

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
JANUARY 25, 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, Deputy Borough Clerk Borghi, Attorney Pringle, Engineer Ballard and Chief Financial Officer Mason.

ABSENT: Assistant Attorney Hall and Auditor Kaplan.

SUNSHINE STATEMENT

Mayor Menna requested the minutes reflect that, in compliance with Public Law 1975, Chapter 231 (Open Public Meetings Act), notice of this meeting has been provided by notifying the Asbury Park Press, the 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

Monmouth Street Closings

Councilman Zipprich said he had been asked by residents if the Council would consider closing off Monmouth Street in the summer months on a weekend end day to encourage pedestrian traffic and open air dining. Mayor Menna said it was an idea that had been discussed on a regular basis with the RiverCenter Board and various merchants. He said it was still under discussion and he thought there would be a report from RiverCenter in the future. Councilwoman Lee asked the RiverCenter Director Adams to step forward from the audience and asked her if she thought the idea could be considered for the Sidewalk Sale. Ms. Adams said it probably wouldn't be a good idea for the Sidewalk Sale because merchants bring items out to the sidewalk and would like to have the parking available. She added that it was something they would consider. Councilwoman Lee said they would talk about it.

Relief for Haiti

Councilman DuPont noted that there were a lot of relief efforts going on for Haiti and said the Pilgrim Baptist Church was gathering relief items. He said, in addition, he was volunteering with Hoops for Haiti in which the Rumson Fair Haven Basketball team will be playing Middletown South the following Saturday, January 30 at Middletown South. He said people could donate a monetary amount for every child at the game and they would also be accepting canned goods, blankets or things of that nature.

APPROVAL OF MINUTES – January 11, 2010

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

ROLL CALL:

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

NAYS: None

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

MAYORAL APPOINTMENTS

Mayor Menna appointed Janee Prown to the Environmental Commission as an Alternate No. 2 Member for a 1-year term expiring 12/31/10.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Murphy reported that the Testimonial Dinner for 2009 Fire Chief Joseph Forgione would be on Saturday, January 30th at the Oyster Point Hotel from 6:30 to 10:30 pm.

Councilwoman Lee said she want to commend the Department of Public Works. She said the wall had been opened and they were removing and inserting the new tank. She also reported that she had attended the Community Advisory Group at Riverview/Meridian. She said they would be hosting their Red Dress

Event and partnering with Women's Heart Health. She added that the women only event would be held February 25, 2010 at Buona Sera. She said they would also be participating in the Women's Heart Health Heart and Soul Gospel Extravaganza to be held on February 5 from 6 to 9pm at the Neptune High School. She said there will be heart and blood pressure screenings. The final item from Riverview, she continued, would be an expansion of "Pink Bank" by taking the program to Monmouth Beach under the name "Pink Beach." She said she also understood members of the boat club would be working with Riverview on a regatta. She urged everyone to support Riverview in their efforts to make a healthier community.

Councilwoman Horgan welcomed Janee Prown to the Environmental Committee and said they were fortunate to have her. She said Ms. Prown had been very active with the Green Team in working toward certification with Sustainable Jersey. She welcomed volunteers to participate in the Green Team and said they would be meeting on the third Tuesday of each month at 6:30 pm in the third floor conference room at Borough Hall.

Councilwoman Lewis reported that the Parks and Recreation Committee had met on the 19th and had a full agenda. She said the Borough Engineer had attended and discussed the incinerator/Sunset Park and Count Basie turf projects. She said they also had preliminary discussions to plan for summer camp. She said the Acting Director was in attendance who gave a status report on the kick off of the winter programs.

Councilman Zipprich reported that the Historic Preservation Commission had met the previous week with the Borough Engineer and the Planning and Zoning Director and on Wednesday of the previous week they appeared before the Planning Board to share ideas for the design guideline for the transit overlay district. They also pledged their willingness to work and fully collaborate with Planning and Zoning and the Borough Engineer on that project. He also offered a reminder from the Board of Health regarding the fact that the Monmouth County Regional Health Commission would be holding their final H1N1 clinic on Thursday, January 28th at the Monmouth Mall in the SCAN office from 1 to 3 pm. He noted that it was open to any New Jersey resident over the age of six months. He said the information was also available on the Borough's website. He said he wanted to thank the Shade Tree Committee on behalf of the entire Council for applying for a \$7,000 grant through the New Jersey DEP Business Stimulus Fund (BSF). He added that the award has been endorsed by the New Jersey Forestry Council and provides funds to assist Red Bank with implementing projects that the Shade Tree Committee has identified in the Community Forestry Management Plan. He said the grant would also serve to stimulate the local economy by helping them to hire local businesses to complete the forestry projects. He noted that the BSF grants are funded through the American Recovery and Reinvestment Act.

Mayor Menna noted that the Local Board of Health had only been meeting quarterly and, in light of some suggestions made last year as well as some reports he had received from the newest addition to the Board of Health, he asked Councilman Zipprich if he thought it would be appropriate to change the regulations to mandate monthly meetings like every other committee. Councilman Zipprich said he thought monthly meetings would be far more advantageous to the Borough. Mayor Menna asked everyone to think about it and, unless he heard otherwise, he would direct the Borough Attorney to introduce a change in the ordinance.

Councilman DuPont noted that 16 percent of the Borough's properties were not-for-profits and as the Council enters the budget process, he said the Finance Committee felt they needed to do a resolution to encourage Trenton to recognize that it was a hardship. He said he wanted to do it by resolution to help the State Legislature to recognize and understand that 16 percent of our assessed value is not-for-profits. He said he would like to see the resolution prepared and passed at the next meeting. He asked CFO Mason what the Borough's total assessed value. Mr. Mason estimated it was about \$2.2 billion. Councilman DuPont asked him what 16 percent of that would be. Mr. Mason estimated it was a couple of hundred million. Councilman DuPont said the Finance Committee had also discussed ways to generate revenue including increasing shared services which would include reduction as well as recurring revenue. He also commended CFO Mason on his dedication in regard to his diligence in attending the meeting when he had a pressing family matter.

Mayor Menna said, in regard to the issue of not-for-profits, many at the local and State level have been banging heads with some State elected officials to no avail. He noted that he had had a conversation with the new Governor's Chief of Staff and the Mayor believed he understood the issues Centers face in regard to not-for-profits. He added that he thought they could have something on the table for the next meeting. He said he had already spoken with the local Legislative team but didn't know what response they would take. He said the time had come for action especially in regard to Centers. He noted that it would be a difficult financial year but said they would do the best they could. He said he was very grateful that Red Bank was still extremely competitive. He noted that he and RiverCenter Director Adams would be taping the cable show Caucus New Jersey and would be speaking about the economic challenges faced by smaller municipalities. He said that, statistically, he thought Red Bank was doing well. He said the fact that another world class corporation had decided to make its Eastern US Headquarters in Red Bank was phenomenal. He reviewed more businesses slated to come into the Borough. He said he agreed with Councilman DuPont on the issue of not-for-profits, adding that expenses were not the Borough's biggest problem, but rather it was recurring revenue especially without new development.

Mayor Menna announced that long time resident and founder of the Senior Center Ethel Frankel had passed away on Saturday. He commended Ms. Frankel's efforts to bring the Senior Center to what it is today.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from Healing the Children Midlantic, Inc. raffle license.

Councilman Murphy offered a motion to approve the request, 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 the Dublin House to install a temporary tent in the courtyard fronting Monmouth Street for scheduled St. Patrick's Day festivities on March 17, 2010, pending approval of the Special Events Committee.

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

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 Dublin House for use of the White Street parking lot to hold "Bike Night" one Thursday per month from 6 p.m. to 10 p.m. for the months of May to September, pending approval of the Special Events Committee and the Chief of Police.

Mayor Menna said he wasn't sure if RiverCenter had reviewed this request, but noted that it is on the same night as the Borough's Jazz in the Park Event. He said by approving this type of event for one restaurant, the Council may be pressed to do it for the others. Councilman DuPont asked RiverCenter Director Adams if RiverCenter had looked at it or approved of it. She said it had been discussed at their Board meeting and said there was some hesitation over the event being on Thursday night since it was fairly busy. Ms. Adams said the Dublin House proprietor, Eugene Devlin, had offered to switch the event to Wednesday, which she said would be better. Mr. Devlin noted that the participants would be upscale clientele. Mayor Menna said the Council's concern was not the type of people coming into town but rather the fact that Thursday was a very busy night. Councilman Zipprich asked if it would make sense to table the matter since they were considering changing the night of the week. Councilman Murphy suggested they let the Special Events Committee handle it. Ms. Adams said they could ask the participants to park in the Eastside Lots. Mayor Menna said that would make more sense because the summer was such a busy time for the White Street parking lot. Ms. Adams said they would discuss it at the Special Events Committee. Administrator Sickels suggested that since it was being proposed for a Wednesday night, which wouldn't conflict with the Tuesday and Thursday night scheduled events, that the Council approve the request subject to approval of the Special Events Committee.

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

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 Siena Grille to hold a Super Bowl Tailgate Party on February 7, 2010 from 2 p.m. to 6 p.m. in their parking lot located across the street on the corner of Herbert Street and Shrewsbury Avenue, pending approval of the Special Events Committee.

Councilman Murphy 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.

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.

Ben Forrest—Locust Avenue—asked if the tailgate party was something that was held every year, adding that he hadn't heard of it. Councilman Murphy said it was the second year and the Chief of Police had recommended approval noting there had been no problems last year. He added that when the game starts, everyone goes inside. Mr. Forrest asked if it would be enclosed. Mayor Menna said they would have a fence around the area. Mr. Sickels said he thought they also hired a police officer.

Councilman Murphy offered a motion to close the public comment portion of the meeting, seconded by Councilman DuPont.

ROLL CALL:

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

NAYS: None

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

ORDINANCES – First Reading

None.

ORDINANCES – Public Hearing & Final Adoption

2010-1 Mayor Menna read “AN ORDINANCE AMENDING CHAPTER II, “ADMINISTRATION,” SUBSECTION 2-53, “HISTORIC PRESERVATION COMMISSION” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK TO PROVIDE FOR UP TO TWO ALTERNATE MEMBERS.”

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

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

ROLL CALL:

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

NAYS: None

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

Councilman Zipprich offered a motion to adopt the ordinance on final 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 final reading.

2010-2 Mayor Menna read “AN ORDINANCE AMENDING CHAPTER III, POLICE REGULATIONS, SECTION 3-15, “FEES” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY.”

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

NAYS: None

There being six 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: Lewis, Zipprich, DuPont, Horgan, Lee, Murphy

NAYS: None

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

2010-3 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XVIII, SECTION NINE, “PARKS AND RECREATION” AMENDING SECTION 18-6, “FEELS AND CHARGES.”

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

No one appearing, Councilwoman Lewis offered a motion to close the public hearing, seconded by Councilman Zipprich.

ROLL CALL:

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

NAYS: None

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

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

ROLL CALL:

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

NAYS: None

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

RESOLUTIONS

10-31 Mayor Menna read “A RESOLUTION CONSENTING TO AN ASSIGNMENT OF A LEASE OF PARKING SPACES IN THE MECHANIC STREET TO WALLACE STREET PARKING LOT.”

Councilman DuPont offered a motion to table 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 tabled.

10-34 Mayor Menna read “A RESOLUTION OPPOSING OFFSHORE LIQUIFIED NATURAL GAS PORT FACILITIES IN THE NEW JERSEY/NEW YORK CLEAN OCEAN ZONE.”

Councilwoman Horgan noted that she had reported on this issue on behalf of the Environmental Commission at a previous meeting and added that she felt the Borough should be very concerned about what is happening to natural resources. She said Liquefied Natural Gas (LNG) had an impact on marine species, shipping lanes, etc. She also noted that it would be imported which would compound the nation’s dependence on foreign fuel. She said the Environmental Commission had passed a resolution and had asked the Council to support their effort.

Councilwoman Horgan 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.

10-35 Mayor Menna read “A RESOLUTION HONORING 2009 FIRE CHIEF.”

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.

10-36 Mayor Menna read “A RESOLUTION IN SUPPORT OF THE RED BANK AFFORDABLE HOUSING CORP’S SECOND APPLICATION FOR CHOICE SUBSIDY.”

Mayor Menna noted that Choice Subsidy was a program that would provide funding through New Jersey Mortgage Finance for construction and acquisition costs.

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: DuPont

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

10-37 Mayor Menna read “A RESOLUTION CONFIRMING THE ENDORSEMENT OF THE CEDAR CROSSING PROJECT AS A COMMUNITY DEVELOPMENT PROJECT.”

Mayor Menna said this resolution was necessary for the Department of Community Affairs as well as New Jersey Mortgage Finance Agency to continue with their funding of the project.

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: DuPont

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

10-38 Mayor Menna read “A RESOLUTION TO CANCEL 2009 PARKING FUND APPROPRIATIONS.”

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.

10-39 Mayor Menna read “A RESOLUTION AUTHORIZING TRANSFER OF CURRENT FUND APPROPRIATION RESERVE.”

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.

10-40 Mayor Menna read “A RESOLUTION AUTHORIZING PREPARATION OF BID SPECIFICATIONS AND RECEIPT OF BIDS RELATED TO THE INSTALLATION OF ARTIFICIAL TURF AT COUNT BASIE 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.

10-41 Mayor Menna read “A RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES AND INSPECTION ESCROW REGARDING BANK OF AMERICA, 170 BROAD STREET, BLOCK 104, LOTS 14 & 15.”

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.

10-42 Mayor Menna read “A RESOLUTION AUTHORIZING ACCEPTANCE OF PROPOSAL SUBMITTED FOR PROVIDING ENERGY AUDITING SERVICES IN COMPLIANCE WITH THE REQUIREMENTS OF THE NEW JERSEY LOCAL GOVERNMENT ENERGY AUDIT PROGRAM.”

Councilwoman Horgan 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.

10-43 Mayor Menna read “A RESOLUTION AMENDING THE 2010 TEMPORARY APPROPRIATIONS.”

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.

10-44 Mayor Menna read “A RESOLUTION ESTABLISHING A SALARY FOR POSITION OF CHIEF OF POLICE.”

Councilman Murphy 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

Mayor Menna read a proclamation paying tribute to Retired Chief Mark Fitzgerald.

PAYMENT OF VOUCHERS

10-45 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,171,477.74.”

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

Councilman Zipprich reported that the Borough had filed its first application for a college intern and he hoped the program would provide real life experience to a student while increasing productivity of a Borough Department with no cost to the Borough. He said the program would benefit both the student and the Borough.

AUDIENCE

Carl Colmorgen—67 Oakland Street—asked if the Department of Transportation (DOT) would be doing anything in regard to the Maple Avenue traffic lights. He noted that Monmouth Street is often blocked for a green light because of cars stopped further up at White Street. He suggested signage stating not to block the intersection adding that he knew it was a police matter but didn’t think it was a priority. He said the lights needed to be synchronized better to avoid the situation. Mayor Menna said that was a good idea and asked Administrator Sickels to reach out to DOT to discuss the matter. The Mayor added that it was also an enforcement problem. Mr. Colmorgen noted that the new light had improved the ability to cross from Water Street but had created a problem elsewhere. He added that an emergency vehicle would not be able to get through the intersection when it was blocked. All agreed that circulation had improved, but agreed there were problems. Councilman Murphy said he would ask Capt. McConnell to look at the situation.

Jim Harris—97 Mechanic Street—said he was noticing a problem with people parking in his neighborhood during the day. He said he understood that one of the parking officers had been hurt and that enforcement was lacking. Mayor Menna referred the matter to Public Works Director Watson. He also noted that there is ample parking for hospital employees and if they are not parking in their designated areas, they should be ticketed. Mr. Harris said he observes people parking all day, every day and not being ticketed. He also asked about the status of the two hour parking ordinance. Mayor Menna said it was in effect and needed to be enforced. Mr. Harris said he was told by Mr. Watson that the problem with lack of enforcement was due to the fact that there was a problem with the ordinance in regard to signage. Mayor Menna said there was a problem with signage on certain streets other than Mechanic and it had been resolved.

Councilman Murphy offered a motion to close the public comment portion of the meeting, 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.

EXECUTIVE SESSION

10-46 The Attorney read a resolution to adjourn to executive session to discuss personnel.

Councilman DuPont offered a motion to adjourn to executive session to discuss personnel, 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 Murphy excused himself during the Executive Session.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee

NAYS: None

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

ADJOURNMENT

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Horgan, Lee

NAYS: None

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

Respectfully submitted,

Pamela Borghi