

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
JANUARY 26, 2009  
7:30 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, Engineers Ballard & Kosenski and Chief Financial Officer Mason.

**ABSENT:** Borough Clerk Vivona.

**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 1, 2009.

**WORKSHOP**

Water Treatment Facility Improvements—Councilwoman Lee asked Engineer Ballard to give an update on the Water Treatment Facility Improvement project. Engineer Ballard said the Public Works Committee had decided to make changes to the project in relation to code standards that had changed. She said the New Jersey Environmental Infrastructure Trust has a program that offers zero percent bonding on the project costs so she was recommending the Borough use this funding to go forward with the project. Councilwoman Lee said she wanted to bring this up so all of the Council members would have an opportunity to ask questions if they were going to move forward.

Mayor Menna said he thought it would be helpful if all Council members had a scope of the project so they could analyze it as well as a scope of construction estimates. He said they could have a complete discussion and possibly even act on this at the next Council meeting, but that they would need to see a report of the total number of bonds that are being retired or are extinguishing over the course of this new obligation because even though it is at zero interest, they will still have to pay back the principle over time. He added that this would enable them to see what affect the lower interest payment along with this new obligation would have. He said CFO Mason had indicated he would be providing that information.

Councilwoman Lee said she was concerned because they had a deadline they had to meet to apply for the zero percent funding. She said because of legislation that took place on October 6, they were not going to have a choice regarding this project and she urged Council members to move forward to secure the interest free money. Engineer Ballard said she would provide an outline of what is included in the project and noted that the deadline for the submission of the contract is March 2. She asked the Council to pass the necessary resolutions at the first meeting in February so they could be included in the application.

Councilman DuPont said it would be helpful if she could explain why there was the change in the scope of the project as well as the total cost. He said it was his understanding that the regs had changed and we were trying to be in compliance with the regs.

Councilwoman Lee explained that they were hoping to be able to do a rehab including a clean up and sandblast but they found they have 97 year old tanks that are riveted and, according to the regulations as of October 6, they would probably not even be willing to inspect those. She said even though they are holding and they are strong and they look like they may last another hundred years, there are no blue prints to work from and it is water under pressure so they have no interest in approving it. She said instead of rehabbing, they will be forced by law to do a replacement.

Engineer Ballard said there is nothing wrong with the tanks, it just that the regulations are not grandfathered.

Councilman DuPont said he understood that the regs had changed and we needed to be in compliance.

Administrator Sickels said they had originally planned to change the filter media inside these pressure vessels. He said that alone would have helped to improve the condition of the water. He said, during that

time, the engineers found that the State Department of Labor had adopted new regulations which required that these existing pressure vessels be certified. He added that, in the process of getting them certified, the engineers learned that, due to the age of our tanks which date back to the 1880s, they probably will not be able to be certified. He said, rather than incur the cost to do a whole replacement of the interior of these tanks and find out we can't use them, the scope of work was modified to replace these tanks. He said at the last meeting, we rejected the bids for the replacement of the interior of the tanks and the engineers are now preparing the cost estimates to replace the existing tanks. He added that, unfortunately because of their position in the buildings, it will also cause some changes to the buildings to open up the roofs and take the tanks out and put them back. He said the engineer is now working on the final cost estimates and they should have that report to the Council by the next meeting.

Councilman Murphy asked if he was to understand that this was one of several projects. Councilwoman Lee said yes. Councilman Murphy said he understood that the State was only willing to give this interest free money for the next several months. He said he understood that not only was there a deadline, but that they wanted projects that were ready to go. He said there were some projects we were not going to be able to put together in time. He said it just so happens that the water filterization system needs to be replaced. He noted that if we have to do this project, we should at least get the money interest free. He said there are other projects within DPW that are somewhat planned and listed by what's most important so the plans are easy to get our hands on because the research has already been done but, he noted, there will be a deadline so we should act on this at the next meeting.

Councilwoman Lee said that was why it was important to get it workshopped.

The Mayor agreed and said now that they've talked about it, they just need to look at the financial information.

Councilman Murphy said the problem is, if there are five projects, we have to pay T&M to put the specs together each time. He said the question is do we take \$400,000 which would be the total for three or four projects and say "Let's get the specs together" and run the risk that the state only approves two out of the four. He said, while we've already spent the money on all of the projects, we are going to have to do those projects sooner or later so it not like we are wasting the money. He said we have to wait and see how much money the State gives us. He said we have to do what we have to do to take care of the infrastructure of the town.

Councilman Zipprich asked Councilwoman Lee if this project was ready to go. She said it's pretty close. She said we know we have 97 year old tanks and we had already planned on doing a rehab this year which would have been a lower cost. She said, now with the mandate from the State, the old tanks will have to be removed so it's not a choice any more.

Councilman Zipprich confirmed that retrofitting the tanks is not longer an option because the state changed the regulations. Councilwoman Lee said that was correct.

Councilman Murphy clarified that they would be voting on whether or not to have T&M proceed with those projects. He said you might want to just proceed with one or two, but there is a very short time frame and we could miss the window. He said they will be seeing the cost to have T&M put together the plans.

Administrator Sickels said that at the last Council meeting, when they rejected the filter media change, they authorized the engineer to go forward with a replacement design. He said the money is available based on the bond that was ready for the filter media.

Councilman DuPont said the problem the Finance Committee had was that they didn't have the information regarding total cost. He said that doesn't say we have a choice, but it does say we should look at other options. He said zero percent financing is great, but he said he read that New Jersey is going to receive four to nine billion dollars in economic stimulus money and suggested that they look into that. He said he knows time is short but it doesn't sound like we have a lot of options.

Mayor Menna said he thinks the methodology of doing this project is the right one. He noted that they've talked about it but they need the empirical information, the numbers regarding the no interest bond over the period of time. He said the beauty of this particular project, as Councilman Murphy said, is that this project is ready to construct and it's something that we are going to have to do soon or later. He added that it will also not impact the overall tax rate because it is going to be funded through our self liquidating water and sewer departments. He said if we go ahead with this, we need to be cognizant that it won't increase water and sewer rates at the same time based on the bonds coming off and going on. He said he thinks we have to do our due diligence. He noted that they were all in agreement, that they have talked about it and they will put on the agenda for action at the next Council meeting. He said he thinks everyone will have a good comfort level after they see the numbers.

Councilman Zipprich said he would like to ask the engineers if down the road this would help improve the quality of the water in Red Bank. Engineer Ballard said this is a necessary maintenance project and if

you let it go too long, there will be a consequence. She said we have met all of our requirements as far as DEP water standards. She added that this is something we are doing as due diligence now so that we don't have water problems in the future.

Councilwoman Horgan noted that Mayor Menna had mentioned the subject of a transit village on January 1 and with the Economic Summit scheduled for tomorrow night, the subject will probably come up. She noted that Andre Simonsen, Chair of the Environmental Commission and a Master's student at the Bloustein School at Rutgers had done a paper on it. She said she would like to invite him to the Council to make a presentation. She said he had presented it at the Environmental Commission and that it was very well done. She said she would like to get some facts down and open to the public.

Mayor Menna said that a couple of choice sentences may have been discussed too often by various media in this town much to the aghast of some people including himself. He said it has been misrepresented and noted that he said last week, but will repeat again, that there is no transit village designation for Red Bank. He said there is not one on the books and that it would have to go through the entire Master Plan consideration and public hearings. He noted all that he had said was that it was an idea and we should look at it and all of the sudden people are writing on certain sites that we are condemning a quarter of the town which is absolutely ludicrous. He added that other individuals, who shall remain nameless, are saying that we are taking their property when all he said was that we will be talking to New Jersey Transit about certain funding programs. He noted that he thought Dr. Simonsen was a great guy and he would suggest that the appropriate avenue for that presentation would be at the Planning Board because those are the types of issues that will be discussed as part of the reanalysis of the Master Plan. He said, thereafter, he can make whatever presentation he wants to the Council. He noted that he is on the Planning Board and he looks forward to hearing it.

#### **APPROVAL OF MINUTES – January 1, 2009**

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

#### **ROLL CALL:**

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

NAYS: None

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

#### **APPROVAL OF MINUTES – January 12, 2009**

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

#### **ROLL CALL:**

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

NAYS: None

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

#### **MAYORAL APPOINTMENTS**

Mayor Menna appointed Gladys Bowden to the Human Relations Advisory Committee as an Alternate #2 member to an unexpired 3-year term expiring 12/31/10.

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

#### **ROLL CALL:**

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

NAYS: None

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

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

Councilman DuPont reported that this was the eve of the Economic Summit planned for January 27<sup>th</sup> at 7 pm at the Count Basie Theatre. He said all of the panelists were lined up including members of the State legislature and people from surrounding towns. He said he thinks the event will benefit all of Red Bank. He added that it is time to revitalize Red Bank and get some creative thoughts on the subject. He said he

hopes everyone puts aside their various dogmas and philosophies and comes up with ideas for the better good of the whole town because it is a whole town issue. He said he has learned that the business community pays forty percent of our tax revenue so when our businesses need help we, as a whole town, need to come and lend a hand. He said it's not immune from the economic struggles that are occurring, but Red Bank is open for business and it has a lot to offer. He urged everyone to attend the Economic Summit and listen to the panelists and ask questions of them. He said he wanted to thank Frank Mason for getting the on-line payment program working for Tax and Water. He also reported that they will be filing the 2008 annual debt statement by January 31<sup>st</sup> and the 2008 State Financial statements by February 10th.

Councilman Zipprich said it was an exciting and busy week in Red Bank and noted that Preservation New Jersey had selected Red Bank as the location for its annual meeting. He said it will be next Saturday beginning at 12:30 at the Red Bank Women's Club, the former Reckless Estate. He reported that this week the Historic Preservation Commission will be meeting with Chairman Bowden in workshop with the newly formed sub-committee of the Planning Board to discuss the Historic Element of the Master Plan so that it can be viewed before the Public Hearing in February and possibly adopted by the Planning Board. He said the Shade Tree Committee has drafted a Forestry Management Plan which is being reviewed by the Borough Engineer. He said the Shade Tree Committee was also waiting for a response to a letter they had sent to the Mayor regarding becoming a commission.

Mayor Menna said, based on funding considerations this year, he would have to respectfully decline. He said things seem to be working the way they are. He added that they just don't have the money in the budget to make that whole-hearted change at this point. He said they are looking to cut rather than increase.

Councilman Zipprich also reported that Code Enforcement had been following up on reports of violations and officers have responded and issued a written notice to an owner of a vacant home on the south side of town to properly secure the premises in compliance with Borough ordinances.

Mayor Menna said he would be at the meeting with Preservation New Jersey on Saturday and he was grateful that they were going to be in town. He noted that we have worked very closely with them. He also noted that George Bowden was in the audience and asked him to report back to see if it makes any sense for us to consider amending our Historic Preservation ordinance to put a little more teeth in it. He suggested if a property is already on the Historic Preservation list and the Council has adopted an ordinance that includes that property, if that property is thereafter boarded up and is vacant pursuant to an order of no habitation, they should compel the property owner to not just board up the property, but to continue to maintain the vital necessities of heat and other matters because over a course of time whatever it has as history will completely evaporate due to the elements. He said he would like him to discuss it with the members of the Commission to see what their recommendation is because he thinks it is something we ought to consider at least on those properties that are endangered, boarded up and do not have the vital elements to continue to keep some of these wood structures vibrant for the future. He noted that by the time they get around to fixing them up, it may be too late. He said he doesn't know if we can do it and he would speak to the Borough Attorney about it. He said it is a concern of many people.

Councilwoman Juanita Lewis reported that the Parks and Recreation Committee met on January 15 and the subjects discussed included fund raising, the open space grant status and the Marine Park improvement project. She asked the engineers to give a brief update on the project. Engineer Ballard said the Marine Park project will be moving forward. She said they are finalizing the cost estimate with the State of New Jersey but it looks like the State will be funding 75 percent of the bulkhead improvements and Monmouth County will be contributing 10 percent. She said the Borough's share would be the remaining 15 percent. She said it was great news. She said based on the preliminary schedule, construction will begin this summer. She said the boat slips will not be available this year. She said it is a much needed project and they are all happy that it is moving forward.

Administrator Sickels noted that letters were sent to all of the people that had boat slips last year to advise them that the slips would not be available this year and possibly not available in 2010. He said the final determination on availability in 2010 will be made in the first quarter of the year depending on the progress of the construction.

Councilwoman Lee asked if the ability to access the water was not going to be available in addition to the boat slips not being available. She thought it should be made clear that people were not going to be able to come down with a trailer and put boats in anyway. She said she just wanted to make it clear that there would be no ramp available to access the water.

Councilman Murphy asked if fishermen would have access to the pier.

Administrator Sickels clarified that the scope of the work is the entire bulkhead from Monmouth Boat Club to Irwin's Marina so all of that is going to be torn up at some point.

Councilman Zipprich said it will be a construction site.

Councilwoman Horgan said the Rent Leveling Board had been active and that they are reviewing an application by Les Gertrude Apartments. She said the landlord has installed two elevators and sees it as a capital improvement so the Rent Leveling Board will be deciding whether or not it is a capital improvement. She said the Navesink River Municipalities Committee has been revitalized with new members and a new Chairman. She said the Borough Engineer will be coming to speak to them about the Marine Park bulkhead and the quality of the water. She said the date has not been set, but she will let everyone know when it is and that it will be an open meeting to the public. She said the Environmental Commission is busy with green initiatives and the State has just passed a law where they will help us with funding for green initiatives. She said that it is with the Borough Administrator at this point and hopefully they will be moving forward on it soon.

Councilwoman Lee noted that they had already spoken about DPW for about twenty minutes, but she wanted to note that they are looking for a lot of Federal funding to come through for infrastructure which means they are hoping to have all of their projects ready to go when the money comes in the door.

Councilman Murphy announced that the Fire Chief's Dinner will be February 7<sup>th</sup> at 6:30 pm at the Elks Club honoring 2008 Chief Noel Blackwood. He said it is \$40 a ticket and Council as well as the public are invited to attend. He noted that Chief Blackwood was a thirty year resident of the Borough and a twenty year member of the Westside Hose Company. He also thanked CFO Mason for getting the on line payments up and running. He said he had had several calls about it and thought it was a good thing.

Mayor Menna noted that, at the last meeting of 2008, the Council authorized the execution of an agreement between the Borough of Red Bank and the C3 Corporation, which is the Citizen's Communications Center of Nutley, to engage the firm with respect to the development and implementation of a new website. That action was granted in December of 2008 and a contract was submitted. He said he has had a number of discussions with informed representatives of the company and, as a result of rather spirited public comment at some of our Council meetings as well as questions that the public had concerning an issue as important as website design and implementation, it would be his recommendation, based on the public comments and with the concurrence of the company, that the contract that was provided to the Borough not be entered into at this time. He repeated that the Borough would not be signing a contract with the Citizen Communication Center and again noted that it was with the concurrence of the company. He said Councilwoman Horgan has already indicated that her committee will be having a number of public dialogues and inviting anyone who may wish to make presentations or suggest ideas. He said the committee thereafter will be engaged in a discussion of what is the appropriate and best website that we can develop for the Borough. He said everyone's intent, including the individuals that showed up at the Council meeting, Councilwoman Horgan and Mr. Carrino on behalf of the company, wants to develop the best website they possibly can for the Borough of Red Bank. Having said that, he continued, the Citizens Communication Center has developed the website and they are ready to implement it. He said they have done all of the development and it is tailor-made for Red Bank. He said they have graciously agreed to put the website up at no cost to the municipality so people can check it out to see what they have created. He noted that it will not cost us a penny and there is no contract. He said after the public discourse and discussion with interested stakeholders before the committee, the Borough will be putting out requests for qualifications or requests for proposals with respect to a website and will be publicly accepting those and deciding as a Council what is best for the municipality. He said there is no guarantee that what has been developed by C3 will be accepted or implemented and we will not have to pay for the implementation costs. He added that if we don't like it and we choose someone else, they will take it down and we will go with the next proposal. He said he believes that that is a fair and equitable resolution of the issue and it serves the needs of the public, brings us into the modern age and goes out for public comment and thereafter we will be putting out RFQs.

Councilwoman Lee noted that one of the components proposed was going to be a 911 system and she said she was assuming that that was not going to be in place, that it would just be the website. Mayor Menna said that was correct. She said she was concerned about hurricane season. The Mayor said there is always going to be some issues, but he thought it would be problematic to direct a notification system as part of that because that also has some evidentiary information with people who sign up for it. He said we are just doing the website for now. He added that it has that component to it, but, for privacy issues, we may want to hold off on that but he would leave it up to the attorneys, Administrator and Councilwoman Horgan. He repeated that this would give everyone the opportunity to view it and, if we don't like it or go with another company, they will take it down and there will be no liability.

Councilwoman Lee asked if the web address was available. Mayor Menna said no, because they haven't gone on yet, but it would be issued in the next day or so.

Mayor Menna said another issue he wanted to bring up was that there were a number of programs which are in the forefront right now at the State and Federal levels. He said we were fortunate that we had a Governor who was knowledgeable regarding Red Bank and was here as recently as Friday night when the Mayor took the opportunity to inform him of some of our basic needs as a community and infrastructure. He said he believes we are well poised to submit our requests for beneficial funding projects because we are a center for the entire area of Central New Jersey. He said the Administration in Trenton does

recognize that. Secondly, he said, there is going to be an entire group of new Federal projects that are going to be allocated generally through block grants through the State of New Jersey and some through counties and municipalities. He said he will be going to Washington on Thursday and Friday and has scheduled a number of meetings with the members of our Congressional delegation. He said the trip will be at no cost to the Borough as he is driving himself. He said, hopefully, we will have a voice at the table when the various Congressional committees begin to implement some of these block grants. He added that we have been encouraged by Trenton to do that type of engagement with our elected Congressional representatives. He said he would report back and hopes that it will go well.

#### **COMMUNICATIONS AND PETITIONS**

Mayor Menna read requests from Holmdel Kiwanis Foundation and Two River Theater Company for raffle licenses.

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna read a request from the Dublin House to install a temporary tent in the courtyard fronting Monmouth Street for scheduled St. Patrick's Day festivities on March 17, 2009, pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, 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 Charter School to use the Senior Center for their Spring Dance on Friday, May 15, 2009, pending approval of the Special Events committee.

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

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 Charter School for use of Riverside Gardens Park, the concession building and lavatories for their eighth grade graduation ceremony to be held on Wednesday, June 17, 2009 with a rain date of Thursday, June 18, 2009 from 9:00 a.m. to 8:00 p.m., 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.

Mayor Menna read a request from the Count Basie Theatre to hold a reception on Monmouth Street in front of the theatre and closure of Monmouth Street from Maple Avenue to Pearl Street from 6:00 a.m. on Saturday, May 2, 2009 to 1:00 a.m. on Sunday, May 3, 2009, pending approval of the Special Events Committee.

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna read a request from Riverview Medical Center to hang banners on Broad Street and Shrewsbury Avenue from April 20-May 11, 2009 to advertise their Paint the Town Pink week-long event to be held May 3-May 9, 2009.

Councilman Zipprich 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 a request from Liberty Hose Company of the Red Bank Volunteer Fire Department to hold the annual Robert "Doc" Holiday memorial car show on Sunday, July 12, 2009, with a rain date of Sunday, July 19, 2009, in the White Street parking lot from 7:00 a.m. to 4:00 p.m. and to close White Street during the event, 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**

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

Kimberly Senkeleski – 49 John Street – noted that she had come forward at the last Council meeting to discuss information being posted on the website and said she had contacted Councilman DuPont about Ordinance 2009-1 on tonight's agenda to report that the supporting documentation was not on the website. She thanked Councilman DuPont for getting the information on. Mr. DuPont said he had emailed Administrator Sickels regarding the problem. Administrator Sickels noted that it was on the website, but that there was a problem opening it and that it was corrected this morning. Ms. Senkeleski confirmed that she was able to see it, but as of Saturday there was no link to that resolution. Mr. Sickels said when they checked it this morning it was there but could not be opened and it was corrected. He said he had gotten the email on Saturday and forwarded it to the right people, but they weren't in until this morning. She confirmed that that was the ordinance to exceed the municipal budget appropriation limits. Administrator Sickels confirmed that it was. Councilman DuPont said CFO Mason could fill her in on any questions she may have regarding the ordinance.

Ms. Senkeleski also noted that Ordinance 2009-2 to authorize the dedication of a shore protection easement with the State of New Jersey with regard to the park just appeared out of nowhere today. Administrator Sickels reported that it came in late on Friday and that it was a requirement of the Marine Park project. He further explained that it was a memorialization of the access to the waterfront.

Mayor Menna clarified that since we are using State monies to redo the bulkhead, this ordinance says that when that project is finished we have to make the accessibility to the bulkhead a public right. Mr. Sickels said it came through this morning and he forwarded it to the Council explaining why it was late. He said it was sent to the website. Ms. Senkeleski confirmed that it was on the website and she was asking, in the interest of transparency and public involvement, can the Mayor and Council do anything to ensure that

the documentation and ordinances and resolutions that are going to be voted on at a Council meeting are put on the web by a specified amount of time prior to the meeting.

Councilwoman Lee noted that they are working on getting a new website.

Councilwoman Horgan pointed out the Council members don't usually get things until the end of the week as well.

Councilman Murphy noted that sometimes things happen and cited this instance where something came in that had to do with the project at Marine Park which was a formality. He said there will be incidents where things come on at the last minute. He said this was something that needed to be done to keep Marine Park moving. He said we try to get things on the website as soon as we can, but every now that then things are going to happen.

Mayor Menna noted that public comment on it would be at the following Council meeting so there would be plenty of opportunity.

Administrator Sickels noted that there is no statutory requirement. He said there are times that an issue will come up at a Council meeting and the Mayor and Council will decide to move it and create a resolution here. There is no requirement to have advance publication of what is going to take place. The Council has given us directives to try and get everything on the agenda in their packets in advance but every once in a while there is something like this that has a timeliness issue like having this easement in place to satisfy a requirement to get our money. There are times that we just can't do that because things come up at the last minute.

Ms. Senkeleski said her concern was that when they vote on it, it is set in stone, but as they had stated in the contract with C3, that is not the case. Mayor Menna said in regard to the C3 resolution the only thing that happened was that the Council had authorized him to sign a contract. He had said he would take a look at the contract and discuss it after the comments and noted that he didn't sign it.

Ms. Senkeleski asked if something is voted on by Council, can it be changed. Mayor Menna clarified that regarding the two items she brought up tonight which were ordinances, the only thing the Council was doing tonight was voting to put it on for discussion two weeks from now. Administrator Sickels explained that resolutions were done in one shot, but ordinances were introduced and normally the public hearing and comment were at the next meeting. He added that the ordinance is introduced, then it gets published for the public to see and then there is the public comment. He said this is not final adoption, this is introducing the ordinance.

Ms. Senkeleski again asked for clarification on Ordinance 2009-2 asking if it was just a dedication and had nothing to do with the actual bulkhead project. Mayor Menna explained that the ordinance says that once we take the money and the project is completed, the public has the unimpeded right to use that property. She asked if we were giving the property to the State. Administrator Sickels said no, that it is an easement and we are allowing people in perpetuity to access the water via the park. Mayor Menna added that the State is exercising that right on behalf of the public of New Jersey. Engineer Ballard said it is one of the permits requirements of the State of New Jersey as they don't want to provide funding for private property that the public will not be able to enjoy so they are asking that we provide an easement or crossing area to provide public access to the water.

Ms. Senkeleski said she understood that the cost to the Borough would be 15 percent of the cost of the project. Engineer Ballard said that that would be for the shore protection portion and noted that there are some additional park improvements that are Borough funded improvements.

She said she also had a comment about resolution 09-46 noting that there was a discrepancy between the written dollar amount and the spelled out dollar amounts listed. Councilman Zipprich said he had noticed it also.

She said she also wanted to clarify that the vote today on Ordinance 2009-1 was not final. Mayor Menna said it would be a vote to introduce it and put it on the agenda for public comment.

Mayor Menna asked if anyone else would like to speak, no one appearing he closed the public hearing.

Councilman Zipprich offered a motion to close the public comment portion of the meeting, seconded by Councilwoman Horgan.

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**

2009-1 Mayor Menna read “AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14).”

Mayor Menna said that this is something that not only this Administration but all previous Administrations had done and asked CFO Mason to explain the Ordinance. Mr. Mason said this was an Ordinance to calculate an appropriation cap which was two and a half percent as calculated by the State. He said this would allow us to do an additional one percent for a total of three and a half percent. He recommended its approval because there is a four percent levy cap and he thinks we’ll need this for the 2009 budget.

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 February 9, 2009.

2009-2 Mayor Menna read “ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING THE DEDICATION AND CONVEYANCE OF A PERPETUAL SHORE PROTECTION EASEMENT TO THE STATE OF NEW JERSEY WITH REGARD TO MARINE PARK.”

Councilman Murphy offered a motion to adopt the ordinance on first 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 first reading.

Public hearing and final adoption scheduled for February 9, 2009.

**ORDINANCES – Public Hearing & Final Adoption**

**RESOLUTIONS**

09-40 Mayor Menna read “A RESOLUTION AUTHORIZING AGREEMENT WITH CONNER STRONG RISK CONTROL FOR 2009 ALCOHOL AND DRUG TESTING SERVICES.”

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

Councilwoman Lee asked if this applied to all employees. Mayor Menna said yes. Ms. Lee asked if it was random. The Mayor said no. Administrator Sickels said it was a requirement for our employees with a CDL license. Attorney Pringle said it was only for the CDL licensed employees.

ROLL CALL:

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

NAYS: None

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

09-41 Mayor Menna read “A RESOLUTION AUTHORIZING THE FILING OF A RECYCLING TONNAGE GRANT.”

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

Councilwoman Horgan asked if it was for 2008 or 2009. It was noted that there was a typo on the resolution and that is was for 2009.

ROLL CALL:

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

NAYS: None

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

09-42 Mayor Menna read "A RESOLUTION TO CANCEL 2008 WATER/SEWER UTILITY FUND APPROPRIATION RESERVES."

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

ROLL CALL:

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

NAYS: None

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

09-43 Mayor Menna read "A RESOLUTION AUTHORIZING PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1340-33-025-005."

Mayor Menna noted that this license was transferring from the restaurant to the actual owner and that it was a pocket license. Councilwoman Lee asked if it was going to the same person that owned it now. The Mayor explained that the restaurant no longer exists, but the owner hasn't sold the liquor license so this will permit the owner to retain the liquor license in his name. Councilman Zipprich asked what would happen if he wanted to use it at another place. The Mayor said he would have to find an appropriate place and the Council would have input on where it was going. Councilman DuPont asked if there was a time frame or could it be held indefinitely. Mayor Menna said it had to be renewed and they can ask the ABC to extend it.

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.

09-44 Mayor Menna read "A RESOLUTION REJECTING ALL BIDS FOR CONTRACT NO. 08-4 RE-BID RELATED TO POLICE DEPARTMENT EMPLOYEE UNIFORMS."

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.

09-45 Mayor Menna read "A RESOLUTION AUTHORIZING TRANSFER OF CURRENT FUND APPROPRIATION RESERVE."

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

ROLL CALL:

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

NAYS: None

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

09-46 Mayor Menna read "A RESOLUTION AUTHORIZING CONTRACT FOR ANIMAL WARDEN SERVICES WITH THE BOROUGH OF SHREWSBURY."

Mayor Menna noted that there was a typo in the resolution that showed \$3,956 in the narrative, but it actually is \$4,154 yearly and \$4 per feline.

Councilwoman Lee 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.

09-47 Mayor Menna read "A RESOLUTION HONORING 2008 FIRE CHIEF."

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.

09-48 Mayor Menna read "A RESOLUTION IN SUPPORT OF THE RED BANK AFFORDABLE HOUSING CORP'S APPLICATION FOR CHOICE SUBSIDY."

Mayor Menna said this was part of the Borough sponsorship of the Cedar Crossing development and noted that one of the State Funding programs was something called a Choices in Home Ownership Incentive Created for Everyone called CHOICE and said it was a great State program. He said they had made an application for funding as well as subsidies from that program which was actually created for projects such as this. He added that in order for them to do so they have to have the consent of the Governing Body.

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

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.

09-49 Mayor Menna read "A RESOLUTION RELEASING MAINTENANCE GUARANTEES POSTED BY ROUTINE INVESTMENTS, 61 MONMOUTH STREET, BLOCK 44, LOT 6."

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

ROLL CALL:

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

NAYS: None

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

## **PROCLAMATIONS**

Mayor Menna read a proclamation proclaiming February 1, 2009 as Monmouth Symphony Orchestra Day in the Borough of Red Bank.

Mayor Menna noted that the Monmouth Symphony Orchestra would be celebrating their 60<sup>th</sup> anniversary.

Mayor Menna read a proclamation proclaiming February 8, 2009 as Monmouth Civic Chorus Day in the Borough of Red Bank.

Mayor Menna noted that the Monmouth Symphony Chorus would also be celebrating their 60<sup>th</sup> season. He also noted that both of these concerts were open and free to the public.

## **PAYMENT OF VOUCHERS**

09-50 Mayor Menna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,394,697.00."

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

## **ROLL CALL:**

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

NAYS: None

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

## **OLD BUSINESS**

## **NEW BUSINESS**

## **AUDIENCE**

1:01:13

David Prown—44 Hillside Place—asked why the Mayor didn't want to share the web address for the new website even if they can't access it since its going to up in a day or two. Mayor Menna said he just wanted to make sure it is the right code and said they would know the next morning. Mr. Prown asked if they would then issue a press release. Mayor Menna said absolutely and he intends to do so tomorrow morning. Mr. Prown asked in the new site would replace, in full, the existing one. Mayor Menna said it should and noted that all of the information from the old one has been transferred over along with some other information. Mr. Prown said he was looking forward to seeing it.

Mr. Prown also asked if the Marine Park project would impede on the tennis courts. Engineer Ballard said it would not. He also said he wanted to clarify about the Parks and Recreation meeting the Councilwoman Lewis had said took place on the 15<sup>th</sup> noting that they usually take place on the fourth Wednesday of the month. Councilwoman Lewis said that it was the Council Committee meeting, and confirmed that the regular Parks and Recreation Committee meeting will be held on the 28<sup>th</sup>. Mr. Prown said there had been some discussion about offering alternate positions on the Parks and Recreation committee as is done on some other committees. He said he thought it was a good idea and asked if there had been further discussion on it. Mayor Menna said the ordinance hasn't been changed but he would have no objection to it. Mr. Prown asked how the alternate member would participate. Mayor Menna said they would not vote unless someone was absent, much like the Planning or Zoning board. Councilman Murphy felt the meetings usually had good attendance and added that, while it couldn't hurt to have a couple more, he thought it should be limited. Mr. Prown said a lot of the other committees have alternates so why not this one. He also said he thought that the committee really needed some diversity.

Mr. Prown also brought up the Mayor's comment from January 1 where he said the Borough was looking for a five percent cut from each Department including Recreation. He said he understood that they had to make those hard decisions. Mayor Menna noted that in regard to Recreation they would be authorizing some private fundraising efforts that will be targeted for various programs and activities so you may not see any actual reduction in the level of activity and programs because they've aggressively gone forward. He said he intends to sign the agreement soon to raise private funding as was done last year. Mr. Prown said Recreation Director Bob Evans had done great job raising funds for the town.

Mr. Prown asked where the Community Center project stood. He said he knew the Council was getting tired of hearing from him on this issue so he asked if the Council would like him to bring groups of children or parents to a meeting. He said he believed there was an entity that wanted to give in excess of

\$300,000 per year as per their RFP, hire seven to eight employees and not ask for another nickel from the Borough. He noted that this is what they do for a living. He asked why it wasn't being entertained.

Mayor Menna said it would be placed on the agenda for public agenda at one of the next two Council Meetings and they will take care of it.

Mr. Prown said he wanted to explain why he always talked about getting a Community Center. He noted that he has been running a youth program at St. Anthony's gym and said they donated three hours every Sunday year round. He said its open to all young people from Red Bank ages six to seventeen and said he generally has forty to sixty kids a week. He invited Council members to stop by and noted that the kids involved are looking for things to do. Mr. Prown also told Council members that the Red Bank Regional Athletic Director had let the seventh and eight grade recreation teams scrimmage during half time of the high school game.

Cindy Burnham—146 Harrison Avenue—present the Council members with sample drawing of a sign for the park at the foot of Maple Avenue. She suggested the name River Cove Riverfront Path as opposed to her earlier suggestion of Kayak Path. She said she had seen other people at the site stopping and walking down to the water and felt it was more than a kayak path. She said she was looking for Council input. Mayor Menna complimented her on the design. Ms. Burnham noted that she did not design it, but had Powerhouse Signworks create it. She said she had private donors willing to pay for it. Mayor Menna said they would take care of it. She asked what he meant by they would take care of it and could she tell them to go ahead and make it. Mayor Menna said there was a question of where they were going to put it and they wanted to make sure it was in an appropriate place. Councilwoman Horgan asked if the Council would be discussing it. Mayor Menna noted that he didn't have a problem with it but intended to ask the other Council members their opinions. Councilman Murphy said he didn't like the colors. Ms. Burnham said the colors were the same as other park signs. Councilwoman Lewis suggested that the Parks and Recreation Committee should take a look at it and possibly open the naming up to kids in the Borough schools. Ms. Burnham expressed her opposition to the idea and said she felt it was her project. Councilwoman Lewis asked her who owned the property. Councilwoman Horgan agreed the Parks and Recreation should have some say in it. Councilwoman Lee told Ms. Burnham that this project was bigger than just her and that the park belongs to the Borough. She added that they have been working on trying to invite the children in to be a part of the project. She also noted that the children live here, this is their town and they would like to be a part of the process too. Ms. Burnham asked what would happen next. Mayor Menna said it would be referred to Parks and Recreation and they would report back. Ms. Burnham reported on companies that had donated funds and materials for the project and she would like to have an opening at the beginning of April. Mayor Menna said it would be resolved before April.

Mayor Menna noted that he saw Les Hathaway in the audience and he wanted to thank him, as a representative of the Monmouth Boat Club and Ice Boat Club and Councilwoman Horgan, on behalf of the Council, for the fact that the previous Monday they had joined him at the second annual Feast of the Epiphany-Blessing of the Waters. He said it was a great day and it was great to see what a diverse town we are.

Councilwoman Lee wanted to note that the Police have set up two dumpsters to receive clean used clothing at our recycling center to benefit the D.A.R.E. program.

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

ROLL CALL:

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

NAYS: None

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

#### **EXECUTIVE SESSION**

09-51 The Attorney read a resolution to adjourn to executive session to discuss litigation; no formal action to be taken.

Councilman Murphy offered a motion, seconded by Councilman DuPont to adjourn to executive session to discuss litigation; no formal action to be taken. Minutes to be made public in 180 days.

ROLL CALL:

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

NAYS: None

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

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

**ROLL CALL:**

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

NAYS: None

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

**ADJOURNMENT**

Councilman Murphy offered a motion, seconded by Councilman DuPont 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