

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
SEPTEMBER 28, 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, Chief Financial Officer Lapp and Engineer Marks.

ABSENT: Councilwoman Lewis and Engineer Ballard.

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

Date/Time of Council Meeting

Mayor Menna explained that there was a resolution on tonight’s agenda that would change the start time of the October 26 meeting to 5 pm to enable Council Members to attend a retirement celebration for retiring Judge Waldman. He also noted that the Council Meeting currently scheduled for Wednesday, November 23 would be changed to Tuesday, November 22 due to the fact that the 23rd was the day before Thanksgiving. He said the November 22nd meeting would also begin at 5 pm.

APPROVAL OF MINUTES – August 24, 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.

APPROVAL OF MINUTES – September 14, 2011

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

ROLL CALL:

AYES: DuPont, Murphy

NAYS: None

ABSTAIN: Zipprich, Horgan, Lee

There being two ayes, three abstentions and no nays, the minutes were declared approved.

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Murphy reported that the Fire Department had acquired a piece of steel from the World Trade Center site and the individual companies had agreed on a design of how they would like it displayed at Borough Hall next to the existing Fallen Firefighter Memorial. He said they would be submitting the design for Council review. He said they would erect and pay for the memorial themselves and he was asking for Council support of the design.

Mayor Menna said he had seen the design and thought they had done a terrific job. He added that, as long as it was acceptable to the Fire Department Executive Council, he would have no problem with it.

Councilman Murphy also noted that there were several fire companies in town, three of which were owned by the Company and three which were owned by the Borough being Liberty Hose, Independent Engine and Relief Engine. He said these were investment properties that were owned by the Borough just like many other buildings including Borough Hall. He noted that several of the buildings were in need of repair. He pointed out that Relief Engine Company's building had been repaired as part of an agreement with KidsBridge and Independent Engine had had some work done last year on a shoestring budget. He said while Public Works did a great job maintaining the buildings, both Independent Engine and Liberty Hose were in need of roof repairs. He added that Liberty seemed to have the most damage, especially after a recent storm. He asked the Council to support bonding to have that roof replaced. He said the roof had been leaking for a while and the firemen had done their best to patch it. He noted other repairs that needed to be made to the building including sealing the roof and installing a new garage door. He said they were currently getting estimates on the work. He asked the Council to consider bonding to get the roof repaired as soon as possible noting that repairs need to be made from the roof down to avoid water damage. He commended the volunteers for taking care of their building but stressed the importance for the Borough to maintain its own property. He suggested they would get a better price by doing both roofs at once.

Mayor Menna said it was not unusual and was something that happened in old buildings. He asked Fire Commissioner Murphy to forward the scope of work to the Administrator and they could sit down with the Finance Chairman to determine how to proceed.

Councilman DuPont noted that Borough Hall was also in need of roof repair and asked the CFO to determine the cost of that repair and suggested that the repairs could be done with emergency funding. He said they would discuss the matter at the next Finance Committee meeting and would hopefully have a bond recommendation for the next meeting.

Councilman Ziprich said the Public Works Committee had identified the need to make roof repairs on Borough Hall.

Councilwoman Lee had no report.

Councilwoman Horgan reported that the Red Bank Environmental Commission had been chosen by the New Jersey Association of Environmental Commissions for an EPA grant to reduce vehicle emissions. She said the group will be creating a core team representative of residents, businesses, schools and government to put together ideas and ways to reduce emissions. She said Laura Bagwell, Chair of the Red Bank Environmental Commission would be the contact for anyone interested. She said the kick off meeting would be announced.

Councilman Ziprich thanked the Red Bank Elks for their participation with the commemoration of the 10th Anniversary of 9/11. He said Mayor Menna and former Mayor McKenna had spoken eloquently about loss experienced that day. Councilman Ziprich said the day will never be forgotten largely because of the American spirit and our tight knit community. He said, on behalf of Councilwoman Lewis, he wanted to express appreciation of Recreation Director Crystian who coordinated the Remembrance Ceremony with the Elks. He also reported that the Shade Tree Committee was finishing up the use of its BSF grant and reviewed the history behind two grants totaling \$10,000. He said it was being used to manage tree removals and planting. He said the work should be finished up by the end of the week. He said he also wanted to thank Public Works Director Watson and the entire DPW crew for their efforts in tending to the shade tree canopy over the past year. He added that they have been very helpful in managing the forestry program along with the knowledgeable members of the Shade Tree Committee. He noted that Red Bank had been a Shade Tree USA town for the last five years which was quite an achievement which went toward the Cool Cities initiative. He said Chair Quiroz and the members of the Committee had done a lot of leg work to enable the Public Works crew to get the trees removed before the hurricane. He said DPW had been very busy after the hurricane and that the Department had the new garbage trucks in service. He said they were a larger capacity and would require fewer trips to the landfill and could cover a larger portion of town. He said staff members had reported that they liked the new vehicle and residents liked the fact that they don't leak since they have a sealed bed. He also noted that the Shrewsbury Avenue and Rector Place water main project was underway and said the contractor had been cooperative in doing work in later hours to avoid traffic congestion. He said the new main would increase service to residents in the area and will be a welcome improvement in our aging infrastructure.

Councilman DuPont noted there was a resolution on the agenda to confirm that Red Bank had complied with the Best Practices worksheet which allowed the Borough to demonstrate that it was up on all of the new regulations and operating in a very efficient and fiscally responsible manner. He said he wanted to thank CFO Lapp for getting the Borough into compliance along with Former CFO Mason who he said he been very helpful in helping her get up to speed. He also noted that he had asked for an inquiry a few months ago to see if the Borough could save money by merging courts with neighboring towns. He said he thought the other towns could save a lot of money by coming to Red Bank. He said it was his

understanding that the Mayor had issued that challenge and asked him to reiterate his thoughts and projected savings.

Mayor Menna said it was not a challenge but an invitation that could better serve all of their constituents. He said it was no secret that he had often believed in merging just about anything. He said he had invited the Mayors of Shrewsbury, Little Silver, Fair Haven and Rumson to consider saving money for all of the towns by joining forces and having one judge, one prosecutor, one public defender and one court administrator. He said he had been skeptical of that goal in the past but had been privileged to work with two other attorneys in three other towns in the County that had successfully abolished their courts as of January 1. He said it really made no difference which town the court was located in and said that decision would be made by the Administrative Office of the Courts. He said it was something to consider and noted there would have to be a study which could be done in thirty days.

Councilman DuPont said he first broached the subject last year and noted it had been done in Sussex County where they saved \$200,000 or \$300,000. He said it was great to see the Mayor taking the leadership role on the matter and said he thought it could save substantial money for Red Bank.

Mayor Menna said he thought it could be called Two Rivers Municipal Court with no town taking a precedent or identity. He said they had to start thinking that there were no Great Walls of China between the respective towns and the only way to cut the tax burden was to start eliminating the layers of government were leeches on the public treasury.

Councilman DuPont said he thought it was a wonderful idea, in light of the fact that the economy was still struggling, that they could pass any savings onto the people of Red Bank. He again thanked Mayor Menna for taking the lead.

Councilman DuPont also asked the Council to request the Borough of Public Utilities to hold a public hearing in Red Bank to find out why there were so many power issues in the Borough during the hurricane. He said he knew they held a hearing in Manalapan a couple of days ago and he said he recognized that they may not want to come just for Red Bank but noted that he thought Red Bank was a jewel and an outspoken town that required accountability. He asked if it would be possible to authorize the Borough Administrator to write a letter requesting that hearing so the residents could ask why some of them were without electricity for so many days.

The Council discussed how the power outages affected different parts of the Borough and it was noted that some neighborhoods were without power for seven days.

Mayor Menna said he had heard that the Board of Public Utilities had requested that any meetings not be treated as a post mortem. He said he thought they shouldn't look back but rather look forward to possible problems with the coming winter months. He suggested they sit down with the utilities and ask about contingency plans in the event of future emergencies.

Councilman DuPont said he would like the Borough to request that meeting.

COMMUNICATIONS AND PETITIONS

By Consent Agenda:

- Request from the residents of John Street to hold their annual block party on October 1, 2011, with a rain date of October 2, 2011, from 11 am to 11 pm and to close the street for its' entire length, approved by the Special Events Committee.
- Request from The Presbyterian Home at Red Bank, Inc. to extend permitted work hours for construction to 7:30 a.m. to 9:30 p.m.
- Request from the VNA of Central Jersey to hang a banner on Shrewsbury Avenue from June 1, 2012 to June 24, 2012 to celebrate their 100th Anniversary.
- Request from the residents of Fisher Place to hold a block party on October 2, 2011 from 2 p.m. to 7 p.m., approved by the Fire Marshal's Office.

Councilman DuPont 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.

Mandy Hannigan—66 Oakland Street—questioned Ordinance #2011-16. She said when she looked at the copy posted it had one number crossed out and another number added and asked which was the correct number.

Mayor Menna explained that the Council would be tabling the ordinance to review why the number had been changed.

Councilman Murphy agreed that the ordinance was going to be tabled. He said what was presented was not what he had understood it was going to be and he would rather the Council had time to look at it and understand it. He said he would be talking to the Chief of Police about the reason for the change.

Ms. Hannigan said she and some other residents had spoken with the Police Department about the matter.

Councilman Murphy again said he would speak with a representative of the Police Department to clarify the matter before the next meeting.

Councilman Zipprich asked Ms. Hannigan if there were any comments she wanted to make about the ordinance. She said she just wanted to state that if the distance was going to be 400 feet that it would greatly impact four houses on her side of the street which would force them to the other side of the street where parking was already an issue.

Councilman Murphy clarified that the intent had been to make a drop off area in front of the school but the proposed ordinance would eliminate parking past the school which would impact homes on that side of the street and noted that many of those homes do not have driveways. Ms. Hannigan agreed and noted that those that do have driveways are either very small or shared.

Councilman Murphy offered a motion to close the public comment portion of the meeting, seconded by Councilwoman Horgan.

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

2011-16 Mayor Menna read “ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII, “TRAFFIC” SECTION 7-3.4 “PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS” SCHEDULE II OAKLAND STREET.”

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

ORDINANCES – Public Hearing & Final Adoption

RESOLUTIONS

By Consent Agenda:

11-194 A Resolution Authorizing Renewal of Plenary Retail Consumption Licenses 2011-2012.

11-195 A Resolution Authorizing Change Order No. 4 and Final Related to the Contract with A. Montone Construction for the 2007/2008 Road Program – Spring Street (Between Harding and Little Silver Municipal Boundary).

11-196 A Resolution Authorizing Change Order No. 9 Related to the Contract with A. Montone Construction for the 2007/2008 Road Program – Wallace Street, Linden Place, Mount

Street, Morford Place, Waverly Place, East Catherine Street, Oldfield Place, Berry Street, Throckmorton Avenue and Fisher Place.

- 11-197 A Resolution Releasing Maintenance Guarantee Posted by Riverview Medical Center, 48 East Front Street, Block 27, Lots 5.01, 1.01, 23-25.
- 11-198 A Resolution Designating the Human Resources Manager as the Certifying Agent and the Borough Treasurer as the Supervisor of the Certifying Officer in Connection with the Public Retirement System.
- 11-199 A Resolution Appointing Colleen Lapp as Fund Commissioner and Eva Biviano as Alternate Fund Commissioner to Central Jersey Health Insurance Fund.
- 11-200 A Resolution Appointing Colleen Lapp as Fund Commissioner and Gary Watson as Alternate Fund Commissioner to Monmouth County Joint Insurance Fund.
- 11-201 A Resolution Confirming Submission of the Best Practices Checklist Inventory to the Director of the Division of Local Government Services on Behalf of the Borough of Red Bank.
- 11-202 An Enabling Resolution to the Department of Environmental Protection Green Acres for Count Basie Park
- 11-203 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 West Side Lofts Sanitary Sewer Permit Application.
- 11-204 A Resolution Amending Time and Place of Borough Council Meetings for 2011.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

PROCLAMATIONS

Mayor Menna read a proclamation proclaiming October 9 through 15, 2011 as Fire Prevention Week in the Borough of Red Bank.

Mayor Menna asked everyone to pause and remember resident Phyllis Rudrow who had recently passed away as the result of injuries sustained in a fire.

PAYMENT OF VOUCHERS

11-205 Mayor Menna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,971,955.64."

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

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 reported that Red Bank residents have until October 31, 2011 to register for FEMA benefits and noted that the State of New Jersey got in excess of \$100,000,000. He gave contact information for those who wished to apply.

Councilman Zipprich reported that he had received a phone call from a 16 year old student from Arizona who had dropped out of school because of bullying. He also noted that September and October of last year had seen a dramatic increase in the number of teen suicides in the LGBT community. He also noted that he had worked on suicide prevention for a good portion of the year. He said he wanted to remind

everyone that the anti-bullying laws would be reinforced at the Red Bank Schools the first week in October. He said he had offered both Dr. Morana and Principal Pennotti to participate in the program should he be needed. He noted that September 22 had marked the anniversary of Tyler Clemente's tragic death and thanked the educators for putting in place the Harassment, Intimidation and Bullying policy for the current school year to ensure that every student was safe and to help safe lives.

AUDIENCE

Nancy Adams, Director of Red Bank RiverCenter – 46 English Plaza – said she wanted to remind everyone that the Oysterfest had been rescheduled for the following Sunday in the White Street parking lot. She said it would benefit the Cancer Institute of New Jersey, the Jane H. Booker Cancer Center at Riverview Medical Center and RiverCenter. She also noted that the following week marked the beginning of the Dine Downtown program which was now called Dine and Shop Red Bank. She said a number of the businesses had committed to staying open late.

Lesley Pace – 16 Alston Court – said she had submitted a letter to the Mayor and Council to request permission to remove the sidewalk in front of her home and not replace it. She said she would replace the curb. She noted that the sidewalk in front of her house did not lead anywhere but to her driveway. She also noted that there was no corresponding sidewalk across the street and she was proposing to end the sidewalk at the same location as where it ended across the street. She offered to put in stepping stones. She said she thought it would be an improvement and said no one uses the sidewalk.

Mayor Menna said he understood but said they would have to look at whether or not there would be an objection under the Americans with Disabilities Act (ADA) regulations. He said the Administrator would take a look at it and then the Council would consider the request. Mayor Menna explained what the Americans with Disabilities Act entailed. He also noted that there were also watchdog groups that may take action against the Borough so they wanted to investigate the regulations before making a decision. He asked Attorney O'Hern if he agreed. He said he agreed wholeheartedly.

Ms. Pace also noted that she had spoken with Gary Watson who had said, from a Public Works point of view, that it should not be a problem.

Mayor Menna said he just wanted to make sure the town was permitted to approve such a request.

Ms. Pace asked if she should contact someone or if she would be contacted.

Mayor Menna said Administrator Sickels would be in touch with her.

Councilman Zipprich noted that he had spoken with Ms. Pace and had reached out to the Engineer who was not in attendance. He said he would pass on the documentation and follow up with the Engineer.

Carl Colmorgen –67 Oakland Street – said he had intended to bring a matter to the Council's attention previously but had been unable to due to meeting schedules. He noted that the story had run on redbankgreen.com and wanted to officially present the matter to the Mayor and Council. He noted several locations in town that had been named after prominent citizens and noted that there was an individual that brought honor and dignity to the Borough of Red Bank which was the first and only female Mayor of the town Katherine White. He listed several other accomplishments of Mayor White including the fact that she served as US Ambassador to Denmark. He noted that nothing in town bore her name. He conceded that Elkridge Condominiums was named after her family home and Ambassador Drive referred to her also but felt that the Borough should step forward and recognize her with something in her name.

Mayor Menna noted that the story on redbankgreen.com was very humorous and said he had been privileged to know Ambassador White whom he said had an extraordinary amount of class and elegance. He spoke of her legacy and her accomplishments. He noted she had paved the way for other minority members both females and African Americans. He said he was committed to finding the appropriate designation and said they would not sit on it. Other Council members spoke of their memories of the woman and the family estate.

Freddie Boynton—365 Shrewsbury Avenue. Councilman Zipprich asked if he moved. Mr. Boynton said he had not and confirmed that he also had a property in Tinton Falls. Mr. Boynton said he was appearing because on the 13th of September he had received a ticket in downtown Red Bank when he was moving something for someone. He noted that the driveway had been full of cars. He said he had taken a freezer to the basement and when he came back there was a ticket on his vehicle. He said he felt the Officer could have shown him courtesy and respect. He said he admitted he was wrong because he was parked on the wrong side of the road. He said he was upset so he walked downtown and tried to find her. He said he then came to Borough Hall and went to the Administrator's office where his secretary had told him he needed to speak to Public Works Director Watson.

He said he called Mr. Watson's Office from his cell phone to make sure he was in and said he was put on hold. He said he remained on hold while he walked over to the Public Works facility where he

complained and was told there was a problem with the phones. He said the Parking Officer was called in and he complained about her demeanor. He said the next day he had gone downtown and taken pictures of other cars parked illegally and went back later and found no tickets. He said he heard complaints from others who were not happy with their treatment by the Parking Officer.

He said he also wanted to discuss a recent meeting he had held and submitted a list of some things that were discussed and needed to be addressed.

Judy George – 4 West Front Street – said tenants in her property had been complaining because there was trash in front of the property all of the time which she attributed to clients from a neighboring business. She asked the Council for a garbage can near the location and noted there was not one between Riverside Gardens Park and Riverview Hospital. She said they had measured to make sure it would be ADA compliant. Mayor Menna said he thought it was something they could address.

Councilman Murphy asked Ms. George for her home address which she gave as 116 Lexington Avenue, Fair Haven. He also explained that they had actually removed a garbage can from that area and noted there had been a problem with commercial tenants disposing of their garbage in the public garbage cans and even leaving bags next to the can once it was full. He agreed that there should be one in the area of her property.

Gary Carpenter – Middletown – said he owned property at 55 North Bridge Avenue, Red Bank, on the corner of Brower Place. He said he wanted to follow up on the earlier complaints about the Public Works Department and said he had had a lot of problems with the Department himself and considered it hostile. He spoke of specific incidents including problems with getting the street swept.

Mr. Carpenter thanked the Borough Council for their quick action after he had come to a meeting to complain about overgrown trees noting the work was done with four days.

Councilman Zipprich told him he was welcome and said he could always reach out to him. Mr. Carpenter asked for his email address. Councilman Zipprich told him that all of his information was on the Borough website.

Mr. Carpenter said he also wanted to note that there was no parking enforcement on Brower Street unless someone called and relayed a specific incident where he had problems getting someone to ticket an illegally parked car. He also said there was an ongoing parking problem in the area that he could not get resolved.

Mr. Carpenter said he was actually appearing on another issue which was regarding the poor condition of the roadway and sidewalks in his area including lack of curb cuts. He noted that he was also paying an additional surcharge as part of the expanded RiverCenter. He said his final issue was regarding the fact that there was not one crosswalk on Bridge Avenue between West Front Street and Riverside Avenue. He said there were also no yellow curbs designating no parking areas, no lines designating parking spaces and no parking enforcement. He noted that all of these things were in place on Bridge Avenue once one crossed over Front Street heading toward the train station and everywhere else in the Borough.

Mayor Menna said they would look into it.

EXECUTIVE SESSION

ADJOURNMENT

Councilman Murphy 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