

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
MAY 10, 2010
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

ALSO PRESENT: Administrator Sickels, Borough Clerk Borghi, Attorney Hall, Engineer Ballard and Chief Financial Officer Mason.

ABSENT: Councilwoman Lee, Attorney Pringle and Auditor Kaplan.

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 Courier, 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 January 3, 2010.

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

Mayor Menna welcomed Angela and John Coccurello of the New Corner Restaurant to celebrate a new start in their long term relationship with Red Bank.

10-92 Mayor Menna read, "A RESOLUTION HONORING NEW CORNER RESTAURANT AND JOHN & ANGELA COCCURELLO ON THEIR 25TH YEAR BUSINESS."

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

Mayor Menna presented Mr. and Mrs. Coccurello with the resolution and said Red Bank was lucky to have them noting that they had invested in their whole life in the Borough. Mr. and Mrs. Coccurello thanked the Council for honoring them said they hoped their children would take over and continue their business.

Navesink Maritime Heritage Association Presentation of Maple Cove Sign

Dr. Charles Ladoulis noted that the Navesink Maritime Heritage Association now had their home on West Front Street in Red Bank and presented a sign on behalf of the organization to the Borough. He said the sign was designed and created by members of the organization and said it would be mounted on posts at a designated site coordinated with the Borough Administrator. He noted that the name of the site had been chosen by a contest of local students. He added that they hoped to have the sign installed the following Saturday. He also said they wanted to give the gift to the Borough since they make much use of the river with several programs they sponsor. Councilwoman Lewis, liaison to the Parks and Recreation

Committee, and Councilwoman Horgan, liaison to the Environmental Commission, accepted the sign on behalf of the Borough.

Mayor Menna thanked the Maritime Heritage Association for the sign and said the Borough would put it to good use. Councilwoman Lewis thanked the Red Bank Regional High School students who chose the winning name in the contest held last year. She also thanked Cindy Burnham and the members of the Navesink Maritime Heritage Association for their efforts. She said she was glad they were able to get the access formally named and that people would have the opportunity to use it and enjoy it.

Special Improvement District 2010 Budget Public Hearing

Nancy Adams, Tom Fishkin and Joyce Sileno appeared on behalf of the RiverCenter Special Improvement District. Mayor Menna noted that the presentation had been held at an earlier meeting and this was the public hearing.

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

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

10-116 Mayor Menna read, "A RESOLUTION ADOPTING 2010 BUDGET OF THE SPECIAL IMPROVEMENT DISTRICT."

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

WORKSHOP

Fence Ordinance

Mayor Menna said he had asked the Administrator and Planning Board Secretary to review the Borough's Commercial fence ordinance. He said he felt it was currently an anachronism noting that the sole purpose of a commercial fence was to create a buffer between commercial and residential properties. He added that the ordinance currently reads that if a fence is over three feet, the applicant must submit a full scale application to the Planning or Zoning Board and, since most commercial properties are held by corporations, they would incur legal, engineering and filing fees that would far exceed the actual cost of the fence. He said there have been instances in the past where corporations, with the consent of residential neighbors, have wanted to put up a fence to screen things like incoming headlights, but upon learning of the expensive approval process, had decided it wasn't worth it. He noted that the proposed ordinance would make interior fence lines of commercial properties be subject to Building Department

approval as long as they don't exceed the height limit and were not a corner lot so there would be no impact on sight triangle issues. He said, if introduced, it would have to be sent to the Planning Board for comment. He added that he thought it was a good police because it made the process less expensive and protected the residential neighborhoods.

Councilman DuPont asked if there was a mechanism to review all Borough Ordinances. Mayor Menna said there was but it would require sitting down with the Planner and Engineer and would take a great deal of time and added that he felt there was an immediate need to address this issue.

Councilman DuPont said that if they were trying to promote and welcome businesses into the Borough, this would be one of to do it. He asked if there was a mechanism within the Borough to sit with RiverCenter and other business leaders to review the ordinances for any that were preventing businesses from coming into town. He suggested a Committee be formed to review the ordinances to promote business. The Mayor said the point was well taken and that under the Municipal Land Use Law that function is usually relegated to the Planning Board where they have a Site Plan Committee to review ordinances. He said since that Committee was very busy, they could also appoint an Ad Hoc Committee at the Council level to look at the matter.

Administrator Sickels reminded the Mayor that the Council had appointed a Committee last year to look at the ordinances and Engineer Ballard had been attending the meetings.

Councilman DuPont said his concern was not just about the ordinances but also the Borough's business practices adding that he wanted to make sure Red Bank was user friendly. The Mayor said he would be amenable to forming such a Committee and asked the Council to give it some more thought. He again stated he thought the ordinance under discussion was something more immediate.

Engineer Ballard explained that every year the Planning and Zoning Boards put together a report and noted that some of the input comes from the Director's Office and the Construction Code Office from those who have encountered problems with the Zoning Ordinances. She said it was hard to identify the problems until they were encountered. She said they had recently, as part of the Master Plan Re-examination, reviewed and made several changes to the Zoning Ordinances.

Councilman DuPont asked if they had gotten RiverCenter's input during the process. Engineer Ballard said RiverCenter had given comments on the Master Plan Re-examination Report and on the ordinances as they came up. She added that when RiverCenter had a problem with an ordinance, they reviewed and discussed it and made necessary changes.

Councilman Dupont said he didn't necessarily see the need to form another committee, but just wanted to see if there was a place that was ensuring the Borough was user friendly. Mayor Menna said he thought it was an evolutionary process and added that something like the ordinance being discussed would not be on RiverCenter's radar because the properties covered are generally professional properties in areas like Maple Avenue and Broad Street that didn't fall within the RiverCenter district.

No Knock Ordinance

Mayor Menna confirmed that everyone had received a copy of the draft of the ordinance with the revised time that was previously discussed. Councilwoman Horgan questioned the portion that references fees in another section of the code. Mayor Menna explained that the penalties were the same as set forth for all Municipal Code violations. He added that there was a wide range but that they could not exceed the sum of \$1,250 by State law. Councilwoman Horgan asked if it could be readily enforced. Mayor Menna said it could if a resident called and made a report.

Councilman Zipprich asked about the section that stated an exemption applied to "not for profits registered in the Borough" adding that he had concerns about organizations such as the Boy Scouts and Girl Scouts, political candidates and Project Porchlight and other state or national organizations. Attorney Hall said he believed the registration clause meant they had to register with the Clerk. The Mayor said the provision was already on the books. Attorney Hall said a major organization would only have to register with the Borough if it intended to conduct door to door solicitations and added that the permit would be routinely granted due to first amendment reasons. Councilman Zipprich asked how it would apply to school children selling items such as candy. The Mayor explained that if the children were participating in a campaign through the Board of Education or the school, they would be exempt.

Councilman DuPont asked for confirmation that organizations such as churches or the Boy Scouts would not be affected by this ordinance. He also asked if there was a demand for such an ordinance and asked if the Borough had received complaints. Mayor Menna said he didn't know if complaints had been received as Borough Hall but he noted that he had received them personally.

Councilman Murphy questioned why residents would have a problem with people knocking on their door since most would be the not for profits exempted by the ordinance and adding that he didn't think salesmen went door to door anymore. The Mayor gave examples such as cable company and newspaper solicitors. A discussion followed about the number of people that receive unwanted solicitations. Mayor Menna noted that the two main reasons for the ordinance were to help guarantee peace and quiet for those who want it and to address safety concerns that other residents had. He compared the ordinance to the "do not call" list.

Sandwich Boards for RiverCenter

Councilman Zipprich said representatives of RiverCenter had communicated to the Mayor and Council several times their desire to have sandwich board signs allowed in the business district. He noted the trying economic times and said he had been talking to business owners and doing research. He reviewed his findings regarding the history of the issue noting that it had been debated since 1992 including the enactment of an ordinance that allowed them for a brief period of time. He handed out a set of recommended guidelines submitted by RiverCenter and recommended re-implementing the earlier ordinance to help the businesses who were desperately trying to stay in business. He added that there were some issues that needed to be considered such as ADA compliance and urged RiverCenter and the Code Enforcement Office to be extremely sensitive to the ADA guidelines. He again stated he would like to see another temporary ordinance to allow the signs for the summer season.

Councilwoman Horgan said she thought if it would help the business owners, the Council should move forward with the ordinance. She added that she thought it would attract pedestrians and noted that she had already seen shops putting items out to let people know they are open.

Mayor Menna said he thought it should go back to the Code Enforcement Committee and, before introduction, he said someone should reach out to Handicappers Association. He explained that the organization was an advocacy group for individuals with challenges and offered to reach out to them to get their input on problematic areas.

Councilman Murphy said he thought that as long as a business could meet the same right away requirement as a restaurant they should be allowed. He added that his concern was that the signs could escalate to larger displays which he thought was the reason they ended the program before.

Mayor Menna noted that other issues besides sidewalk width had to be considered in regard to ADA issues such as slope and again said he felt it important to get information from the group.

Administrator Sickels offered to work with Councilman Zipprich and the Code Enforcement Committee. He also noted that the design guidelines had been submitted by RiverCenter representatives but the question had come up before whether the signs would be allowed Borough-wide and, if so, would the guidelines apply to all. He also said the guidelines would have to be publicized and enforceable so if there was a violation they would have the authority to enforce them. He noted the fact that the previous version had included a sunset clause.

Councilman Murphy asked what a sunset clause was. Mr. Sickels explained that it meant the ordinance had a specific time period during which the signs were allowed and would expire on a given date if not renewed. Councilman Murphy asked why the signs couldn't be treated like the sidewalk café tables. Mr. Sickels explained that there was an ordinance that allowed the sidewalk cafes while the signs were prohibited.

Councilman Zipprich said they could draft an ordinance from the one adopted in 1992 and added that he thought the issue should be addressed since it had been discussed for such a long time. Councilman DuPont said it should be placed on the next agenda.

APPROVAL OF MINUTES – April 26, 2010

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Murphy had no report.

Councilwoman Horgan said she wanted to remind everyone that the Red Bank Borough Education Foundation still has tickets left for the Art Gala fundraiser to be held on May 21 at the Atrium at 6 pm. She said the tickets were \$100 but noted that every attendee would receive an original work of art by an established artist. She said the event would benefit the Natural Science and Natural Wildlife Learning Center at the Primary School. She also reported that the Human Relations Advisory Committee was following the Census response rate for Red Bank and the Borough had 68 percent of its residents responding to date. She said Census employees would be going door to door to follow up. She said, under the business of the Environmental Commission, she wanted to announce that there was a new member of its Green Team, Katherine Hoffmann who was the new Director of Development at the Two River Theater. She said she was also pleased to note that the Two River Theater was interested in bringing green initiatives into the theater. She said Ms. Hoffmann had attended an Environmental Commission meeting to inquire about ways the theater could be more green. She also reported that the Fair Trade Town Committee had held a Fair Trade Shop Hop the previous Saturday where shoppers visited participating Fair Trade businesses in order to participate in a raffle.

Councilwoman Lewis reported that registration had started for the Borough's Summer Camp program and it would offer a full day of enrichment and recreation for children in grades one through eight as well as opportunities for after care. She said the camp would run from July 5 through August 13 and was a joint effort of the Borough and the Borough schools. She also noted that there would be a late fee for registrations after June 10. She also reported that last year members of the Borough Council had collaborated with the District 12 legislators for an event on the National Night Out Against Crime. She said they would once again be collaborating for a series of events culminating on August 3rd and would be announcing more later. Councilwoman Horgan noted that the schools would be involved too.

Councilman Zipprich report that the following Friday, May 14, Preservation Red Bank would be hosting NJ Transit who would be present to discuss the restoration plans of the Borough's historic train station which was built in 1876. He noted that there would be a question and answer session following the presentation. He also reported that the Code Enforcement Committee would be meeting the following Tuesday and would be talking about Sandwich Board signs. He said the Monmouth County Regional Health Commission is gearing up for the summer event season with inspections and vendor information sessions. He noted that the previous Tuesday he had attended the Monmouth County Transportation Council Summit at Monmouth University. He said he was proud to be there representing Red Bank noting that the Borough had received accolades from both State and County officials for its planning efforts. He also noted that resident Jim Willis had made a presentation regarding the Safe Routes effort. He said Councilwoman Lee had asked him to mention that on Thursday, June 10 in the Freeholder's Meeting Room at the Hall of Records, Freehold, there will be a public hearing regarding an organization that would do recycling of concrete, asphalt, tree parts and clean wood waste.

Councilman DuPont reported that for the past two weeks several members of the Council had attended meetings with Red Bank Regional regarding their district's budget. He noted that the Council had unanimously asked the Board of Education to provide a zero percent tax levy increase. He said discussions were held the previous Thursday regarding the implications of the zero percent tax levy. He said they asked that the teachers accept a wage freeze to save jobs. He said there was another meeting where additional reductions were made but it did not get down to the zero percent level. He noted there was a resolution on the agenda as a result of a meeting the Mayor had attended where they had agreed to reduce the budget an additional \$270,500. He noted that the Red Bank Regional was defeated overall but was approved in Shrewsbury Borough, narrowly defeated in Red Bank and defeated two to one in Little Silver. He said the cuts would be made through eliminating positions, salary freezes and other areas. He said the Council was still calling for a wage freeze for the teachers. He said it was a very lengthy process and not something any of the Council people took lightly. He said he thought the compromise reached by the three towns allowed for saving activities and would not severely impact the curriculum. He thanked Councilwomen Horgan, Lewis and Lee for attending meetings noting that Ms. Lewis' experience on the Red Bank Board of Education was helpful.

Councilman Murphy asked if there would be an increase to the Red Bank Regional Budget.

Mayor Menna noted that it was a tripartite negotiating process with Red Bank being only one of three equal partners. He said it was a diplomatic but long process. He noted that all three towns had to agree in order for the budget to be reduced. He said the discussions were candid and there was a general consensus with the other two towns and the Board of Education that they would still be able to provide a thorough and efficient educational system with a reduction of \$270,500 from the defeated budget. He

noted that the other two towns have to approve it and he was given to understand that they were in favor of the reduction.

Councilman Murphy asked for specific details regarding comparison between the previous years budget and the one being presented. Councilman DuPont said there were not given the specific numbers but he could explain the impact of a zero percent increase that would include a wage freeze for all staff, the elimination of all activities and clubs, a reduction in busing and a surplus withdrawal of \$124,000. He said a zero percent increase without a wage freeze would more severe cuts including the loss of several teachers, secretarial staff and sports programs.

Councilman Murphy said he had both proposals before him and asked which one they would be approving and once again asked what last year's school budget was. Councilman DuPont said it was \$23 million and, according to the literature provided, the proposed budget was \$23.9 million and was two percent lower than the previous year and maintains all current staff and programs. He gave details on the reduction from the literature provided by the Board. He added that he understood their State aid was cut like everyone else's but said Borough officials noted in the meetings that Red Bank Borough teacher's had taken a wage freeze and thought Red Bank Regional's should do the same. He said they had been told that the district's State aid was cut but were not given particulars. He said if additional information was requested by the Mayor and Council, a special meeting could be held, but noted there was a time constraint because a decision had to be made by May 19.

Councilman Murphy said he had concerns and wanted to know specifically where the \$270,500 was coming from. He said he understood operating costs had increased due to items like insurance and utilities but still wanted to know where the cuts were coming from.

Councilman DuPont said the two scenarios he described were what a zero percent tax levy would mean for the district and the cuts that would have to be made. He and Councilman Murphy discussed the meaning of the various numbers presented in the literature. Councilman Murphy said that while Mayor had noted that the other two towns were on board with the proposal to reduce by \$270,500 he felt the Red Bank Council should make their own decision. He pointed out the budget problems being faced by the Borough and the difficult choices being made and felt it would be hard to justify not being as stringent with the school budget. He said he wanted more answers and was not currently in favor of the proposal especially since the Borough teachers had taken a pay freeze and the Regional teachers didn't even want to discuss it.

Mayor Menna said Councilwoman Horgan had also said she wanted more time to review it and recommended they table the resolution. He noted that he was the only person on the Council who had been through a Regional dispute that went to the Commissioner and said they needed to discuss specific line items to be cut and the choices had to be supported by educational guidelines.

Councilman Murphy again compared the process the Council had been going through, the time that had been put into it and the hard decisions that had been made. He said he felt if the Board of Education didn't want to discuss the matter further and the Borough ended up rejecting it, they could take the matter to the State. He said as it stood now, he would not vote for it.

Councilman Zipprich and Councilwoman Horgan said they agreed. Councilman Zipprich said he felt it was important to do a thorough analysis before they make a decision on something this important that would affect all taxpayers. He asked the Mayor what the protocol was.

Mayor Menna said, in the past, the Borough had retained an expert to look at the budget and see what fat could be cut.

Councilman Murphy questioned the process. Councilman DuPont said he had complained to the Board that they had done no public presentation of the budget. He said they had also asked that a letter be sent to the union asking that they take a wage freeze and go back an answer of no. He also noted that the resolution had not gone out in the packets but was added at the last minute. He said it was not the fault of Red Bank but Board was late in providing the information for the resolution. He said he would recommend tabling it for a special meeting so Council members would have time to review it.

Councilman Zipprich agreed that in order to make an educated decision, he needed more information.

Mayor Menna again suggested they retain an expert. Councilman DuPont suggested they retain former Freehold Barbara McMorrow who had experience on both sides of the table. Councilman Murphy said he thought they should discuss it amongst themselves and vote for it or not. If it failed, he continued, they could take it to the next level.

Councilman Zipprich noted there was no money to hire an expert and said he agreed with Council members Horgan and Murphy that the Council needed facts and figures from Red Bank Regional Board of Education to do a careful analysis.

Councilwoman Lewis said they at least had to know what the \$270,500 was made up of.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from Jazz Arts Project, Inc. to hang a banner on Broad Street from June 30, 2010 to August 3, 2010 to promote Jazz performances on Friday evenings at the Two River Theater.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

Mayor Menna read a request from Red Bank Community Family Reunion 2010 to close Drs. James Parker Boulevard from Shrewsbury Avenue to Bridge Avenue on Saturday, August 14, 2010 for a community block party from 10 a.m. to 8 p.m., pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

Mayor Menna read a request from Hamilton Jewelers to hold the 3rd New Jersey Ferrari Rally and to close Broad Street from West Front Street to White Street on Sunday, June 27, 2010 from 12:00 to 5:00 p.m., pending approval of the Special Events Committee, RiverCenter and the Chief of Police.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

Mayor Menna read requests from Friends of the American Cancer Society of New Jersey and Most Worshipful Prince Hall Grand Lodge for raffle licenses.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

Mayor Menna read a request from Brian Irwin for membership to Independent Engine Company of the Red Bank Volunteer Fire Department.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

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

David Prown—44 Hillside Place—asked for details regarding resolution 10-115. Councilman DuPont said the Finance Committee was recommending the Borough return to a five day workweek in light of the fact the Borough was not saving adequate money to warrant the loss of service to the public. He said there were pros and cons to the four day program but after a year of trial, the committee thought the five day workweek was better for Red Bank. Mr. Prown thanked the Council for their transparency on the matter.

ORDINANCES – First Reading

2010-19 Mayor Menna read, “ORDINANCE AMENDING CHAPTER VII, “TRAFFIC,” SUBSECTION 7-7, “LOADING ZONES AND DROP OFF ZONES” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK.”

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Murphy

NAYS: None

ABSTAIN: DuPont

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

Public hearing and final adoption scheduled for May 24, 2010.

2010-20 Mayor Menna read, “ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER VII, “TRAFFIC,” SECTION 7-3.3, “PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS,” SCHEDULE I, “NO PARKING”; AND SECTION 7-3.6, “PARKING TIME LIMITED ON CERTAIN STREETS,” SCHEDULE IV, “TIME LIMITED PARKING.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

Public hearing and final adoption scheduled for May 24, 2010.

2010-21 Mayor Menna read, “ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS, SUBSECTION 8.14, “FENCES AND HEDGES.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

Public hearing and final adoption scheduled for May 24, 2010.

2010-22 Mayor Menna read, "ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING THE CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS SECTION 25-5.32, "TRAIN STATION DESIGN DISTRICT REGULATIONS" SECTION 10.14, "REGULATIONS CONTROLLING BUSINESS RESIDENTIAL-1 DISTRICT" SECTION 10.19, "REGULATIONS CONTROLLING BUSINESS RESIDENTIAL-2 DISTRICT" SECTION 10.22, "REGULATIONS CONTROLLING THE TRAIN STATION OVERLAY DISTRICT."

Councilwoman Horgan offered statistics from a New York based organization called Transportation Alternatives that outdoor seating areas boost foot traffic which lead to increased retail sales and property values.

Councilman Zipprich said he and Councilwoman Horgan have discussed how important it is to establish a greener Red Bank through the use of the Borough's older structures which were incorporated into the design standards. He added that, in the past, Red Bank had done a great job of reusing old structures to preserve the past and protect it for the future. He said he felt the outdoor spaces would be further enhanced by adding outdoor art. He also thanked Engineer Ballard for her work on the project.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

Public hearing and final adoption scheduled for May 24, 2010.

2010-23 Mayor Menna read, "ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING CHAPTER 4, GENERAL LICENSING, SECTION 4-4, TRANSIENT MERCHANTS, HAWKERS, PEDDLERS AND JUNK DEALERS."

Councilman Zipprich noted that Attorney Pringle had expressed concern about the hours. Mayor Menna said Attorney Pringle had determined that the hours of 9am to 7pm were appropriate.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

Public hearing and final adoption scheduled for May 24, 2010.

ORDINANCES – Public Hearing & Final Adoption

2010-16 Mayor Menna read "CALENDAR YEAR 2010 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND ESTABLISH A CAP BANK (N.J.S.A.40A:4-45.14)."

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 Murphy.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

2010-17 Mayor Menna read “REFUNDING BOND ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS NOT TO EXCEED \$500,000 AGGREGATE PRINCIPAL AMOUNT OF REFUNDING BONDS AND/OR REFUNDING NOTES BY THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY FOR THE PURPOSE OF PAYING AMOUNTS OWED TO TAXPAYERS FROM TAX APPEAL JUDGMENTS AND SETTLEMENTS AND APPROPRIATING THE PROCEEDS OF SUCH REFUNDING BONDS TO SUCH PURPOSE.”

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

Steven Hecht—135 Branch Avenue—thanked CFO Mason for his response with information. He said that conversation changed his view and the bond ordinance and felt it was clear that under the circumstances that exist now that the best practice would be for that ordinance to go forth.

Mayor Menna clarified that the ordinance allowed for up to \$500,000 but the Borough would only pay on whatever was drawn down.

Mr. Hecht said he was more concerned about was the fact the Borough was saddled with so much debt as the result of tax appeal settlements and judgments. He said he had questioned a variety of resolutions that had come before the Council on the matter include on the dollar amounts and net results. He implored the members of Council to examine how it happened and to address the issues around assessments, settlements and judgments. He again questioned the choice of litigation versus settlement. He asked for assurance that the situation would not happen again. He asked the Council members to examine the validity of the assessments.

Councilman DuPont said the Council did not let it happen. He said they were given a choice of accepting a settlement or going to trial and some of the settlements were court decisions. He said the Borough relies on its experts and, sometimes, on the judge’s comments. He said some cases have been tried and some have been recommended for settlement. He added that, with the downturn in the economy, this was going to occur naturally due to the number of appeals being filed. He said the Borough saw the situation coming a year ago and looked into doing a reassessment, but the Borough’s Tax Assessor’s recommended against it and he understood the County has also said no.

Mayor Menna clarified that the Borough has asked the County Tax Assessor for an advisory opinion and since the request was so close to the previously completed appraisal, the Monmouth County Board of Taxation declined the request for a new appraisal.

Mr. Hecht asked if the Borough had to follow that recommendation.

Mayor Menna said they did because they have to authorize it and approve a ratio. He said the only time he could remember that the Borough had taken a stand against the Monmouth County Tax Board was when they ordered the Borough to do a reappraisal. He said the Council felt the Borough didn’t have the money to do it and the County went to court and got an order to compel them to do it.

Councilman DuPont told Mr. Hecht that his comments and passion was felt by everyone on the Council. Not that their hands were tied, he continued, but they did rely on their experts.

Mr. Hecht said he was an expert, too, and he felt there were a variety of opinions among experts. He said he respected the members of Council and was glad he lived in the Borough. He said he understood they made a choice and he asked them to examine the way they make the choices.

Councilman DuPont said they had changed the procedure and now requested more information before a vote was taken.

Councilman Murphy offered a motion to close the public hearing, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

2010-18 Mayor Menna read “ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING THE CONVEYANCE OF A SEWER EASEMENT UPON CERTAIN PORTIONS OF THE PROPERTY KNOWN AS THE CEDAR CROSSING AFFORDABLE HOUSING DEVELOPMENT, BLOCK 75.03, LOTS 50.01 AND 69; BLOCK 75.01, LOTS 83, 84 AND 85, FROM THE RED BANK AFFORDABLE HOUSING CORPORATION.”

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

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

There being five 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 Zipprich.

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Murphy

NAYS: None

ABSTAIN: DuPont

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

RESOLUTIONS

10-109 Mayor Menna read “A RESOLUTION ACCEPTING A GRANT FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE HIRING OF A QUALIFIED EXPERT TO ASSIST THE BOROUGH IN THE DEVELOPMENT OF A COMMUNITY FORESTRY MANAGEMENT PLAN.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

10-110 Mayor Menna read “A RESOLUTION AUTHORIZING RELEASE OF DEVELOPER’S AGREEMENT WITH DUBLIN HOUSE, 30 MONMOUTH STREET, BLOCK 31, LOT 15.04.”

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Murphy

NAYS: None

ABSTAIN: DuPont

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

10-111 Mayor Menna read “A RESOLUTION TO AUTHORIZE SHARED SERVICE AGREEMENT BETWEEN THE COUNTY OF MONMOUTH AND THE BOROUGH OF RED BANK FOR 911 COMMUNICATIONS SERVICES.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

10-112 Mayor Menna read “A RESOLUTION ACCEPTING BIDS AND AWARDING A CONTRACT RELATED TO THE BOROUGH’S SEWER CLEANING AND TELEVISION FORCE ACCOUNT.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

10-113 Mayor Menna read “A RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 (FINAL) RELATED TO THE CONTRACT WITH NACIREMA ENVIRONMENTAL SERVICES COMPANY, INC. FOR THE INCINERATOR DEMOLITION PROJECT.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

10-114 Mayor Menna read “A RESOLUTION AUTHORIZING APPROVAL OF SIDEWALK CAFÉS.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

10-115 Mayor Menna read “A RESOLUTION AUTHORIZING A FIVE DAY WORK WEEK FOR CERTAIN BOROUGH EMPLOYEES AND OFFICES.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

10-117 Mayor Menna read “A RESOLUTION ACCEPTING MUNICIPAL OPEN SPACE GRANT FOR IMPROVEMENTS TO COUNT BASIE PARK FROM THE COUNTY OF MONMOUTH.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

10-118 Mayor Menna read “A RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES AND INSPECTION ESCROW REGARDING PHS REALTY, INC., 29 RIVERSIDE AVENUE, BLOCK 6, LOTS 11, 12.01 AND 19.”

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Murphy

NAYS: None

ABSTAIN: Zipprich

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

10-119 Mayor Menna read “A RESOLUTION CONCERNING THE 2010-2011 BUDGET OF THE RED BANK REGIONAL HIGH SCHOOL DISTRICT.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

10-120 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$4,096,179.58.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

OLD BUSINESS

Councilman DuPont said that a couple of months before he had asked that Red Bank take part in the Mayor’s Wellness Campaign to promote healthy active living of the Borough’s residents through education. He said there would be a steering committee that would facilitate the distribution of health related information and promote health related activities and programs throughout the Borough. He said he wasn’t sure of the steps but he would like to see the campaign begin due to the number of health care entities in town. He said he would forward the information to the Administrator.

NEW BUSINESS

Mayor Menna said he had spoken to the Administrator, the Police Chief and the Code Enforcement Officers about the fact that some businesses had been posting stickers on parking meters as a means to advertise. He said it was essentially defacing Borough property. He said the Borough did not have an ordinance on the books that would preclude companies from putting their advertising signs on municipal property. He said the ordinance the bans defacing public property requires someone be seen doing it. He suggested that an ordinance be drafted that states when a business is identified as having advertising placed on public property, they be given 10 to 15 days to remove to remove the signs or the Borough can impugn that it is their advertising not being taken off and they can be fined for each violation.

Attorney Hall said a defense could be made that they did not put the sticker there but just handed it out but said he would look into it.

Mayor Menna said they should look at how the utility companies handle the situation noting that there was a State law that if the utility company sees a company’s sign on a pole, they can request the owner of the sign to go and take it down.

Attorney Hall said the town could try to charge the company for the cost of removal and again said he would look into it.

Councilman Zipprich asked about the situation where a child took stickers from a store and put them around town, would it be the store owner’s responsibility.

Mayor Menna said the store would get the benefit of advertising and would not be penalized criminally.

Attorney Hall said they should also be careful of who they had out stickers to.

Mayor Menna said it was a quality of life issue.

Mayor Menna said he also wanted to congratulate Dr. Morana for receiving the Leadership Award for the whole State of New Jersey by the Association of the Children of New Jersey, a child advocacy group. He said it was wonderful to see the State has recognized her as the person of distinction to have achieved, in

difficult times, progress for children's education and especially her role in the pre-K program and the maintenance of those programs through innovative ways. He said he considered her an equal partner of the Council and that she had done enormously good work.

AUDIENCE

Ben Forrest—16 Locust Avenue—spoke in favor of sandwich board signs and said he had always wondered why Red Bank didn't have them. He said another reason he liked them was because he had been told by businesses that they sometimes leave their doors open in the summer months in an effort to draw in customers with the cool air flowing out. Mr. Forrest suggested they could use a sign to advertise the fact that it was air conditioned inside. He said he understood it would need to be regulated but thought it was a great idea that could help the merchants.

Mayor Menna said he thought the best way to increase foot traffic would be for the businesses to stay open in the evenings.

David Prown—44 Hillside Place—asked when the five day workweek would begin. The Mayor and Administrator said it would begin June 1. He also questioned the need for the no knock ordinance and asked why the ordinance couldn't state dawn to dusk as the hours. Mayor Menna said the Council had talked about different options and, ultimately, the hours were chosen on the recommendation of the Borough Attorney.

Mr. Prown said he wanted to clarify some information about the Red Bank Regional Board of Education noting that there were nine Board members, five of which were from Red Bank. However, he continued, once the budget gets voted down, it becomes equal thirds between the towns.

He said he also wanted to point out something he had learned about the summer camp program which was, while the program had gone up from \$75 to \$300, from 8:30 am to 12:30 pm any Red Bank child could go for free and receive both breakfast and lunch whether a public school or private school student.

Councilman Murphy asked if the free period was available last year also. Administrator Sickels said it was because the educational component was funded through grants. He also noted that the \$75 fee was an anomaly adding that the previous year had also been \$300 which came out to \$50 per week and that there was assistance available for those who qualify.

Mr. Prown said he felt the projects that were underway in Count Basie and Marine parks were good for the residents and were funded by external money. He also asked about the project slated for the property next door to his business and how it would affect the parking spaces near his store during the construction process specifically in regard to dumpsters and large trucks. Mayor Menna said they would need approval from the Administrator and Police Chief before they could use those spaces.

Engineer Ballard said if he was concerned about those issues, Mr. Prown should attend the Zoning Board hearings and question the witness about the construction phase noting that his input could convince them to make changes. Mayor Menna said even if he was unable to attend the meetings, his concerns could still be conditions of approval. Administrator Sickels gave examples of similar conditions imposed on other projects. Mayor Menna said if and when the project was nearing approval, those concerns would be articulated by the Borough. Administrator Sickels said Mr. Prown's input would be welcome.

EXECUTIVE SESSION

10-121 The Attorney read a resolution to adjourn to executive session to discuss personnel and contract negotiations.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

Councilman Murphy offered a motion to adjourn from executive session, seconded by Councilwoman Lewis.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

ADJOURNMENT

Councilman Murphy offered a motion, seconded by Councilwoman Lewis to adjourn the meeting.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Murphy

NAYS: None

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

Respectfully submitted,

Pamela Borghi