

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

**ABSENT:** Attorney Pringle and Auditor Kaplan.

**SUNSHINE STATEMENT**

Mayor Menna requested the minutes reflect that, in compliance with Public Law 1975, Chapter 231 (Open Public Meetings Act), notice of this meeting has been provided by notifying the Asbury Park Press, the Courier, the Two River Times and the Star Ledger and by placing a notice on the bulletin board and filing same with the Borough Clerk on January 3, 2010.

**SUSPEND REGULAR ORDER OF BUSINESS**

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

**ROLL CALL:**

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

**NAYS:** None

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

**Presentation of Music Video by Red Bank Middle School**

Red Bank Middle School teacher Holcombe Hurd introduced students from the Red Bank Middle School who explained that they had entered a video contest sponsored by the National Pest Management Association where the objective was to create a Public Service Announcement that would address the dangers posed by various pests. They added that over the past three years the Red Bank Middle School had participated in five international video contests that showcased the need for Middle School students to demonstrate proficiency in the use of 21<sup>st</sup> century digital authoring tools and had placed as finalist in all five competitions winning over \$40,000. The students explained the technology and skills they used and presented their grand prize winning video. Mr. Hurd noted that the students had submitted five videos, three of which had been chosen to become one of the five finalists.

Mayor Menna commended the students' efforts and thanked them for doing such a great job.

**Fair Trade Town Designation Presentation**

Councilwoman Horgan noted that she had previously reported that Red Bank was seeking to be designated as a fair town and introduced the steering committee of the Fair Trade effort to give an overview of what the designation would mean for Red Bank, the criteria for the designation and some background on the program. Amber Graves, speaking on behalf of the group, outlined what Fair Trade represented and how it would be good for the town. She reviewed the extent that Fair Trade is represented in national brands and in thirteen other towns nationwide including two in New Jersey. She said they were asking the Mayor and Council to pass a resolution in support of the effort.

Councilwoman Horgan asked the members of the committee to introduce themselves.

**RESUME REGULAR ORDER OF BUSINESS**

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

**ROLL CALL:**

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

NAYS: None

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

**WORKSHOP**

No workshop items.

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

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

**ROLL CALL:**

AYES: Lewis, DuPont, Lee, Murphy

NAYS: None

ABSTAIN: Zipprich, Horgan

There being four ayes, no nays and two abstentions, the minutes were declared approved.

**MAYORAL APPOINTMENTS**

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilman Murphy had no report.

Councilwoman Lee noted that it had been a rough winter season and there were many potholes on the road. She asked residents to notify Public Works of any they see so the Department can keep on top of it.

Councilwoman Horgan reported that the Human Relations Advisory Committee had been spearheading the Census movement in Red Bank. She noted that the Committee had coordinated an effort to bring speakers to deliver a message about the importance of the Census on Saturday, March 18 after the Latino mass at St. Anthony's. She said they had also held a reception after with donated refreshments.

Councilwoman Lewis noted that the Parks and Recreation Committee had met on March 10<sup>th</sup> and topics on the agenda included the turf field. She also noted that she had attended the Boys and Girls Club opening earlier in the day and noted some of the other Council members that had been on hand. She said it was well attended and that there were more programs coming. She urged everyone to volunteer and show support. She said the Easter Egg Hunt would be taking place at Eastside Park at 12 noon on Saturday the 27<sup>th</sup>.

Councilman Zipprich said he and Councilwoman Horgan had met with Zoning Director Barr in the past week to review progress on the Scenic Byway County Project. He added that Ms. Barr was happy to report that a loop through Red Bank has been included in the County's plan. He noted that it would be a self guided tour that would include Red Bank's historic downtown business district, several of the Borough's parks and historic sites such as the old Borough Hall, the Count Basie Theatre and the Eisner Factory/Galleria. He said the Historic Preservation Commission would be meeting later in the week and that Chairman Bowden would be reporting on his contact with Tom Clark regarding renovations to the Red Bank Train Station. He noted that Red Bank would be the site for Preservation New Jersey's Achievement Recognition in September at the Molly Pitcher Inn. He said the Board of Health held a Special Meeting the previous Thursday and reminded residents of upcoming rabies clinics in the area. He also reported that the Shade Tree Committee had drafted a protection ordinance and the Code Enforcement Committee would be meeting in the next week. He also congratulated the Public Works Department for their emergency response in the recent storms.

Councilman DuPont said he had traveled to Washington DC to meeting to meet with Senator Menendez to request stimulus funds for the Borough firehouses and the Public Works facility which he said were badly in need of repair. He said Senator Menendez was going to look into the matter to see if Red Bank could qualify for the funds. He also reported that the Borough's State Aid was cut \$517,144 and that the Finance Committee would be digesting that and making a recommendation to the Council. He said they hoped to introduce the budget on April 26 and have a budget hearing on April 28 or 29. He called the cut severe and drastic and said the amount could not be raised by taxes so the Borough would be looking at furloughs, layoffs or outsourcing to make drastic cuts and the Committee hoped to make recommendations in the next couple of weeks.

Mayor Menna thanked Councilman DuPont for his report and for all of the assistance his Committee had given over the past week and reiterated that there would be some difficult decisions would be announced. On a more positive note, he continued, he said he wanted to thank RiverCenter for their Wedding Walk event held the previous weekend where local businesses participated to showcase their services to prospective brides and bridegrooms and said it was very successful. He also praised Rev. Porter and Pilgrim Baptist Church for another successful Men's Day Breakfast that hosted over 300 participants. He said the Charter School also continued their outreach by hosting an event that drew many families. He said a request would be going out where Red Bank would be seeking to host a Safe Surrender Day which would probably be a Pilgrim Baptist Church that would allow those that may have issues with outstanding tickets, fines or bench warrants to avoid being picked up to try to resolve their issues, set up a court appearance and be allowed to walk back out. He expressed his gratitude to the various agencies involved and to Pilgrim Baptist Church.

## **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from The Leukemia & Lymphoma Society to change the venue for their 2010 Walk, Light the Night event from Marine Park to Riverside Gardens Park on Saturday, October 9, 2010 from 1:00 to 10:00 p.m., 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 requests from Kaboom Fireworks on the Navesink, Inc. and the Red Bank Elks Lodge No. 233 for raffle licenses.

Councilman DuPont 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.

Mayor Menna read requests from James D. Erving for membership to Union Hose Company of the Red Bank Volunteer Fire Department and Nikeya Miller and Ashleigh Layton for membership to the Red Bank First Aid and Rescue Squad.

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

### **ROLL CALL:**

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

NAYS: None

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

Mayor Menna read a request from the Red Bank CROP Walk to hold the 30<sup>th</sup> Annual Red Bank Area CROP WALK for the Hungry on Sunday, October 17, 2010, 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, 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**

None.

**ORDINANCES – First Reading**

2010-13 Mayor Menna read “AN ORDINANCE AMENDING CHAPTER VIII, “PARKING LOTS AND HANDICAPPED PARKING SPACES,” SUBSECTION 8-2.8, “RESTRICTED PARKING” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK.”

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

ROLL CALL:

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

NAYS: None

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

Public hearing and final adoption scheduled for April 12, 2010.

2010-14 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY VACATING CERTAIN PORTIONS OF THE BOROUGH’S RIGHTS IN THE EASTERN TERMINUS OF RIVER STREET AND THE EASTERN TERMINUS OF CEDAR STREET FOR THE CEDAR CROSSING AFFORDABLE HOUSING PROJECT.”

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 April 12, 2010.

2010-15 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 25-2.3, “DEFINITIONS”; SECTION 25-8.21, “OFF STREET PARKING”; SECTION 25-10.14, “REGULATIONS CONTROLLING BUSINESS/RESIDENTIAL-1 DISTRICT”; SECTION 25-10.19, “REGULATIONS CONTROLLING BUSINESS/RESIDENTIAL-2 DISTRICT.”

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

ROLL CALL:

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

NAYS: None

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

Public hearing and final adoption scheduled for April 12, 2010.

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

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.”

Mayor Menna said he wanted to caution that while the ordinance had been noticed for public comment at this meeting and comments would be heard, the Planning Board had sent a letter rather than a resolution and the Council would not take a final vote on the matter because a resolution had not been received from the Board. He said the vote would be tabled until April 12 and public comment would also be continued to that date.

Councilman DuPont said since the Borough’s Counsel had indicated Councilman DuPont had a conflict, he would recuse himself from the matter. Mayor Menna said he respected Councilman DuPont’s position but thought the opinion was predicated on the comment of a member of the public that a partner in Mr. DuPont’s law firm sits on an interested Board, and, Mayor Menna continued, that partner had not participated in the Board in a number of years. Councilman DuPont said he didn’t feel it was predicated on that but rather that he had been a 25 year member of the YMCA.

Assistant Attorney Hall also recused himself

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

Rosemary Minnear—confirmed that the Council would be entertaining comments on April 12 and said she would wait until then to comment.

David Prown—44 Hillside Terrace—said he had been following this matter with interest and a lot of good points had been raised on each side. He said that he hoped, for the greater good of the community, that cooler heads would prevail, there would be some nice dialog and that there would be a positive end result for the benefit of the town.

Rosemary Minnear—67 Tower Hill Drive—said she realized she would be away and wanted to make her comments at this meeting. Mayor Menna said he wanted to clarify that if a resolution was not received by the April 12 meeting, the matter would have to be carried further. Ms. Minnear said she had reviewed the recently adopted Re-examination Report with the recommended changes to the development regulations. She said nowhere was a need mentioned to change the designation of the YMCA from the pre-existing non-conforming use to a conditional use. She added that it had been a non-conforming use for over 35 years which she thought was an indication that the Borough had intended for this facility to remain a non-conforming use in the PO zone. The only possible mention of the YMCA in the recently adopted Re-examination Report, she continued, was item number 17 clarifying the definition of Commercial Recreation facility to include both profit and non-profit establishments. She said she felt the ordinance, as proposed, was tailor-made for the YMCA facility and was tantamount to spot zoning. She reviewed specifics of the ordinance and how she felt they were tailor-made to the YMCA site. She added that the Planner’s report was based on previous master plans and re-examination reports which do not recommend extending the zone for commercial recreation facilities beyond Bergen Place. She added that his recommendation was based on previous recommendations by the Planning Board and she felt he gave no cogent reason why the recreational facility zone should be extended. She said she felt it was an obvious attempt to undermine the recent decision of the Zoning Board. She said the Zoning Board takes their responsibilities very seriously adding that they held two hearing on the application and heard a great deal of testimony. She added that the Board members were very responsible in their deliberations and there were reasons the site had remained as a non-conforming use. She noted that the Borough Council and Planning Board had agreed with the designation and so did she.

Marvin Golden—31 Boxwood Drive, Ocean Twp.—said he was speaking as a member of Congregation Beth Shalom, the synagogue next to the YMCA. He said they have concerns about what will happen should the YMCA have approval and added that he felt it was an end run about the Zoning and Planning boards’ recommendations.

Mayor Menna noted that Mr. Golden had said he was speaking as a congregant of the synagogue and asked if the synagogue had a Board of Directors or Board of Trustees. Mr. Golden said they had a congregation with elected officials and he was not one of them adding that he was speaking as an individual. Mayor Menna said that was what he wanted to clarify. Mr. Golden added that, while he was speaking on behalf of himself, he did feel he represented many, if not all, of the people in the synagogue. He said the concern was that he didn’t believe the synagogue could exist in the future if the YMCA is allowed to have the ordinance passed. He added that he would not address the legality of removing one of the provisions concerning the footage between a religious institution and the YMCA. He said he would address the noise factor at the YMCA which he expected would increase. He added that it was important to note that they were an orthodox institution and part of their observance was not to use a

telephone on important Jewish holidays which includes every Sabbath or Saturday. He noted that if there was a noise problem, they could not get on the phone and call the police and it was impractical to have someone run to the Police Station. He said they want to be able to pray in peace and he felt an expansion at the YMCA would make that impossible. He also said the expansion would end up taking away parking spaces on the street used by members of the synagogue. He said increased traffic would also be dangerous.

Maura Gallagan—17 East Bergen Place—said she was a resident and supporter of the YMCA who was speaking in favor of the expansion. She noted some of the programs the facility offers to the Community.

Roberta Kauffman—Beth Shalom Chair of the Building Committee and 30 year member—said the official position of the synagogue was that there was no objection to the YMCA expansion. She said they do object to the removal of the protection that had served the synagogue so well for the last 30 years. She noted that when the YMCA proposed the addition of a hockey rink, they sat down with the synagogue and agreed to certain conditions including adding buffers and not performing construction or using loud speakers at certain times. She said they read in the paper that the YMCA had plans to expand and noted that they had not received official notice. She said they had concerns when they learned that the YMCA planned to double the width of their entrance and make it a two way road. She added that this would make it even closer to certain areas of their synagogue. She also pointed out that the YMCA had purchased the lot behind the synagogue and to the south of it so they were surrounded on three sides. She said traffic would flow both clockwise and counterclockwise around the synagogue under the plan. She said they also felt that the YMCA lay out would not provide adequate parking and people attending the YMCA would probably tend to cross through the synagogue to shorten their walk. She said they sat down with the YMCA representatives and, while they did not achieve optimal agreement, the 200 foot clause gave them the protection to ask for considerations such as buffers, etc. She noted that the synagogue was also a residence and stressed the importance of not having the clause removed.

Sam Bernard—17 John Street—said he had been a member of the YMCA for 10 years and that it was part of the reason he moved to Red Bank. He stressed the word community in the organization's name adding that the facility had responded to concerns about trees, parking and solar panels and agreed to include the ideas in their plan or look into it. He also noted that the YMCA brings people into the community who may also frequent other businesses in the Borough. He outlined his family's experience with the YMCA and urged the Council to consider that change noting that he thought the expansion made sense.

Krishna Tyler—69 Leighton Avenue—said that one of the members of the Zoning Board had said that one of the reasons she was against the expansion was because only 10 or 15 percent of the membership was Red Bank residents. Mayor Menna said he did not think that they should dwell on individual findings of fact of the Zoning Board decision but keep comments to the overall objective or policy issues. Ms. Tyler said she mentored children in Red Bank and highlighted ways the facility had helped some of those children. She said she agreed that it only brings good to the town.

Councilman Murphy asked, if the Council voted in favor of the changes, would the YMCA have to reapply. Mayor Menna said they absolutely would. Councilman Murphy said, if that was the case, a positive vote by the Council would not give the YMCA carte blanche to move forward noting that the organization would still have to come before the Planning Board. Mayor Menna confirm that that was the case and outlined the process they would have to follow. He said a lot of the issues they were articulated before the Zoning Board would, in all likelihood, be again articulated before the Planning Board. The Board, he continued, would then have to review the facts and the comments of the public with all of the issues back on the table. Councilman Murphy said he wanted to make clear that what the Council was voting on was about changing zoning that had been there for 35 years, not about an application. Mayor Menna agreed and said he was particularly interested in the comments raised by Ms. Kauffman adding that he thought she raised some very legitimate and important issues that should be considered by the Board.

Councilman Murphy said he wanted to clear up one more thing regarding the fact that the Master Plan did not designate an area for an indoor recreation facility but it did suggest the need for one. Engineer Ballard confirmed that the Master Plan stated there was a need for an indoor recreation area.

Mayor Menna again stated that he felt the public comment should be extended to April 12 and he would invite Borough Planner Richard Kramer to attend and answer questions.

Councilman Murphy said in regard to the membership issue, approximately 450 Red Bank residents were members of the YMCA.

Sarah Breslow—11 Lake Drive, Eatontown—said she was Secretary for the Congregation Beth Shalom and asked if the change to the law would not help the YMCA circumvent the need for approvals, then what was to be gained by the change that would affect other entities. She stressed the protection offered by the existing law and the fact that the Planning and Zoning boards had already turn them down. Mayor Menna corrected that the Zoning Board had turned down the application even though a majority was in favor it was not the super majority of five that was needed and added that the question would be answered by the Planner at the next meeting.

Jeff Fieri—145 Branch Avenue—said despite the health concerns facing the Country, he felt a world class YMCA was needed to go along with the world class restaurants and theaters. He said the traffic issues already exist on Maple Avenue and noted that the Borough is a destination and traffic comes with it.

Kevin Donahue—55 Irving Place—noted that he and all of his children were members of the YMCA. He said he was in favor of working something out with the YMCA, but he didn't think it helped the process to describe some of the legitimate objections as not important. He said increased traffic in and out of the driveway, both cars and pedestrians, were not just a convenience issue but a safety issue. He said it is already an extremely dangerous road. He said the solution probably lies in negotiation and suggested the YMCA look at a scaled back plan adding that he felt the existing facility was very adequate.

Joe Besanko—208 Maple Avenue—said he had sat through the Zoning Board meetings and said he felt the Council meeting was beginning to feel like the application. Mayor Menna asked him if the Maple Avenue address was his business address and Mr. Besanko said it was and that he lived in Middletown with a Red Bank mailing address. He said his whole family were members of the YMCA and use its programs. He noted that it is a 45,000 square foot facility, which he said was huge, and it should be able to take care of the needs of Red Bank and beyond at its present size. He quoted the number of Red Bank resident YMCA members that was stated earlier at 450 and said that seemed like a low number adding that his business was twenty-five times smaller and he catered to 1,800 residents. He said his point was they might need to redecorate or renovate, but he felt making it bigger was the wrong thing. He said the Zoning Board spent months on the matter and good questions were asked. He said the Board members were patient and the attorneys for the YMCA did a good job of presenting the plan. He said, by changing the ordinance, the Council would be allowing the YMCA to present the exact same plan and would not be giving the YMCA any incentive to change the plan. He said the Council was already aware of how the Board voted and by changing the law they would be eliminating the need for the super majority vote and it seemed they were changing the law to fit the vote. He said he would rather see the YMCA come back with a new plan. He noted that his property abuts the YMCA on two sides and he had concerns about the plan. He noted that he had had to move his office once before because of problems with an adjoining property. He also brought up the traffic problems noting that three people had been hit by cars in the area in the past three months. He said, in regard to the person who said the YMCA had agreed to consider suggestions, when the YMCA bought the property behind his building with the plan to build a skate park that never came to be, they changed the plan to basketball courts and he didn't oppose either plan. He was told they would keep it green and said now it is going to be a parking lot and his property would be surrounded by it. He said the YMCA had come onto his property and cut down trees that he had as a buffer against the train tracks and never told him. He said members of the synagogue came over and told him. As a good neighbor, he said he went to the YMCA and they apologized and said it was a mistake and promise to replace the trees. He said it had been eight years and the trees have never been replaced. He cited the parking problems that would be caused and noted that many of the proponents of the plan don't live near the property. He also noted that the facility was being compared to the Atlantic Club because it was on the same street but pointed out that the sections of the street were very different with the YMCA area being residential in nature and the Atlantic Club area being more industrial. He also disagreed with the concept that people coming to the YMCA would stop in town for coffee noting that his patients don't like coming into Red Bank because Maple Avenue was difficult to get down. He discussed his experiences before the Boards and again noted that if the law was not changed, the Board vote would stand and the YMCA would have to revise their plan.

Pat McAlary—29 Chestnut Street—said he had testified before the Board and didn't want to repeat all of this testimony but noted that he and his family were users of the YMCA. He reviewed the history of the facility and how it had grown over the years. He said the organization needed to adapt with the times and discussed some of the specifics of those changes. As an architect, he said he understood the concerns of the people who were worried about the expansion but asked the Council to consider the wide variety of people in Red Bank that benefit from the YMCA.

Mayor Menna noted that Mr. McAlary lived around the corner from the property.

William Poku—90 Bank Street—said he did not hold a position on the issue on way or the other but said his concern was that Red Bank had become a destination and the impact of that. He said whether the YMCA expands or not, he urged the Council to help people stay in Red Bank. He noted that the YMCA was a non profit and he had heard complaints about too many non profits in the Borough. He asked, if they were allowed to expand, how it would affect taxpayers. He said he sympathized with the synagogue noting that the Westside faced many of the same issues when the housing stock was being converted to rentals.

Bill Myer—12 Monmouth Street—said the Council should consider the tax exempt status and the affect an expansion would have not only on that but on the fact that it would funnel traffic in the area. Mayor Menna said those were both salient points that would be dealt with by the appropriate board and the Council was not dealing with site plan issues. He also said he agreed with Mr. Myer. Mr. Myer reviewed some of the issues already discussed, including traffic, and said he felt the Zoning Board was the more appropriate body to deal with them than the Council.

Sam Bernard—17 John Street—started to discuss the reasons the Zoning Board denied that application but Mayor Menna said they could not get into the reasons because those were fact sensitive issues and it was not the Council's role to review the decision made by an autonomous board.

Karen Waldman—40 Fisher place—said she was a member of the Zoning Board but wanted to state for the record that she was not attending as a representative of that Board. She asked the Council to ask themselves, if the Board had voted 5 to 2 in favor of the application, if the matter would be before the Council for consideration

Councilman Murphy offered a motion to adjourn the public hearing and table the final reading until April 12, 2010, 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 adjourned and the ordinance tabled.

2010-12 Mayor Menna read "AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY AMENDING CHAPTER XX "WATER AND SEWER", SECTION 20-3 "WATER DEPARTMENT" AND 20-4 "SEWER DEPARTMENT" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK."

CFO Mason noted that the Finance Committee had recommended a 10 percent increase to support the debt service projects from the last few years.

Kim Senkeleski—49 John Street—said she had looked at the web site to review past ordinances which only went back to 2007 and found that the Borough had raised rates every year back to that time. Administrator Sickels questioned her statement. Ms. Senkeleski stated that, through different components, the town had raised rates every year. Mr. Mason confirmed that the last rate increase was in 2008. Ms. Senkeleski said line rates had also been increased. Mayor Menna said she was talking about hook up rates adding that if someone built a new home they should pay the current rates not those from 20 years ago. Ms. Senkeleski said she was just making a general statement. Mayor Menna is was not a far statement because she was saying water rates had increased every single year when they had not. She disagreed and the Mayor once again explained that the connection fee was for someone building a brand new house and that the fees had not been raised in years. Administrator Sickels said it was not a rate but a cost that was put out to bid and that bid cost was passed on. Ms. Senkeleski clarified that Ordinance 2010-12 would increase the per unit rate which was last increased in 2008 bring the total increase to 17 percent. Councilman DuPont asked if she was only talking about water rates because that was only 5 percent over the last two years. She cited the specific ordinances and the amounts to be charged. CFO Mason went over the last 19 year and the average over that period was 3 percent. She insisted she found a 17 percent increase. She said last year the Borough used funds from the water utility toward the general fund which she said is where her taxes are applied. She said she viewed this increase as a 10 percent on her water. She asked about the list of cost saving and revenue measures that had been submitted by residents and was concerned that ordinances were being passed before it they were being considered. She asked when the budget hearing would be. Councilman DuPont said he had announced that Governor Christie had cut the Borough's state aid by \$517,000 and there would be either layoffs, furloughs or a drastic reduction in services. He noted that the Borough can't raise taxes to cover the amount and said they had looked at the suggestions made by residents and said some were very good and they were being digested by the managers of the departments. He also noted that some couldn't be done for statutory reasons and added that some of the suggestions involving the schools should have been forwarded to the Board of Education. He said the introduction of the budget was tentatively scheduled for April 26 and expected the budget hearing to take place on April 28 or 29 where the managers will be on hand to answer questions. He stressed that the Borough had faced cuts by the current Governor of half a million dollars but noted that the Borough's debt had gone down by \$1.1 million and operating expenses went down \$100,000. He pointed out the abundance of non profits in the Borough which represented \$475 million dollars in assessments. He said the Borough loses revenue of \$1.75 million dollars every year, but the Borough still has to provide services. He said the State legislators have not advocated for the Borough and added that several Borough employees were now doing more that one job. Ms. Senkeleski challenged the decisions to raise fees without looking a cost saving measures. She submitted a petition that she said included people that could not make the meeting asking for the Council to hold off on the increase. She cited that fact that some employees had recently asked the Council reconsider the loss of longevity pay and the Council listened. Mayor Menna clarified that the Council tabled the matter out of respect to the employees to study it but it was not taken off the table. He said the money was not coming in and the legislators of the 12<sup>th</sup> district had abdicated their responsibility to the Borough of Red Bank, adding that the State Senator wouldn't talk to him about how that State could assist the Borough with its financial situation and hadn't return his phone calls in a month.



Ms. Senkeleski noted that she had asked three years before what would happen when there was no State Aid. Mayor Menna said that was not what they were talking about. He said they were not talking about Extraordinary State Aid that the Borough applies for. He said they are talking about State Aid that every town is statutorily given by the State saying they had changed the rules in the middle of the game and that it was franchise taxes that were supposed to come back to the town.

Councilman Zipprich asked Mayor Menna to confirm that the matter affected all 566 municipalities. The Mayor said it did but at different levels.

Councilman DuPont said it was important to stress that the Borough had reduced expenses and severe cost cutting measures would be seen with the introduction of the budget. He pointed out that the Borough had elected not to defer its pension contributions yet the State wouldn't be making any. He said they have been attempting to run the town as a business and said they have made and will be making some severe choices.

Ms. Senkeleski submitted the petition and asked the Council to consider cost cutting measures before raising the rates. Mayor Menna said she would be seeing those measures and it would not be happy news but they had to do it. He added that, under different administrations, the Borough had been building recognition that it is a center for various services. He said the only thing they have asked the State legislators for was not a hand out but to lobby for our area like other legislators in other areas do for their municipalities. He said there is an acknowledgement that Red Bank carries the burden of a lot of not for profits and, while the Borough is happy to have them, there are only two not for profits that step up to the plate to make a payment in lieu of taxes (PILOT) which were Meridian and the Monmouth Boat Club. He said their contributions were appreciated by the tax payers. He criticized the not for profits that have elaborate fund raisers and contribute nothing. He said they have asked the legislators to assist with a proposal that would force a not for profit that expanded to enter into a PILOT. He said they weren't looking for full taxes and noted that if 1/10 of one percent of the assessed value of the Borough's not for profits were taxable, the Borough wouldn't be having a problem. He again criticized the legislators for their lack of assistance.

Ms. Senkeleski again noted that she was presenting a petition with 100 names and said they were asking for the Council to table the matter and come up with cost saving measures before they raised water rates.

Peter Ptak—84 Westside Avenue—asked what brought about the increase and what the money would go toward. CFO Mason said it would help cover the debt service from water utility improvements and outlined some of the specific projects. He said, in addition, any surpluses are allowed to be anticipated in the current fund.

William Myer—12 Monmouth Street—said he would like to see the money that comes from this be used for a fund to repair the water and sewers. He said he agreed with the Mayor that it was a way to get money from entities that were not paying taxes. He asked about a structured pay rate for people that go over a certain level of water usage. Mayor Menna said he was not sure what regulations might apply regarding a disparate treatment of payers because the infrastructure go to assist every person along the line. Councilman DuPont said he was aware that in California customers were charged more if they exceeded a certain allotment. Attorney Hall said in New Jersey every customer had to be treated equally.

Mr. Myer said he had previously brought up the quality of the water and had recommended an ordinance that would require restaurants to put in water filters. Mayor Menna said he remembered that and thought it was a good suggestion and something they could take a look at.

William Poku—90 Bank Street—said Red Bank was a market participant in the water business and, by constitutional law should be able to do certain things by ordinance. He also referred to Councilman DuPont's statement that not for profits don't pay taxes but use all of the Borough's services. He said some of the decisions the Council would be making in the near future into need to look into the aspect of the non profits that do not pay taxes. He said there was a national crisis and it was a new day and Red Bank needed to make changes.

Mayor Menna said he agreed with Mr. Poku and said there were existing laws that dated back to the 50s and 60s the legislators needed to realize that things need to be done differently and make changes. He again noted that they had begged for a dialog with the local legislators and they would not respond

Mr. Poku said he wanted to speak in support of Ms. Senkeleski's submission of suggestions and asked the Council to look at them and work to find better ways to do things and pass the savings on to the taxpayer. Mayor Menna said the simple answer was to merge municipalities and let the Counties run services.

Mr. Poku asked how to look at the issues facing the Borough such as the non profits. Mayor Menna said it had to be done through the legislators and they were reluctant to touch it.

Mr. Poku said that, in Red Bank, all single family residents were lumped into the category of Class 2 properties. Mayor Menna asked if he was still talking about water rates and Mr. Poku said he was. He again asked the Council to consider tabling the ordinance and looking at cost saving measures.

Cindy Burnham—146 Harrison Avenue, Fair Haven—said she had owned a three family home in Red Bank for 25 years and paid the water and sewer. She said she had tried to keep the rent low but noted that water/sewer increases would be passed on to tenants which she thought was bad for Red Bank. She said she supported Ms. Senkeleski and asked the Council to table the ordinance until they could do some heavy duty budget cutting.

Councilman Zipprich said taken away funds from the municipalities and they had no choice but to make up the shortfall. Ms. Burnham said she understood that but didn't believe it was always the revenue but that it was the spending. Mayor Menna said they agreed and noted that in addition to the increase there would also be substantial cuts. Councilman Zipprich said the Federal government had passed it on to the State and the State was passing it on to the municipality and the taxpayers now bear the burden.

Ms. Burnham noted that Mayor Menna had complained about the legislators who would not support the Borough but noted that she thought they had a reason he hadn't mentioned. Mayor Menna said they had accused the Borough of giving a raise of 3 percent when it was only one and a half percent which he said was a deliberate misrepresentation. Ms. Burnham said she didn't want to get into specifics and asked the Council to table the water ordinance. Councilman Zipprich read a quote from Senator Beck saying that she conceded that no one in her legislative district was happy about the numbers that the Governor had proposed.

Kim Senkeleski—49 John Street—asked the Council as a sign of good faith to look at cost saving measures before passing the increase. Administrator Sickels said that they have been looking at cost saving measures since January 1 adding that the Borough was face with a \$1.1 million hole and now it was a \$1.6 million hole. He said the Borough needed every possible source of revenue and they would be making drastic cuts and gave examples of some of the cost saving measures that were already in place. He noted that the Borough had been combining jobs for 14 years. He also noted that one of Ms. Senkeleski's recommendations was to pool with other towns to save on insurance costs and pointed out that Red Bank helped found the Joint Insurance Fund adding that they went out for a competitive bid on insurance and no one could bid on it because they couldn't beat the price.

Ms. Senkeleski said she was asking the Borough to cut spending. Mr. Sickels said they had cut spending which he had just explained to her. Councilman DuPont told her she couldn't just say the Borough wasn't cutting. She questioned the purchase of a new turf field. Mr. Sickels and the Mayor noted that the Borough had received funding for the project and it was not paid for with tax payer dollars. She again asked the Council to table the Ordinance.

Peter Ptak—West Westside Avenue—asked what would happen if the extra revenue was not received. CFO Mason explained that it was part of the puzzle adding that they were \$1.1 million over the levy cap and were just cut another half million dollars by the Governor which came to \$1.6 million. He said there would be drastic cuts. Mr. Sickels said there would be layoffs, there may be furloughs and no additional increases. He again asked what would happen if the Borough didn't increase the water rates. Mayor Menna said more people would have to be laid off. Mr. Mason said the Borough would not be able to introduce the budget because it wouldn't be balanced. Councilman DuPont said that would basically shut down the government.

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

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

10-72 Mayor Menna read “A RESOLUTION REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR THE RED BANK ENVIRONMENTAL COMMISSION IN ACCORDANCE WITH N.J.S.A. 40A:5-29.”

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

Councilwoman Horgan noted that the account was being set up because they had raised money including from the State Board of Public Utilities for participating in the Porch Light Campaign where they handed out energy efficient light bulbs. She also noted that all of the Committees and Commissions in Red Bank were all volunteer and had no budget. She applauded the initiative of both the Environmental Commission and the Human Relations Committee for these efforts

### ROLL CALL:

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

NAYS: None

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

10-73 Mayor Menna read “A RESOLUTION AUTHORIZING TRANSFER OF CURRENT FUND APPROPRIATION RESERVE.”

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.

10-75 Mayor Menna read “A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 RELATED TO THE CONTRACT WITH LAYNE CHRISTENSEN COMPANY FOR THE CHESTNUT STREET WATER FACILITY IMPROVEMENT PROJECT.”

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

### ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: DuPont

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

10-76 Mayor Menna read “A RESOLUTION ACCEPTING BID FROM AND AWARDED CONTRACT TO PRECISE CONSTRUCTION FOR THE COUNT BASIE PARK SYNTHETIC TURF FIELD PROJECT.”

Mayor Menna noted that this was a public project for the athletic field that had not been improved since the 1970s and was funded with money from the State Department of Environmental Protection, the Monmouth County Park System and a contribution from Red Bank Catholic so that there was no increase in Red Bank taxes. He commended Councilwomen Lee and Lewis for their efforts on the project.

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

### ROLL CALL:

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

NAYS: None

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

10-77 Mayor Menna read “A RESOLUTION ACCEPTING BID FROM AND AWARDDING CONTRACT TO GREENLEAF LANDSCAPE SYSTEMS AND SERVICES, INC. FOR THE 2010-2011 PARK MAINTENACE CONTRACT.”

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Murphy

NAYS: None

ABSTAIN: DuPont, Lee

There being four ayes, no nays and two abstentions, the resolution was declared approved.

10-74 Mayor Menna read “A RESOLUTION IN SUPPORT OF FAIR TRADE TOWN DESIGNATION.”

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

ROLL CALL:

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

NAYS: None

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

## **PROCLAMATIONS**

### **PAYMENT OF VOUCHERS**

10-78 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$796,900.67.”

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

ROLL CALL:

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

NAYS: None

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

## **OLD BUSINESS**

### **NEW BUSINESS**

#### **AUDIENCE**

David Prown—44 Hillside Place—asked how many bids were received for the turf project. Engineer Ballard said there were eight. Mr. Prown asked if it went to the lowest bidder. She said it did. Mr. Prown asked if they had done any other fields in Monmouth County. Mr. Sickels said they had most recently done a field in Marlboro and the new park in Long Branch.

Councilman Zipprich asked Engineer Ballard to confirm that the difference between the high bidder and the low bidder was about \$575,000. She said the low bidder was \$878,000 and the high bidder was \$1.4 million. The Mayor noted that was why they go out to public bid. Mr. Prown thought the project has been estimated at over \$1 million. Mr. Sickels said it came in under the estimate and included the total package with all the alternates.

Mr. Prown asked for an update on the Recreation Director search. Councilwoman Lewis said the interviews were continuing and she expected they would be bringing in the top ten candidates for a final interview and will be making a decision relatively soon. Mr. Prown asked how many first round candidates there were. Mr. Sickels said there were 25, they called twelve back for a second interview and would be doing a third round. He noted that they received 85 applications.

Mr. Prown asked if the budget situation would impact the decision. Mayor Menna said it would because everything impacts the budget.

Bill Myer—12 Monmouth Street—asked how big the field was that the Borough was putting Astroturf on for \$800,000. Mr. Sickels said it was a football field plus they were doing a lot of other work including fencing, drainage and repairs to the bleachers. Mr. Myer questioned the costs of various projects including the purchase of the property for the Affordable Housing project at \$2.5 million. Mayor Menna noted that the Borough didn’t pay for it, that State funds were used. Mr. Sickels also noted that it was approved by a State approved appraiser.

**EXECUTIVE SESSION**

**ADJOURNMENT**

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

**ROLL CALL:**

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

NAYS: None

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

Respectfully submitted,

Pamela Borghi