple Cove. Mayor Menna said it would happen and assured him that the parking would be regulated.

Mayor Menna thanked him for his comments and said the Council was thankful for the efforts of the Monmouth County Park System. He said they were in close contact with the County Engineer on some of the developing projects.

Ernest Anemone—66 Riverside Avenue—said he wanted to address Mr. Boas and thought he was implying that Mr. Anemone had planned on taking the law into his own hands and single handedly construct a garden against the will of the Council.

Mayor Menna said he knew he was not going to do that.

Mr. Anemone said he knew the Council was aware of that and said he wanted to ask Mr. Boas to not be so reckless in his comments. He said they had spent a large amount of time at this meeting and he felt the general sentiment was that the Council wished the Community Garden Committee would put as much energy into making a second site work as it had in making the first site. He said the general consensus of the Community Garden Committee was that they wished the Council would put as much energy into telling the committee why the answer was no for the first site. He said they hadn't heard that answer and asked if anyone on the Council would be willing to tell them why the answer was no for that site. Mayor Menna said the resolution spoke for itself. Mr. Anemone said he felt the resolution did not answer the question as to why. Mayor Menna said the Council did not believe it was an appropriate site. Mr. Anemone said when a group of concerned citizen comes to the Council with an idea the Council approves of such as a community garden, the burden of persuasion is on the Council to convince the citizens why it is not a good site. He said he felt that burden had not been met. He asked that a second resolution be put on the table for the next Council meeting so there would be a chance for the Council to reconsider.

Debbie Marks—Bodman Place—said she wanted to speak to what Councilman Zipprich has said regarding access to the site. She asked if the stairway from the library would be the only way to access the site.

Councilman Murphy said he wanted to clarify something he had heard three times at this meeting and asked if there would be access to the site from the newly paved lot at the foot of Maple Avenue. It was stated that one would have to go through private property to do that. He confirmed that there was no access from the foot of Maple Avenue to the bottom of the property where the Library was. Cindy Burnham claimed there was a right of way through the property. Administrator Sickels clarified that it was a Riverwalk easement not a right of way.

Ms. Marks said she appreciated all of the enthusiasm and the work that the Committee had done but the idea should be that it would be for all of the people and handicapped people and seniors would not have access. She noted that half of the tenants of the buildings that the Committee had been speaking of on Riverside Avenue were seniors.

Kathleen Gascienica—110 Locust Avenue—said she wanted to speak to the issue of handicapped access. She said there were wheelchairs that were designed for soft surfaces so it would not be an issue. She said she wanted to remind everyone that they would not be using the parking lot at the Library because it is for the Library and they didn't have enough for their own patrons. She said they would be parking in the Maple Avenue area. She said, in regard to the seniors, if they were truly gardeners, they would get to the garden. She said if there were able to plant, they would be able to walk the short distance down the easement. She said she thought the idea of having a handicapped accessible garden at the Middle School was a great idea. She noted that at the last meeting she had suggested having the garden on a one year temporary basis. She noted that there usually wasn't a waiting list during the first year of a garden but if there was an outpouring, then they would absolutely have a lottery.

Teresa \_\_\_\_\_ --said she was not currently a resident of Red Bank but had grown up there. She listed her credentials including the fact that she was the Chairperson of the Tinton Falls Community Garden. She said she wanted to applaud everyone for having the interest in a Community Garden. She said Mr. Sloan was instrumental in helping them to get their garden established. She said she had also heard some concerns about parking and noted that aside from established work days to work on planting, she was usually there alone. She noted that their garden was in its second year and it looked great.

Councilman Zipprich asked when they had planted the garden. She said most of the planting was done last year and they had done some turning of soil in April. Councilman Murphy asked where the garden was. She said it was near the restaurant MJs.

Linda Mullhausen—110 Manchester Court, Middletown—said she had had the privilege of gardening in the Tinton Falls garden and it was now a showcase garden and seconded the invitation to visit. She noted that the site was not in center of Tinton Falls and there may have been other locations but that was the one that Teresa got going. She noted that interest would grow and said she wanted to come out to support the idea of a Community Garden. She said it sounded like the Committee was saying there was a hidden agenda on the Council's part and agreed that no answer had been given.

#### **EXECUTIVE SESSION**

11-122        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 DuPont offered a motion to close executive session and adjourn the meeting, 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.

Respectfully submitted,

Pamela Borghi