

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
DECEMBER 7, 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: Municipal Clerk Borghi, Chief Financial Officer Lapp, Engineer Ballard and Attorney O'Hern.

ABSENT: Administrator Sickels.

**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.

**SUSPEND REGULAR ORDER OF BUSINESS**

Councilman Murphy offered the motion to suspend the regular order of business, 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.

**Presentation to Tom & Valarie DeFelice**

Mayor Menna noted that Circle BMW had had its roots in Red Bank and was celebrating a 30 year anniversary. He said he wanted to commemorate not just the business but the people behind the business. He offered background on Tom DeFelice's family history and their beginnings on Shrewsbury Avenue. He said Tom and his wife Valarie had continued the family tradition of helping institutions in Red Bank even though they were now located in Eatontown. Mayor Menna presented the DeFelice's with a certificate of appreciation for all they had done for Red Bank.

Mr. DeFelice said he and his family had been called upon and have been happy to give back to the community that had been so good to them.

**Presentation by David Prown**

Mr. Prown thanked the Council for the opportunity to talk about the 3<sup>rd</sup> annual Prown's calendar. He said this year's theme was going to be about storms and all of the proceeds would benefit the Borough's Office of Emergency Management. He noted the calendar featured photos supplied by Dorn's Classic Images. He noted only 300 calendars were printed so there was a very limited supply.

Mayor Menna thanked Mr. Prown on behalf of the Council and OEM Coordinator Tom Welsh.

**RESUME REGULAR ORDER OF BUSINESS**

Councilman Murphy offered the motion to resume the regular order of business, 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.

## WORKSHOP

No workshop items.

## APPROVAL OF MINUTES – November 9, 2011

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

### ROLL CALL:

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

NAYS: None

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

## MAYORAL APPOINTMENTS

### REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Murphy had no report.

Councilwoman Lee had no report.

Councilwoman Horgan reported she had attended an NAACP luncheon at Gibbs Hall where Red Bank Regional High School Principal Risa Clay was among the honorees. She said she had also attended the Westside tree lighting which had also been attended by Congressman Pallone. She said it was well attended. She also reported that the next day the Fair Trade Town Committee would be sponsoring an event at the store 10,000 Villages where ten percent of purchases would be going to the Committee for upcoming events.

Councilwoman Lewis reported that the Parks and Recreation Committee had met on the 30<sup>th</sup> and had heard reports from the Engineer and DPW. She also announced the Fourth Annual Holiday Home Decorating Contest with judging to take place on the 14<sup>th</sup> and the winners to be announced at the December 21<sup>st</sup> Council Meeting. She said residents could enter by email, fax or in person. She said she wanted to offer a heartfelt thanks to Celestine Stone and Tiffany Harris for their efforts in patrolling the Borough's parks at night. She said their presence made an incredible difference. She thanked them for their dedication and commitment to their community.

She also noted that registration for winter sports was underway.

Councilman Zipprich said he wanted to offer his congratulations to Risa Clay and to the NAACP for a wonderful job on the event. He also said he wanted to thank Councilman Murphy for his efforts at the Shrewsbury tree lighting and making sure the tree would light. He also reported that the Shade Tree Committee was meeting the next evening and that the DPW Committee would meet the following week.

Councilman DuPont had no report.

## COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from Lunch Break to hang a banner on Shrewsbury Avenue for the month of December to advertise the services they provide to community members in need.

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

### ROLL CALL:

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

NAYS: None

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

Mayor Menna read a request from Tower Hill Church to hold the 2<sup>nd</sup> Annual Race for Haiti's Children on April 21, 2012, denied by the Special Events Committee.

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

### ROLL CALL:

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

NAYS: None

There being six ayes and no nays, the requests were declared denied.

Mayor Menna read a request from the Sandy Hookers Tri Club to hold the 3<sup>rd</sup> Annual Red Bank Triathlon on May 20, 2012 and for use of Marine Park from 3 p.m. on Saturday, May 19, 2012 until 2 p.m. on Sunday, May 20, 2012, approved by the Special Events Committee.

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

ROLL CALL:

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

NAYS: None

There being six ayes and no nays, the request was 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 Murphy 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**

2011-22 Mayor Menna read “ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER II, “ADMINISTRATION,” SECTION 2-37.1 “FIRE DEPARTMENT, OFFICERS”, Paragraphs d., e and f.”

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

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 December 21, 2011.

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

2011-21 Mayor Menna read “ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AUTHORIZATION OF SANDWICH BOARD SIGNS.”

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

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

ROLL CALL:

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

NAYS: None

There being six ayes and no nays, the public hearing was declared closed.

Councilman Zipprich offered a motion to adopt the ordinance on final reading, seconded by Councilwoman Horgan.

**ROLL CALL:**

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

NAYS: None

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

Councilwoman Lee said she hoped the sign ordinance had proved to be successful. Mayor Menna said he thought it had and noted there had been some issues but they had been resolved.

## **RESOLUTIONS**

### **By Consent Agenda:**

- 11-237 A Resolution Regarding 2012 Reorganization Meeting of the Governing Body.
- 11-238 A Resolution Authorizing Agreement Adopting a Flexible Spending Plan.
- 11-239 A Resolution Authorizing Acceptance of Performance Guarantees Regarding Zeik Realty Holdings LLC, 179 Maple Avenue, Block 102, Lot 5.
- 11-240 A Resolution to Authorize a Shared Services Agreement between Monmouth County and the Borough of Red Bank for the Use of the MOD IV Property Assessment Computer System.
- 11-241 A Resolution Authorizing Transfer of Funds.

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

**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**

- 11-242 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,941,732.23.”

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

**ROLL CALL:**

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

NAYS: None

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

## **OLD BUSINESS**

## **NEW BUSINESS**

### **AUDIENCE**

Kim Senkeleski—49 John Street—said she had read an article about the proposed parking garage and about a professional being appointed.

Mayor Menna said no one was being appointed but it was an open process and, if they were going to be looking at an issue, it made sense to put it out as part of the annual request for proposals. If someone had specific experience, the Council may opt to appointment. He said they would wait and see what type of proposals came in and would make a decision then. He also noted that any funding for such a position would not be taken out of the general tax revenue but, since it would be inherently related to parking, would be paid for from the parking trust fund.

Ms. Senkeleski asked about the source of the funds in the parking trust fund. Mayor Menna explained that funds from parking meters and permits go into general revenue and was used for operations. He said the reserve funds had been collected by the municipality from merchants and property owners in the downtown over the years to be used if they moved forward with a parking garage.

Ms. Senkeleski asked about the suspension of the parking contribution requirement. Mayor Menna said it had been suspended for a period of time to promote growth and said it had been very successful.

Councilman Murphy noted that the funds were used to enhance and maintain the Borough's parking facilities and, if there was enough money, there may be able to use it for a garage but stressed that it was totally separate from the general fund.

Ms. Senkeleski asked if people had expressed interest in build a parking facility. Both the Mayor and Councilman Murphy said they get them all of the time.

Ms. Senkeleski asked why the people proposing the project would be paying for it.

Mayor Menna said people have ideas but it is public domain and it would have to be put out to public bid. He noted the Council served as trustees of value assets that belonged to the residents of Red Bank. He said if they received bids, they would see if any of them made sense, but it would have to be a public forum.

Councilman Murphy said he had always been a big proponent of the garage and thought it would be a great business tool that would provide revenue for the town. He discussed the options of private and public ownership.

Councilman DuPont said that in order for the Council to evaluate the various options, they would need to have their own analysis.

Mayor Menna summarized that it was a public process and, if anyone was interested, they could submit a proposal and the Council would review it.

Ms. Senkeleski asked if the Mayor would be appointing a citizen committee for input. He said he thought there would be an advisory committee but any appointments would have to be made in the new year.

Mayor Menna stressed that the Council had an ordinance against eminent domain and would not be changing it.

Ms. Senkeleski asked the Mayor to affirm that tax payer dollars would not be used for the project. He said that was the case.

Councilman DuPont said he didn't think anyone on the Council could give an opinion on a parking garage until they saw the numbers.

Councilman Murphy said it was his personal opinion, as a business man, that the garage would provide the Borough an opportunity to make money.

Councilman Zipprich said people presented plans every day but that there was nothing before them today.

Ms. Senkeleski stated she was totally opposed to using taxpayer dollars and asked the Council for their opinions.

Councilman DuPont said he could not evaluate something that he had been presented with and he could not give an opinion on a hypothetical.

Cindy Burnham—146 Harrison Avenue—said she had heard that the garage was being built by a local Rumson developer and would include a bowling alley.

Mayor Menna said they heard rumors everyday and said there was no proposal on the table.

David Prown—44 Hillside Place—thanked the Borough for its support of the Phone Calls from Santa program that was run in partnership with the Kiwanis. He said they usually have about 300 kids participating and reviewed his experience with the program.

## EXECUTIVE SESSION

11-243      The Attorney read a resolution to adjourn to executive session to discuss contract negotiations and property acquisition.

Councilman Zipprich offered a motion to adjourn to executive session to discuss contract negotiations and property acquisition, seconded by Councilman Murphy. 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.

Councilwoman Lee offered a motion to close executive session and adjourn the meeting, 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.

Respectfully submitted,

Pamela Borghi