

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
NOVEMBER 8, 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, 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 Two River Times and the Star Ledger and by placing a notice on the bulletin board and filing same with the Borough Clerk on January 3, 2010.

SUSPEND REGULAR ORDER OF BUSINESS

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

ROLL CALL:

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

NAYS: None

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

Random Sightings of Beauty Awards

Representatives of the Navesink Garden Club came forward to present their third annual Random Sightings of Beauty Awards which included terrace gardens for the first time. The winners were:

- Susan Berke & Chela St. Onge, 25 Brown Place
- Joshua & Jennifer Barons, 61 Oakland St.
- Christopher & Mandy Hanigan, 66 Oakland St.
- Linda & Vinnie Picchiotto, 17 Hubbard Park
- Alan Lowrie, Grandville Towers
- Donna Dugas, Grandville Towers
- Denise Ely, Grandville Towers

They thanked the award winners for making the world a little more beautiful. Mayor Menna thanked the Navesink Garden Club for all that they do including caring for the downtown plantings.

Monmouth Boat Club Presentation

Mayor Menna commended the Monmouth Boat Club members, trustees and its Commodore, for voluntarily making a contribution to the municipality even though they enjoyed not for profit status. He noted that the donation helps the poorest tax payers in red bank and their example should be followed by every not for profit including churches. The Commodore came forward and presented a contribution for municipal services.

2011 Classic Calendar Presentation

David Prown, of Prown's Home Improvement, said he was looking for way to give back to the community. He noted that last year he had worked with Dorn's Photography to create a calendar that focused on the main business corridor of the town. He said it was very successful and they quickly sold out. He said this year the calendar would celebrate the west side of the municipality. He said the calendars would cost \$10 each and all proceeds would go to the Parker Family Health Center.

Dr. Eugene Cheslock, founder of the center, reported that the clinic was celebrating its tenth anniversary and was volunteer driven. He said they especially appreciated the gesture by Mr. Prown to raise funds and consciousness for the center.

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

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

NAYS: None

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

WORKSHOP

None.

APPROVAL OF MINUTES – October 25, 2010

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

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 reported that there were two resolutions on the agenda he wanted to highlight, one of which was to accept a grant for \$5,000 that would provide for police overtime for DWI enforcement and the other of which was to approve the purchase of Self Contained Breathing Apparatus (SCBA) for the Fire Department. He noted that the SCBA needed to be replaced every 15 years and it was now due. He also reminded everyone that the Veteran's Day Ceremony would be on the 11th at 11 am at the monument at 51 Monmouth Street.

Councilwoman Lee had no report.

Councilwoman Horgan reported that the Environmental Commission had met on October 26 and had representatives of the Monmouth County Planning Board and the Monmouth County Health Department to speak about storm water discharge. She said it was well attended by Borough Officials, local not for profits and the public. She said the presentation reviewed how the unintentional actions of residents can impair the quality of the Navesink and Swimming rivers. She said the Borough had made great strides, but there was room for improvement and warned of the danger of throwing things on the ground, especially cigarettes. She said the Commission would be researching ways to leverage existing resources toward healthier rivers. She also reported that the Human Relations Advisory Committee had met on October 27 and Committee member Lt. Michael Clay reported that he had made a Powerpoint presentation on bullying at the Primary School and was planning a presentation on bias for the Middle School. She also noted that on the previous Friday, David Prown had organized the first Count Basie Soccer match with games for both boys and girls between the Red Bank Middle School and the Red Bank Charter School. She also noted that participants had been asked to bring a can of food for the food pantry. She also reported that on the following Friday, the Red Bank Borough Education Foundation would be holding its Foundation Day at 2 pm at the Primary School and a proclamation would be presented to honor the family of Stafford and Bette Thompson for their donation of African sculpture to benefit the Foundation's Swimming River Discoveries Project. She also noted that the Italian American Heritage Association had held a conference at the Two River Theater and reported that the Mayor had spoken at the event.

Councilwoman Lewis had no report.

Councilman Zipprich congratulated Mayor Menna and Councilwomen Horgan and Lee on their reelections. He said their reelection proved that the people of Red Bank were confident in their ability to work hard with the rest of the team to solve daily and long term problems facing the Borough. He asked

everyone to remember those who have served our country on Thursday's Veteran's Day. He also reported that the previous Wednesday, he and Councilwomen Horgan and Lee had attended an informational breakfast at Red Bank Regional High School, along with Council Members from surrounding towns, for a presentation on school's organization including Departmental presentations and a tour of the facility as well as breakfast prepared by students in its culinary program. He said the Code Enforcement Committee would be meeting this week and he wanted to remind everyone that RiverCenter would be holding their second Wedding Walk the following Saturday. He reported that the Safe Routes to School group would be meeting on the next Monday in the Council Chambers.

Councilman DuPont also offered his congratulations to Mayor Menna and Councilwomen Horgan and Lee and said that he looked forward to working with them. He reported that the Borough had done an energy audit and they were looking at other ways to cut costs. He said the next thing they were going to do was a telecommunications audit to review ways to save money on phone service. He noted that there was a resolution on the agenda to authorize the audit which would be done at no cost to the Borough. He also asked everyone to support the arbitration reform resolution on the agenda and noted that the Borough was entering into a negotiation year.

Mayor Menna congratulated Councilwoman Horgan and Lee on their reelection and expressed his appreciation to the residents of Red Bank. He also noted that, as previously reported by Councilwoman Horgan, Red Bank was in the spotlight on the previous Saturday for the first annual Italian Heritage Foundation of the State of New Jersey Conference. He noted that it was the first time the event had been held outside of an academic institution and they chose Red Bank. He said most who participated said they would be back next year. He noted that it was attended by four former Governors, half a dozen Senators and few congressmen and Federal judges. It said it was enormously positive and focused on education with the highlight being Saturday morning's keynote address by world famous author Gay Talese who also pledged to return to Red Bank. He reported that he and Councilwoman Lewis had had the pleasure of joining approximately 300 of Red Bank's youngest residents at the Two River Theater Sunday morning for what he also hoped would be an annual event. He said they had attended the One Book, One Community program hosted by the theater and the Borough schools. He also noted that the previous Sunday he and most of the Council had attended a celebration for Charlie Hubbard, a son of Red Bank, who celebrated his 100th birthday at Bates Lodge. He also thanked RiverCenter for the upcoming second Wedding Walk the following Saturday.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from Red Bank Catholic High School PTA for raffle license.

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

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 RiverCenter for free holiday parking at the meters in the White Street, English Plaza and Eastside Parking Lots in the RiverCenter district from December 14, 2010 through December 28, 2010.

Councilwoman Lee made a motion to approve the request, seconded by Councilman Murphy.

Councilman DuPont said he had spoken with RiverCenter Director Nancy Adams regarding this petition and he understood she was going to comment on it. Ms. Adams came forward and said she appreciated the Council considering the request despite the late notice. She explained that the request was an effort to make the business district competitive with shopping malls and other areas that offer free parking. She said they understood the financial situation and noted that Council DuPont and Mayor Menna had asked that she go back to the RiverCenter Board to look for ways the two organizations can work together. Councilman DuPont clarified that the Borough was looking for RiverCenter to offset some of the lost revenue due to the free parking. He added that, in the past, the Borough had always been supportive of the request but in current times they were asking a contribution from RiverCenter. Ms. Adams said they would definitely discuss it at their next meeting and try to work something out. Mayor Menna cited the example of Monmouth Boat Club's donation earlier in the meeting and noted that a voluntary contribution from RiverCenter would be most appreciated.

Councilman Murphy asked for clarification of where the vote would stand since there was a motion and a second for approval yet Ms. Adams would be discussing the request with RiverCenter the next week. Councilwoman Lee suggested the contribution would be voluntary if they approved the request. A discussion followed regarding whether the motion could be withdrawn and followed by a motion to table

or it the motion to approve should be completed. It was determined that the motion to approve should be completed.

ROLL CALL:

AYES: Horgan, Lee, Murphy

NAYS: Lewis, Zipprich, DuPont

There being three ayes and three nays, Mayor Menna cast the deciding vote of Nay and the request was declared denied.

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

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

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

ROLL CALL:

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

NAYS: None

There being six ayes and no nays, the public comment portion of the meeting was declared closed.

ORDINANCES – First Reading

2010-37 Mayor Menna read, “ORDINANCE OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”) PROVIDING FOR A SPECIAL EMERGENCY APPROPRIATION IN AN AMOUNT NOT TO EXCEED \$750,000 TO FUND CONTRACTUALLY REQUIRED SEVERANCE LIABILITIES RESULTING FROM THE RETIREMENT OF BOROUGH EMPLOYEES.”

Mayor Menna explained that a number of long standing Borough employees were retiring and they were vested by contract many years ago prior to the change in State law and were entitled to certain retirement packages. Since 1994, he continued, the Borough has imposed a cap of \$15,000 for retirement payments for all employees hired after 1993. He noted that the State had just mandated that other towns do that but Red Bank was in the forefront. He said this ordinance covered expenses for employees that were hired pre-1993 and the Borough was contractually bound to approve the payments. He said, in the past, municipalities were mandated to pay the payments immediately in one payment but there had been a recent change in State law the permitted municipalities to try to cushion the blow and space the payments out over five years and that was the purpose of this ordinance.

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 November 22, 2010.

ORDINANCES – Public Hearing & Final Adoption

RESOLUTIONS

10-236 Mayor Menna read “A RESOLUTION REQUESTING SPECIAL ITEM OF REVENUE.”

Mayor Menna noted that this was for the Over the Limit Year End Crack Down program in the amount of \$5,000 from the State.

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

ROLL CALL:

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

NAYS: None

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

10-237 Mayor Menna read “A RESOLUTION TO CANCEL 2010 PARKING UTILITY FUND APPROPRIATIONS.”

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

10-238 Mayor Menna read “A RESOLUTION AUTHORIZING TRANSFER OF 2010 CURRENT FUND AND WATER-SEWER UTILITY APPROPRIATIONS.”

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

ROLL CALL:

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

NAYS: None

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

10-239 Mayor Menna read “A RESOLUTION SUPPORTING ARBITRATION REFORM WITH AWARD CAPS.”

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

ROLL CALL:

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

NAYS: None

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

10-240 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.

ROLL CALL:

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

NAYS: None

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

10-241 Mayor Menna read “A RESOLUTION AUTHORIZING A CONTRACT WITH ALLAN ROTTO CONSULTANTS, INC. TO PROVIDE TELECOMMUNICATIONS AUDITING SERVICES.”

Mayor Menna noted that the audit would be done at no cost to the Borough and it was being done on the recommendation of the Chairman and members of the Finance Committee.

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.

10-242 Mayor Menna read “A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 RELATED TO THE CONTRACT WITH BLACK ROCK ENTERPRISES FOR THE 2010 ROAD PROGRAM.”

Councilwoman Lee 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.

10-243 Mayor Menna read “A RESOLUTION AUTHORIZING CHANGE ORDER NO. 3 RELATED TO THE CONTRACT WITH PRECISE CONSTRUCTION, INC. FOR THE COUNT BASIE PARK SYNTHETIC TURF FIELD PROJECT.”

Mayor Menna noted the change was for fencing work and would still be below the contractual award.

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

ROLL CALL:

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

NAYS: None

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

10-244 Mayor Menna read “A RESOLUTION AUTHORIZING PREPARATION OF BID SPECIFICATIONS AND RECEIPT OF BIDS RELATED TO A LEASE FOR RIVER BOAT CRUISES AT MARINE PARK.”

Councilwoman Lewis 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.

PROCLAMATIONS

Mayor Menna read a proclamation proclaiming November 12, 2010 as a day of recognition of the family of Florence and Stafford Thompson.

Mayor Menna read a proclamation proclaiming October 31, 2010 as a day of recognition of the 100th Birthday of Charles Hubbard.

PAYMENT OF VOUCHERS

10-245 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$4,682,371.52.”

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

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

None.

NEW BUSINESS

None.

AUDIENCE

Adam Sobel—150 Chestnut Street—congratulated Mayor Menna and Councilwomen Horgan and Lee on the reelections and said he wanted to speak on the subject of the Borough's vending ordinance. He noted that he had attended a Council meeting couple of months before to state his case regarding his thoughts that the ordinance was prohibitive to business. He said he had recently received a notice that the ordinance had been revised but in a way that eliminated even more streets from those available to mobile vendors. He said he wanted to come and state his intentions and offer solutions. He described his vegetarian business and noted that he had been nominated for an award. He said he wanted to operate in a way that would not compete with local vendors and that it was a misconception that his business would interfere with brick and mortar businesses. He noted that he had been operating on White Street where he didn't feel he would pose a threat to downtown businesses and said that many of his customers come from as far as Philadelphia and Brooklyn. He noted he had been at the Farmer's Market and, now that it was closed, he wanted to stay in town. He said he was aware of the Borough's concerns and suggested possible solutions to his problem such as designating a vending area in the Borough or bidding a public space. He also asked if he could be "grandfathered" to continue to operate on White Street since he obtained his permit before the ordinance was amended. He urged the Council to consider a solution and said he was determined to continue to serve the community.

Mayor Menna congratulated Mr. Sobel on his award nomination and said he had given the Council food for thought. He said they would have to discuss the options with the Borough Attorney and that he was intrigued by some of the things he had said.

Councilman DuPont said he had represented other municipalities and they had done something similar to what Mr. Sobel suggested. He said he liked the idea of bidding out a location.

April Clemley—28 Riverside Avenue—congratulated the Mayor and two Councilwoman on their reelection. She said she was appearing to discuss pedestrian safety especially in regard to Riverside Avenue and said the intersection at Maple Avenue and West Front Street by Veteran's Park was one of the most dangerous. She described the difficulty of crossing the street at that location and noted the recent fatal accident that occurred there. Mayor Menna noted that they could not discuss particulars of that incident as it was still under investigation. Ms. Clemley also noted that many older residents live in the area at Navesink Harbor. She said she knew the Police were working on enforcement but said she did not feel the lights and signage were adequate and asked the Council to urge the State to reassess the situation.

Mayor Menna said he had met on Friday with the Police Chief and the Police Commissioner and noted that the Chief had already started a number of requests with the Department of Transportation including reducing speed limits. He said he was one of the strongest advocates of four way stops. He added that the Borough's safety program was working and said in the past month over 300 summons had been issued for failure to yield. He said the Chief would be meeting with the Traffic Safety Division to discuss areas of concern and to aggressively look into solutions. He said they were all very concerned and noted that the County will be making improvements to the Front Street intersection and to Shrewsbury Avenue which were both County roads. He said Chief McCarthy was very concerned and would be looking at speed, signage and increasing stop signs. He noted that enforcement was key.

Councilman Zipprich told Ms. Clemley that there was a meeting next Monday of a grass roots Safe Routes to School Committee which was looking at pedestrian issues and invited her to participate.

Councilman Murphy said others had emailed the Chief and he had started an extensive report on the intersection after the accident occurred and his Department was conducting an investigation. He also noted the Safe Routes Committee and said Red Bank is working on the issue including fluorescent signage.

She thanked the Council for their attention to the matter.

Councilman Murphy again noted that the accident she had mentioned was still under investigation but that the Department was working on it.

Administrator Sickels said the Borough had been fighting for years to preserve the town. He said at one time there was a plan to increase Highway 35 to four lanes and the town had resisted in the interest of pedestrian safety. He also noted several incidents where the Borough had fought for traffic lights for increased pedestrian safety.

Chris ___—Avon—said he was appearing to support Adam Sobel and talked about the time he spent in Red Bank after doing business with the mobile vendor.

Councilman Murphy said he thought the issue was less about the infringing on the business community than it was about where he was doing the business and how many vendors would be allowed. He said the Council would look into the matter.

Amber ___—New Monmouth—said she was a former Red Bank resident and said she doesn't come back to town often but when she does it is to visit Mr. Sobel's business. She said now that the Farmer's Market was ending, she wanted to ask the town to find a way to keep his business available.

Councilman Murphy asked Mr. Sobel about his participation at the Farmer's Market

Melissa Zimmerman—209 William Street—asked the Council to comment on recent incidents of what she considered to be violent crime including a robbery, shots being fired and stabbings. She said she was aware of the Neighborhood Crime Watch discussion scheduled for the next day.

Mayor Menna said the incidents had been the subject of the meeting he had had with the Chief of Police and the Commissioner that he had mentioned earlier. He said the incidents were under active investigation and it would be premature to comment on the details. He said the police had been vigilant and he believed the neighborhoods were under control. He called the recent incidents peculiar and said they were being actively investigated. He said the police would have comments soon.

Councilman and Police Commissioner Murphy said the investigations were ongoing but were ending. He said there were two isolated incidents one of which was a stabbing where they knew who was involved and the second was regarding shots fired that was determined to be two individuals "goofing around." He asked Ms. Zimmerman for details on the reported car jacking. She said it occurred on Bergen Place. Mr. Sickels clarified that there was an incident reported where nothing was taken but that the matter was being actively investigated. Ms. Zimmerman said she was sure it was still scary. Mr. Sickels said there were a lot of sides to the investigation that they could not disclose. She said she understood and asked if Borough officials would be participating in the Crime Watch meeting. The Mayor and Councilman Murphy said the Chief of Police would be there.

Councilman Murphy offered a motion to close the audience portion, seconded by Councilman Zipprich.

ROLL CALL:

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

NAYS: None

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

10-246 The Attorney read a resolution to adjourn to executive session to litigation.

Councilman Murphy offered a motion to adjourn to executive session to discuss litigation, 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 and Attorney Pringle recused themselves from executive session.

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

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

ADJOURNMENT

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

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

Respectfully submitted,

Pamela Borghi