

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
OCTOBER 12, 2011
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

ALSO PRESENT: Administrator Sickels, Municipal Clerk Borghi, Attorney O’Hern, Chief Financial Officer Lapp 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 September 29, 2011.

Mayor Menna explained that the Governing Body had just ended a Special Meeting were they had gone into Executive Session to discuss pending litigation. He noted that no action has been taken but, as a result of the discussion, he asked if there was a motion to authorize the Borough Attorney to prepare a clarification of the ordinance with respect to the property at the corner of Riverside Avenue, Rector Place and Bridge Avenue. He said the clarification should state that that particular parcel was never intended to be part of the Rector Place residential development based upon the factual findings that there was only thirty percent or less of the property on Rector Place with the remaining property fronting the Highway.

Councilman DuPont offered the motion, seconded by Councilman Murphy.

ROLL CALL:

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

NAYS: None

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

Mayor Menna told Attorney O’Hern he was directed to prepare the enabling ordinance to clarify the wording on the original ordinance which had been inarticulately drafted.

WORKSHOP

Mortgagee Registration Ordinance

Mayor Menna noted that Council members had received a copy of an ordinance that was originally adopted by the Borough of Lodi and which conformed to State Law which had recently been changed to put the onus on lenders once they begin foreclosing on properties. He said they must notify municipalities when they have started a foreclosure proceeding. He said the properties often become vacant and abandoned and the towns didn’t know what was going on. He said the State law calls for lenders to give the towns notice which would go directly to the Clerk’s Office and would be forwarded to the Code Enforcement Office so they would have a list of properties that are in foreclosure. He noted the Borough of Lodi takes the State Law and applies a different administrative requirement. He noted that lenders were required to give the towns notice under State Law but the ordinance would require lenders to file a registration statement that they were seeking possession of the property, provide 24-hour contact information and pay a \$125 administrative fee.

Councilman DuPont noted that he had brought the matter to the Council’s attention and said he appreciated the Mayor putting it on the agenda. He said he had come across it in a litigation file he was working on. He agreed that it was about protecting the Borough’s neighborhoods from the negative impact of blighting conditions because some banks may not maintain a property. He also said he thought it was a great thing that they had to pay a registration fee of \$125 but it was really about protecting the neighborhoods from blight from foreclosures.

Mayor Menna thanked Councilman DuPont and noted that the ordinance also called for the lender, or whoever was foreclosing, to post on the property a clearly visible sign with contact info for the property manager. He said this would make the information available for neighbors of the property and would make the public aware of what lender was foreclosing and make for a quicker response. He said if there was no objection, it would be on for introduction at this meeting.

APPROVAL OF MINUTES – September 28, 2011

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: Lewis

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

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Murphy noted that the Council had discussed the possibility of re-roofing two Borough owned firehouses at the last Council meeting. He said he had been in touch with Councilman DuPont who chairs the Finance Committee and they were waiting for quotes. He also reported that Council members had received a letter from two privately owned firehouses, Union Hose Company and Westside Hose Company, to inform them that they had formed a committee to look into consolidating their firehouses. He said they may sell the two properties and build on a new location or they may expand one of their existing locations. He commended the members of the companies for their effort and listed the members of the Committee noting that many of the members were ex-Chiefs.

Councilwoman Lee reported that the Library had appointed a new director, Mary Faith Chmeil, as of September 1 and that she looked forward to working with her.

Councilwoman Horgan noted that she had reported at the last Council meeting that the Environmental Commission had been chosen by the New Jersey Association of Environmental Commissions for and EPA grant to reduce vehicle emissions. She said the kick off meeting would be held in the Council Chamber on Wednesday, October 13, at 6 pm and the Environmental Commission was inviting residents, community leaders, teachers, students and any one else interested, for their input. She said the agenda would include why it was important to reduce vehicle emissions, understanding the EPA grant, its goal and deliverables, a brain storming session and then a discussion on the next step, time frames and who was interested in doing what. She said she encouraged everyone to participate and said it was important for a health community.

Councilwoman Lewis reported that the Parks and Recreation Committee would be meeting the following week and that the Vision Project Committee would be convening very shortly as well. She also noted that Halloween Parade would be September 23rd with the line up at 1 pm on Bergen Place and Broad Street. She urged everyone to come out and support the kids and the community.

Councilman Zipprich noted that this date marks the 13th anniversary of Matthew Shepherd's death and recounted the tragic event. He also noted that the past week he had spoken at the Red Bank Charter School on the topic of respect as part of "Respect Me Week" which was mandated by the State to inhibit bullying, intimidation and harassment. He said he was please to see how many of the children were award of what bullying was. He also said the teachers had done a terrific job of guiding the students. He said he knew Superintendent Morana had also rolled the program out at the Primary and Middle schools as well.

In regard to Department Public Works, he reported that hydrant flushing would be taking place over the next couple of weeks. He said some residents may experience water discoloration but noted that these issues had been addressed with the water treatment plant improvements, however, he said he wanted to remind everyone that they may see some temporary discoloration. He also noted there was information on the Borough website. He also noted that bulk and brush pick up would end the following week and asked anyone who needed a pick up to call Public Works. He said Public Works also had recycling pails available for pick up. He said the bright yellow containers had been provided through a grant from Monmouth County and were available to residents in single family homes. He said leaf pick up would start the fourth Monday in October and would continue through December and would be picked up by

zone. He also reported that the Shrewsbury Avenue and Rector Place water main replacement was still underway and was being done after hours to prevent traffic tie ups. Engineer Ballard clarified that the work was now being done during the day because the evening hours were to help with congestion while Hubbard Avenue was closed but reported that that road had reopened.

Councilman Zipprich also reported that he had sat on the Transportation Council the night before and said it was amazing how much the County Engineering Department was able to remediate after Hurricane Irene in order to get 86 bridges back in operation in a very short period of time. He said he had also been happy to represent the Borough at the Monmouth County Planning Board awards the previous week. He said it was an exciting night for Red Bank because the Borough received two awards: one for the Count Basie Theater and one for the Cedar Crossing Housing Development project.

Councilwoman Lewis said she wanted to add that the Veteran's Day Celebration would be on November 11 at 51 Monmouth Street at 11 am and also that the Meet Santa event was in the planning stages and would be on December 10 at 11 am at the Senior Center. She also reported that Lunch Break would be having their annual gala Friday, October 14 at 6 pm.

Councilman DuPont said he supported Mayor Menna's call for a continuation of the parking contribution moratorium. He said he would like to see it place on the agenda. He added that, as a result of the policy, they were beginning to see more development in Red Bank. He cited several example of projects that were moving forward and said that, according to RiverCenter, a number of other businesses had lined up to come into town. He also reported that they had received the estimate on the amount the town would be saving in regard to policies implemented by the Governor. He said the Borough's contribution to the Public Employees Retirement System would be reduced by \$9,765 and the contribution to the Police and Fireman's Retirement System would be reduced by approximately \$65,000. In addition, he continued, he said he wanted to offer a special kudos to the Fire Department members who were looking into consolidation and said it was great that volunteers had seen the cries of the Mayor and Council for ideas about consolidation and asked the volunteers to let the Council know if there was anything they could do to facilitate the consolidation. He said he also wanted to note a request by Pastor Porter, whose church had had a community walk the previous week, asking the Mayor and Council to adopt a proclamation calling for residents to show kindness to others whether they respond or not and to demonstrate common courtesy to everyone we pass.

Mayor Menna said he was please to support that the proposal to form a regional joint court had been favorably reviewed by one adjacent municipality and partially reviewed by another. He said he hoped to have more to report at the next Council meeting. He added that he was very enthusiastic about the response from one municipality and was grateful to all of the elected officials of that municipality and that he was waiting to hear from the others. He said they were definitely moving forward and that the naysayers who said it couldn't be done would be surprised.

COMMUNICATIONS AND PETITIONS

By Consent Agenda:

- Request from the Eastern Monmouth Area Chamber of Commerce for use of Marine Park for Riverfest 2012 from May 31, 2012 through June 3, 2012, approved by the Special Events Committee.
- Request from The Two Rivers Garden Tour to post 26"Wx18"H directional signs on Broad Street, Pinckney Road and Branch Avenue from Thursday, October 13, 2011 to Sunday, October 16, 2011.

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

ROLL CALL:

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

NAYS: None

There being six 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 Zipprich offered a motion to close the public comment portion of the meeting, seconded by Councilman DuPont.

ROLL CALL:

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

NAYS: None

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

ORDINANCES – First Reading

2011-16 Mayor Menna read “ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER VII, “TRAFFIC” SECTION 7-3.4, “PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS”, SCHEDULE II OAKLAND STREET.”

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

ROLL CALL:

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

NAYS: None

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

Public hearing and final adoption to be held October 26, 2011.

2011-17 Mayor Menna read “ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY REQUIRING MORTGAGEE REGISTRATION RELATING TO REAL PROPERTY MORTGAGES IN DEFAULT, PROVIDING FOR REGISTRATION AND REQUIRING MAINTENANCE FOR CERTAIN REAL PROPERTY BY MORTGAGEES.”

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

ROLL CALL:

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

NAYS: None

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

Public hearing and final adoption to be held October 26, 2011.

ORDINANCES – Public Hearing & Final Adoption

RESOLUTIONS

By Consent Agenda:

11-206 A Resolution Authorizing Lease Agreements with Fire and First Aid Companies for Storage of Vehicles and Equipment.

11-207 A Resolution Authorizing Curfew for October 30 and 31, 2011.

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

ROLL CALL:

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

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

11-209 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,784,764.00.”

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

Councilman Zipprich noted that he had had a discussion with Councilwomen Horgan and Lewis to talk about a five year plan for Red Bank. He said they had identified a number of areas that they thought would be good for the Borough to take into consideration. He said one item identified was the need for a disaster recovery plan in light of the fact that the Borough had an earthquake followed by a hurricane. He said he felt the Borough needed to safeguard its data and also to have a back up plan so the employees could continue to operate in other offices. He said they had also considered green initiatives to put Red Bank on the map and into the 21st century. He said they had discussed the possibility of using hybrid and electric vehicles in the fleet in the future, solar panels to run Borough buildings and considering some open green space improvements for passive enjoyment and a community garden. He said he had also had conversation with Engineer Ballard about the possibility of having plug in stations around the Borough should the electric car become a bigger reality. He said the ideas would be in compliance with Cool Cities and the greening of Red Bank.

Councilwoman Horgan said they were also considering wi-fi hot spots for internet access through out the Borough such as in the parks and along the waterfront. She said it could also be a revenue stream where users could pay electronically for access. She noted that service was in place in other towns and that it was something Red Bank was thinking about.

Councilwoman Lewis said they had also discussed promoting more accountability from Borough Departments with more internal controls, policies and procedures to create effectiveness and increase efficiencies that would make a difference for the bottom line. She called for reevaluating the Master Plan from 1995 for the 21st century, incorporating green building principles and adapting and reusing historic buildings to maintain Red Bank's past while taking it into the future. She said they also looked to build an even more inclusive community where everyone was welcomed with more community involvement and community activities.

AUDIENCE

Steven Hecht – 135 Branch Avenue – noted that the agenda had not been on the website earlier in the day and asked, in general, when one could expect an agenda for a Council Meeting to be available on the Borough's website. Municipal Clerk Borghi apologized for the oversight and said, generally, once the agenda had been distributed to the Council, the agenda would be put on the website which was usually the Friday afternoon before the meeting.

Mr. Hecht also asked about the status of the benches that were purchased to be installed in Marine Park. Administrator Sickels said they had been ordered but he did not know the expected delivery date. Public Works Director Watson said the vendor had stated they would be delivered in 10 days. Mr. Hecht noted it have been between 15 to 17 months and would like to see the bench in place. He asked if he could hold the Borough to 10 days to two weeks. Mr. Sickels noted that that was what the vendor had told the Borough. Mr. Hecht suggested that if the vendor did not produce the benches in a timely manner then the Borough should follow up.

Councilwoman Lewis asked the Administrator to at least keep the people who had ordered the benches informed of the status. She said if they did not arrive in 10 days, they should be notified of the new delivery date.

Mayor Menna questioned the length of time it had taken to produce the benches. Councilwoman Lewis said they had not been ordered. Councilman Murphy noted the Borough had been waiting to have a certain amount before ordering to get a better price.

Mr. Sickels clarified that there had been spaces for 18 benches and said the Borough had hoped to get all 18 before ordering because the price quoted was based on that total. He said after publicizing a couple of times they had approximately 12 and they had been ordered. Engineer Ballard added that one of the issues was shipping because it would cost less to have them all shipped at once.

David Prown—44 Hillside Place—said he was very pleased with the communication after Hurricane Irene and said it was a dramatic improvement from the three day blackout in 1999. He asked if there was some way it could be a two way communication to let residents inform the Borough of what was going on. Administrator Sickels said residents could respond through the website via a citizen message.

Mr. Prown also noted there was a problem with drainage at the clay tennis courts and asked about borrowing the services of the Borough Engineer. Mayor Menna told him he would need to contact the Borough Administrator because he needed to arrange any meetings with professionals due to budgetary reasons. Mr. Sickels said he was currently working on issues with some of the other parks so they could roll it all into one discussion. Mr. Prown explained that after a rain it would take two or three days for the court to dry. He said the volunteers would implement the suggestion themselves and they just needed advice on how to address it. Mr. Sickels asked him to make sure to include current data.

Mr. Prown also thanked the Council for the use of the Borough vans for transportation of Red Bank kids to try outs. He said it was something the Borough had been allowing them to do and it made a great difference in getting the Red Bank kids involved. The Council members thanked Mr. Prown for the time he volunteered.

Mr. Prown also asked about the new Library director and noted he had known her for twenty years adding that she had been a retailer in Red Bank.

He also invited everyone to the second annual Count Basie Cup that was being held the following Saturday night. He said a local business owner contributed funds for the event that would see the students of the Charter School and Middle School play a double header under the lights at Count Basie Field. He noted that the two schools were not scheduled to play each other in the regular season so he felt the event was a way to bring the kids together. He noted that all expenses were covered and the only cost to enter was a can of food to go to local food pantries. He said an added component for this year would be a soccer shoot out sponsored by the Elks.

Melissa Zimmerman—William Street—said she was representing the Red Bank Elks and gave more details on the program mentioned by Mr. Prown. She noted the Elks would also be participating along with the Borough in the Veteran's Day Service.

She said she also had a question as a resident and noted that she believed some numbers had been released by the State regarding what each town would be getting back from the pension and she questioned the numbers given earlier in the meeting saying she had a different number of \$253,000. Councilman DuPont said the amount the Borough was getting back from the PERS was \$9,765 and from the PFRS it was approximately \$65,000. Ms. Zimmerman questioned the difference in the numbers. CFO Lapp explained that the Governor had originally released numbers for 2012 then released a revised number. She said the number he had been commenting on was the difference between the original number and the revised number.

Ms. Zimmerman said she also wanted to comment on the wireless internet proposal that had been mentioned. She said she felt most people were used to getting it for free and she suggested it should be free.

Gary Carpenter—Middletown, Red Bank Property Owner at 55 N. Bridge—said he wanted to report on some of the issues he had mentioned at the last meeting. He offered a picture of the brush near his property that had been there since the hurricane. He noted it was on the property across the street from his and that he had called and reported it. Councilman Zipprich said it was his understanding that it was on private property and that they had been instructed to move it out so the Borough could pick it up.

Mr. Carpenter noted that property was posted with a sign noting it as a contaminated property and said the owner was not cooperative. He said the business had contaminated several neighboring properties including his.

Mayor Menna asked Mr. Sickels if a summons had been issued by Code Enforcement regarding the brush on the property. He said Code Enforcement had been instructed to cite the owner and they had informed

him that they had given him notice and that he had to make arrangements with Public Works for a pick up date or make arrangements to have it removed privately.

Mr. Carpenter said he felt it should be done privately because they had also had a large tree come down and left the cut up pieces at the curb. He said he did not feel the property owner would take action unless pressed by the town. Mayor Menna said if he didn't take care of it summonses would be issued.

Mr. Carpenter said he also wanted to follow up on the issue of illegal parking behind John Day Funeral Home resulting in a blocked sidewalk. He offered pictures and noted they were parking on the sidewalk while the parking lot remained empty.

Mayor Menna directed Administrator Sickels and the Police Department to investigate and issue a summons if necessary.

In regard to the street cleaning, Mr. Carpenter said he had gone into Public Works the previous Tuesday and he had mentioned that the street hadn't been swept in two weeks. He said they had come by earlier today to sweep Brower Place but did not sweep North Bridge Avenue. He said he felt that they only swept because he had gone down and asked and he felt that it should be done automatically.

Mayor Menna asked Mr. Carpenter about his statement at the previous meeting where he said he had received a notice that it was Borough policy to sweep once a week. He said in all his time on Council he did not believe that had ever been the policy. Mr. Carpenter said he was going by a map included in the Public Works newsletter that was distributed to residents.

Public Works Director Watson clarified that street sweeping was scheduled five days a week in five zones, weather and staff permitting. He said while the potential exists to have one's street swept four times a month, they are mandated by the State to do it once a month.

EXECUTIVE SESSION

11-210 The Attorney read a resolution to adjourn to executive session to discuss potential litigation.

Councilman Murphy offered a motion to adjourn to executive session to discuss potential litigation, seconded by Councilwoman Horgan. Minutes to be made public in 180 days.

ROLL CALL:

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

NAYS: None

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

Councilman DuPont and Attorney O'Hern excused themselves before the start of Executive Session.

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

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

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

Respectfully submitted,

Pamela Borghi