

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
JULY 13, 2011  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

ABSENT: Council Members Zipprich and Lee.

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

**ROLL CALL:**

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

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

11-141 Mayor Menna read, “A RESOLUTION AUTHORIZING ADOPTION OF CAPITAL BUDGET AMENDMENT NO. 1.”

Auditor Kaplan explained the details of the amendment noting that it would increase the Monmouth County Improvement funding by a total of \$100,000. Mayor Menna asked if it would have an affect on the tax rate. Mr. Kaplan said it would have no effect on the tax rate whatsoever.

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

**ROLL CALL:**

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

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

**Presentation of 2010 Audit**

11-142 Mayor Menna read, “A RESOLUTION REGARDING THE BOROUGH OF RED BANK REPORT OF AUDIT FOR THE YEAR ENDED DECEMBER 31, 2010 AND CORRECTIVE ACTION PLAN REQUIRED BY FEDERAL OMB CIRCULAR REFERENCE NUMBER A-133.”

Mayor Menna noted that all Council members had received the audit and had a chance to review it and the recommendations.

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

**ROLL CALL:**

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

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

Councilman and Finance Committee Chair DuPont said the audit was a tribute to Auditor Kaplan and outgoing CFO Mason and commended them both on their professionalism.

Councilwoman Lewis said, as a member of the Finance Committee, she would like to echo Councilman DuPont's comments and said it was a pleasure working with Mr. Kaplan and Mr. Mason. She thanked Mr. Mason for his hard work during the time he had been with the Borough and wished him well in his new position.

Councilman Murphy commended Mr. Mason for his work on the budget noting that it can be difficult to deal with. He also wished him luck at his new job.

Mr. Mason thanked the Council for their comments and for the opportunity to serve Red Bank.

Mayor Menna said they would be sorry to see him go and thanked him for his loyalty to the citizens of the Borough and his professionalism.

11-143 Mayor Menna read, "A RESOLUTION OF GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT."

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

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

## **RESUME REGULAR ORDER OF BUSINESS**

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

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

## **WORKSHOP**

### **Red Bank Family Reunion**

Mayor Menna noted that this was added to the agenda because there seems to be an issue. He also noted that the event organizers had been to the Special Events Committee. He asked Administrator Sickels to give a summary of the situation.

Mr. Sickels noted that the Special Events Committee had met with the representatives of the Red Bank Family Reunion Block Party where they had given a plan for the event. He noted that the plan had shown that they would be using the parking lot adjacent to AME Zion Church. He said the group had included the Celestial Lodge in the event the previous year and noted the lodge was next door to the church. He said the event organizers had been asked if they discussed the event with the lodge and they said the lodge had told them they were not going to participate. Mr. Sickels said he had asked the representatives if the lodge was okay with the event and they had told the Special Events Committee that the lodge had had no objection but did not want to participate. He said the Committee then approved the event and recommended approval by the Council.

Subsequently, he continued, members of the lodge had attended the last Council meeting to communicate that they were not aware of the event and that they had a conflict for that date as they would be hosting a celebration for the 50-year members. Mr. Sickels said the Council directed both parties to return to Special Events to try to resolve the matter. He said, in an effort to accommodate both parties on the same date, the Committee recommended that the Family Reunion event be relocated to a different area of Dr. Parker Boulevard such as east of Bridge Avenue or west of Shrewsbury Avenue. He said another alternative suggested was for the Family Reunion to move the event north to Bridge Avenue. He said these options would offer unimpeded access to the lodge and the Family Reunion event could take place in the same

general location. He said he understood the Family Reunion organizers were not happy with the relocation option. He said the other suggestion was that they could modify the hours of the event and end it earlier so it wouldn't conflict with the lodge. He noted that when that option was proposed, he had received an email back from the Reunion organizers saying they were going to contact the Mayor's Office. He said the Mayor recommended that, since the Council had approved the event, they should return to the Council to try to resolve the matter.

Mayor Menna asked the Council if they had any questions for Mr. Sickels. Councilwoman Horgan said she didn't have any questions but wanted to find a solution that would work for both parties. Mayor Menna asked the representative of each group to come forward.

Dale Weems—22 Salem Drive, Howell--said she was the Chairperson of the Community Block Party and she thanked the Council for the opportunity to speak. She said she had met with the members of the Mason's Lodge on November 15 to discuss using their venue for both the block party and after party on August 13. She said she was told that it would cost \$1,000. She said she told them that that might be a problem and noted that the year before it was only \$400. She said she looked into using the name of her aunt or uncle as a sponsor to reduce the cost but was told by the Mason's that she would still have to pay the \$1,000. The committee agreed that they couldn't afford the rate so they would have to look for a different venue. She submitted documentation that she said showed phone calls from the previous November between her and a representative of the lodge.

She said she continued with the process with Special Events. She said she had received a letter approving the event and authorizing the closure of Drs. Parker Blvd. Councilman Murphy asked if she had given the lodge a deposit and she said she had not. Councilman Murphy asked who her contact had been at the lodge. She said she had met with the nine or ten brothers of the lodge but she didn't know all of their names. She listed some of the names she knew. Councilman Murphy asked who her uncle was. She said it was Herbert Douglas.

Mr. Sickels asked if, at the time she advised them of the date when she was first asking to use it, any of the lodge members had mentioned a conflict with the date. She said they did not. She also noted that the Boys and Girls Club, Lunch Break and Acelero were all having events to tie in with the Block Party event. Councilman Murphy reviewed her documentation listing phone calls and noted that the number was identified at Freddie Boynton's number. He asked why so many phone calls were made to him. She said she had spoken with him before the November 15 meeting and he had communicated with her after to say he was not happy with the way the brothers had treated her.

Councilwoman Horgan asked if the \$1,000 quoted was just for the after party at the lodge. Ms. Weems said it was. Councilwoman Horgan confirmed that they had found another location for the after party and were just looking to confirm the location for their block party. Ms. Weems said that was the case and they had received a letter approving them for the event from 10 am to 8 pm. Councilwoman Horgan asked what the time of the lodge event was. Mr. Sickels said he believed it began at 6 pm. Councilwoman Horgan asked Ms. Weems if they would be willing to end their event at 6 pm. Mayor Menna noted that there would be tents in place and food vendors that would have to be removed and that would take time.

Councilwoman Lewis asked Ms. Weems when her group was informed that a lodge event would be taking place and would be in conflict with the Block Party. She said she had heard in May that there may be a conflict with a event at the lodge when she asked someone to cook and they said they were not available because of the conflicting event.

Robert Lewis—Lakewood—said when the Family Reunion group first approached the lodge about the after party, they were told the fee was \$1,000 and they responded that the amount was over their budget. He said lodge members told them they might hold the after party themselves if the committee was not willing to give them the \$1,000. He said he felt it was a strong arm tactic. He said talks then broke off and they did not have further communication. He said he felt they should have been able to negotiate an affordable deal. He also noted that their event was for the community and, while they may not live in the Borough now, they went to school in the Borough and would always be from Red Bank. He said he resented comments that he did not live in Red Bank because he had done a lot to represent the town. He spoke of the success of last year's event and wanted to build on that success.

Mayor Menna asked if anyone from Celestial Lodge wanted to speak.

Calvin DeLoche, Worshipful Master of the Celestial Lodge #36 introduced Freddie Boynton who he said would be speaking for the group. He also introduced the other members of the lodge that were in attendance.

Councilwoman Lewis asked how many of them lived in Red Bank. He said four of them did.

Freddie Boynton—Celestial Lodge #36, 141 Drs. James Parker Blvd.—said he said Ms. Weems had attended one of their meetings by herself to discuss the block party. He said no date was ever given in their discussions and was supposed to get back to them with the date. He said they found out later that she was planning the block party for the same date that they were planning their 50<sup>th</sup> Anniversary celebration. He said they had not received a letter from the committee regarding the date. He said, regard to the after party,

they had let them use the building the year before and they had concerns because it had become overcrowded. He said they also had concerns about too many young people attending and problems with fighting. He said he told Ms. Weems of these concerns and he had also spoken with her regarding the conflict with their 50<sup>th</sup> Anniversary. He said the lodge had already sent tickets out. He said they charge the \$1,000 fee to keep the crowd down. He also noted that the previous year he had been the one that stayed to clean up the area including the street when the Block Party organizers had left to change for their after party. He expressed concern about who would be staying to clean up this year. He also listed his contributions to the Borough.

Steven \_\_\_\_ —39 Cherry Lane, Tinton Falls—said he thought there was too much focus on the \$1,000 fee. Mayor Menna said the usage fee was not an issue for the Council. Mr. \_\_\_\_ said when Ms. Weems attended their meeting in November she had told them she wanted to have a fund raiser in order to prepare for the block party and no date was given. He also noted that when they had had an event they had been required to send out certified letters to the community so they could prove they had notified.

Isaiah Cherry—Manchester—said he was also a member of the lodge and was sorry to see that this event had come to this point. He said he would like to see the block party take place. He said he was also at the meeting in November and said the only thing that was discussed was an event to prepare for the block party with no date specified. He said he heard from one of the lodge sisters that the event had been scheduled but had never been officially notified. He spoke highly of the Block Party event but noted that the members had worked hard on the 50<sup>th</sup> Anniversary celebration to honor their long serving members. He said he hoped for a compromise and suggested the block party move to another day or location.

Councilwoman Lewis asked Mr. Cherry to confirm that he was recommending that the block party change their date. He said that was his recommendation if they want to keep the event in front of the lodge. Councilwoman Lewis asked his opinion on adjusting the time so both events could take place on the same day. Mr. Cherry noted that their event was set and the tickets had already been sent out and said the block party would have to close down early enough to clean up and have the street available in time for the lodge event.

Councilwoman Horgan asked if the lodge event was taking place inside or outside. He said it was inside the lodge, but that they needed the parking.

Benjamin Stokes—99 Clinton Place, Tinton Falls—said he believe Ms. Weems had first sent a letter to the Special Events Committee in March and had not notified the lodge. He said she had two months from the time of that letter until it was approved by Council to notify them but had not done so. Administrator Sickels said he believed the event was discussed at Special Events in April and approved in May. He said she had been asked if the lodge was involved and she had said they would not be participating. He said she was also asked if the lodge had any objection and she said there was no problem.

Mr. Stokes said the lodge was not aware of the date. Councilwoman Horgan asked when the lodge had decided on their date. He said it was in April.

Isaiah Cherry—said he wanted to clarify that they had been discussing their banquet but their first official meeting to plan was April 1.

Calvin DeLoche—said he did not live in Red Bank but was from Neptune and said he wanted to note the Celestial Lodge's history in Red Bank. He said they did not want to cause any conflict but they had made preparations and were expecting the Most Worshipful Grand Master for the State. He said he wanted to let the Council know that they had put a lot of time into the planning. He said they also had to go before the Grand Lodge to get approval. He said he wanted to point out the Ms. Weem's uncle that had been mentioned earlier was one of the honorees at the event.

Mayor Menna asked Ms. Weems if she had any reply. She noted that her communications with the lodge had been verbal and she had tried to do things right. She said she had learned her lesson.

Councilwoman Lewis said she had not attended the event the previous year but understood it had been a huge success. She asked how many people had attended. Ms. Weems estimated 500 plus.

Mayor Menna asked if any other members of the public wished to be heard. No one appeared.

Councilman DuPont said he understood both side and knew that the previous recommendation had been to return to Special Events. He said one solution would be to move the Block Party event east of Bridge Avenue or West of Shrewsbury Avenue. Mayor Menna said that was the logical solution adding that it would only be a few feet away and would free up the parking for the lodge. He said he understood that was also the recommendation of the Special Events Committee. He said he believed it had not been acceptable to the Block Party Committee was because it was away from the Acelero Learning Center and Lunch Break, but it would be right around the corner. Ms. Weems said the area near Lunch Break was not conducive to their needs due to the number of vendors. Mayor Menna suggested moving the event onto Bridge Avenue which was a wider street. Ms. Weems said a Block Party had been held for years on Dr. Parker Blvd. and there was historical significance to the location. Mr. Sickels said this was only the second year the event had

been held. Ms. Weems said similar events were held in the location 35 years prior. She noted she had followed the proper process to obtain her approvals for this year. Mr. Sickels said there was one exception which was that the Special Events Committee had asked if the lodge had any objection and she had said they did not. Ms. Weems said when she had met with lodge members in November they expressed no opposition to the event. She also noted that they had stated they didn't plan their event until April. Mr. Sickels noted that the lodge members had also said no date was given in November.

Ms. Sickels said the Council understood that both groups needed to have their events on the same day because they had made commitments and said they were trying to find a happy medium. He again suggested moving the event north of Dr. Parker Blvd. to Bridge Avenue which was the same general area. Ms. Weems again noted she had followed the procedure but said she would be willing to end the event at 6 pm. She noted that the lodge members could park down the street. Mr. Sickels asked if they would be willing to end early enough to allow for time to clean up such as 4 pm. She again said they were willing to compromise for 6 pm and noted that the lodge issue was only parking. Mr. Sickels noted there were several older members of the lodge that would need to be dropped off and they needed access to their facility. He said it would be great if they could clear the street in time for that or they could keep their hours by moving it to Bridge Avenue. Ms. Weems suggested the lodge could move their start time to 7 pm. Mr. Sickels noted that literature was already out stating the start time of 6 pm and they were trying to accommodate everyone's start times.

Councilwoman Lewis asked for copies of any fliers or advertising the groups had done.

Mayor Menna asked what the general age was for attendees of the lodge event. Mr. Boynton said some of the honorees were in their eighties but the attendees were 18 and up. He said there were also handicapped individuals that would be attending.

Mayor Menna noted the Special Events Committee procedure had served the Borough well but would have to be tightened up in the future.

Councilwoman Lewis agreed and suggested something in writing from everyone in the neighborhood would be required.

Councilman Murphy said he sat on the Special Events Committee and it had never had a problem like this before. He said it was troubling that two great Red Bank groups were having trouble working things out. He questioned whether a 6 pm ending for the block party would be enough time to clean up. He noted the lodge was not able to move their event and had publicized the 6 pm start time. He said the block party had more alternatives but none that the committee would be happy with. He said they would have to get past this year and move on and make notifications next year. He said in the time he had been on the Special Events Committee he did not remember notices being required but he noted that the lodge had said they been required to send out certified letters. He again suggested the event could be moved to Bridge Avenue. He said he wished they could work it out for everyone but if they could not compromise, someone would have to cancel. He noted the lodge could not move their building and said the Council was asking Ms. Weems, politely, to help them out and move the event to Bridge Avenue. Ms. Weems said it wasn't that easy because other organizations were having open houses and a kid zone. Mr. Sickels said they could still have those things, the Council was just saying they couldn't block the street. Ms. Weems said she did not feel that they should have to change the location 30 or 40 days before the event. She again said they would be willing to end at 6 pm.

Councilwoman Lewis said she understood the significance of the location for the Family Reunion Block Party and agreed with holding it in that location. She said someone would have to compromise and, unfortunately, it appeared it would have to be the reunion. She asked if they could compromise on the time and shorten the event. Ms. Weems and Mr. Lewis said they had a clean up crew that would be working throughout the event. Mr. Lewis also expressed concerns over safety issues if they were to move to another location. Ms. Weems said they would be willing to end the Block Party at 5 pm.

Lodge members expressed concern that that would be too close to their event. They noted that there would be caterers coming in before the event. Mayor Menna noted a police officer would be on duty and asked if the lodge could be given access for their delivery people.

Mr. Boynton said the previous year the Family Reunion Committee had wanted to have it on Bridge Avenue and it had been his idea to have it on West Bergen. He said they had needed a sponsor and the lodge had sponsored them. He said he had received calls from people questioning the need to have the event every year. He said since money was an issue, he suggested they should have it every two years. Mayor Menna said that was their choice. Mr. Boynton also noted that they had not received an insurance certificate to cover the lodge's portion of the property.

Isaiah Cherry—said it had taken the vendors two hours to clear out at the previous year's event. He said when the closing time comes for the event, the police leave and they would not be there to ensure the vendors leave on time. He said the 5 pm closing time would be almost impossible to have the area available for lodge members to park.

Councilman Murphy said Ms. Weems was trying to be accommodating. He against expressed his frustration that the two groups could not work things out. He asked Mr. Sickels to review what had been determined at the last meeting of the Special Events Committee.

Mr. Sickels said the Special Events Committee suggested moving the event east of Bridge Avenue or west of Shrewsbury Avenue or modifying the time to end at 4 pm.

Councilman Murphy noted that 10 am to 4 pm would give them a six hour event. Mr. Sickels added that it would give them two hours to clear the street.

Councilwoman Horgan asked where they were holding the after party. Ms. Weems said it was in Freehold.

Mr. Sickels discussed the downside of the various alternate locations. He said he thought the best solution was to move the event onto Bridge Avenue and keep their original hours of 10 am to 8 pm.

Councilman Murphy added that if they wanted to keep it on Bergen, it would have to be from 10 am to 4 pm.

Mayor Menna asked the Council for their thoughts.

Councilwoman Lewis said in order to accommodate both parties, she felt shortening the event to 10 am to 4 pm would allow the block party to have the historical venue and still enjoy the event.

Councilman Murphy said he felt the Council was on board with either moving it to Bridge with regular hours or having it on Bergen and ending it at 4 pm. He said it was not what he wanted to do but it was the only direction they had and he wanted everyone to be happy. He said it was a miscommunication and again noted that this was the first time a situation like this had come up.

Mayor Menna again stated the options that the Council would be willing to amend which were to keep the existing location with the hours of 10 am to 4 pm or keep the regular hours of 10 am to 8 pm but relocate around the corner to Bridge Avenue.

Councilman Murphy asked Ms. Weems to let Administrator Sickels know when she made her decision. She said they would make the decision right then and would change their hours to 10 am to 4 pm on Drs. James Parker Blvd.

Mayor Menna said the Council appreciated their consideration and noted the problem would not happen next year.

#### **APPROVAL OF MINUTES – June 8, 2011**

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

#### **ROLL CALL:**

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

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

#### **MAYORAL APPOINTMENTS**

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

Councilman Murphy made a motion to suspend the reports of Mayor and Council members, seconded by Councilwoman Lewis.

#### **ROLL CALL:**

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

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

#### **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from “Forks Over Knives” event organizers to have a mobile food truck vendor park on White Street from 7 p.m. to 11 p.m. during their event on Thursday, July 21, 2011, approved by the Special Events Committee.

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

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

Mayor Menna read a request from Jersey Shore Ghost Tours to hold walking tours of Red Bank throughout the year starting in August 2011, approved by the Special Events Committee.

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

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

Mayor Menna read a request from The Count the Children Movement to hold the “I-Build, U-Build, We-Build...A Better Community Family Day” in Count Basie Park on Saturday, August 20, 2011 with a rain date of Sunday, August 21, 2011 from 12 p.m. to 9 p.m., approved by the Special Events Committee.

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

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

Mayor Menna read a request from the Red Bank Volunteer Fire Department for use of Broad Street and Monmouth Street for the annual Street Fair on Sunday, September 18, 2011, approved by the Special Events Committee.

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

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

Mayor Menna read a request from the residents of Elm Place to hold a block party on September 24, 2011 from 3 p.m. to 9 p.m. and to close the street from traffic at its intersections with Hudson Avenue, Horace Place and Spring Street, approved by the Special Events Committee.

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

There being four 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**

2011-11 Mayor Menna read “ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AUTHORIZING THE GRANT OF A PERMANENT EASEMENT TO THE COUNTY OF MONMOUTH FOR ROADWAY AND PEDESTIRAN SAFETY IMPROVEMENTS TO COUNTY ROUTE 10 (EAST FRONT STREET) AT GLOBE COURT, KNOWN AS PARCEL PE1.”

Mayor Menna explained that this was part of a \$600,000 improvement project that was funded by the County for the area of Front Street between English Plaza to the hospital including greater pedestrian access and streetscape improvements.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Public hearing and final adoption scheduled to be held July 27, 2011.

2011-12 Mayor Menna read “ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE BOROUGH OF RED BANK, NEW JERSEY FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO.”

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Public hearing and final adoption scheduled to be held July 27, 2011.

2011-13 Mayor Menna read “ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE BOROUGH OF RED BANK, NEW JERSEY FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO.”

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Public hearing and final adoption scheduled to be held July 27, 2011.

2011-14 Mayor Menna read “ORDINANCE AUTHORIZING THE GUARANTY BY THE BOROUGH OF RED BANK, NEW JERSEY FOR PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2011 (RED BANK PROJECT) OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY.”

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy



NAYS: None

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

Public hearing and final adoption scheduled to be held July 27, 2011.

#### **ORDINANCES – Public Hearing & Final Adoption**

2011-10 Mayor Menna read “ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER VIII, “PARKING LOTS AND HANDICAPPED PARKING SPACES” SECTIONS 8-2.4, “OPERATION OF PARKING METERS” AND 8-2.5, “PARKING TIME LIMITS” SCHEDULE I.”

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

Cindy Burnham—146 Harrison Avenue, Fair Haven—asked the Council if they were aware that the Maple Cove parking lot and the Maple Cove lot were listed on the Green Acres Open Space List as a boat launch. Mayor Menna said that would not be relevant to the ordinance as Marine Park was also listed as Green Acres Open Space and parking meters had been placed there.

Administrator Sickels explained that the Borough had listed it as a Boat Launch but was told by the DEP that they would not issue a permit to construct a boat launch at that location. He noted that the parking lot existed at the location at the time of that designation and it still existed and had no more parking spaces that before it was paved.

Ms. Burnham stated that it was never a legitimate parking lot and reviewed the history of the lot. She said she wanted to confirm that the Council knew that it was a designated boat launch and said only boaters used the area. She said the Council agreed and designated it as a place to hand launch boats. Mr. Sickels disagreed and said the Council never approved hand launching of boats at that site. He said it had been listed on the ROSI and, at the time it was listed, the Borough was developing concept plans to possibly put a boat launch there. Since that time, he continued, the DEP had told the Borough it would not issue permits. He said the Borough had not amended the ROSI, but the Council will most likely amend it to designate the area as what it was which was open space or public space.

Ms. Burnham noted that it was currently listed as a boat launch and it was used for hand launching of small crafts. She added that it was the only place in the Borough where one could do that and that was what it was being used for. She described what was involved in hand launching. Mr. Sickels noted that people did that type of activity of their own choosing and the Borough had not designated that area as a boat launch. Ms. Burnham asked, since it was a location where people did hand launching and often dollied their crafts, why the Borough had placed a curb at the entrance of the path when the parking lot work was done. Mr. Sickels said the curb was placed there to prevent erosion from the lot going down into the soil. Ms. Burnham asked why the curb wasn't depressed at the entrance to the path. Mr. Sickels said the path did not exist until Ms. Burnham created it and noted the Borough had not built any facilities to create a boat launch because they weren't allowed to. He said they couldn't change what was previously there and noted that it was a parking lot and they had curbed it to hold the paving and avoid erosion. She again asked why they didn't depress the curb saying it wouldn't have effected the erosion. Mr. Sickels said they didn't want to depress the curb because they didn't want to be interpreted as facilitating a boat launch because the DEP would not issue a permit for a boat launch at that location. He said it was a parking lot and they curbed the parking lot. Ms. Burnham said it was a hand launching parking lot. Mr. Sickels noted that was at her choosing. Ms. Burnham said it was not the type of boat launch that was used for trailered boats. Mr. Sickels noted that the Ordinance being discussed would add the lot to the same list of lots that Marine Park was on for the purpose of metering the lot. He said the lot was previously used as a permit lot and was used by Library employees with permits. He said the Council decided not to restrict the use but make it available for public use but it would be regulated with pay stations like the lot at Marine Park. Ms. Burnham said most people use that lot to go boating rather than sit in Marine Park. Mr. Sickels noted a former Borough employee that used to launch his kayak from Marine Park.

Ms. Burnham asked why two egresses were installed in such a small area. Mr. Sickels said it was the Engineer's recommendation. Ms. Burnham said it took away additional parking. He said it was also done to protect the handicapped area of the lot. Ms. Burnham said the Borough had created a very narrow lot and discussed the difficulty of getting a boat off of a vehicle. Mr. Sickels noted that it was designed for parking not for boat launching.

Councilwoman Horgan asked what the discussion had to do with meters which were what the Ordinance was about. Ms. Burnham said she thought it was related. She then asked the Council how they thought the meters would benefit Red Bank. Mr. Sickels said it was no different that the metering at Marine Park. He said the purpose was to prevent people from parking there 24 hours a day, seven days a week and would help with the turn over of spaces.

Mayor Menna noted there was a substantial deficiency of parking at 28 Riverside Avenue and the State had taken away parking on the Riverside Avenue portion of Highway 35 so people could conceivably park there. Ms. Burnham said in the time she has been going there she had not seen anyone else park there. Mayor Menna asked her if she was saying that she did not think there was a parking problem in Red Bank. She said she really didn't think there was especially since the Red Bank Catholic students were gone for the summer. She also asked what the cost of the implementation would be. Mayor Menna said the cost of the metering would not be borne by the

tax payers of Red Bank but would be paid for from the Parking Utility funds. She asked if the Borough was buying new meters. Mayor Menna said they would be purchasing pay stations with multiple payment options. Ms. Burnham asked how much revenue the Borough anticipated from the meters. Mayor Menna said it didn't matter and Mr. Sickels added that the Borough had not done projections. Ms. Burnham asked if the revenue would be used to maintain Maple Cove. Mayor Menna said any revenue would go into the general fund to benefit all of the Borough rather than just Maple Cove.

Ms. Burnham said the Borough had gotten Maple Cove at no cost to the taxpayers and questioned the fact that they would now be charging people to use the facility. Mr. Sickels said the Borough does not charge for kayak launching and noted some other towns charge \$14 for the activity. Ms. Burnham again asked if some of the money will be used for maintaining Maple Cove. Mayor Menna replied that monies that come into the public treasury were used for the public purposes. He also noted that the area is patrolled every day and evening by the Police and Public Works departments and said it would be taken care of like every other public property. She asked if they would mow the lawn. Mayor Menna repeated that it would be taken care of like other public property. She said the Borough mows the lawn and mulches other properties and they don't do that at Maple Cove. Mr. Sickels noted that they would also have to plow the lot and sweep it. Ms. Burnham said she was taking about the site and asked if the Borough would maintain the grass. Councilman Murphy said he thought that was what Ms. Burnham's group was doing and that they had said they wanted to create a kayak launch and had said they would maintain the area. Ms. Burnham said she had never said they would maintain it.

Ms. Burnham asked if Hovnanian employees would get a special permit. Mayor Menna said they would not and would have to pay a meter like anyone else. Ms. Burnham questioned the placement of planters in the parking lot. Mr. Sickels said they were curbs around the parking lot. Councilman Murphy said he thought it looked very nice. Ms. Burnham said it was not boater friendly and asked who would be maintaining them. Councilman Murphy said they would be maintained as part of the parking lot. Ms. Burnham said she thinks the Council ignored the purpose and intent of the lot. She also said there were no provisions for boaters and she felt it was a dangerous situation. She asked why the town didn't put meters at Count Basie Park. Councilman Murphy said there were no businesses in the area of Count Basie Park that would potentially use the lot and block it from those using the park. He listed several businesses in the area of the Maple Cove lot that would possibly fill the parking. Ms. Burnham disagreed that business parking would be an issue.

Marge Lowe—9 Wall Street—said she wanted to ask for clarification on whether or not handicapped designees had to pay for parking. Mayor Menna said they were exempt under State law even if there was a meter. He said individuals must have a designation on their license plate or a valid placard. Ms. Lowe clarified that if there was a meter and they had no decal, one would have to pay. Mayor Menna said that was correct. Ms. Lowe expressed her confusion over the law and the Mayor stipulated again that handicapped designees were exempt from paying fees at meters as per State law.

Anthony Hussey—16 Manning Street, Middletown—said he used the park at Maple Cove to launch boats and paddle with his daughters for as much as six hours. He said the idea behind kayaking was to relax and not worry about time. He said to worry about meters defeated the purpose. Mayor Menna said he anticipated that meter time could be extended through a cell phone. Mr. Hussey said he had spoken with Mr. Sickels about why the meters were being put in and he was told that they were at Marine Park so they had to go in this location. He said, at this meeting, he had heard the Council say they anticipated a problem with people taking up the lot. He said he had suggested to Mr. Sickels that they Borough wait and see if there was a problem and address it then because once in place they would remain. He said he agreed with what Ms. Burnham had said about it being an inconvenient parking lot. He added that he felt there was a hostile environment regarding the lot and questioned the fact that there were 12 spaces. Mayor Menna asked how it could be a hostile environment when the Council had bent over backward to get a spot that was unsightly and repaved it to make it a state of the art lot. Mr. Hussey said it was very nice but he felt there were less spots that the Borough could have added if it had wanted to. Mayor Menna said that was determined by the Engineer. Mr. Hussey said another reason he thought it might be hostile was because there were 12 parking spaces and two of them were handicapped. He said he wasn't against handicapped access but, once marked, the spaces can only be used by the handicapped and a regular space would not preclude someone who was handicapped from using it. Mayor Menna noted that the spaces were required by the Americans with Disability Act and that the Borough had been the subject of a lawsuit because they had tried to accommodate some exceptions which they cannot do. He said they have to adhere not only to the letter of the law but to the strict adaptation of the ADA. Mr. Hussey questioned if the strict interpretation required two handicapped spaces. Engineer Ballard explained that it was tiered and increased at 50 and 100 spaces. He questioned whether a lot with only three spaces would have to have two handicapped. Ms. Ballard said a waiver could be requested if a lot had only three spaces but the waiver would probably not be given to a municipality but rather a private owner. Mr. Hussey said he had gone to Count Basie Park and counted 74 spaces with three handicapped. Ms. Ballard said that would fit the formula of two spaces required for under 50 and one more between 50 and 100 spaces. Mr. Hussey said he had seen several lots with only one. Mayor Menna said Ms. Ballard had said there was a different standard for private properties versus places of public accommodation. Mr. Hussey restated his opposition to the parking. Mr. Sickels again noted that the Borough had replaced what was there, accommodated the ADA and had not changed the set back so they wouldn't have to file permits with the State to expand the lot. He said they tried to do it with no additional cost because it was funded by a contribution of \$17,000 from the Hovnanian project. Mr. Hussey repeated his recommendation to wait and see if there was a problem because he didn't feel there would be.

Linda Mulhausen—110 Manchester Court, Middletown—said she had also used the Maple Cove site to launch a kayak and noted that it was one of the few ways to get on the river. She said she wanted to go on the record and publicly thank Cindy Burnham for her initiative and hard work in making the site accessible and usable for launching small boats. She said she would prefer to see the site not metered because it is an open space, undeveloped area and would give a more democratic access. She admitted she understood the rationale for putting

in the meters. She asked for clarification if there would be 10 metered spaces available to the public and two unmetered handicapped spaces. Mayor Menna said that was correct. Ms. Mulhausen said she was concerned about the hi-tech aspect of the meters but she had thought she had heard it stated that one could still use quarters. Mayor Menna said that was correct.

Mayor Menna asked if anyone else would like to speak.

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

There being four 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 DuPont.

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

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

## **RESOLUTIONS**

11-144 Mayor Menna read “A RESOLUTION TO CANCEL UNCLAIMED TAX SALE CERTIFICATE REDEMPTION MONIES PER NJSA 54:5-57.1 SECTION 13.”

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

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

11-145 Mayor Menna read “A RESOLUTION APPOINTING BRUCE LOVERSIDGE AS ASSISTANT TREASURER.”

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

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

11-146 Mayor Menna read “A RESOLUTION RELEASING MAINTENANCE GUARANTEE POSTED BY 20 WHITE STREET, LLC., BLOCK 30.01, LOT 38.”

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

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

11-147 Mayor Menna read “A RESOLUTION AUTHORIZING THE RED BANK RIVERCENTER TO PROVIDE VALET PARKING SERVICES ON BROAD STREET ON A TRIAL BASIS.”

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

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

11-148 Mayor Menna read "A RESOLUTION REQUESTING SPECIAL ITEM OF REVENUE."

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

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

11-149 Mayor Menna read "A RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO EXECUTE A TREATMENT WORKS APPLICATION TO BE SUBMITTED TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION IN RELATION TO THE REPLACEMENT OF THE PUMP STATION AT DRS. JAMES PARKER BOULEVARD."

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

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

11-150 Mayor Menna read "A RESOLUTION APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LETTER OF REPRESENTATION AND A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE AND DELIVERY OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY'S CAPITAL EQUIPMENT POOLED LEASE REVENUE BONDS, SERIES 2011 AND AUTHORIZING AN AUTHORIZED MUNICIPAL REPRESENTATIVE TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF SUCH BONDS."

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

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

11-151 Mayor Menna read "A RESOLUTION AUTHORIZING THE EXTENSION OF THE GRACE PERIOD ON TAXES."

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

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

11-152 Mayor Menna read "A RESOLUTION AUTHORIZING RENEWAL OF PLENARY

RETAIL CONSUMPTION LICENSES 2011-2012.”

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

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

11-153 Mayor Menna read “A RESOLUTION DESIGNATING DEPOSITORIES FOR THE BOROUGH OF RED BANK.”

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

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

11-154 Mayor Menna read “A RESOLUTION SUPPORTING THE MAYORS WELLNESS CAMPAIGN.”

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

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

11-155 Mayor Menna read “A RESOLUTION AUTHORIZING THE PREPARATION AND DELIVERY OF ESTIMATED 2011 3<sup>RD</sup> QUARTER TAX BILLING.”

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

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

**PROCLAMATIONS**

**PAYMENT OF VOUCHERS**

11-156 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,903,839.09.”

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

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

**OLD BUSINESS**

Councilman DuPont said Mr. Sickels would be presenting some Administrative Procedures that would eliminate some of the bureaucratic red tape and help make Red Bank more business friendly. He said the changes were developed after meetings with RiverCenter, Department Heads, the Administrator and members of the Planning and Zoning boards. Mr. Sickels reviewed improvements to the procedures that had already been put in place as well as some of the ideas that were soon to be implemented. He noted that much of the information and applications were available on the Borough's website and many of the time frames had been shortened. He said RiverCenter Director Adams had also provided them with a guide from New York City that they would use to develop manuals for common applications.

Councilman DuPont said this would help show Red Bank was open for business.

Mayor Menna noted there were several restaurant owners in the audience and he believed many of the ideans came from them.

Councilman Murphy said RiverCenter had done a wonderful job and thanked them and the store owners that contributed to the ideas.

Councilman DuPont said it was a team effort.

Councilwoman Lewis said she wanted to remind everyone that summer camp was still going on and it was not too late to register.

## **NEW BUSINESS**

## **AUDIENCE**

## **EXECUTIVE SESSION**

11-157            The Attorney read a resolution to adjourn to executive session to discuss personnel.

Councilman Murphy offered a motion to adjourn to executive session to discuss personnel, seconded by Councilman DuPont. Minutes to be made public in 180 days.

### **ROLL CALL:**

AYES:            Lewis, DuPont, Horgan, Murphy

NAYS:            None

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

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

### **ROLL CALL:**

AYES:            Lewis, DuPont, Horgan, Murphy

NAYS:            None

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

Respectfully submitted,

Pamela Borghi