

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
FEBRUARY 8, 2010  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

**ALSO PRESENT:** Administrator Sickels, Deputy Borough Clerk Borghi, Attorney Hall, Engineer Ballard and Chief Financial Officer Mason.

**ABSENT:** Councilwoman Horgan, 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.

**SUSPEND REGULAR ORDER OF BUSINESS**

Mayor Menna noted that he believed there were several members of the public in attendance who were appearing in regard to a matter concerning the YMCA and asked for a motion to suspend the regular order of business to give them an opportunity to be heard.

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

**ROLL CALL:**

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

**NAYS:** None

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

**Community YMCA**

Martin McGann, Attorney for the YMCA, and Andrea Plaza, Vice President of the Red Bank Community YMCA came forward to address the Mayor and Council about their request for a variance that had been heard by the Zoning Board the night before and denied. Ms. Plaza said she was attending the meeting with members of the YMCA to request the Council consider making a zoning change. She noted that the YMCA had been a part of the Community for 136 years which she believed was the longest running charitable organization in the Community. She said they were proud of the impact they had had on residents of the community and reviewed the work the YMCA had done in the community and the several programs that were offered to residents. Some of the initiatives she outlined included the YMCA's efforts to combat childhood obesity noting that they work with children and parents on both activities and nutritional information, their offer of free memberships to Red Bank first responders including fire and police personnel, working with the Borough Recreation Department and their open door policy every Friday where anyone in the Community was welcome to come and walk the track.

Mayor Menna said her testimony was eloquent and thought provoking noting that it was important and beneficial information. He confirmed that their request was for the Council to consider an amendment to the Master Plan and to the Zoning Ordinances. He said that the request was appropriate and noted that, under the Municipal Land Use Law, there were provisions for any interested participant to make such a request but there had to be a threshold basis for the request. He said, based on her testimony, he thought it was something the Council should consider. He noted that recreational facilities were permitted south of Drs. Parker Boulevard on Maple Avenue but are not permitted used north of Drs. Parker Boulevard. Mayor Menna added that he felt there were legitimate questions for the Council to review with the Borough Planner. He assured her that the Council would be reviewing the issue and outlined the process adding that it would be expeditious.

Pat McAlary—Chestnut Street—said the YMCA had been a big part of his life and he was aware of concerns about traffic patterns and infrastructure but said he was also aware that the YMCA had made some gestures toward renewable energy and water reclamation. He said he felt the YMCA was very worthy of consideration for a change in the zoning ordinances because of all that they bring to the community.

Jeff Frieri—145 Branch Avenue—thanked the Mayor and Council for their consideration. He stressed the importance of the YMCA in this time of the national health care debate adding that it starts at home. He talked about the importance of exercise and eating right as well as other healthy alternatives. He said he felt there were some bad feelings at the Zoning Board meeting. He said he was getting a better understanding of it from the Mayor and Council and thanked them for that.

Ned Gaunt—15 Alston Court—said his children grew up with the YMCA and he had spent a lot of time there as a member. He started to discuss the specific architecture but the Mayor stopped him and asked that he not discuss details as there could be an appeal and asked him to discuss only the possibility of zoning changes. Mr. Gaunt declined to comment further.

Mayor Menna noted the Mr. McGann had heard the comments made by the Mayor and said he thought the Council was in concurrence. He said he and the Borough Planner would probably be in touch with him in the very near future.

## **RESUME REGULAR ORDER OF BUSINESS**

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

## **WORKSHOP**

**Mayor's Wellness Campaign**—Councilman DuPont encouraged the Mayor to begin a Mayor's Wellness Campaign noting that the State of New Jersey is offering an initiative by the New Jersey Health Care Quality Institute. He said the Mayor would be provided tools to develop an implement active living initiative in the community.

**Hardship Resolution**—Councilman DuPont said he didn't see a resolution for a Declaration of Hardship on the agenda noting that the Borough Counsel had been asked to prepare one at the last meeting. Mayor Menna said the reason it wasn't on this agenda was because they were seeking language from the Office of Legislative Services and that it would be on for the next meeting. Councilman DuPont said, as a follow up to the earlier discussion, Red Bank has \$373 million worth of properties that are not paying taxes which were about 182 parcels. He said the tax revenue loss was about \$1.7 million. He was hoping that this resolution outlining the hardship that Red Bank is experiencing would prevent the Borough's State Aid from being cut.

**COAH Restructure/Elimination Bill**—Councilman DuPont said he understood this bill would probably be undergoing some changes but that he would like to have a resolution in support of the bill to restructure or eliminate COAH in light of the fact that it would modify the program to allow the Borough to plan for affordable housing rather than the State. Mayor Menna said the bill, known as S1, was a smart bill because it says the Office of State Planning would regulate those types of issues and they have to take into consideration the unmet needs of the local municipalities but also have to consider a local municipality's providing of affordable housing opportunities and alternatives. Councilman DuPont said the bottom line was that it places the decisions of affordable housing with the municipality. He said they have seen the restrictions COAH places on developers and sometimes it impedes the development. He added that in light of this economic environment as well as the need for affordable housing, there needs to be an entity that promotes affordable housing rather than serving as an impediment as COAH seems to. He again asked for a resolution.

Mayor Menna said he had read the bill in its entirety and agreed that it would probably undergo changes, but added that he felt the essential parameter was going to be so strong that towns like Red Bank would fare immensely well because they do provide affordable housing through rental units constricted by rent control. He suggested everyone read the bill and the Council could consider a resolution similar to the one recently passed in Middletown.

**Soles4Souls**—Councilman DuPont reported, in connection with the Education and Technology Committee, that the Red Bank School system would be working with the organization Soles4Souls to collect shoes for victims in Haiti and impoverished children around the world. He noted that he had been active in the Haiti relief efforts and was aware of the work done by Soles4Souls. He gave a brief history of the organization and reviewed its activities. He said when he first heard about his organization, he reached out to all of the Borough schools and they were all very excited about participating. He said he had also found a trucking company that was willing to ship them to Nashville for distribution. He said a shoe drive would take place on February 27 with shoes being collected in all of the Borough schools and at Borough Hall. He said he looked forward to making a difference in the community and asked the Council to support this program.

Councilwoman Lee noted that it was not just for children's shoes but that there were also needs for items like men's work boots or women's dress shoes that could be used to help people re-enter the work force. She also said the Borough can designate that the shoes collected here go to a specific location such as Haiti.

Mayor Menna said he thought it was a great idea and said the Borough would work to implement it. Administrator Sickels also stressed that the organization was looking for new or "gently used" used items.

#### **APPROVAL OF MINUTES – January 25, 2010**

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

#### **MAYORAL APPOINTMENTS**

Mayor Menna appointed John Grandits to the Library Board as a Regular Member for an unexpired 5-year term expiring 12/31/10.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

Mayor Menna appointed Andrew North to the Historic Preservation Commission as Alternate No. 2 for a 3-year term expiring 12/31/12.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

Mayor Menna appointed Debra Marks to the Zoning Board of Adjustment as Alternate No. 4 for a 2-year term expiring 12/31/11.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

#### **REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilman Murphy reported that he had received a thank you note from former Police Chief Fitzgerald thanking everyone for attending his retirement dinner. Councilman Murphy also thanked everyone for attending the testimonial dinner for 2009 Fire Chief Joseph Forgione the previous weekend.

Councilwoman Lee commended the Department of Public Works for their efforts in clearing the streets from the recent snow storm and noted that another was expected in the coming days.

Mayor Menna thanked Councilwoman Lee for her idea of forming an interdepartmental group to work together regarding the storm. He said because of that planning and understanding between all of the departments, it made everything easier.

Councilwoman Lee said limiting parking on certain streets made it easier to clear the streets. She also asked anyone who noticed any trouble spots to notify the Borough.

Councilwoman Lee also invited the Mayor and her fellow Council members to the Riverview Boardroom, Wednesday, February 17, from 6:30 to 8 pm to see the new cardiac catheterization lab.

Councilwoman Lewis said she had no report but wanted to add to Councilwoman Lee's report. She said she had spent time riding with Public Works Director Watson and felt Public Works did an amazing job. She said she agreed that the task force did a great job.

Mayor Menna noted that the group planning effort was a first and as a result everyone knew exactly what to do.

Councilman Murphy noted that a few vehicles were towed in problem areas and summonses were written. He also noted that there will be towing and summonses issued in upcoming storm also.

Councilman Zipprich said he wanted to congratulate Red Bank on receiving three People's Choice Awards from Jerseyarts.com. He said he also wanted to congratulate Councilwoman Lewis on her nomination to the Red Bank Regional Education Foundation's Hall of Fame this year. He also reported that on February 19, Sarah Klepner will be presenting a talk on T. Thomas Fortune at the Senior Center as part of Red Bank's Black History Month celebration. He reviewed Mr. Fortune's life and accomplishments. Councilman Zipprich reported that the Planning Board subcommittee had met the previous week to review the train station overlay district's design guidelines. He also reported that he and the Chair of the Shade Tree Committee had met with Mr. Sickels to review documents to finalize the \$7,000 BSF grant that had been obtained through the efforts of the Shade Tree Committee. He said the Construction Office, along with Planning and Zoning, continue to see a steady flow of business and noted that the Code Enforcement Committee will meet the following week to discuss the year's departmental budget and building activity currently on the books.

Councilman DuPont reported that the Finance Committee had met and noted that the Borough's debt had gone down \$1.1 million. He said they were continuing to try to reduce that number as well as the Borough's operating expenses. He invited members of the community to come up with suggestions for ways the Borough could reduce expenses or increase revenue. He said the committee is waiting for the Directors to come back with their comments or suggestions regarding the budget.

## **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from the Diocese of Trenton to hold their annual march from St. Anthony's Church north on Bridge Avenue to Chestnut Street to Maple Avenue to Peters Place to Broad Street to Newman Springs Road on Saturday, March 13, 2010, pending approval of the Chief of Police.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from Riverview Medical Center to hold the 4<sup>th</sup> Annual "Paint the Town Pink" Week from May 1-May 8, 2010, pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from Riverview Medical Center to hang a banner on Shrewsbury Avenue from April 12-May 10, 2010 to advertise the 4<sup>th</sup> Annual Paint the Town Pink Week.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from Two River Theater to hold their annual Gala fundraiser on Saturday, April 17, 2010, pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from Hometown Mortgage, 60 Broad Street, to place a “sandwich sign” on the sidewalk in front of their office from March 1-March 31, 2010 to advertise the opening of their business, pending approval of RiverCenter.

Councilwoman Lee asked if there had been requests for sandwich signs before. Mayor Menna noted that there was currently a ban on them. He noted that the dispute began back in 1982 adding that they had been banned previously and the town decided to permit them. He said they were allowed for 10 or 15 years and there were a lot of issues regarding the fact that some businesses could have them and some couldn't. He said it seems that the people using the sandwich signs were always on the narrowest street which affected pedestrian traffic. He recalled that former Councilman Bifani had been a strong business advocate and of sandwich board signs. But after reviewing the situation, he continued, Councilman Bifani made the motion to remove the approval of sandwich board signs and permit blade signs that would extend from buildings and have less impact. He said the problem was if they allowed one, they would have a problem denying others.

Councilman DuPont asked why it was on the agenda if they were banned. Mayor Menna said it was on the agenda because they had submitted a request to the Mayor and Council for a waiver. Mr. Sickels confirmed that it was placed on the agenda because the letter had been addressed to the Mayor and Council. He added that the Council had, within the last six months, made a decision not to change the ordinance banning the signs. He also noted that the entrances for the second floor offices of this particular building were in the center of the building. He said, from a code enforcement point of view, the concerns were if they were to permit this one tenant of the multi-tenanted second floor to put such a sign up, they would almost have to permit each one of the tenants on the second floor to put a sandwich board sign up. He added that the building next door has two upstairs floors with tenants that could make similar requests. Mayor Menna said this was why Councilman Bifani, who the Mayor again noted was a strong advocate for business and studied the issue thoroughly, came up with the blade sign alternative.

Councilman DuPont asked RiverCenter Director Nancy Adams to step forward from the audience and asked if her organization had a preference in the matter. She said that RiverCenter had just submitted a request to the Borough to consider allowing the signs again under the discretion of RiverCenter's Visual Improvement Committee regarding design standards, where they would go and how many could be added in a given time. She said they would work in conjunction with Code Enforcement. She said she realized the matter had been tabled at one time.

Mayor Menna said it was tabled because the proposal had raised a lot of issues and he didn't feel RiverCenter should be approving things in the public right of way. He said he felt the elected representatives should be making those decisions because they are the ones that have to answer to the voters.

Councilman Murphy said he would not have a problem with sandwich boards for businesses on the first floor but he could see where it would be a problem for second floor businesses. He said he thought it should be handled by Code Enforcement the same way the outdoor cafés were handled for merchants on the first floor as long as it was not hindering the sidewalk.

Mayor Menna noted that the request in question was from a second floor occupant and said he had been advised by Attorney Hall that legally it shouldn't be on the agenda because the Council cannot waive an ordinance by resolution.

Councilman DuPont tabled the matter for further discussion and asked that the business owner be notified that at this time it would take more than a request to the Mayor and Council, that it would take a modification of the ordinance.

Administrator Sickels said they should be told that no action was taken because it was a violation of the ordinance and that the Council is considering a recommendation to change the ordinance. He also noted that it was not the first time that the issue had come up with RiverCenter and he noted the problem was RiverCenter making the approvals was that the organization didn't cover the whole town while the ordinance ban is town wide. He said that was why they thought the Borough should create the design guidelines and be in charge of enforcement.

Mayor Menna said he had been through these types of requests before and described how they could escalate to displays that would prohibit pedestrian traffic.

Councilwoman Lee offered a motion to table the request, seconded by Councilman DuPont.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from Red Bank Green to hold the 3<sup>rd</sup> Annual Town Wide Yard Sale on September 25, 2010, pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

Mayor Menna read requests from High Technology High School Parent-Faculty Association for raffle licenses.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from RiverCenter to hold the Red Bank Wedding Walk on March 20, 2010 from 10:00 a.m. to 3:00 p.m., pending approval of the Special Events Committee.

Mayor Menna reviewed the program organized by RiverCenter that would attract several hundred prospective wedding participants to sample Red Bank businesses.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from RiverCenter to hold Third Thursdays from 5:00-9:00 p.m. on April 15, May 20, June 7, July 15, August 19, September 16, October 21, November 18 and December 16, 2010, activities to include outside display of merchandise and StreetLife performances, pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from RiverCenter to hold the Spring into Pink Bank on May 1 & 2, 2010 which includes outside display of merchandise and StreetLife performances, 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, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from RiverCenter to hold the Red Bank Farmers Market on Sundays from May 9-November 21, 2010 from 9 a.m. to 2 p.m. in the Galleria Parking Lot, pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from RiverCenter to hold the Streetlife program on Saturdays from June 5-August 28, 2010 from 6 p.m. to 9 p.m., pending 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, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from RiverCenter to hold the Annual Sidewalk Sale on Friday and Saturday, July 30 & 31, 2010 from 10 a.m. to 8 p.m. and Sunday, August 1, 2010 from 10 a.m. to 6 p.m. to include outside display of merchandise and StreetLife performances, pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from RiverCenter to hold the Santa Express and parade down Monmouth Street to Broad Street to coordinate with the downtown tree lighting and concert on November 26, 2010, pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from RiverCenter to hold the Red Bank Gingerbread Walk from November 26-December 20, 2010, pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from RiverCenter to have Holiday Horse & Carriage Rides through the business district on Saturdays from November 27- December 18, 2010 from 1 p.m. to 5 p.m., pending 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, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from RiverCenter to hold Holiday Harmonies on Saturdays from November 27-December 18, 2010 from 12 p.m. to 3 p.m., pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from RiverCenter to hold the January Sidewalk Sale from January 14-January 23, 2011 to include outside display of merchandise, pending approval of the Special Events Committee.

Mayor Menna asked what would happen in the event of a snow storm regarding outdoor displays and snow removal. RiverCenter Director Adams said it was mostly indoors and items would only go outdoors in the event of a nice day.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, 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 of the meeting and asked if anyone would like to speak.



Carl Colmorgen—57 Oakland Street—asked, in regard to Resolution 10-47, what constituted a winter sidewalk café. Administrator Sickels said it was a sidewalk café that was authorized for the winter months. Mr. Colmorgen asked if it would include portable heaters. Mr. Sickels said that would be a separate issue. He said they would only be allowed if the business obtained a permit for them. Mr. Colmorgen asked for verification that the heaters were not approved by the resolution in question, but were considered separately. Mr. Sickels confirmed that the owner would have to make separate application to the building department for such a permit. Mr. Colmorgen said his concern was regarding safety.

Mayor Menna asked if anyone else would like to speak.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

#### **ORDINANCES – First Reading**

2010-4 Mayor Menna read “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII, “TRAFFIC,” SECTION 7-10.1 “LEFT TURN PROHIBITION.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

Public hearing and final adoption scheduled for February 22, 2010.

2010-5 Mayor Menna read “AN ORDINANCE AMENDING THE BOROUGH’S SALARY ORDINANCE TO ELIMINATE LONGEVITY PAY INCREASES.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

Public hearing and final adoption scheduled for February 22, 2010.

2010-6 Mayor Menna read “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS,” SECTION 25-10.1, “ZONING MAP.”

Mayor Menna noted that this ordinance would codify the changes that were made to the Zoning Ordinances last year so the Zoning Map would reflect those changes.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

Public hearing and final adoption scheduled for February 22, 2010.

2010-7 Mayor Menna read "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VIII, "PARKING LOTS AND HANDICAPPED PARKING SPACES," SECTION 8-2, "METERED PARKING AND PERMIT PARKING," SUBSECTION 8-2.4, "OPERATION OF PARKING METERS," SCHEDULE I, "PARKING METER ZONES" AND SUBSECTION 8-2.6, "PERMIT PARKING."

Mayor Menna noted that this would change the parking rate structure for on street parking and some of the Municipal lots. He said it would also create a differential for on street parking versus lot spaces and also increases the annual rate for permit spaces. He noted that this ordinance would continue the non-enforceability of Saturday parking regulations and would not extend the hours of enforceability on weekdays.

Councilman Murphy asked for clarification that only the street meters would be increasing, not the meters in the lots, and that the only increase in the lots would be for permit spaces. The Mayor confirmed that that was the case.

Councilman DuPont asked what the reasoning was behind the change. Mayor Menna said they were trying to encourage greater utilization of the spaces in the lots and the amendment would make them attractive to people as a way to save money. He added that they are also trying to eliminate some of the long term parking on the streets usually taken up by store employees who were taking what should be customer spaces. He said another reason was that the elimination of Saturday parking had resulted in a substantial reduction in parking revenue. Councilman DuPont confirmed that the Borough was not returning to Saturday enforcement. Mayor Menna agreed.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

Public hearing and final adoption scheduled for February 22, 2010.

2010-8 Mayor Menna read "BOND ORDINANCE PROVIDING FOR VARIOUS 2010 ROAD IMPROVEMENTS, BY AND IN THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE "BOROUGH"); APPROPRIATING \$1,115,100 (INCLUDING GRANTS RECEIVED OR EXPECTED TO BE RECEIVED IN THE AGGREGATE AMOUNT OF \$330,000) THEREFOR AND AUTHORIZING THE ISSUANCE OF \$747,800 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF."

Mayor Menna said the resolution included grants that had been received for road improvements.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

Public hearing and final adoption scheduled for February 22, 2010.

2010-9 Mayor Menna read "BOND ORDINANCE PROVIDING FOR VARIOUS 2010 CAPITAL IMPROVEMENTS BY THE WATER/SEWER UTILITY OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE "BOROUGH"); APPROPRIATING \$477,900 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$477,900 BONDS OR NOTES TO FINANCE THE COST THEREOF."

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

Public hearing and final adoption scheduled for February 22, 2010.

2010-10 Mayor Menna read “BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 2006-32 FINALLY ADOPTED BY THE BOROUGH COUNCIL ON JUNE 12, 2006 ENTITLED, “BOND ORDINANCE PROVIDING FOR THE CONVERSION AND DEVELOPMENT OF MUNICIPALLY OWNED LAND INTO A WATERFRONT PARK, BY AND IN THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$230,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$218,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF”, AS PREVIOUSLY AMENDED AND SUPPLEMENTED BY BOND ORDINANCE NUMBER 2009-42 FINALLY ADOPTED ON AUGUST 10, 2009, TO INCREASE THE APPROPRIATION BY A \$259,003 GRANT EXPECTED TO BE RECEIVED FROM THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY.”

Mayor Menna noted that this ordinance included the bond ordinance that was encompassing Cedar Crossing improvements.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

Public hearing and final adoption scheduled for February 22, 2010.

**ORDINANCES – Public Hearing and Final Adoption**

None.

**RESOLUTIONS**

10-47 Mayor Menna read “A RESOLUTION AUTHORIZING APPROVAL OF WINTER SIDEWALK CAFÉ FOR BUONA SERA.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

10-48 Mayor Menna read “A RESOLUTION INCREASING THE DEFERRED SCHOOL TAX AMOUNT FOR THE RED BANK REGIONAL HIGH SCHOOL DISTRICT.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

10-49 Mayor Menna read “A RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO EXECUTE A WATER QUALITY TREATMENT WORKS APPROVAL TO BE SUBMITTED TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION IN RELATION TO THE DEVELOPMENT KNOWN AS RW @ RIVER’S EDGE.”

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

ROLL CALL:

AYES: Lewis, Zipprich, Lee, Murphy

NAYS: None

ABSTAIN: DuPont

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

10-50 Mayor Menna read “A RESOLUTION RELEASING MAINTENANCE GUARANTEES POSTED BY DUBLIN HOUSE, 30 MONMOUTH STREET, BLOCK 31, LOT 15.04.”

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

ROLL CALL:

AYES: Lewis, Zipprich, Lee, Murphy

NAYS: None

ABSTAIN: DuPont

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

## **PROCLAMATIONS**

Mayor Menna read a proclamation proclaiming March 2010 as ARC Awareness Month.

## **PAYMENT OF VOUCHERS**

10-51 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$4,255,951.04.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee, Murphy

NAYS: None

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

## **OLD BUSINESS**

None.

## **NEW BUSINESS**

None.

## **AUDIENCE**

Steven Hecht—135 Branch Avenue—said he was confused about the Jazz and Blues festival because of things he had read. He asked what was happening with the event. Mayor Menna explained that it was not an adversarial or acrimonious situation. He said the Jersey Shore Jazz and Blues Festival had been very happy to be in Red Bank and, hopefully, they would be returning to Red Bank. He explained the State was making much needed improvements to Marine Park and that the work was started last year. He said the scope of work of out of the control of the Borough because the project is under the direct authority of the State. He noted that the Jazz and Blue Foundation had to be able to make plans for the future and, after meeting with our professionals and representatives from the State, were unable to obtain an ironclad guarantee that the work in the park would be substantially completed and prepared for public utilization by the week that they usually

hold the Jazz and Blues Festival. As a result, he continued, the Jazz and Blues Foundation had to make plans for their event and had to look for another venue. He noted that Red Bank did not force them to look for another venue. He said Monmouth Park seemed like a good venue for this year and Red Bank would love them back next year. He added that he was happy to report that it seemed that the work was on schedule and may even be ahead of schedule. He said it will not affect the July 3<sup>rd</sup> fireworks.

Mr. Hecht asked if the Borough would lose money by the loss of the event. Mayor Menna said the Borough was not impacted as a municipality. He noted that the Borough only charges a \$1,500 park usage fee per day which does not go into the general revenue but toward a park replenishment fund. He said he thought it was a great event for the Borough, saying he welcomed the opportunity to bring the arts in to Red Bank. He also noted that the attendees visit shops and restaurants in town.

Mr. Hecht confirmed that it was revenue neutral for the Borough. Mayor Menna noted that it was revenue positive for the merchants and great public relations for the town. He said the Borough looks forward to having them back next year.

## **EXECUTIVE SESSION**

10-52                The Attorney read a resolution to adjourn to executive session to discuss pending litigation.

Councilman Murphy offered a motion to adjourn to executive session to discuss pending litigation, seconded by Councilman Zipprich. Minutes to be made public in 180 days.

### **ROLL CALL:**

AYES:                Lewis, Zipprich, DuPont, Lee, Murphy

NAYS:                None

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

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

### **ROLL CALL:**

AYES:                Lewis, Zipprich, DuPont, Lee, Murphy

NAYS:                None

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

## **ADJOURNMENT**

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

### **ROLL CALL:**

AYES:                Lewis, Zipprich, DuPont, Lee, Murphy

NAYS:                None

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

Respectfully submitted,

Pamela Borghi