

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
FEBRUARY 22, 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, Assistant Attorney Hall, Engineer Ballard and Chief Financial Officer Mason.

**ABSENT:** Auditor Kaplan.

Mr. Pringle left the meeting at 8:15 p.m.

**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**

**Board of Health Fee Ordinance**

Councilman Zipprich said the Board of Health would be holding Special Meetings on March 4 and March 18 to review fee changes for Certified Copies issued from the Vital Statistics Office. He said phone calls had been made to ensure the Board would have a quorum.

Mayor Menna said Board of Health appointments would be at the next Council meeting.

**Interest Arbitration Reform**

He said the resolution was circulating in many municipalities because of the difficult financial situation the State of New Jersey was finding itself in. He added that this particular resolution would urge the State Legislature to stop talking and start acting and work to adopt an amendment to the Police and Fire Personnel System to reform interest arbitration in the State. He said it was necessary and that it was about time that the Legislators in the 12<sup>th</sup> District start moving on this to effectuate real reform. He noted that the last major amendment was in 1995. He said this resolution would require arbitrators to take into account a municipality's ability to engage in meaningful negotiations rather than using averages to mete out awards on interest arbitration in the general area which he called unfair to many municipalities including Red Bank.

**APPROVAL OF MINUTES – February 8, 2010**

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

**ROLL CALL:**

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

**NAYS:** None

**ABSTAIN:** Horgan

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

**MAYORAL APPOINTMENTS**

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilman Murphy reported that Thomas Hand, a member of the Navesink Hook and Ladder Company of the Red Bank Volunteer Fire Department passed away on February 10. He thanked the Mayor and Council members who attended the service and said their hearts and prayers go out to his family.

Councilwoman Lee had no report.

Councilwoman Horgan reported that the Human Relations Advisory Committee had met on January 27 where the Committee discussed the Census. She stressed the importance of participation in the Census and noted that the Committee spearheaded the movement in Red Bank. She said the meeting was also attended by Laura Morana, Superintendent of Red Bank Schools, Betty Rod of the Census Bureau and Katherine Donahue of the VNA. She said it was determined that outreach to the Hispanic Community was a priority so the Committee will work with St. Anthony's Roman Catholic Church to host meetings after their services on March 20 and 21. She said Ms. Rod, who is Hispanic, will be speaking to the congregation to encourage them to respond to the Census. She noted the importance of an accurate count to enable our area to receive Federal funding as well as the possible redefining of our Congressional District. She said the Committee should be applauded for taking the lead on the project and noted that they had formed a sub-committee to host a Census Day to promote awareness which will take place on Sunday, March 21.

Councilwoman Lewis had no report.

Councilman Zipprich said he wanted to recognize and commend the Borough's Code Enforcement Officers for their diligence and constant concern for the safety of our citizens. He noted that in the previous month, over Martin Luther King weekend, they managed to contain and extinguish a small fire in one of our area businesses and this week spotted trusses on a building that could have collapsed. He credited their immediate response in securing the premises and notifying the owners and workers on the proper method to safely renovate the building. He reported that the Code Enforcement Committee had met the previous week to review progress in the new year as well as to review outstanding issues from the previous year. He said that, while the Department has been down two inspectors, the Department is functioning well and inspectors who have been cross trained have been covering. He also reported that overcrowding inspections were performed in January at nine properties and said that two have come into compliance leaving seven cases pending in court. He said Mr. Sickels had put together a report regarding overcrowding for all of 2009 and the first part of 2010 that had been made available to all members of Council and the Mayor. He said copies would also be available to the public. Councilman Zipprich also reported that he had attended a presentation at the Senior Center in honor of Black History Month. He congratulated Sarah Klempner on her presentation regarding T. Thomas Fortune, America's first African American newspaper editor and former Red Bank resident.

Councilman DuPont said the Finance Committee had been holding meetings and that they had been looking at the budget for the upcoming year. He thanked resident Kim Senkeleski for proposing various ideas which he had forwarded to CFO Mason and all of the department directors and had asked them to respond. He said the recommendations were thoughtful but noted that some could not be done statutorily but said it would be interesting to see what feed back was received from the department heads. He also thanked Ms. Senkeleski for her efforts.

## **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from Count Basie Theatre to hold their Annual Spring Benefit Concert & Gala on Saturday, June 5, 2010 from 8:30 p.m. to 12 midnight and for use of the right side of Pearl Street between Monmouth Street and Oakland Place for valet parking beginning at 7:00 p.m., pending approval of the Special Events Committee.

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

### **ROLL CALL:**

AYES: 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 Red Bank Borough Educational Foundation to hold the Swimming River Discoveries Art Gala on Friday, May 21, 2010 from 6 p.m. to 9 p.m. at the Atrium at Navesink Harbor, 40 Riverside Avenue, pending approval of the Special Events Committee.

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 Summit Arts & Music, LLC, 52 Monmouth Street, to have entertainment for their instructors and students in their parking lot during the Fireworks on the Navesink presentation on July 3, 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, Horgan, Lee, Murphy

NAYS: None

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

Mayor Menna read a request from Andrew Smith for membership to Independent Engine Company, Vincent Sarullo for membership to the First Aid and Rescue Squad and Casandra Fenenic to the First Aid and Rescue Squad of the Red Bank Volunteer Fire Department.

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

ROLL CALL:

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

NAYS: None

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

**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.

Steve Fitzpatrick—92 Hudson Avenue—said he had a question about the ordinance regarding planning and development regulations. He asked it was a result of the Community YMCA coming before the Council to make a request for the change. Mayor Menna said it was, in part. Mr. Fitzpatrick asked if Borough attorneys Pringle and Hall were in attendance at that meeting. The Mayor said Attorney Hall was. He also noted that there would be a planner's recommendation and written report presented to the Planning Board as well as the Mayor and Council at the time of the public hearing noting that it was currently on the agenda for introduction only. He said the planner's report would be produced by Richard Kramer who is the Borough Planner through T&M Associates. He said Mr. Kramer would address the positive and negative impact of the proposed change and the logical and/or illogical points of the plan.

Mr. Fitzpatrick said he thought the change looked very specific to the YMCA. Mayor Menna said it was specific to the recreational uses that are already permitted in the zone that was a block and a half away. Mr. Fitzpatrick asked if the Council was to move forward with the Ordinance at this meeting and schedule a public hearing, a what point would Mr. Kramer's report become available. Mayor Menna said it would be available as soon as it was issued.

Mr. Fitzpatrick said he had concerns about a potential conflict of interest noting that members of Attorney Pringle's firm had to recuse themselves from discussions regarding of 51 Monmouth Street. Mayor Menna confirmed that John Bennello was representing the Borough on that matter. Mr. Fitzpatrick said this was again a matter pertaining to the Community YMCA and suggested it was inappropriate to have Attorneys Hall and Pringle present since it was already established that there was a conflict of interest. Mr. Fitzpatrick said the specific conflict was that Tim Hogan was the president of Riverview Medical Center and served as the Chairman of the Board of the YMCA. He again claimed that the conflict of interest had been previously established regarding the 51 Monmouth Street issue and said he did not think it would be prudent for the Council to move forward with the initial reading of the Ordinance based upon that prior conflict. He added that he felt Councilman DuPont had a conflict because his law partner is a

Director of the Children's Cultural Center which was part of the YMCA. Mr. Fitzpatrick also claimed that it was established last year that Councilman Murphy, in his role as a vendor on the 51 Monmouth Street project, would also potentially be conflicted on any vote regarding YMCA proceedings.

Mr. Fitzpatrick also noted that Martin McGann was the attorney representing the YMCA in the request and said he believed that both Mayor Menna and Mr. McGann had served for the Borough of Oceanport. Mayor Menna said Mr. McGann never voted on Mayor Menna's appointment and had nothing to do with it. Mr. Fitzpatrick said he just wanted to make sure. Mayor Menna said Mr. McGann never served on the Council during Mayor Menna's appointments. Mr. Fitzpatrick said he wasn't saying he did, he just wanted to establish if there were any potential conflicts.

Attorney Pringle said he wanted to address the issue of recusing himself from the 51 Monmouth Street discussion noting that it was done out of an abundance of caution in light of the issue that Mr. Fitzpatrick had raised. He stated that his firm had never represented the Community YMCA and had no attorney client relationship with the Community YMCA. He added that the conflict issue that Mr. Fitzpatrick raised in that case was because one member of the Board of Directors of the Community YMCA works for Meridian Hospital Corp. which is a client of the firm. He said while they recused out of caution, he did not feel there was truly any real conflict in that case. However, he continued, the nature of that case was that they, as Attorneys, were giving the Council a legal opinion regarding the Borough's relevant rights against the Community YMCA. In this case, he said, they were asked to make amendments to the Zoning Ordinance to extend conditions that existed a little bit further away to this zone. He acknowledged that it may have some impact on the Community YMCA but will also impact any other recreational use in that area. He said, in the case being discussed at this meeting, the connection was so remote noting that it involved a person who was a member of the Board having a relationship with one of their clients. He stressed that they had never had any contact with Mr. Hogan and he was comfortable that it was not a genuine conflict in any area the law recognized. He added that his firm would take whatever action the Governing Body wanted them to take in regard to the matter. He also noted that the recommendation regarding the planning issue came from the Planner, not the attorneys. He said all they did was prepare an ordinance based on the instructions they received.

Councilman Murphy said he did not recall that his company had ever billed the YMCA for any work. He said the work that was done was one days work contracted by SOME Architects. Administrator Sickels said he believed Mr. Murphy's work was very limited and predated the YMCA's involvement with the project. Mr. Murphy said he did not see a conflict unless the Borough Attorney knew of something.

Councilwoman Lee asked about Mr. Bennello's representation. Mayor Menna said Mr. Bennello was representing the Borough in an action that the YMCA had brought in Superior Court in place of the Borough Attorney. He said that matter was completely separate and apart from the matter before the Council at this meeting. He said if the Council wanted Mr. Bennello to be present at the next Council meeting, they could retain him to represent the Borough on this matter during the Public Hearing. The Council said based on the fact that the Borough Attorney had stated he saw no conflict and the potential increase in cost, they didn't see the need.

Councilman DuPont noted that he always recused himself from discussions regarding 51 Monmouth Street and, while he didn't think the matter at this meeting was related to 51 Monmouth, he asked Attorney Pringle for his opinion. He also noted he had been a member of the YMCA for 25 years and had a love for the organization. He asked whether the zoning change that would impact the YMCA was something he would need to recuse himself on. Attorney Pringle said his position on conflicts was where the nature of the relationship was where one was essentially just a customer of a business and that business happened to be within a zone that was being changed was not the type of relationship that rises to the level of a conflict. He said if Councilman DuPont felt some kind of great affinity to the YMCA by virtue of his long standing relationship with the organization, then he needed to take that into account. Councilman DuPont said he did feel he had a great affinity for the YMCA, and while he felt the conflict raised by Mr. Fitzgerald was a little remote, out of an abundance of caution he would recuse himself.

Councilman Zipprich asked for clarification that they were talking about modifying the professional office zone, not about the YMCA. He reread the title of the ordinance. Councilman DuPont said he read it that way too and said that, while they were changing a zone, they were affecting one particular property. He asked the Mayor his thoughts. Mayor Menna said they were making a recreational facility a conditional use and noted that it was already a permitted use two blocks away. He said they are protecting the neighborhood by saying if someone is going to have a recreational facility it has to be at least two acres and has to front on Maple Avenue. He noted that there was a privately owned recreational facility two blocks away and they should either permit it or not permit it.

Councilman Zipprich asked Engineer Ballard if the Planner was working on the report. Administrator Sickels noted that it came in late today. Councilman Zipprich asked for confirmation that the report was in house. Mr. Sickels said it was. Councilman Zipprich noted that Council members would be reviewing it.

Councilwoman Lewis stressed that the matter was on for introduction only. Engineer Ballard explained that the process was that it had to come before the Mayor and Council then the Planning Board has to review it and give a report back to the Mayor and Council. Mayor Menna noted that the Planning Board could make a recommendation that it was inconsistent.

Karen Waldman – unknown address – noted that item F that said no commercial recreation facilities shall be located within 200 feet of an existing school or church had been stricken. Mayor Menna said it had been deleted because, he believed, when the ordinance was originally drafted it might not have been consistent to have a recreation facility next to a school. He said in this day he thought it made sense to have a recreation facility next to a school but noted there was no school next to the facility. Ms. Waldman said there was a synagogue next door. Mayor Menna said he thought that those who went to synagogues and churches would also like to recreate. He said the only restriction next to place of worship that he was aware of in State law dealt with licensed alcohol beverage premises. He said he felt that made sense. He added that he had no problem with places of worship next to places where one could work out.

William Poku – Bank Street – said he was speaking on the resolution in support of abolishing COAH. He said he thought Red Bank had done a great deal to ameliorate the problems with housing. He said, while he thought COAH might eventually be abolished, he did not feel it was necessary for the Borough to support the bill because COAH was the organization that had lent Red Bank a helping hand. He said did not think the Borough should support an effort to abolish an organization that gave the people a chance to be heard.

Rosemary Meneer – member of the Zoning Board of Adjustment – said she had several comments. She said, prior to the denial of the YMCA's application, the Borough Council had never seen fit to amend the Zoning Ordinance to allow the facility to become a conforming use. She said this lack of change was an indication that the Borough had intended for the facility to continue to be designated as a non-conforming use. She added that the Mayor and Council had had ample opportunity to change that designation as recently as the adoption of the Master Plan. She noted that nothing was done at the time and they had deemed to leave it as a non-conforming use. She said now that the Board had denied the application, she wanted to know why they felt the change was necessary. Mayor Menna said he would address the Council's position when they reviewed the Planner's report. Ms. Meneer asked when that report would be available to the public. Mayor Menna said the next day.

Tom Fishkin—Readie's, Monmouth Street – said he wanted to address Ordinance No. 2010-7 that was on for the second reading. He said he believed there were some changes made from the first reading to adjust the times, however, he said it still read that Saturdays would be included. Mayor Menna said that was correct and explained that it was because, once the ordinance was adopted, an Executive Order would be issued that would prohibit enforcement on Saturdays. He said they wanted to leave that flexibility in there because it covered all parts of town. Administrator Sickels said the draft ordinance that was distributed was based on a proposed ordinance that was table that would have extended the hours to 8 pm. He said the only change that was supposed to be in the ordinance was regarding rates on street meters and the permits. Mr. Fishkin said he and other downtown retailers were in favor of the meter increase to help free up street spaces, but they felt the simultaneous increase in permits might discourage people from purchasing them. He said he understood the need for revenue but asked them to consider holding off on the permit fee increase.

Administrator Sickels not that parking all day at a meter in a lot at 50 cents an hour equaled four dollars a day or \$1,040 per year. The permit fee, he continued, was \$600 year and hadn't been raised since 2003. He said it was still a bargain, but they had to adjust the fee because they had a budget problem and it made sense. Mr. Fishkin said the only concern he had heard about the ordinance was regarding the increase in permit fees.

Mayor Menna said he felt the matter would be a continuing discussion with the business group and, once the ordinance moved forward, he thought a number of other initiatives would be introduced to make parking more accessible.

Maura Gallagan – 17 East Bergen Place – said she was in support of the zoning ordinance change that would include the YMCA. She said she had a love of the YMCA and, after listening to the discussion, she thought it seemed like a logical change. She said she wanted to voice her support of the change and hoped they would allow the process to take its course.

Kim Senkeleski—41 John Street – asked about ordinances 2010-8 and 2010-9 regarding the issuance of bonds for road improvements and water/sewer utility improvements. She asked if it was based upon maintenance to an existing area or was it regarding new construction.

Engineer Ballard explained that the Borough had undersized water mains in the Cedar and Catherine Street roadways and the ordinance would address those. She said the Borough had a grant from

Monmouth County to do the work and it was a use it or lose it grant so if it didn't go into the project this year, the Borough would lose the money. She said it also included road improvement to Chestnut Street and included two grants from the Department of Transportation. She said this was another situation where if they didn't award the contract by June or July, they would lose the money. She said in all of the situations, it was use it or lose it funding.

Ms. Senkeleski asked if it was tied to any sort of development and wanted to make sure it wasn't being done just for Cedar Crossing. Administrator Sickels said it was specific because the Borough had applied for the grant from the County because the water mains were in need upgrading and because the roads needed work. In the grant application, he continued, that information was included because it was the same office that had approved the grant for Cedar Crossing so it was felt that would help support the application. Ms. Senkeleski said she was just concerned with the debt. Mr. Sickels noted that the costs were offset by grants. He said the only roads being done were covered by grants.

Ms. Senkeleski asked if Ordinance No. 2010-10 was for the park across from the dump. Engineer Ballard said it was for the Sunset Avenue property and that asbestos had been found during the demolition so they were applying for additional funding to cover the cost. She said the Borough has to bond for it but should be reimbursed.

Mayor Menna asked if anyone else would like to speak.

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

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**

2010-11 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING THE CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS, SECTION 25-10.15, “REGULATIONS CONTROLLING PROFESSIONAL OFFICE (P.O.) ZONE DISTRICT” AND SUBSECTION 25-9.12, “COMMERCIAL RECREATION FACILITIES.”

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: DuPont

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

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

#### **ORDINANCES – Public Hearing and Final Adoption**

2010-4 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER VII, “TRAFFIC,” SECTION 7-10.1 “LEFT TURN PROHIBITION.”

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 DuPont.

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 DuPont 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.

2010-5 Mayor Menna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING THE BOROUGH'S SALARY ORDINANCE TO ELIMINATE LONGEVITY PAY INCREASES."

Mayor Menna said it was with regret that the Council had seen fit to introduce this but added that he thought it sent a message to the bargaining units. The Mayor said those who were already vested cannot be affected by the change as per State law. Council members asked if it was for new hires only. The Mayor said it was for new hires and those who were not vested. Administrator Sickels noted that the Ordinance read that it was frozen after this day's date and gave the example of an employee of sixteen years. He said they would receive the longevity they had already earned but would not get an increase at 20 years. Councilman Murphy confirmed that employees of under five years and new hires would not be eligible for longevity pay when they reached the five year mark.

Councilwoman Horgan said it was not a reflection on anyone who worked for the Borough. She said the Council appreciated everything the employees did but they were between a rock and a hard place and she was sorry.

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

Valerie Ferber – Human Resources Manager – said the sixteen appointed employees that were affected by this were not looking for more and noted that, over the years, they had taken less. She gave the example of two custodians that were hired at the same time, one in the union and one in the library. Four years later, the custodian in the union was making \$3,000 more because the union has steps and protection. She said the appointed officials have always been given the standard three percent or whatever was given to the union members and have never asked for more. She said all they were asking for now was to be treated exactly the same way. She said if they negotiated the loss of longevity with the unions, the appointed employees would not argue with that. She said singling out the same sixteen people over and over starts to get demoralizing. She noted that, this year, two of those employees were due to get longevity and she was one of them. She said it worked out to \$61 which didn't mean a lot to her. She said there were people on the appointed list that were secretaries. She said their positions would normally be union positions but, because of who they work for, they can't be in the union. She questioned how a secretary in one department can receive longevity, while a secretary in another department can't. She said these employees were asking for was for the Council to hold off until they had negotiated with the bargaining unit and treat all employees the same. Ms. Ferber acknowledged that there were some high salaries on the appointed list but, if they looked down the whole list, they would see they were generally not highly paid.

George Schroeder – Public Works – noted that he had been with the Borough for five years and the longevity was something he had been working toward. He said it was a shame that he had to work a second job to feed his family. He told the Council about the work he does and said they could see him out in the rain and snow. He stressed that there were times when he had to work on two or three hours sleep. He asked if, after working the five years, he would be getting the longevity pay. He asked the Council to work with the employees to work something out and have faith in the employees.

John Gurzo – Housing Rehabilitation Director – said the employees were aware of the constrictions on the times and the need to live within the budget. He said his issue was that the Department Heads meet the first week of every month and said, when this was being contemplated, someone besides Mr. Sickels should have come to the meeting and explained the situation and look for suggestions.

Francis Pastoriza – Court Administrator – asked the Council if they valued their old employees more than the new employees. Mayor Menna said they valued all employees. She said she did not believe they were valued equally and said they would not do this if they valued the new employees.

Councilman DuPont 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 DuPont said he thought Mr. Gurzo had a point. He said the Borough was facing some severe financial problems. He said he didn't want to say the employees weren't doing a wonderful job. He acknowledged that they may have rushed to this opinion but stressed that they must take severe steps to close the issue that they are having. He said he had no objection to tabling this ordinance until they had the opportunity to speak to the CWA union. He noted that Mr. Gurzo had implied that they should have appeared at the Directors' meeting but said they ask Mr. Sickels to convey the issues that they are facing. He said the Borough does not have a spending problem, but a revenue problem. He said the Finance Committee and all Council members have forwarded correspondence to the press that the employees are doing a wonderful job and were wearing many hats. He said they hadn't been thanked for doing a wonderful job with a lot less resources. He said the CWA contract was up for negotiation and noted that Ms. Ferber was right in that the appointed employees had always followed the union contract. He acknowledged that they might have rushed the issue but it was an issue that must be talked about. He said they were trying to avoid layoffs while still providing services. He said he knew every employee sitting before them had done a wonderful job. He said he would be willing to table the ordinance subject to it being revisited. He said he was calling out to all employees, who see the day to day operations, to offer suggestions.

Mayor Menna asked if they should amend the ordinance to state that the ordinance take effect for all new hires and revisit the issue of freezing longevity for existing employees. Councilman DuPont said he thought it had been for only new hires and added that he thought that would be a major amendment.

Attorney Pringle agreed that it would be a major amendment and would require readvertising. He suggested the better course of action would be for the Council to decide which way they want to go and prepare the ordinance however they want.

Councilman DuPont offered to make a motion to deny it. Attorney Pringle said, since the public hearing had been held, the appropriate action would be to hold a vote or carry it to another day. He said if the Council decides to return to the issue, it would simply come back for a vote since the hearing had already been held. He said if they decided to do a different ordinance, this would expire at the end of the year if it wasn't brought back to the table.

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

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.

2010-6 Mayor Menna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS," SECTION 25-10.1, "ZONING MAP."

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

No one appearing, Councilman DuPont 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 Councilwoman Lee.

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.

2010-7 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 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 Councilwoman Lee.

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.

2010-8 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 opened the public hearing and asked if anyone would like to speak.

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

ROLL CALL:

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

NAYS: None

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

Councilwoman Lee 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.

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."

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

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

ROLL CALL:

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

NAYS: None

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

Councilwoman Lee 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.

2010-10 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 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 Councilwoman Lee.

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 DuPont 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.

## RESOLUTIONS

10-53 Mayor Menna read "A RESOLUTION AUTHORIZING PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1340-33-025-006."

Mayor Menna noted that if this resolution was adopted it would need to include a special condition that the complete premises, which would be 141 W. Front Street, must conform to the drawing submitted as Exhibit A to the license application as well as identified in the Board application labeled as Exhibit A-1.1 depicting both the restaurant layout and the layout of the licensed premises.

Councilwoman Horgan offered a motion to approve the resolution as amended, 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 as amended.

10-54 Mayor Menna read "A RESOLUTION URGING THE STATE LEGISLATURE TO REFORM INTEREST ARBITRATION."

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.

10-55 Mayor Menna read "A RESOLUTION REQUESTING THAT THE GOVERNOR MAKE NO REDUCTIONS IN STATE AID TO THE BOROUGH OF RED BANK DUE TO THE OVER ABUNDANCE OF CHARITABLE AND TAX EXEMPT ENTITIES WITHIN THE BOROUGH."

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.

10-56 Mayor Menna read "A RESOLUTION SUPPORTING SENATE BILL NO. 1 ABOLISHING COAH."

Councilman DuPont offered a motion to approve the resolution, 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 resolution was declared approved.

Councilman Zipprich asked if they would be going back to the RCAs. Mayor Menna said they couldn't predict what would happen and reviewed some of the current activities regarding the issue. Councilman DuPont said abolishing COAH was not the true name that this should go under noting that they had court precedent that they still had to follow and the process of COAH would still be implemented but under the guise of the Department of Smart Growth. Mayor Menna said as he read the bill it was clear that the legislature would dedicate the implementation of the Mt. Laurel mandate to municipalities through the Office of Smart Growth and through the State Planning Commission so that local municipalities will be able to assess, based on the State formula, what the statutory requirement under Mt. Laurel 1 and 2 designation would be to try to come up with a plan that would address affordability issues in every municipality. He said this actually strengthens the control of the State Planning Commission which has already designated areas like Red Bank an appropriate area to have suitability of different types of housing opportunities. He said the State Planning Commission further recognizes that Red Bank also has affordable housing in the sense that it has rent control which keeps a lot of people in town. He said maybe it was a misnomer to say that Senate Bill No. 1 was abolishing COAH because it may abolish the bureaucrats in COAH but it does not abolish the requirement to every municipality to provide its constitutional requirement of Mt. Laurel 1 and 2.

10-57 Mayor Menna read "A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 RELATED TO THE CONTRACT WITH NACIREMA ENVIRONMENTAL SERVICES COMPANY, INC. FOR THE INCINERATOR DEMOLITION AND REMEDIATION PROJECT."

Councilwoman Lee 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.

10-58 Mayor Menna read "A RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT AGREEMENT BETWEEN THE BOROUGH AND THE COUNTY OF MONMOUTH FOR SOCIAL SERVICES FOR SENIOR CITIZENS."

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.

## **PROCLAMATIONS**

Mayor Menna read a proclamation proclaiming March 21-March 27, 2010 as Boys & Girls Club Week in the Borough of Red Bank.

## **PAYMENT OF VOUCHERS**

10-59 Mayor Menna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,380,413.97."

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

**OLD BUSINESS**

Councilman DuPont said Councilwoman Horgan's Education and Technology Committee and the Borough Schools would be collecting shoes for donation to the people of Haiti. He said donation boxes would be placed in all of the schools, both public and private. He said they were looking for gently used shoes. He said H&M Trucking from Edison had donated a truck that would be parked in the Middle School parking lot. He said they would be storing the shoes there. He gave the history of the Soles4Souls organization and their collection efforts. He noted the collection day would be Saturday, March 6. He said Pilgrim Baptist Church was also conducting a Haiti relief effort.

Councilwoman Lee said there was also an additional effort by the NJ Turnpike Authority and people could go to their website to identify which rest areas were accepting donations for Haitian relief. She said they would be collecting kitchen utensils and pots and pans. She said donating a bag of rice was great, but they didn't have a pot to cook it in or a spoon to eat it with.

**NEW BUSINESS**

**AUDIENCE**

Kevin Tauro – CWA representative – noted that he represented the workers in Red Bank and said that he realized the town was going through a tough time. He said they were just asking the Mayor and Council to be fair. He said they understood about binding arbitration, but when the town came to them last year and asked them to take a half a year raise, furlough days and a modified work week, they agreed to work with the Council. He said then they heard that the Council met with another higher paid group, locked them in for a two year contract and now were being told there was no money for anyone else. He said he didn't think it was fair and he didn't think the workers thought it was fair. He said Red Bank's workers were the lowest paid workers in the area compared to surrounding communities. He noted that most of the workers couldn't attend the meeting because they have second jobs or can't afford babysitters. He said they were just asking for the same respect that was given to the other group. He said the workers were offered a zero increase and no longevity which he said was not fair. He asked the Council to sit down with the union and work something out.

Peter Muller – 56 Princeton Street, Middletown – said he had received a letter from the Chief of Police regarding problems with his taxi license and with other taxi companies. Mayor Menna questioned whether the letter can be implemented immediately without him having an opportunity to be heard. He suggested that Mr. Muller meet with Administrator Sickels in the morning to discuss the matter.

Ray Livingston – Public Works – said he felt it was a slap in the face when the Borough came back to the union with a proposal for a zero increase for three years after the Police Department got everything they wanted. He reviewed the type of work done by the Public Works Division and how they have cooperated. He said they weren't asking for much, they just want to get respect. He said the Department used to have over 60 employees and now they had half of that and were still getting the work done. He said there were five positions held by African Americans and all five of those positions were now gone. He asked for the opportunity for those coming up to promote. He said he felt the Council members deserved respect and he asked them to respect those at Public Works.

Tom Fishkin – Readie's, 18 Monmouth Street – said he wanted to follow up on an earlier request for the Council to allow sandwich board signs again on streets that were wide enough. He said the VIC Committee had gone over in great detail what would and wouldn't work. He said RiverCenter could oversee it and Code Enforcement could ensure guidelines were met. He said it would help rejuvenate the business community.

Val DeFazio – 56 Tower Hill Avenue – asked about the comment regarding the budget that it was not a spending problem but a revenue problem. He asked if the parking meter funds benefited everyone in Red Bank. The Mayor said it went into the general fund. Mr. DeFazio asked about the times that the Borough does not charge for parking such as Christmas season and the Sidewalk Sale and asked if RiverCenter help with that. The Mayor said they did not, that it was a loss in revenue. Mr. DeFazio asked what the loss was. Mayor Menna said he didn't want to misquote the number but the figures were available from either the Administrator's Office or the Parking Utility Office. Mr. DeFazio said he felt the only people who benefited were the store owners and RiverCenter. Mayor Menna said it was also an advantage for

the shoppers that came to town and that it was a marketing point for RiverCenter. Mr. DeFazio said when he did marketing it cost him money and asked if RiverCenter did anything to offset the revenue lost. Mayor Menna said they did not because it was not in their budget. Mr. DeFazio said he felt the people in town had to lose the revenue so others could come into town to shop. Mayor Menna stressed the importance of a vital downtown. He said it used to more days and they have cut back but acknowledged that everyday they don't collect revenue is a burden. Mr. DeFazio questioned not charging during the business time in town.

Kim Senkeleski –49 John Street – said she had emailed a four page document of proposed cost saving measures and revenue sources. She said they weren't all her ideas but came from other residents of the town. She asked Councilman DuPont, in regard to his statement that it was a revenue problem, to keep an open mind because there were several cost saving ideas.

Mr. DuPont said he had forwarded her suggestion to only plow during business hours to save on overtime costs to Mr. Watson. He said they discussed it but didn't know if it was feasible. He said the document was forwarded to the Department Heads for input. He said many of her suggestions couldn't be implemented because of statutory reasons but they would be looking at the recommendations. He noted that last year the budget operating expenses went down \$100,000 and noted that several employees were doing more than one job for one salary. He noted that debt was down. He said it was definitely a revenue problem noting that revenue was down in excess of a million dollars.

Ms. Senkeleski said she heard what he was saying but asked him again to consider spending cuts.

Councilwoman Lee explained that they needed to plow based on when the snow falls. She said it would save money to do it just during business hours because they would have to come back out to address the problems that that would cause. She said she appreciated the efforts of Public Works and explained what she had learned about the process and why certain policies were in place.

Ms. Senkeleski acknowledged that they did a wonderful job.

Administrator Sickels confirmed that the list had been sent to all Department Heads and they will be addressing them. Ms. Senkeleski asked if the budget hearing date had been set. Councilman DuPont said they had not been set.

William Poku – Bank Street – said he had attended the session that created that list. He urged the Council to adopt an open policy to look at ideas. He stressed the problems with the expense of a second school such as the Charter School. He asked the Council to not copy bad practices. He also spoke once again about the benefit of COAH.

Fred Boynton – Shrewsbury Avenue – said he wanted to tip his hat to Administrator Sickels and Public Works Director Watson regarding the job that was done during the snow storm. He noted that he was a former employee and complimented the office staff and public works employees. He said the Borough employees deserve every dime they make.

Kevin Donahue – 55 Irving Place – said he had also participated in the discussion at Ms. Senkeleski's home. He offered a hand out with four specific suggestions which he said were all legal and practical. He asked that they also share his information with Department Heads. He stressed the size of the vehicle fleet and asked the Borough to consider getting rid of a set percentage. He also suggested they set mandates that people would have to live by.

Thomas Moultrie – no address – said there was a problem with kids playing in the street on Dr. Parker Boulevard near the Housing Authority. He said it was dangerous and there were too many. Mayor Menna asked Councilwoman Lewis to look into the matter.

Valerie Ferber – Human Resources Manager – said, on behalf of the staff, she wanted to thank the Council for listening. She said she respected the job they had to do and recognized that they had to make hard decisions.

Councilman DuPont offered a motion to close the audience 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.

Councilman Zipprich said he wanted to tell Mr. Livingston that he had a tremendous amount of respect for the Public Works Division and the efforts the employees put forth especially during the snow storm. He noted that several Council members including himself had the opportunity to go out with Mr. Watson and ride the plows to see what they do firsthand. He said he was genuinely impressed. To the rest of the Borough employees, he continued, he felt the entire Governing Body had an enormous amount of respect for each and every one of them, for what they do in their departments and what they give to the town and the people who come in. He said he wanted them all to understand that the Mayor and Council appreciate all that they do. He said times are tough and they didn't get into the position overnight but were looking to work together to resolve serious issues that were facing the town and the employees.

Councilwoman Lee said the Council would welcome recommendations from the public for any suggestions in governing the town so they could come out of the recession with jobs in tact, families in tact and the town in tact. She asked employees to submit ideas to the union rep and he would forward it to the Council members.

## **EXECUTIVE SESSION**

## **ADJOURNMENT**

Councilman DuPont 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