

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
SEPTEMBER 27, 2010
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

ABSENT: Councilwoman Lewis, 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.

WORKSHOP

Bioxide System/Bodman Place Pump Station

Engineer Ballard explained that this was regarding a shared services agreement the Borough has negotiated with the Two River Water Reclamation Authority to add onto their contract for dioxide. She said it would cover adding the system and the purchase of the chemical. She added that, by installing the system at the Bodman Place pump station, it would prevent further deterioration further downstream. She said she had provided a copy of a cost analysis as well as a copy of the agreement drafted by the Two River Water Reclamation Authority allowing the Borough to add onto their contract.

Mayor Menna asked if anyone had any questions for the Engineer.

Councilwoman Lee thanked Engineer Ballard for finding this option for the Borough to upgrade its system.

APPROVAL OF MINUTES – September 13, 2010

Councilman Murphy 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.

MAYORAL APPOINTMENTS

None.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Murphy reported that the Oyster Festival had been held the previous day and it went smoothly with no incidences reported.

He also asked about the status of the taxi ordinance and requested that it be on the agenda for the next Council meeting. Mayor Menna said he had spoken with Attorney Pringle about the matter. Attorney Pringle said they had been waiting for feedback. Administrator Sickels said he had met with the Police Chief that morning and would be meeting with Assistant Attorney Hall to incorporate some of the proposed comments. He said they would then meet with the interested parties before bringing it back to the Council. Councilman Murphy asked what the main problem was with the Ordinance in its current form. Mr. Sickels said he did not have all of the details but noted that the Police Chief had suggested some changes and they wanted to meet with Assistant Attorney Hall to prepare an updated version before meeting with the affected parties and coming back to the Council. Councilman Murphy again asked that it be on the agenda for the next Council meeting. Mayor Menna said he wanted to expedite the matter

and asked Mr. Sickels to look at his calendar and announce a date and time for the meeting with the affected parties before the end of the Council meeting. Councilman Zipprich reported that there had been an issue with the fee schedule and a few other items that needed to be discussed. Mr. Sickels agreed that the fee scheduled was an issue and noted that he had received copies of taxi ordinances from other towns. Mayor Menna again said he would like to let the press know by the end of the night when the meeting would be held so they could announce it. Councilman Murphy said it had been going on for six months and the Borough should finalize the matter.

Councilman Lee said, in Councilwoman's Lewis' absence, she would like to report that Count Basie Field had its first game on the new field. She said several games had been held since and called the field a success.

She also congratulated the Mayor, Council and previous Councils on the groundbreaking at Cedar Crossing. She said the ribbon cutting was a nice event for the community and they looked forward to having 30 units on the site. Mayor Menna clarified that 20 units would be built in the first phase and another 19 would follow in phase two for a total of almost 40 units. Councilwoman Lee said it was nice to see the officials come out and see the project moved forward. She encouraged individuals to contact Mr. Ashton at the Housing Authority to get on the list for the units.

Councilwoman Horgan said she had no report.

Councilman Zipprich said he wanted to congratulate RiverCenter on a successful Oysterfest and also wanted to thank the members of the Special Events Committee for all of the behind the scenes activity to make sure everyone is safe and protected. He added that he wanted to acknowledge all of the volunteers that deserve accolades for coming forward proving that Red Bank is a "can do" community.

He also reported on the fact that Mayor Menna had appointed individuals at the last Council Meeting to serve on a committee to review the Kaboom operations and prospects for 2011. He said the committee would be holding a meeting on the following Wednesday, September 29th.

He also complimented Councilwoman Lee, Public Works Director Watson and the Public Works staff for their efforts to clean up the Cedar Crossing area to make it presentable for the ground breaking and said it was a great day. Following that event, he continued, he and the Mayor attended the New Jersey Preservation Gala at the Molly Pitcher Inn where they were proud to watch the bestowing of two preservation awards to the Borough. He said the first award went to Red Bank's Historic Preservation Commission for developing a historic element to the Master Plan which, he noted, included the Washington Street Historic District and the second award went to the Count Basie Theatre for its renovation/restoration project. He said he wanted to acknowledge that Senator Beck was there with resolutions that she presented to the winners on behalf of the State Senate.

He also reported that the Historic Preservation Commission had met the week before to resolve some issues and, on behalf of the members of the commission, he thanked Engineer Ballard for her assistance and guidance. He also noted that the commission had sent out correspondence stating that they stood by their additions to the inventory for 2009 and suggested a resolution to include the inventory in the annual report.

Mayor Menna said the Council appreciated all of the members on the Historic Preservation Commission and he said the night was special, not only because of the Borough and the Count Basie Theatre, but the State body recognized two other extraordinary people which were Congressman Bill Pascrell who, with Federal Funding, restored Paterson Falls and Mary Lou Strong of the Monmouth County Historic Preservation Committee.

Councilman DuPont called Cedar Crossing a phenomenal goal that Red Bank had achieved and said it would fit in with development in the area and would tie in with upcoming projects under consideration. He noted that the Borough would be seeing revitalization of the Cedar Crossing area as well as the train station. He commended forward Mayor McKenna and then-Councilmembers Menna and Lee and the current Council for persisting to achieve the dream.

He also reported that he had gone to St. Anthony's Loaves and Fishes fundraiser and commended David Prown for raising money for the entity adding that it was a great event.

He asked Administrator Sickels about the status of an agreement with Middletown for fire inspections and asked if it was still under contractual review. Mr. Sickels reported that it was his understanding that the Administrator of Middletown had met with his conflict Attorney and the Fire Department and he was waiting to hear back. Councilman DuPont said he understood it was sitting on someone's desk and he asked that someone make a phone to ask that it be reviewed in committee as to terms and conditions. He asked that be discussed at the next meeting or at least the next Finance Committee meeting.

Councilman DuPont said he was also concerned about the number of storage pods that were appearing noting that Councilman Murphy had brought the matter to his attention. He said there is currently no ordinance governing how long a pod can be in place or where they can be parked. Mayor Menna said he

believed Assistant Attorney Hall had already started drafting one and he believed it was going to be presented prior to next Council Meeting. Administrator Sickels said they had gotten copies of ordinances from other towns and were putting one together for Red Bank. Councilman Murphy explained that the storage pods are now being off-loaded into the street and the problem was escalating. Councilman Zipprich confirmed that the matter was discussed at the last Code Enforcement Committee meeting. Councilman DuPont said he hoped to see it at the next Council meeting.

He also reported that, in follow up to the meeting he had had with Senator Menendez back in January or February regarding stimulus money, he had found out that Red Bank should be receiving \$100,000 to update the Police communications system. Councilman Murphy noted that the Police Chief had filed an application for the grant money to improve the system for the benefit of both the Fire and Police departments and hopefully that would be coming through shortly. He noted that a grant had also been filed for the study of the firehouse.

Councilman DuPont also reported that all of the Borough schools, both public and private, would be collecting shoes for the Soles for Souls organization again this year. He noted that last year over 8,000 pairs of shoes were collected. He also noted that H&M trucking company had again volunteered to supply a truck to collect and drive the shoes to the organization's Tennessee headquarters. He noted the need for the shoes and asked everyone to donate. He said this year they were also requesting athletic cleats for donation. Councilwoman Lee noted that last year Haiti was targeted to receive the donations and asked if there was a target area to receive the shoes collected in this year's drive. Councilman DuPont suggested the schools could come up with where they would like the shoes to be donated.

Councilman Murphy said Soles for Souls was a very successful event and he also noted that the Townwide Yard Sale had had another successful event the previous weekend and said he really didn't expect it to go as far as it did and he commended organizer Audrey Oldoerp for her efforts.

Mayor Menna said, while they were acknowledging volunteers, he wanted to thank Cindy Burnham noting that the Paddle the Navesink Day she organized was very successful and brought people in from various parts of the state. It was also noted that a triathlon would be held the following Sunday.

Councilwoman Horgan reported that she and Councilman Zipprich has attended "A Walk To Remember" for Joanne Milton, a teacher at the Red Bank Middle School. She said after the walk there was a ceremony where they released butterflies and said it was beautiful. She noted that it was the same day as the Paddle the Navesink Day.

COMMUNICATIONS AND PETITIONS

Mayor Menna read requests from RFH High School Foundation, Inc., St. James Grammar School PTA, Red Bank Catholic High School Booster Club and Women of Today Jackson, Inc. for raffle licenses.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request for a block party/street closing from residents on Cedar Street on October 16, 2010 from 7:00 p.m. to 11:00 p.m., pending approval of the Special Events Committee.

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 Visiting Nurse Association of Central Jersey to hang a banner on Shrewsbury Avenue from October 4, 2010 to October 31, 2010 to advertise their Flu Hotline.

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

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 The George Sheehan Classic to hold the George Sheehan Classic event on June 17 & 18, 2011 and also use of Marine Park for various activities, pending approval by the Special Events Committee.

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

Mayor Menna opened the public comment portion and asked if anyone would like to speak. He noted that if anyone wanted to comment on Ordinance 2010-22 regarding the Train Station Overlay, they were welcome to do so, but he wanted to let everyone know that the ordinance would not be acted on at this meeting because the Planning Board not issued a recommendation yet.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

ORDINANCES – First Reading

ORDINANCES – Public Hearing & Final Adoption

2010-22 Mayor Menna read, “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.”

Councilman Zipprich offered a motion to table the ordinance until October 11, 2010, seconded by Councilwoman Lee.

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

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

Mayor Menna said the ordinance was on for public comment and the Council would welcome comments, but Councilman Zipprich would by making comments regarding future revisions so there would be no vote and final action on the ordinance at this meeting.

Councilman Zipprich noted that there had been discussions regarding the fee structure and there had been questions about what was defined as still photography. He said Assistant Attorney Hall was working on revising that portion of the ordinance. In addition, he said he felt they needed to do more homework on to make sure the Borough wasn't restricting its businesses or merchants in any way.

Councilman DuPont said he through the ordinance might be a little over-cumbersome for the businesses and suggested that, rather than table it, they should vote it down. He questioned the need.

Councilman Murphy suggested the requests be handled by the Special Events Committee. He said the permit process might be too much bureaucracy in a time when the town should be promoted and thought the regulations might discourage people from filming in town.

Councilwoman Horgan said part of the premise for the ordinance was to generate a revenue stream but she didn't want it to be a burden to the Borough's businesses.

Councilman Murphy agreed that every little bit helped in regard to the budget, but he thought the ordinance was for safety reasons.

Administrator Sickels said the request had come from members of the business district who thought the Borough should have an ordinance because people had come into town and taken over sidewalks and parking and something that was thought to have a low impact turned out to have a big impact. He noted that a Councilmember had called and said they were unable to park downtown because the film people had taken over the parking. He said they were trying to regulate an activity that was unusual and put a burden on the town. He noted that film companies often come to Borough Hall looking to obtain a permit because it is something that is required in other towns and this ordinance would put the proper procedures into place. He said the goal was to implement a fee that would cover the Borough's costs but not impact the schools or local commercial photographers. He said it would be to address those situations when an entity came in and imposed themselves on the business community. There were plus sides to having people film in town, he continued, and cited some examples.

Councilwoman Lee said she didn't believe that they should vote it down but thought they should table it. She said she thought the situations would continue to come up and it was a huge inconvenience. She said if you asked the companies the size of their productions they would all say small and they needed to be dealt with on a case by case basis. She noted that she was the Council member Mr. Sickels was referring to and said she had no less than six people jump out in front of her car to tell her she couldn't park there. She called the situation hazardous and disruptive. She said there were people directing traffic that had no traffic experience. She said she would like the Borough to be open to filming but suggested filming on Broad Street should go before the Special Events Committee.

Councilman Murphy cited the number of permit already required for various things in town and thought it might not necessary for someone to film for a couple of hours. Councilman DuPont agreed saying he thought it was too much government intrusion. He cited the fact that there were major productions filmed in town in the 1990's and there were no problems. He said he wanted to encourage the filming industry and noted that New York City had incentives for people to film. He said the ordinance wouldn't be an incentive but a hurdle.

Councilman DuPont offered a motion to table the ordinance indefinitely, seconded by Councilman Murphy.

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

RESOLUTIONS

10-218 Mayor Menna read "A RESOLUTION AUTHORIZING CHANGE ORDER NO. 3 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 DuPont.

Councilman Zipprich asked for clarification on the amount asking if it was for \$4,324 and if it was within budget. Mayor Menna said both were correct.

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

10-219 Mayor Menna read “A RESOLUTION AUTHORIZING A MEDIATION AGREEMENT WITH THE FAIR SHARE HOUSING CENTER WITH RESPECT TO ITS OBJECTIONS TO THE BOROUGH’S PETITION TO THE COUNCIL ON AFFORDABLE HOUSING FOR CERTIFICATION OF ITS THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN.”

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.

10-220 Mayor Menna read “A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE TWO RIVERS WATER RECLAMATION AUTHORITY TO PROVIDE BIOXIDE TREATMENT TO SEWAGE AT THE BODMAN PLACE PUMP STATION.”

Councilman Murphy 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.

10-221 Mayor Menna read “A RESOLUTION APPROVING SUBMISSION OF THE BEST PRACTICES CHECKLIST INVENTORY TO THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES ON BEHALF OF THE BOROUGH OF RED BANK.”

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

Councilman DuPont said CFO Mason should be praised because the Borough was in compliance with the checklist.

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

PROCLAMATIONS

Mayor Menna read a proclamation proclaiming October 3-9, 2010 as Fire Prevention Week in the Borough of Red Bank.

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

PAYMENT OF VOUCHERS

10-222 Mayor Menna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,470,206.78."

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

ROLL CALL:

AYES: Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

OLD BUSINESS

Mayor Menna said there had been a wealth of information that highlighted the diverse municipality that Red Bank is and said there was always something going on. He noted that the following Friday morning with the help of Borough Staff, including the Engineer and Planner, there would be a press conference with the New Jersey Mortgage Finance Agency (NJMFA) where the Borough would be rolling out a new program that the Council was very proud of called the Live Where You Work program. He said the program focused on affordability and mortgage opportunities by NJMFA for qualified residents who wish to live and work in Red Bank. He noted that Red Bank was one of the few municipalities that had been targeted for the program which he said he felt was because the Council had shown a commitment to affordability opportunities. He said he also wanted to remind everyone Red Bank has always been firmly committed to rent leveling which he said was another part of home ownership because it keeps families together in the Borough. He said the new program would show the Borough was being proactive about trying to get financing so people would be able to live where they work.

Councilman Zipprich said he also wanted to mention the program because he, Councilwoman Horgan and Engineer Ballard had worked to make sure everything was in compliance for the NJMFA and they looked forward to the launch on Friday. He said the program would make it possible for people who work in town to purchase homes with low interest mortgages and other incentives.

NEW BUSINESS

Councilman Zipprich reported that the United Methodist Church, Broad Street, on Sunday, September 17, would hold a celebration at their 10:30 service to recognize all of the Borough's elected officials, professionals and volunteers.

AUDIENCE

Ben Forrest—16 Locust Avenue—commended the renovations at Count Basie Park and said it was being beautifully kept. He said he had spoken to Administrator Sickels and a couple of Council members about a concern which was the fact that the gates were closed on Drs. James Parker Blvd. on the night of a practice. He said it was a problem because there were parking issues in the park's parking lot and there were people climbing over the fences on the Drs. Parker side. He said he also had some concern about the use of the restrooms which were locked.

Mayor Menna noted that while Councilwoman Lewis had been detained at work, he wanted to let Mr. Forrest know that she and her committee had been reviewing some of the issues that he was bringing forth. He said it was his understanding that she would be rolling out some solutions to those matters as early as the next Council meeting. He added that she had been working with parents and coaches and was already targeting some of the issues mentioned with the staff and public works.

Cindy Burnham—146 Harrison Avenue, Fair Haven—said she wanted to correct Councilwoman Lee on the game played at Count Basie Field noting that the first game was actually two weeks ago against Matawan. Administrator Sickels noted that Councilwoman Lee had been out of town for the first game. Ms. Burnham also thanked Mayor Menna for mentioning Paddle the Navesink Day. She said it was a great success and handed out a report on the event. She said over 300 people attended and Jersey Paddlers said what they did in four hours usually took a whole weekend. She also noted that Monmouth Boat Club gave out over 120 hamburgers, 200 hotdogs and did 35 boat rides. She said several participants frequented downtown businesses and Riverside Gardens Park. She described the different type of water craft that were used and noted there was a slide show available on line. She also said they were looking to do the event again in 2011 and asked what the plan was for the lottery for the boat slips at Marine Park. Mayor Menna said the Borough was finalizing the construction at the park and expected to boat slip lottery to be advertised soon. Ms. Burnham said she had asked about using the spaces but never heard back. Mr. Sickels said he didn't have the information to give her an answer. Ms. Burnham asked where the lottery would be advertised. Mayor Menna asked Administrator Sickels where it was usually advertised. Mr. Sickels noted that it hadn't been done in two years because of construction and that there

was a new director so the procedure might be different from previous years. He said it would be publicly advertising on both the Borough website and in the newspaper. He added that he thought it was only open to Red Bank residents.

EXECUTIVE SESSION

None.

ADJOURNMENT

Councilman Zipprich offered a motion, seconded by Councilman DuPont 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