

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
MAY 24, 2010
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, Borough Clerk Borghi, Attorney Pringle, Engineer Ballard and Chief Financial Officer Mason.

ABSENT: Assistant Attorney Hall 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.

Councilman DuPont offered a motion to move on Resolution No. 10-133, seconded by Councilman Murphy.

10-133 Mayor Menna read, “A RESOLUTION AUTHORIZING PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1340-33-024-007.”

Mayor Menna explained that this was the license currently issued to Born Associates trading as the Oakbridge Tavern and commonly known as The Little Kraut.

He asked if any members of the public wanted to be heard on this resolution. No one appeared.

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

ROLL CALL:

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

NAYS: None

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

EXECUTIVE SESSION

10-137 The Attorney read a resolution to adjourn to executive session to discuss contract negotiations.

Councilman DuPont offered a motion to adjourn to executive session to discuss contract negotiations, seconded by Councilman Zipprich. 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 offered a motion to adjourn from executive session, seconded by Councilman Zipprich.

ROLL CALL:

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

NAYS: None

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

Councilwoman Lewis left the meeting at the end of the Executive Session.

WORKSHOP

Sandwich Boards

Councilman Zipprich reminded everyone that a draft of the Sandwich Board Sign Ordinance had been distributed in their packets. He noted that the ordinance had been discussed with the Code Enforcement Committees and the Committee was in favor of the signs. He said Administrator Sickels had to gather some additional information from the Code Enforcement staff to finalize the draft and it would be on the agenda for the next meeting.

Councilman Murphy asked for clarification from Mayor Menna that the Ordinance had not been implemented yet. Mayor Menna said that was correct. Councilman Murphy said he had been seeing them around town. A discussion followed regarding signs on private property and in the public right of way. Councilman Murphy confirmed that the proposed ordinance would include guidelines for height, width, etc. for the signs. Councilman Zipprich said RiverCenter had submitted proposed guidelines and design standards.

Mayor's Wellness Campaign

Councilman DuPont asked Mayor Menna about the status of the Mayor's Wellness Campaign. Mayor Menna said he was getting samples and expected it would be introduced in June.

Administrator Sickels, referring back to the Sandwich Board Sign issue, noted that the guidelines were intended for the RiverCenter district. Mayor Menna said the Ordinance would be applicable Borough-wide.

APPROVAL OF MINUTES – May 10, 2010

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 – May 18, 2010

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

MAYORAL APPOINTMENTS

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman DuPont had no report.

Councilman Zipprich reported that, as liaison to the Historic Preservation Committee, he had attended the NJTransit presentation along with Councilwomen Lee and Horgan. He said NJTransit had talked about the historical renovations planned for the Red Bank Train Station. He added that NJTransit representatives explained in detail the processes to be used in the renovation and the color scheme which would reflect those of the original station. He said it was an exciting project that would update the nineteenth century building and noted that the start date was scheduled for the fall. He also reported that the Code Enforcement Committee had met the previous week and discussed and agreed upon the Sandwich Board Signs. He said he wanted to follow up with Mayor Menna to see if he had reached out to the Equalizers organization so they could have their input on the issue. He also noted that he had attended the Volunteer Appreciation Luncheon at the Senior Center along with Councilmembers Horgan and Murphy and the Mayor. He commended John Gurzo and Jackie Reynolds for their efforts.

Councilwoman Horgan had no report.

Councilwoman Lee had no report.

Councilman Murphy had no report.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from German School of Monmouth County to hang banner on Broad Street from September 4, 2010 to September 20, 2010 to advertise their Oktoberfest celebration to be held at the Red Bank Elks Lodge on September 19, 2010.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from Frozsurt, 6 Monmouth Street, to place benches in front of their establishment for their patrons.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, 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

ORDINANCES – First Reading

ORDINANCES – Public Hearing Only

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."

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 Councilman Zipprich.

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna noted that the vote would be deferred pending Planning Board review.

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."

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 Horgan.

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna noted that the vote would be deferred pending Planning Board review.

Councilman Zipprich complemented the Borough Engineer for incorporating Green Building practices and Open Space efforts in keeping Red Bank's past and present in focus.

ORDINANCES – Public Hearing & Final Adoption

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."

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 DuPont.

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, 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 Councilwoman Horgan.

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: DuPont

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

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."

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 DuPont.

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, 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 DuPont.

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

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."

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 Councilwoman Lee.

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, 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 DuPont.

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

RESOLUTIONS

10-122 Mayor Menna read “A RESOLUTION AUTHORIZING CONTRACT FOR ANIMAL WARDEN SERVICES WITH THE BOROUGH OF FAIR HAVEN.”

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

10-123 Mayor Menna read “A RESOLUTION AUTHORIZING CONTRACT FOR ANIMAL WARDEN SERVICES WITH THE BOROUGH OF LITTLE SILVER.”

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

10-124 Mayor Menna read “A RESOLUTION AUTHORIZING CONTRACT FOR ANIMAL WARDEN SERVICES WITH THE BOROUGH OF SHREWSBURY.”

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

10-125 Mayor Menna read “A RESOLUTION AUTHORIZING CONTRACT FOR ANIMAL WARDEN SERVICES WITH THE TOWNSHIP OF SHREWSBURY.”

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

10-126 Mayor Menna read “A RESOLUTION AUTHORIZING PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL DISTRIBUTION LICENSE NO. 1340-44-005-007.”

Mayor Menna said this license was issued to 2 Market, also known as 2 Senza, and was being sold to Red Bank Buy Rite LLC.

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

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: DuPont

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

10-127 Mayor Menna read “A RESOLUTION ACCEPTING BIDS AND AWARDING A CONTRACT RELATED TO THE BOROUGH’S WATER AND SEWER CONNECTIONS AND MAINS FORCE ACCOUNT.”

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

10-128 Mayor Menna read “A RESOLUTION TO ADOPT IRS CODE SECTION 125 CAFETERIA PLAN DOCUMENT.”

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

10-129 Mayor Menna read “A RESOLUTION TO CANCEL TRUST FUND RESERVES.”

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

10-130 Mayor Menna read “A RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES AND INSPECTION ESCROW REGARDING RW @ RIVER’S EDGE, WESTERN TERMINUS OF BANK STREET AND DRS. PARKER BOULEVARD, BLOCK 82, LOT 17 AND BLOCK 83, LOTS 5, 6.01 AND 6.02.”

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

ROLL CALL:

AYES: Zipprich, Horgan, Murphy

NAYS: None

ABSTAIN: DuPont, Lee

There being three ayes, no nays and two abstentions, the resolution was declared approved.

Councilman DuPont said he abstained because he was not provided with the list of officers or directors of the Corporation. Mayor Menna said he believed it had been included in a previous resolution dealing with this specific project. He said he would direct the Clerk to include the information in all matters of LLCs.

10-131 Mayor Menna read “A RESOLUTION AUTHORIZING CHANGE ORDER NO. 3 (FINAL) RELATED TO THE CONTRACT WITH WILLIAM STOTHOFF CO., INC. FOR THE TOWER HILL WELL.”

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

10-132 Mayor Menna read “A RESOLUTION AUTHORIZING AN AGREEMENT WITH STEVEN WINTER ASSOCIATES TO PERFORM AN ENERGY AUDIT.”

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

10-134 Mayor Menna read “A RESOLUTION SUPPORTING *CLICK IT OR TICKET* SEAT BELT MOBILIZATION.”

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

10-135 Mayor Menna read “A RESOLUTION AUTHORIZING APPLICATION TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION TO COMBINE THE FISCAL YEAR 2009 AND 2010 GRANTS FOR THE CHESTNUT STREET IMPROVEMENT PROJECT, PHASE I.”

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

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: DuPont

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

10-136 Mayor Menna read “A RESOLUTION AUTHORIZING SIDEBAR AGREEMENT WITH THE RED BANK PBA.”

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

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: DuPont

There being four ayes and one nay, the resolution was declared approved.

PROCLAMATIONS

PAYMENT OF VOUCHERS

10-138 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,110,000.15.”

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

OLD BUSINESS

NEW BUSINESS

Mayor Menna noted that the Council had passed a resolution at this meeting that would change the contractual terms with one of the Borough's Collective Bargaining Units, specifically the PBA, noting that the organization had agreed to recognize the seriousness of the fiscal emergency being faced by the entire state. He also noted that the Council would not be adopting the budget at this meeting due to an error in publication that was not the fault of the Borough and that the Public Hearing on the budget would be carried to a Special Meeting the following week. He said he thought it was important to note that the Council has started the 2010 budget process before January 1st and when they began they were behind in a lot of areas because of the changing economy. He said the Council's primary desire has been to try to preserve basic services in Red Bank. Once the Council achieved that, he continued, they were informed that the Governor had decided to remove more than an additional \$500,000. He said this was not State money, but municipal funds that were collected as franchise receipts. He said the Council had to deal with the situation that was dealt to them and they were trying to avoid layoffs which, he noted, were being done in many municipalities. He said the Borough had issued layoff notices to all employees so they could prepare for an eventuality that they hoped would never come. He added that they have been engaged in continuing negotiations which resulted in the PBA agreeing to a voluntary furlough of three days. He noted that the process had started with a proposal for everyone to receive 10 furlough days which he said he thought was unconscionable but that was only way they could balance the books. He said the Borough had taken certain measures which he called painful and that they would have to do more. He said the agreement with the PBA was helpful because they cannot impose a furlough on the Public Safety employees under State law. He called it was a Herculean challenge that they were able to surmount by getting an almost unheard of voluntary furlough. He said the premise was to try to save all employees because, he added, the Borough was working on a skeleton crew and doing more with less people.

He said they had done all of these efficient works but at the end of the day were still unable to balance the budget because of dramatic cuts that have been effectuated by the economy, the State receipts and the deliberate cuts by the State of New Jersey. He said the Council had looked at all options, and it was with regret that, in order to preserve employees' jobs, the entire parking equation would have to be reviewed. He added that the increase in rates had been authorized and gone into effect before the State announced that they were removing an additional half a million dollars from the Borough's budget. He said it was with regret that the “free parking” that had been advanced for Saturdays for the past year and a half would have to be removed. He again noted they were doing it with substantial regret but it was part of the ordinance. He also pointed out the extraordinarily difficult financial situation and said, while they recognize the contribution made by everyone, at the end of the day they have to maintain basic services such as Police and Public Works services. Also, he continued, the Council could not pass on the substantial loss, due to the lack of revenue on Saturday parking, to the taxpayers by additional taxation. He said they were still looking at the whole parking equations in terms of enhancements to make it better. In the mean time, he continued, they could cut any other employees because the Borough was at a skeleton crew with 20 less employees than it had six years ago. He said they had to make up the budget deficit so it was with regret that the parking would have to be reinstated for the rest of the year.

Councilman Murphy said he wanted to thank everyone on the Council and said the process of cutting the budget had not been easy. He said they had butted heads quite a bit over how to balance the budget and do it fairly. He noted the Councilman DuPont and the Finance Committee had a lot of time invested in it and it was not an easy process. He thanked for those who agreed to take furlough days so they could bring them down to three and not have to lay anyone off. He also noted that the Borough was on a shoestring budget with a lot of people doing more than one job. He said right when they thought they had it where they needed it, the State came in and pulled another \$500,000. He said the implementation of three furlough days between now and the first of the year was something they didn't want to do. He said they also didn't want to implement the parking back on Saturdays, but if it would save laying off Borough employees, that was the direction they had to take. He said the three furlough days between now and the first of the year wasn't nearly as bad as what was originally discussed which was ten days. He said they whittled the budget down with ideas from Department Heads, Council members and others. He thanked everyone again saying he knew it had been tedious but hopefully they were coming to the end.

AUDIENCE

Kevin Tauro—CWA 1038—said he was attending to represent the blue collar and white collars workers who were some of the lowest paid workers in the town. He said he was glad they mentioned the PBA at this meeting because they were some of the highest paid workers in the town. He noted that the Council had talked about being fair and that he thought what was going on was not fair. He said last year the CWA had taken a one year contract at three percent for half a year and the Borough was offering no increase for the present year. He also noted that the workers would be receiving a one and a half percent cut from the Governor. He again noted they were the lowest paid workers and said he felt they had done their fair share. He said the letter that went out to notify workers of possible layoffs, in his opinion, was not a layoff notice but a threat during negotiations and said he advised the Administrator that it could lead to a possible unfair labor practice charge. He said he felt the workers had had enough and they would not go for the furloughs because they had done their fair share. He again noted that no raises were proposed for this year and said many had to work two or three jobs to support their families. He questioned the Council's decision to enter into a contract with employees at the higher end of the salary scale without going to binding arbitration.

Steven Hecht—135 Branch Avenue—asked someone on Council to explain the resolution regarding the IRS Section 125 Cafeteria Plan and also the resolution canceling trust fund reserves. CFO Mason said resolution regarding the Section 125 Cafeteria Plan was a requirement of the IRS in order to enable the employees of the Borough to opt for a pretax option on the one and a half medical contribution that was mandated by the Governor. Mayor Menna explained that the resolution for canceling reserves was regarding outstanding items that were used for specific reasons and those reasons were no longer applicable so the funds would be transferred back to the general budget. Councilman DuPont added that the funds allotted for certain items had not been spent.

Mr. Hecht asked what the amount was. Mayor Menna said he thought there were five line items totaling about \$25,000.

Kevin Tauro—CWA 1038—said that the Council had mentioned those who had come up with cost saving ideas but wanted to point out that the union members had come up with a lot of the ideas but the credit had been given to the Department Heads.

ADJOURNMENT

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

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