

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
SEPTEMBER 13, 2010  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

ABSENT: Council Members Lewis and DuPont, 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 Murphy offered a motion to suspend the regular order of business, seconded by Councilman Zipprich.

**ROLL CALL:**

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna noted that Council would be considering a resolution in support of placing the Robert White House on the New Jersey and National Registers of Historic Places and that the current owner of the property, which he said was a jewel, was in attendance.

Councilman Zipprich thanked Ms. Gilligan for giving a tour of the home to Councilwoman Lewis and him the previous week. He said they were grateful that she was maintaining the home in its historic glory, noting that it is the oldest home in Red Bank.

Mayor Menna said he couldn't think of any better stewardess for the property and commended her commitment to historic preservation.

10-207      Mayor Menna read, "A RESOLUTION SUPPORTING THE PLACEMENT OF THE ROBERT WHITE HOUSE ON THE NEW JERSEY AND NATIONAL REGISTERS OF HISTORIC PLACES."

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

**ROLL CALL:**

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna and Councilman Zipprich presented the resolution to Ms. Gilligan.

## **Public Hearing for the Monmouth County Open Space Grant: Improvements to Count Basie Park**

Mayor Menna asked Engineer Ballard to present information on the proposal and thanked everyone for the work they had done. Ms. Ballard said she thought most people were already familiar with Count Basie Park and noted that it was very heavily used and the Borough had to turn away more teams that it could accept. She said the Borough had had great success with the installation of artificial turf which had eliminated many problems. She said the Borough was now planning to submit another application to the Monmouth County Open Space Grant program for a combination baseball/multi use field that would be primarily lined for soccer and field hockey but would also accommodate football and lacrosse. She said this would make the fields available to more teams. She said the project would also add a running/walking loop around the field that would connect with existing paved areas and total approximately one half mile. She asked in anyone in the audience had any questions or comments.

Mayor Menna noted that this was the Public Hearing on the presentation and again asked in anyone in the audience had any questions. No one came forward.

Mayor Menna asked the members of the Council if they had any questions on the project. There were none.

## **RESUME REGULAR ORDER OF BUSINESS**

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

### **ROLL CALL:**

AYES:            Zipprich, Horgan, Lee, Murphy

NAYS:            None

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

## **WORKSHOP**

### **Bodman Place Gravity Sewer**

Mayor Menna noted that all Council Members were familiar with the situation and asked Engineer Ballard to give more details. Ms. Ballard noted that this had been an ongoing problem and said that the repair was long overdue and recommended going forward with it. She said she was requesting authorization to begin the design of the sewer repair. Mayor Menna noted that the cost would be covered by some unexpended funds.

## **APPROVAL OF MINUTES – August 23, 2010**

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

### **ROLL CALL:**

AYES:            Zipprich, Lee, Murphy

NAYS:            None

ABSTAIN:        Horgan

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

## **MAYORAL APPOINTMENTS**

Mayor Menna appointed members to a Fireworks Task Force Committee. He said the last time the event had been reviewed was several years ago and there had been a request from the Fireworks on the Navesink Committee to have a special task force to look at ideas on how to move forward with the event in a new age. He said he was appointing current Committee Chair Peter Reinhart, Vice Chair Charles Moran, Councilman Ed Zipprich, Deputy Borough Administrator Gary Watson, Police Chief Stephen McCarthy, Fire Chief Alan Soden Jr., resident Jay Wolfkind, RiverCenter Director Nancy Adams, Restaurant representative Daniel Murphy, Recreation Director Memone Crystian, EMACC Director Lynda Rose, Mayor Edward J. McKenna Jr., Mayor Michael Arnone, residents Celestine Stone, Tom Fishkin and Linda Cohen. He noted that the committee would be asked to report back to the Council in approximately 30 days.

Mayor Menna appointed Gladys Hilliard and Ann Lettieri to the Senior Citizen Advisory Committee.

Councilman Murphy offered a motion to approve all of the appointments, seconded by Councilwoman Lee.

**ROLL CALL:**

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

There being four ayes and no nays, the appointments were declared approved.

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilman Murphy had no report.

Councilwoman Lee had no report.

Councilwoman Horgan had no report.

Councilman Zipprich thanked the Red Bank Elks and the Red Bank Volunteer Fire Department Color Guard and the other officials that attended the 9-11 Memorial the previous Saturday morning. He noted that Congressman Pallone and Mayor Menna spoke about the tragic event and Red Bank's losses. He added that he and Councilwomen Horgan and Lee were all appreciative of the efforts that went into organizing the event. He also reported that the Historic Preservation Commission was currently working on verifying documentation that they had done over the years and thanked Christine Ballard, Mary Gilligan and Toni Smoot for their help. He said the finished result would be shared with the Planning/Zoning and Construction Departments so they would have easy reference when dealing with historic properties. He also thanked Engineer Ballard for following up with the Shade Tree Committee in regard to concerns for trees planted last year during the construction project noting that some trees had died. He said Ms. Ballard had contacted the Construction Company and they had agreed to replace some trees.

Mayor Menna thanked the Council Members who had attended the 9-11 ceremony noting that the event drew approximately 150 people which he said he thought was extraordinary. He commended resident Muriel Hemscott, who lost a son in the 9-11 attack, for chairing the event.

**COMMUNICATIONS AND PETITIONS**

Mayor Menna read requests from Monmouth Day Care Center, Red Bank Catholic High School PTA, Red Bank Catholic High School Booster Club and Count Basie Theatre for raffle licenses.

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

**ROLL CALL:**

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from Community YMCA to hold the 3<sup>rd</sup> Annual *A Taste of the Two Rivers* at the Two River Theater Company on October 25, 2010, pending approval of the Special Events Committee.

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

**ROLL CALL:**

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from RiverCenter to extend the hours of the Red Bank Guinness Oyster Festival to be held on September 26, 2010 by one hour so it would run from 12 p.m. to 7 p.m., to close a portion of White Street from English Plaza to Maple Avenue from 8 a.m. to 7 p.m., to use the Gold Street lot as parking for their sponsors and for permission for the retail stores to have one table in front of their stores for sidewalk sales, approved by the Special Events Committee.

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

Councilwoman Horgan noted that their letter had requested a rain date for the following Sunday. RiverCenter Director Nancy Adams explained that the request had been withdrawn because Borough Officials had informed them that there was a conflict on the proposed date.

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from The Dublin House to place a flat bed truck to be used as a stage outside the back of 30 Monmouth Street on September 26, 2010 in conjunction with the Oyster Festival from 8 a.m. to 11 p.m., pending approval by the Special Events Committee.

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

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from RiverCenter to hold the Red Bank Food & Wine Walk on September 19, October 17, November 21 & December 19, 2010 from 1 p.m. to 4 p.m., approved by the Special Events Committee.

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

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from RiverCenter to hold the Red Bank Wedding Walk on November 13, 2010 from 10 a.m. to 3 p.m., pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna said the request from Union Street Village to hang a banner on Broad Street from September 20, 2010 to October 31, 2010 to advertise availability of units for sale was being pulled from the agenda pending attorney review.

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

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

No one appearing, Councilwoman Lee offered a motion to close the public comment portion, seconded by Councilman Murphy.

### **ROLL CALL:**

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

## **ORDINANCES – First Reading**

2010-31      Mayor Menna read, “ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER IV, GENERAL LICENSING, NEW SUBSECTION 4-15, “COMMERCIAL FILM MAKING.”

Mayor Menna noted that, before the matter was opened for discussion, he said Councilman Zipprich had found a couple of technical amendments that needed to be made including adding the word “commercial” to certain sections of the ordinance. Mayor Menna also noted that, since the ordinance was first discussed, there had been exemptions added for educational undertakings and student projects and the fees had been reduced.

Councilwoman Horgan asked about the specific schools that were named in the ordinance and noted that it did not include Red Bank Catholic and St. James. Mayor Menna agreed that they should be included.

A discussion followed regarding specific wording in the ordinance.

Councilwoman Horgan also questioned the penalty portion of the ordinance including the possibility of jail time for non compliance. Mayor Menna said that was a standard clause by state statute to provide for those who refused to pay a fine.

Councilman Zipprich asked if the ordinance would apply to commercial photographers who already had a business in town. A discussion followed and it was determined that it would only apply if the shoot was taking place outside.

Councilwoman Horgan offered a motion to adopt the ordinance as amended on first reading, seconded by Councilwoman Lee.

### **ROLL CALL:**

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

Public hearing and final adoption scheduled for September 27, 2010.

Mayor Menna announced that Ordinance No. 2010-32, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER IV, GENERAL LICENSING, SUBSECTION 4-1, “HANGING OF STREET BANNERS,” would not be introduced at this meeting pending Attorney review and further Council discussion.

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

Mayor Menna announced that Ordinance No. 2010-22, “AN ORDINANCE AMENDING AND SUPPLEMENTING 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,” would be carried until the September 27, 2010 Council Meeting, pending further review by the Planning Board.

2010-29 Mayor Menna read, "AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, AMENDING CHAPTER XX, "WATER AND SEWER," SECTION 20-8, "SEWER CONNECTION FEES" AND SECTION 20-9, "WATER CONNECTION FEES."

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: Zipprich, Horgan, Lee, Murphy

NAYS: None

There being four 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: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

**RESOLUTIONS**

10-206 Mayor Menna read "A RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES AND INSPECTION ESCROW REGARDING STAVOLA LEASING, LLC, 39 MAPLE AVENUE, BLOCK 31, LOT 36.01."

Mayor Menna asked Engineer Ballard about a Planning Board resolution that required landscaping at the site. Ms. Ballard said this was a return of performance guarantee. She noted that they had not finished work yet and the landscaping would have to be done before the release of the maintenance bond. Mayor Menna asked when the planting would be done. Engineer Ballard said it was supposed to be underway and she would follow up.

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

**ROLL CALL:**

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

10-208 Mayor Menna read "A RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 RELATED TO THE CONTRACT WITH LAYNE CHRISTENSEN COMPANY FOR THE CHESTNUT STREET WATER FACILITY IMPROVEMENT PROJECT."

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

**ROLL CALL:**

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

10-209 Mayor Menna read “A RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 RELATED TO THE CONTRACT WITH PRECISE CONSTRUCTION, INC. FOR THE COUNT BASIE PARK SYNTHETIC TURF MULTI-USE FIELD PROJECT.”

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

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

10-211 Mayor Menna read “A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 RELATED TO THE CONTRACT WITH THE STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE MARINE PARK BULKHEAD AND PARK UPGRADES PROJECT.”

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

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

10-212 Mayor Menna read “A RESOLUTION REJECTING ALL BIDS FOR A CONTRACT FOR THE PROVISION OF TWO 31 YARD GARBAGE COLLECTION TRUCKS (CONTRACT NO. 10-1).”

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

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

10-213 Mayor Menna read “A RESOLUTION AUTHORIZING RELEASE OF A DEVELOPER’S AGREEMENT AND PERFORMANCE GUARANTEES AND ACCEPTING A MAINTENANCE GUARANTEE REGARDING RANN REALTY, 210-214 BROAD STREET, BLOCK 102, LOTS 21, 22.”

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

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

10-214 Mayor Menna read “A RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN EQUIPMENT FOR THE FIRE DEPARTMENT.”

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

Councilwoman Lee asked what equipment was being purchased and if it would be distributed evenly through the fire department or going to one company. Administrator Sickels explained that it was to provide equipment for new members and replacement equipment for existing members. Councilwoman Lee wanted to know how much equipment was being purchased. Mr. Sickels said he did not have the information in front of him. Councilwoman Horgan said she wanted more background. Councilman

Murphy explained that every two years, the Fire Department replenishes some of their equipment such as helmets, jackets, etc. Councilwoman Lee said she wanted to see how many items were being purchased. Administrator Sickels noted that the gear runs about \$1,200 to \$1,500 per set and he thought they were purchasing 12 sets of gear. Councilwoman Lee said she new there were new members coming in and she wanted to see them outfitted, but she wanted to know how much was being purchased and if it was being distributed evenly. Mr. Sickels said there were eight to ten new members and older members that needed their equipment replaced. Councilwoman Lee asked that she be provided with the exact information.

**ROLL CALL:**

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

10-215 Mayor Menna read “A RESOLUTION AUTHORIZING THE BOROUGH ENGINEER TO GO FORWARD WITH PREPARATION OF THE DESIGN OF REHABILITATION/REPAIR OF THE BODMAN PLACE GRAVITY SEWER.”

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

**ROLL CALL:**

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

**PROCLAMATIONS**

**PAYMENT OF VOUCHERS**

10-216 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$4,208,509.40.”

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

**ROLL CALL:**

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

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

**OLD BUSINESS**

**NEW BUSINESS**

**AUDIENCE**

Stephen Hecht—135 Branch Avenue—said he wanted to be clear that he supported the Fire Department and had recently had an experience where the department had saved their house but questioned the process of the Council voting on something without having the full information.

Councilman Murphy explained that the purchase was for fire department gear and was done routinely every two years. He said it included coats, boot, pants and suspenders and was being purchased through the Monmouth County Improvement Authority and was under state contract. Councilwoman Lee said she didn't have a problem with the purchase but wanted to look at the numbers because at this time the Council was reviewing everything. She added that she wanted the fire fighters to have the proper equipment but wanted to know how much was being replaced. Administrator Sickels apologized and said the matter had come in after the packets were done and there usually was a memo with details and he would make sure it was there in the future.

Peter Muller—16 Princeton Ave., Red Bank P.O.—asked about the status of a meeting that was supposed to be held with cab owners.

Mayor Menna asked Administrator Sickels to give an update. Mr. Sickels said some questions had been raised by the Police Department and they were working with the Attorney to come up with a draft.

Mr. Muller once again stressed to the Council that two cab companies hold two thirds of the licenses and questioned the fact that one company was running the same cars in both Red Bank and Middletown.

Councilman Murphy said the requirement for an office in town had been removed and noted that five more licenses would be offered but would be put out to bid. He said the final hold up was over fees and that the Council was not in favor of having the highest fees in the County.

Councilman Zipprich agreed that the Council had questioned the original fee schedule.

Mr. Muller urged the Council to add new licenses. Councilman reminded him that the new licenses would be put out to bid with no guarantees.

Mayor Menna said Mr. Muller raised an interesting issue regarding market control by one or two companies. Assuming he is correct, the Mayor continued, the Council has an obligation to look at that.

Cindy Burnham—146 Harrison Avenue, Fair Haven—asked about resolution 10-211 regarding the Marine Park bulkhead and asked for more information. Engineer Ballard explained that the contract was being handled by the State and there was additional work that needed to be done. She said this resolution would allow the Borough to settle up with the State for that work. Ms. Burnham asked if any new work was planned. Ms. Ballard said there was not.

Ms. Burnham invited everyone to attend Paddle the Navesink Day on the following Saturday. She also gave Mayor Menna a sample of a sticker she was selling to benefit Maple Cove.

Carl Colmorgen—67 Oakland Street—said there were traffic problems on Oakland Street around 4 pm. He said the Charter School had changed their procedure this year and put sandwich board signs in the street to advertise “drop off” and “pick up” zones. He said the signs, along with two school buses, were causing parents to double park in the area and made it impossible to turn onto Oakland street because of bumper to bumper traffic. He noted that his sister worked in Middletown and they had cones but put them on the curb rather than in the street.

Councilman Murphy said he was familiar with the signs and he didn’t see why the school couldn’t put the signs on the curb rather than in the street. Mr. Colmorgen said they hadn’t previously had the sandwich board sign and there was no problem with double parking. Councilman Murphy said he was aware that the school had made some changes to avoid traffic problems. Mr. Colmorgen said he had also talked to the crossing guard that worked in the area and she had said she had complained to the principal of the school but was dismissed. Mayor Menna said they would look into it and he would speak with Principal Pennotti.

## **EXECUTIVE SESSION**

10-217        The Attorney read a resolution to adjourn to executive session to discuss litigation and contract negotiations.

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

### **ROLL CALL:**

AYES:        Zipprich, Horgan, Lee, Murphy

NAYS:        None

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

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

### **ROLL CALL:**

AYES:        Zipprich, Horgan, Lee, Murphy

NAYS:        None

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

**ADJOURNMENT**

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

**ROLL CALL:**

AYES:            Zipprich, Horgan, Lee, Murphy

NAYS:            None

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

Respectfully submitted,

Pamela Borghi

I hereby certify the above to be a true copy.

*Pamela Borghi*

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Pamela Borghi, Municipal Clerk