

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
AUGUST 10, 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 and Engineer Ballard.

ABSENT: Councilwoman Lewis.

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 – July 13, 2011

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

ROLL CALL:

AYES: DuPont, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: Zipprich

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

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman DuPont said he was proud to announce that the Borough had hired a Chief Financial Officer by the name of Colleen Lapp. He said she had 20 years experience and was a graduate of Villanova.

Mayor Menna thanked the Committee for their efforts with the interview process.

Councilman Zipprich said he wanted to offer his condolences to the Yarborough family in regard to the tragic loss of life the past weekend. He also reported that he had attended the National Night Out Against Crime the previous weekend. He said he wanted to thank the Chief and the Police Department for their outstanding job. He also commended the Red Bank Senior Center, Parks and Recreation Department and Safe Routes group who he said all had tables at the event. He said it was well attended and that Senator Beck’s staff had done a great job. He said he also wanted to thank Foodtown for their generosity in donating food for the event. In regard to the Historic Preservation Commission, he said the Train Station renovations were due to start in the next week. He thanked Engineer Ballard for her diligence in keeping on top of the project. He said the Commission members had met the previous weekend to continue their inventory on South Broad Street. He thanked Chairman Bowden and all of the volunteers from the Commission turned out for the event and he looked forward to their next report. He reported that Preservation Red Bank had generously offered to provide new street signs for the Washington Street Historic District and he thanked the organization.

Councilman Zipprich noted that the following month will be the tenth anniversary of 9-11 and said he wanted to commend Senator Lautenberg for his Senatorial resolution. He asked all Americans to set aside the day to remember all of those that died on that day. He also reported that the Planning Board had adopted the Safe Routes Bicycle and Pedestrian Plan as part of the Circulation Plan and the Master Plan. He said he knew that all of the people that worked on the Safe Routes Plan were happy that their efforts were being recognized.

Councilwoman Horgan said she also wanted to offer her condolences to the Yarborough family. She also reported that this week was Farmers' Market Week in New Jersey and also nationally. She said the Environmental Commission wanted to remind everyone that there was a Farmers' Market in Red Bank every Sunday from 10 am to 4 pm in the Galleria parking lot. She noted that it ran from May through the Sunday before Thanksgiving.

Councilwoman Lee also offered her condolences to the Yarborough family.

Councilman Murphy noted that everyone on the Council had expressed their condolence and he said, on behalf of the Mayor and Council he wanted to let the family know their thoughts and prayers go out to the Yarborough family on the tragic incident over the weekend. He noted that the Red Bank Police force and Detectives, with the assistance of the Monmouth County Prosecutor's Office, had made the apprehension before the weekend was over. He said the matter was now under investigation.

Mayor Menna said it had been a rough week for the entire community but especially for the Yarborough family. He said the loss of any life was tragic and the loss of a family member was doubly tragic. He spoke of his personal history with the family. He said they would all be working together to bring everyone together. He said the cooperation the Borough had received from the Monmouth County Prosecutor's Office was unquestionably the best he had seen in years. He said they assured the Borough that they would be working on the case until they tracked it down. Fortunately, he added, the culprits seem to have been arrested and would be indicted. He said they would be pressing for justice but would also be pressing for whatever had to be done to rectify that night. He said it was a tragedy for the family and a tragedy for the community. He said the Yarborough family was part of the fabric of Red Bank. He said they would be striving to make sure justice was done and not delayed. As evidence of that, he noted, the arrests were made within hours in a different municipality and a difference county. He said the men and women of the Red Bank Police Department, as well as the Chief, had been on the phone with himself and the Police Commissioner almost non-stop that morning. He said they made sure it would not be let go until they got to the bottom of it. He said he was grateful to our own men and women because they were true professionals in dealing with a tragic situation.

He said we would be dealing with the matter as a community and that it would be difficult. He said they would try to be there with the family and he knew there was a memorial and service of hope, recollection and unity planned for Saturday afternoon. He said he hoped to be there and that others would be joining them.

Councilman DuPont said he also wanted to express his condolences to the family. He also expressed condolences on behalf of Mayor McKenna who he said was away but noted that he had known the family for many years and was truly remorseful for the loss of life. He urged his fellow Council members to attend the service of unity and hope. He asked for more information on the service.

Mayor Menna said it would be a Pilgrim Baptist Church, Shrewsbury Avenue, on Saturday at 4:30 pm and the entire community was invited. He said it was a time for the community to come together and, unfortunately, it was something they had gone through before. He noted Linda Clark had been instrumental in putting it together and asked her to come forward to offer comments.

Linda Clark—207 River Street—said she was in the process of organizing the event and they wanted it to be a time for healing. She said a lot of tension had been created behind this event and others that had happened. She asked assistance for a march they planned from the Church to the site of the incident and asked if a permit was needed. She also asked if they could use a microphone. Mayor Menna said he thought it would be considered a memorial procession and said he would communicate with the Chief of Police to ask him to reach out and assist her.

Ms. Clark said she appreciated that.

Mayor Menna said he had spoken with Pastor Porter and had assured him that the Borough would do whatever they could to facilitate the process. He said it was the right thing to do, not only for the family but for the entire Borough because they were all part of the family.

Ms. Clark said she knew how hard everyone worked and noted that there were several people in the community who didn't take part until there was a crisis situation. She said she would like to try to bridge that gap and find a common denominator so they could all come together. She said there were a lot of differences, a lot of challenges, a lot of changes that had taken place and a lot of tension had been created. She said it was not just because of this event but also other recent events. She said there were communication gaps and she wanted to bring people together. She said this memorial was just the first step to not only help the community come together and help the family heal, but also to hoped the Council would make statements or offer updates to the investigation.

Mayor Menna said he appreciated that but the investigation was continuing even though arrests had been made and he had been asked by the Monmouth County Prosecutor to refrain from comment at this time. He said he thought that was the safe thing to do to protect the process and to get to the bottom of all of the issues.

She said there were a lot more people out there that the police had not spoken to including the fact that other people may still be at large.

Mayor Menna asked her to rest assured that both the County and the local police were looking at all of the issues. He said he couldn't say any more at this time.

She said she understood and hoped that as things moved forward they may set up a date for a town hall meeting. She said the memorial was step one and but would like a meeting to help everyone bridge the gap.

Mayor Menna thanked her again for her efforts to put the event together.

Councilman Zipprich thanked Ms. Clark for reaching out to him and said he knew it was a difficult time. He commended her for always stepping up especially in tragic times like this. He said he appreciated her outreach to the entire community.

Ms. Clark spoke of her friendship with the victim and his sense of community. She said it important to honor his memory and come together as a community.

COMMUNICATIONS AND PETITIONS

By Consent Agenda:

- Request from Learning Tree Preschool to hang a banner on Broad Street from January 2, 2012 to January 19, 2012 to advertise their open house.
- Requests from Two River Theater to hang banners on Broad Street from January 19, 2012 to February 19, 2012 to advertise their production of *Jitney* and from March 22, 2012 to April 22, 2012 to advertise their production of *Carry It On*.
- Request from Red Bank Charter School for use of Eastside Park on Monday, August 29, 2011, with a rain date of Tuesday, August 30, 2011, from 3:00 p.m. to 8:00 p.m. for their welcome picnic, approved by the Special Events Committee.
- Request from the residents of South Street to hold the 27th Annual South Street Block Party on Saturday, September 3, 2011, with a rain date of September 4, 2011, from 3 p.m. to 10 p.m. and to close South Street between Branch Avenue and Brown Place, approved by the Special Events Committee.
- Request from Friends of the Red Bank Library to hold the 4th Annual Townwide Yard Sale on Saturday, September 24, 2011, with a rain date of Sunday, September 25, 2011, from 9 a.m. to 3 p.m. and to hold the 5th Annual Townwide Yard Sale on Saturday, May 5, 2012, with a rain date of Sunday, May 6, 2012, approved by the Special Events Committee.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

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

Mayor Menna opened the public comment portion of the meeting and asked if anyone would like to speak.

No one appearing, Councilman DuPont offered a motion to close the public comment portion of the meeting, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

ORDINANCES – First Reading

2011-15 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY AMENDING CHAPTER XX, “WATER AND SEWER”, SECTION 20-8, “SEWER CONNECTION FEES” AND SECTION 20-9 “WATER CONNECTION FEES.”

Mayor Menna said this was only in respect to new connections as per State law. He said the State law said new connection fees had to be based on what the bonding costs were. Since bonding costs change, he continued, this reflects the change. He said it did not affect water and sewer rates and it did not affect connection rates for existing units.

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

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 August 24, 2011.

ORDINANCES – Public Hearing & Final Adoption

RESOLUTIONS

11-164 Mayor Menna read “A RESOLUTION APPOINTING COLLEEN M. LAPP CHIEF FINANCIAL OFFICER, TREASURER, COMPTROLLER OF WATER UTILITY, PARKING UTILITY COLLECTOR EFFECTIVE AUGUST 29, 2011.”

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.

11-173 Mayor Menna read “A RESOLUTION IN SUPPORT OF JOINING THE NATIONAL MOMENT OF REMEMBRANCE OF THE 10TH ANNIVERSARY OF SEPTEMBER 11TH.”

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

11-174 Mayor Menna read “A RESOLUTION SUPPORTING THE *OVER THE LIMIT UNDER ARREST STATEWIDE CRACKDOWN PROGRAM*.”

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

11-175 Mayor Menna read “A RESOLUTION AUTHORIZING A UNIFORM SHARED SERVICES AGREEMENT WITH THE MONMOUTH COUNTY REGIONAL HEALTH COMMISSION NO. 1.”

Councilwoman Lee 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.

11-176 Mayor Menna read “A RESOLUTION RELEASING PERFORMANCE BOND AND ACCEPTING MAINTENANCE GUARANTEE REGARDING PILGRIM BAPTIST CHURCH, 172 SHREWSBURY AVENUE, BLOCK 67, LOTS 20, 21.01, 23.04, 25 AND 25.01.”

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

11-177 Mayor Menna read “A RESOLUTION AUTHORIZING AGREEMENT WITH THE BOROUGH OF LITTLE SILVER WHEREBY RED BANK SHALL PROVIDE CONSTRUCTION ENFORCEMENT SERVICES PURSUANT TO N.J.A.C. 5:23 FOR A TERM THROUGH JUNE 30, 2015.”

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

11-178 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$4,377,244.26.”

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 DuPont said he was happy to see the old houses at the intersection of West Bergen Place and Bridge Avenue had come down.

Mayor Menna agreed and noted that they were all coming down. He said it would be the end of an era and the beginning of a new one.

AUDIENCE

Mayor Menna opened the audience portion of the meeting and asked if anyone would like to speak

No one appearing, Councilman DuPont offered a motion to close the audience portion of the meeting, seconded by Councilman Murphy.

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

EXECUTIVE SESSION

ADJOURNMENT

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Respectfully submitted,

Pamela Borghi