

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
OCTOBER 11, 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, Municipal Clerk Borghi, Assistant Attorney Hall, Engineer Ballard and Chief Financial Officer Mason.

**ABSENT:** 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 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.

Mayor Menna noted that amendments had been made to the agenda since it was posted to the website. Due to a recent court decision on the COAH, he continued, the Ordinance to amend the Borough's COAH plan was being pulled as well as the supporting resolution. He also noted that Ordinance 2010-31, the previously discussed commercial film making ordinance, would not be under Public Hearing/Final Adoption. He said since it was tabled and changes were made, it would be presented under Introduction.

**WORKSHOP**

Mayors Wellness Campaign—Councilman DuPont said he had a couple of ideas he would like to discuss with the Mayor to help promote health for the Borough's residents. Mayor Menna reviewed some of the recent activities he had attended including the triathlon and kayak events.

**APPROVAL OF MINUTES** – September 27, 2010

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

**ROLL CALL:**

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

**NAYS:** None

**ABSTAIN:** Lewis

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

**MAYORAL APPOINTMENTS**

None

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilman Murphy had no report.

Councilwoman Lee had no report.

Councilwoman Horgan reported that she had attended the Fire Prevention Expo and also visited Lunch Break to learn more about a pilot program they are doing called Soul Kitchen. She said program was a community restaurant with no prices on the menu where people would pay what they could afford ranging from \$10 to \$20 and if they couldn't afford to pay they could do volunteer work instead. She noted that there would be three seatings per Sunday throughout October. She also reported that the Fair Trade Town Committee would be holding a first-ever Fair Trade Showhouse on the weekend of October 22 to 24 at 12

Broad Street. She said the group would be installing fair trade and eco-friendly furniture and other items to teach people how to make their homes more environmentally friendly. She also reviewed the Live Where You Work Program press conference held at Borough Hall on October 1 and explained that Red Bank is one of 33 towns participating the New Jersey Housing and Mortgage Finance Agency program that would offer low interest mortgages and assistance with closing costs and down payments to first time home buyers. She said the additional benefits of the program include the fact that by living where they work, people would build a better community and reduce their carbon foot print. She reported that she had also met with Administrator Sickels and Councilman Zipprich regarding the Energy Audit and said they were making progress on that. She said they had met with a representative of the New Jersey Clean Energy Program and noted that the Borough is eligible for an American Recovery and Reinvestment Act block grant for \$20,000 and were starting the application process in hopes of being able to upgrade the Borough's energy efficiency.

Councilwoman Lewis apologized for the fact that work commitments have been keeping her tied up and said she wanted to thank the Police Chief for attending a Parks and Recreation meeting and for the continued work they will be doing to safeguard the Borough parks. She said she also wanted to thank Gary Watson and the Department of Public Works for their support of the parks. She added that there had been increased activity at Count Basie Field and the Public Works team had been responsive and extremely attentive.

Councilman Zipprich said he wanted to note that Sen. Lautenberg had introduced anti-bullying legislation to protect vulnerable people following the tragic suicide of a Rutgers University student last month. He said he also wanted to publicly thank Superintendent of Schools Laura Morana who had responded positively with a program that would offer school children a chance to talk about issues with bullying and cyber-bullying. He said the Police Chief had also participated in the program in the past. He said the Borough was fortunate that the Superintendent was proactive and sensitive to the needs of the Borough's children working to ensure their school grounds were safe. He also reported that the previous Friday, he and the Mayor along with Councilwoman Horgan and Councilman DuPont had attended the Parker Family Clinic 10<sup>th</sup> Anniversary event and said it was a beautiful evening. He congratulated the organization and wished them success in the coming years. He also reported that the Shade Tree Committee would like to thank Councilwoman Lee, Public Works Director Watson and the Staff at Public Works for their prompt response to remove some hazardous trees in the Borough. From the Board of Health, he reported that the Monmouth County Regional Health Commission and the VNA would be offering flu vaccinations in the coming weeks. He also congratulated the Fire Department for their successful Fire Prevention Week and Safety Expo. He reported that he had also attended the Lunch Break Gala and wanted to congratulate Memone Crystian, the Board President of the organization, on the success of the event. He also noted that a rabies clinic would be held on the following Wednesday from 7 to 8 pm at the Independent Engine Firehouse on Mechanic Street.

Councilman DuPont said the schools were still collecting shoes and cleats for Souls for Soles and H&M Trucking had once again offered to drive the shoes to the organization headquarters in Tennessee. He said he also wanted to thank the firemen for the safety exposition especially regarding the need for fire extinguishers and exits.

Mayor Menna noted how busy the town had been lately and cited the recent Light the Night event which had 2,500 participants. He commended the Police Department for their assistance with coordinating the event. He noted there were several events going on in town on that particular Saturday and said he had closed the evening with a Muscular Dystrophy event where he was happy to see Borough School children performing. He said he would ask the Fire Commissioner to give his regrets at the annual Fire Department Awards Dinner next week as he had a previous commitment.

#### **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from Two River Theatre to hang a banner on Broad Street from December 1, 2010 to December 31, 2010 to advertise their production of *Charlotte's Web* and from May 1, 2011 to June 1, 2011 to advertise their production of *Jacques Brel is Alive and Well and Living in Paris*.

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

#### **ROLL CALL:**

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

NAYS: None

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

Mayor Menna read a request from Learning Tree Preschool to hang a banner on Broad Street from January 3, 2011 to January 30, 2011 to advertise their open house and registration.

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna read requests from Company of Dance Arts and Caitlin Elizabeth Russell Foundation, Inc. for raffle licenses.

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna read a request from Tower Hill Presbyterian Church to hold the 1st annual “Race for Haiti’s Children” on Saturday, April 2, 2011 from 9 a.m. to 11 a.m., pending approval by the Special Events Committee.

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna read a request from 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 Murphy offered a motion to approve the requests, seconded by Councilman DuPont.

ROLL CALL:

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

NAYS: None

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

Mayor Menna read requests from Melissa Lauterwasser and Stephen DePonti for membership to the Red Bank First Aid & Rescue Squad of the Red Bank Volunteer Fire Department.

Mayor Menna noted that both individuals were members of families who had a history in the department.

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

ROLL CALL:

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

NAYS: None

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

## **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.

Tom Fishkin—18 Monmouth Street—said he wanted to comment on ordinance 2010-36 regarding temporarily suspending parking deficiency schedules during economic emergency saying he thought it was a great idea. He said he thought anything the town could do during a time when it was difficult to recruit businesses and relieve some of the economic stress of doing business was a great move by the Council.

Steven Hecht—135 Branch Avenue—asked if there was a sunset provision in the ordinance that had been mentioned. Mayor Menna said it was December 31, 2011 and the property must be occupied by that time. He added that the intent was to get the stores filled so they didn't want people sitting on it. He noted that the ordinance also addresses situations where someone was in the middle of the process. He called the idea cutting edge and business friendly. He added that the idea was to attract landlords and tenants to put money into the buildings and open the doors rather than to pay money into a parking fund. He said he was grateful for a forward looking Council that believed passionately about retaining the Borough's competitive edge. He also noted that it was a one shot program similar to some that have been offered by the State. He also explained that it would not affect the municipality's day to day operations as the parking fund was a restricted fund that could not be used to fund municipal operations but was dedicated to addressing parking concerns in the future.

Councilman DuPont reiterated the fact that the parking fund money was not part of the daily revenue that the Borough received but was strictly a fund that was available for a limited purpose and in no way would this ordinance impact the finances of the Borough.

Mayor Menna explained that the fund was a trust fund that could only be used to remediate parking deficiencies of the municipality as a whole. When there were parking proposals that made sense, he continued, the fund would be used for the entertainment of those proposals. He said suspending the fees was common sense noting that currently the parking lots were underused in the evening which was usually the heaviest time which he credited to the fact that there were empty store fronts.

Councilman DuPont said he had assumed that the Mayor had received phone calls from both national and local tenants expressing support of the ordinance and expressing their interest in coming to Red Bank.

Mayor Menna said he thought the ordinance would jump start the vacant spaces noting that the parking contribution fees of \$30,000 to \$50,000 could make a difference on whether or not a business located in Red Bank. He noted that since there was available parking in the evening, including spaces in the Riverview Garage, he thought the ordinance would be well received.

Councilman DuPont said the ordinance was an example of forward thinking and that the sunset provision would protect Red Bank for the future.

Mayor Menna said the message was that Red Bank was open for business again.

Councilman DuPont noted that Red Bank had also held an economic summit and that the Mayor had removed red tape from the process of opening a business and this was another manner of promoting business in the Borough. He suggested the State should look to Red Bank as an example of finding ways to make it easier for businesses to open up.

Councilman Zipprich said he knew that the members of RiverCenter were pleased at the introduction of this ordinance.

### **ORDINANCES – First Reading**

2010-28      Mayor Menna read, "ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER IX, "LICENSING OF TAXICABS."

Mayor Menna noted that Borough Officials had met with representatives of the taxi companies and that this was a revised ordinance that had been substantially changed and incorporated several administrative changes including the reduction of certain fees.

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

ROLL CALL:

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

NAYS: None

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

Public hearing and final adoption scheduled for October 25, 2010.

2010-33 Mayor Menna read, "ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER IV, GENERAL LICENSING, SUBSECTION 4-4, "TRANSIENT MERCHANTS; HAWKERS; PEDDLERS AND JUNK DEALERS."

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

ROLL CALL:

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

NAYS: None

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

Public hearing and final adoption scheduled for October 25, 2010.

2010-34 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 NEW SECTION 25-8.40, "OUTDOOR STORAGE OF MATERIALS, PERMANENT AND TEMPORARY."

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

ROLL CALL:

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

NAYS: None

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

Public hearing and final adoption scheduled for October 25, 2010.

2010-36 Mayor Menna read, "ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY, TEMPORARILY SUSPENDING PARKING DEFICIENCY SCHEDULES IN THE BOROUGH'S PLANNING AND DEVELOPMENT REGULATIONS DURING ECONOMIC EMERGENCY."

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

ROLL CALL:

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

NAYS: None

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

Public hearing and final adoption scheduled for October 25, 2010.

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

Mayor Menna again noted that, while 2010-31 had been listed on the agenda for final adoption, the ordinance has been tabled at a previous meeting and substantial changes had been made so it would be introduced again. He added that the changes including the exclusion of most of the Borough’s businesses from compliance and was really intended for film making purposes and would only apply if there was substantial impact on public areas. He also noted that the licensing fee was nominal and that the request would be subject to review by the Special Events Committee.

Councilman Zipprich also stressed that it would not impact local merchants.

Councilman DuPont asked for confirmation that this was something the Borough had not had in place before. Mayor Menna confirmed that that was the case. Councilman DuPont said it would be just another permit. The Mayor said if that was what the Council ultimately decided.

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

**ROLL CALL:**

AYES:      Lewis, Zipprich, Horgan, Lee, Murphy

NAYS:      DuPont

There being five ayes and one nay, the ordinance was declared adopted on first reading.

Public hearing and final adoption scheduled for October 25, 2010.

**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.”

Mayor Menna said the ordinance was on for public comment and the Council would welcome comments, but there would be no vote and final action would be carried to the next meeting pending a report from the Planning Board.

Councilwoman Lee said the Planning Board was waiting for a presentation from RiverCenter before making a decision and hoped it would be discussed at the next Planning Board meeting. She pledged that it would be resolved before the end of the year.

Councilman Zipprich said he had attended the last Planning Board meeting and noted that Councilwoman Lee had asked the Board Attorney to address some of the issues to make sure that the Monmouth Street corridor continued to be addressed by RiverCenter and incorporated into the district.

Councilwoman Lee said they wanted the area to be inclusive and easily walkable from the train station, along Shrewsbury Avenue and down to Broad Street. She said they wanted it to flow like one town and be pedestrian friendly.

No one appeared from the public and Mayor Menna noted that Public Comment would be carried until October 25, 2010.

**RESOLUTIONS**

10-223      Mayor Menna read “A RESOLUTION REQUESTING SPECIAL ITEM OF REVENUE.”

Mayor Menna commended Police Chief McCarthy securing the grant in the amount of \$35,000.

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

**ROLL CALL:**

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

NAYS: None

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

10-226 Mayor Menna read “A RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE AN AGREEMENT WITH 4CONNECTION, LLC/CABLEVISION LIGHTPATH-NJ, INC. CONSENTING TO THE USE OF PORTIONS OF THE BOROUGH-OWNED RIGHTS OF WAY.”

Councilman Zipprich noted that 4Connection was an LLC and the members had not been identified. He asked if that was information that the Council should have before they vote.

Mayor Menna said it was his understanding that it was a large corporation and not local, but a nationwide corporation. He said he didn’t believe there was anyone who held more than ten percent of the corporation in New Jersey. Also noted that the matter had been handled by Conflict Counsel and they had reviewed the agreement and found it in order.

Councilman DuPont asked why the matter was handled by Conflict Counsel. Mayor Menna said it was because the Borough Attorney did work for Verizon which was a competitor of the company.

Councilman DuPont said he noticed that the agreement would allow the Borough to charge a reasonable fee and asked how it would be established. Mayor Menna noted that the only fees that could be charged were for any costs associated with the supervision of the installation such as police, legal or engineering fees.

Councilman Zipprich questioned a clause that would give 4Connection the right to assign the work to any qualified communication company and asked if the Borough had any say in that matter.

Administrator Sickels said the agreement was heavily regulated by the Board of Public Utilities and the language was consistent with their requirements.

Mayor Menna said it also stated that it would be upon reasonable acceptance by the Borough Attorney so it would have to be submitted for review.

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

**ROLL CALL:**

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

NAYS: None

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

**PROCLAMATIONS**

**PAYMENT OF VOUCHERS**

10-227 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,096,766.58.”

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

**ROLL CALL:**

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

NAYS: None

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

## OLD BUSINESS

## NEW BUSINESS

### AUDIENCE

Audrey Oldoerp—56 South Street—thanked the Mayor and Council for their support of the recent Townwide Yardsale. She said it was an enormous success and, as a result, the Friends of the Red Bank Library will have more financial support. She said she was also appearing to discuss the intersection of Peters Place and Maple Avenue on State Route 35. She said she was concerned that the intersection had become unsafe for pedestrians, especially children crossing to and from school. She noted that her children cross the intersection each school day to walk to the Red Bank Charter School. She noted accidents that had occurred at the intersection over the past year. She said Crossing Guard John Mego had recently resigned from his post at the site after deeming it unsafe. She reviewed an accident involving Mr. Mego where he was struck by a vehicle while he had been wearing head to toe neon protective clothing. She added that the intersection serves four of the Borough's schools and outlined some of the traffic concerns for that area. She asked that a police officer be stationed at the intersection to improve pedestrian safety. She noted that she had spoken with Police Chief McCarthy about the matter.

Mayor Menna noted that the Police Commission has been involved and a police officer was stationed at the intersection at the present time and agreed that the intersection had some problems regarding traffic issues. He acknowledge that there was a problem at the intersection and noted that the Chief had looked at it and come up with a temporary solution. He added that the town has started a dialog with Red Bank Catholic and St. James to address some issues. He also said he was happy to report that Red Bank was one of the first towns in Central New Jersey to get a substantial State grant for pedestrian traffic and enforcement. He said close to 300 summonses had been issued in the past few months to motorists who fail to yield and pedestrians who were jaywalking. He reviewed other safety ideas he had had such as more four way stops and one way options and said pedestrian safety was important to the Chief and Commissioner and the Borough would continue to work with the Community.

Councilman and Police Commissioner Murphy thanked Ms. Oldoerp for coming to the meeting and said the Chief had made him aware of the situation. He noted that he had also receive an email from her and reached out to the Chief. He noted that the intersection in question was on State Route 35 and said the problem seems to get worse every year. He said he didn't want to shift the blame to Red Bank Catholic, but noted there was a lot of traffic coming out of that intersection. He also agreed that the intersection calls for both crossing and traffic direction. He said the town had reached out to St. James and Red Bank Catholic and they were hoping that the schools would contribute to the hiring of a police officer for the intersection.

Engineer Ballard also noted that the Borough currently had a planning grant and a planner that was actively working for Safe Routes to Schools. She said the Peter's Place/Maple Avenue intersection was high on the priority list. She said they had submitted a second grant application to the Department of Transportation to improve the intersection and if they were successful they would be able to begin improvements as early as Spring of next year.

Councilman Zipprich noted that the Safe Routes group would be meeting on Thursday, October 14, and that they were always looking for additional members.

Councilwoman Lee thanked Ms. Oldoerp and said the parents that were on the street and the taxi drivers that were in the audience could serve as the eyes and ears for the Council and alert them to traffic issues. She added that the Police Department and the Council were open for suggestions.

Police Commissioner Murphy said he wanted everyone to know that the Chief's door was always open and people should feel free to stop in or give him a call.

Peter Muller—56 Princeton Street, Middletown—asked about the grant for Peter's Place and asked if it would include blacktop. Engineer Ballard said that it would and that it was for general road improvements for Peter's Place including the improvement of the intersection at Maple Avenue.

## EXECUTIVE SESSION

10-228            The Attorney read a resolution to adjourn to executive session to discuss personnel and contract negotiations.

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

**ROLL CALL:**

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

NAYS: None

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

Councilwoman Lee offered a motion to adjourn from executive session, seconded by Councilwoman Horgan.

**ROLL CALL:**

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

NAYS: None

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

**ADJOURNMENT**

Councilwoman Lee offered a motion, seconded by Councilwoman Horgan to adjourn the meeting.

**ROLL CALL:**

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

NAYS: None

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

Respectfully submitted,

Pamela Borghi