

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
FEBRUARY 9, 2009
5:30 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.

Mayor Menna announced that there was a change to the agenda and noted that Ordinance No. 2009-3 would be tabled since the Council had not received the survey that would show where the change would be in regard to the easement and that Resolution No. 09-61 authorizing an agreement with the VNA would also be tabled for more information.

WORKSHOP

Water Utility Improvement Project

Administrator Sickels noted that a bond ordinance to fund the project was on the agenda for tonight and gave a recap of the project and a description of the water system. He noted that over the years there have been complaints about iron in the water or dirty water which he said may come from the rusting of the pipes. He said the filter media is periodically replaced and in checking back they found it hasn't been done in about 30 years. He noted that the original plan was to go in and replace the filter media and added that it was not an easy thing to do because the access ways are not very large. He said modification to the tanks would have been required to provide access. He said they would have to open the tank and remove the media as well as perform necessary maintenance to the tanks such as repairing weakness or corrosion, welding, patching, sand blasting and painting, etc.

Mr. Sickels noted that the Council had authorized the project last year at what he estimated was \$750,000. While preparing the specifications for that project, the Borough Engineer found that the State Department of Labor had adopted new regulations that require certification of all pressure vessels. He said part of the process is to get manufacturers specifications for these tanks and to test the tanks in accordance with those specifications. He said unfortunately there are no specifications from the 1880s and they are having a hard time find specifications for the younger tanks also as the companies no longer exist. He said they would have had to replicate those specs. He added that because the tanks were older they would have had to take samples of the metal from various parts of the tanks to see whether or not they could withstand the pressures. He noted that there are some other extraordinary procedures such as x-ray of welds, etc. He also said another part of the regs said they won't certify riveted tanks which the tanks at Tower Hill are.

Mr. Sickels said the Public Works Committee felt it would be wasted money to go through the repair and media replacement process to find out that the State would not let us put those tanks back in service or only on a temporary basis with a 20 percent reduction in the pressure of the system. He noted that the Borough's water pressure isn't that good to begin with without a raised elevated tank. He said the Public Works Committee along with the Engineers are recommending that we go forward with replacement of these tanks at this time. He said one reason is there is zero percent financing available through the State Environmental Infrastructure Trust. He noted that there are some administrative fees. He said they had some preliminary meetings with the DEP and they feel that this project would be a primary candidate for this funding. He noted that it allows us to make draw down requests and the balance would be invested in the trust to reduce the loan amount. He said there is no need for bond insurance in this program. He said the problem is they need to file an application by March 1. He added that we don't have to draw the money down until we are actually sign the contracts and we can decline to go forward up until the time they are ready to give us a check. However, he continued, if we don't have the application now, we will never be part of this financing. He said he believed CFO Mason attended a seminar on Friday where this

financing program was discussed and had reported to him that if we go forward with this we will save about \$1.5 million on a three million dollar project by going through this trust as opposed to traditional funding where bonds are issued at a government market rate. He said if anyone had questions, Engineer Ballard was on hand and asked CFO Mason if he had anything to add.

CFO Mason confirmed that he had attended a seminar on this financing and said typically it is 50 percent zero percent financing and 50 percent low interest. He added that at this point the stimulus package is not formalized yet, but they are assuming the interest rate is going to be low and it is certainly an advantage. He repeated that on a three million dollar project, Red Bank would save over \$1.5 million over 20 years compared to five percent traditional financing. He noted that the stimulus package is still in Congress, but pointed out again that the application must be in by March 1.

Councilman DuPont asked if water rates would have to be increased this year. Mr. Mason said no, adding that the repayment schedule would begin in 2010. Councilman DuPont noted that we had an estimated budget where we were trying to reduce our debt and asked if they would still be able to achieve that. Mr. Mason said this would be an increase to rates. Councilman DuPont said Mr. Mason had given him a letter last week that said we would be able to reduce our debt. Mr. Mason said yes.

Mayor Menna asked if there were any other questions. Councilwoman Lee asked what the worst case scenario was with the financing regarding the interest rate on the other fifty percent. CFO Mason noted that last year's rate was about three percent and noted that, combined with the other half at zero percent, that would make it a net one and a half percent. He noted that the stimulus package is not yet available so we don't know what it is, but he expects it to be lower than that. He said there is also the potential for principle forgiveness which would be a grant, but that is unknown at this point. Councilwoman Lee repeated that there is the potential for it.

Councilman DuPont asked if we go through the Environmental Infrastructure Trust and get the zero percent, how much we would save on a three million dollar project. CFO Mason said \$1.5 million over the life of the loan as opposed to traditional financing at five percent. Councilman DuPont asked how many years that was over. Mr. Mason said twenty years.

Councilman Zipprich clarified that we won't know what the rate will be until the stimulus package is resolved in Washington. CFO Mason said that was correct and noted that when the bids come in, we may actually ask for less than the three million. He also said, if a grant is available, we will also ask for less. He said the time frame for the bond sale through the New Jersey Environmental Trust is sometime between September and November and that is when we would sign closing documents.

Councilwoman Lee noted that, while we are unsure of this financing, it is definitely better than what we would get if we went out for a bond. She also pointed out that this is mandatory work. She said the scale of the work can be a little bit flexible, but we definitely need to replace the tanks and the media. Councilman Zipprich asked if that was the same information regarding the scope of the project that was exchanged at the last Council meeting. Councilwoman Lee said yes, but she added that the scope could change based on the financing.

Councilman DuPont asked if they could theoretically shut us down if we don't do this work or if they could make us buy water from another water company. Administrator Sickels said yes, especially in regard to the riveted tanks, they could shut that part of the plant down and we would have to buy water through New Jersey American. He said we already have an agreement that is mandated through the DEP to buy water through them for about six months out of the year. He said, if we have to buy that water out of contract, it could be as much as \$50,000 a month. He added that the Committee wrestled with the thought of only doing the riveted tanks and coming back and doing the others later, but he said if you do that you compound the cost and perhaps that zero percent financing wouldn't be available. Another aspect, he noted, is that the buildings are old and they are going to have to cut openings to get the tanks in and out and redo the piping. He said once they are done we should see an improvement in the frequency of water discoloration complaints. He added that they also won't be under the umbrella of reduced pressure and another repair down the road. He said they should be good for another 30 years.

Councilman Zipprich asked if we would be getting water from New Jersey American while this project was going on. Administrator Sickels said he believed part of the scope of the work called for a temporary filtration system on site so we could still operate our own wells.

Mayor Menna asked if anyone had anything else for workshop.

Schedule for Meetings

Councilwoman Lee asked the other Council members how they felt about the current schedule for Council meetings which was 5:30 and 7:30 and asked if they would like to revisit the issue. Councilwoman Horgan said she would. Councilwoman Lee said she thought people came out for an issue rather than for the time the meetings began. Councilman Murphy asked what she was suggesting. She suggested a compromise of 6:00. Councilwoman Horgan suggested 6:30. Mayor Menna said the current schedule seems to be working pretty well, but he would do whatever the Council wants to do. He

noted that the Council had spent the greater part of three years debating this issue. Councilwoman Lee asked everyone to think about it and they could bring it up again next time. Councilwoman Horgan noted that she worked in New York and had to commute which meant she had to leave very early on Council meeting days and would prefer if the meetings were at 6 or 6:30. Mayor Menna asked everyone to think about it so they could discuss it next time.

Shared Services with County

Mayor Menna said he had a couple of items that he was seeking the Council's direction on and that he thought they should move on. First, he noted that he had sent information to Borough staff regarding the County and that, in a time where everyone was tightening their belts, he thought they should start thinking about this. He said he really wanted to see two resolutions on the next Council agenda. One would be to authorize the commodity resale agreement with the County of Monmouth and the other would be to authorize the municipal shared services agreement with the County. He said smaller and larger towns have started doing it and he thinks it's about time we do it. He said these two resolutions will permit us to engage fully with the County in terms of working on regionalization of various issues to save us money. He said we had just seen one example with the salt purchase. He said it was his opinion that it should be extended to relationships with the County Engineer's office for traffic studies and other services. He said the County Engineer would bill us for their cost with no overhead. He suggested the Borough also engage the services of the Monmouth County Traffic Department for traffic count services if and when they are needed, field observation and traffic analysis, traffic impact studies and, something he said he thought should have been done a long time ago, enter into a contract for the fabrication and installation of signs. He noted that currently the Borough does its own which he doesn't think is cost effective. He said a lot of other towns have already started this this year and they have all indicated that they are saving money. He said they also have a division that will help us deal with storm water compliance as well as drainage and flood control when those issues arise. He there is also a department for towing services and heavy equipment as well as fuel purchase. He said these things may be mundane issues, but according to the County's preamble they will only pass on the cost of these bulk services and will not add on a premium.

Mayor Menna said he was asking that Resolution 9-61, which would authorize an agreement with the Visiting Nurse Association, be tabled because he would like to see the Borough look into two issues. He said he would like the Borough Attorney to give a legal analysis as to what our legal requirements are with respect to the providing of nursing services. He said he would then like to get two estimates, one from the VNA and one from the Monmouth County Board of Health. He said we also have a contract with the Monmouth Regional Health Commission and thinks we should also get a quote from the County to see if we can save money. He said we should look at these items now instead of just renewing contracts. He said they need the statistical data and the legal opinion so they can compare options. He said there is no reason we can't go with the County if it saves us money and smaller and larger towns are all telling him they are saving money.

Councilwoman Lee asked if they could have that information before the next meeting. Mayor Menna said that is what he was asking so they could talk about it at the next meeting. Councilwoman Lee said they need to address it because these contracts should have been renewed already. Mayor Menna said that is what happens every year, they renew them because it should have already been done. He added that he believes, legally, they are extended until they are renewed. He said instead of renewing he wants to see what the costs and alternatives are.

APPROVAL OF MINUTES – December 22, 2008

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

ROLL CALL:

AYES: DuPont, Horgan, Lee and Murphy

NAYS: None

ABSTAIN: Lewis, Zipprich

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

APPROVAL OF MINUTES – January 26, 2009

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

Councilman Zipprich noted that a couple of corrections needed to be made and asked Attorney Pringle if his request had been incorporated into the terms of Resolution 9-40. Attorney Pringle said the Affirmative Action language was included. Councilman Zipprich noted that on page nine of the minutes, it showed

votes by Councilwoman Cangemi and Councilman Giannell and it should read Councilwoman Lewis and Councilman Zipprich.

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 Cecilia Santiago to the Senior Center Advisory Committee.

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

ROLL CALL:

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

NAYS: None

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

Mayor Menna appointed Lucille Brothers to the Rent Leveling Board as a Regular Member for an unexpired 3-year term expiring 12/31/09.

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

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 thanked Red Bank for coming out to the Economic Summit that was recently held. He gave a special thanks to Nancy Adams and Pam Borghi for their efforts. He noted that there were a number of promises made at the Summit and he wants to make sure that the ordinances are passed. He noted that the Mayor had immediately suspended weekend parking fees and he wasn't sure if an ordinance was needed for that or not. The Mayor said it was not needed. Councilman DuPont said according to his notes there would also be an ordinance introduced to spur business development and property improvements along the Shrewsbury Avenue corridor. Mayor Menna said they are working on that. He noted that one was done in 1989 and they were reviewing it. Councilman DuPont asked if it would be on the next agenda. The Mayor said they would try.

Councilman DuPont said Councilman Zipprich would probably explain further but he wanted to note that the Planning Board would be holding public hearings on amendments to the zoning procedures to remove requirements of escrow and board appearances for modest changes to step up the approval process. He asked if that would be part of the discussions on February 18. Mayor Menna said that would be included.

Councilman DuPont said another item that had come up was an ordinance that would allow outdoor dining year round. Mayor Menna said he had asked Nancy Adams and noted that she was kind enough to provide information that he believes will be ready for presentation to the Council. Councilman DuPont asked if that could be done at the next meeting. Administrator Sickels noted that the heating end of that issue was governed by the Construction Code and he said he had sent Ms. Adams information on that. He said if the outdoor cafes were authorized and they wanted to have heating they would have to file for a permit. Mayor Menna said they wanted to do it, but they wanted to make sure ADA regulations were complied with in terms of access. He said that's why they want to look at it. Councilman DuPont said he knew a number of businesses wanted to do this and hopefully could do it with heating lamps. Mr. Sickels said the biggest problem is going to be prohibition of propane but he noted there are alternatives. Councilman DuPont said in regard to the alternatives, he said he wanted to make sure that a business wouldn't have to put in a gas line. He said they don't want to make it cost prohibitive to open outdoor dining.

Councilman DuPont also noted that Red Bank is a regional center and that designation was still in tact. He said he was aware that other towns had gotten funding as regional centers and he would like to see Red Bank apply for it. He says he knows we didn't apply for grants this year and he knows a number of neighboring towns did get grants to improve their sidewalks and various assets of the community. He said he'd like to make sure, since we are a regional center and we worked hard to get it, that we apply for all the grants we can get especially for our business improvement district and the Shrewsbury Avenue corridor. Mayor Menna said he was grateful for the comment and noted that they were given a quote of about \$50,000 by their professionals last year to expand their regional center designation, but said they didn't have \$50,000 in the budget so they didn't do it. He said he has since learned from the DCA through his own investigation that it is possible for a municipality to get its regional center designation extended. He said he has already requested that the Commissioner send him the information on it and he thinks one of the ways which we can do it is to appoint a citizen's advisory committee and by using a lot of volunteer talent and interfacing that with some of our professionals. He thinks that will cost a lot less than \$50,000, but if it does cost \$50,000 he has already told the Administrator he wants to put out an RFP for it.

Councilman DuPont noted that the Mayor had also had questions about the Transit Village Designation and asked if the Mayor needed him to do anything regarding that or if the Mayor would do his own research. Mayor Menna said the Planning Board was going to have Master Plan review hearings on the 18th and part of that will be focused discussions on that issue. He said he thought the proper way to do it was to have the discussions start at the Planning Board level and then continue those discussions at the Council level.

Councilman DuPont said a number of citizens and business owners had asked for some smaller workshops for some new ideas and said that, if the Mayor was willing to bless that, he would see if any of the panelists wish to hold a smaller version with one or two panelists. He said he would like to do the additional workshops to promote business here in Red Bank and to make sure Red Bank is known as a regional center and open for business. Mayor Menna said he was so grateful for what Councilman DuPont did, what Nancy Adams did, everyone who participated and, most importantly, those who came. He said you are always going to get comments on all sides of an issue, but by and large he thinks reasonable people agree that the forum was a good forum if for no other reason than it brought people from different sides of the issue together. He added that despite a very difficult economic climate, he has seen three stores close in the past two weeks, but they've also opened three new ones and there will be another new one next week. He said these are the people that have faith and courage in Red Bank and they believe in us as we believe in ourselves. He added that Nancy Adams will be announcing a new program in the next two weeks where any individual who wants to consider a retail operation in Red Bank will be able to come to Borough Hall on a designated day and have a one stop Red Bank experience. He said RiverCenter will be there, one or two bank representatives, code enforcement and fire marshal/construction office representatives, as well as zoning officers so their questions can be answered right then and there and they can get off the ground running without having to go to thirty different departments. He said he thinks this will show that we are serious about the fact that Red Bank is open for business and we want them to come. He also suggested focus groups for existing retailers to see what we can do to keep them here and to begin a dialog with their landlords. He said then they will talk to the restaurateurs and other individuals. He said Ms. Adams hasn't announced it yet, but they've been working on it and making progress.

Councilman DuPont said the final thing he wanted to bring up was that he knows under Councilman Murphy's guidance, they've been working on a parking program to make Red Bank more business friendly and consumer friendly. He said he knew Gary Watson had had the opportunity to see a draft of the parking program and he'd like to have that parking program, once it's out of committee, reviewed and looked at.

Councilman Zipprich reported that as part of the Planning Board meeting on the 18th of February, the historic element of the Master Plan will be put before the board. He said a good number of members of the historic preservation commission gave up a chunk of time during the summer to get this project completed which, he said, they were very grateful for. He said it was underwritten through a grant from Preservation New Jersey and the Department of Community Affairs. He noted that it has been reviewed by the Engineers. He added that the Engineers, the sub-Committee of the Planning Board and the Historic Preservation Commission had all met and reviewed it. He said the public hearing will be the 18th and the public is encouraged to come out and attend. He noted that last weekend, Red Bank hosted the annual meeting of Preservation New Jersey with over 100 folks from all over the State. He said he wanted to thank the Women's Club of Red Bank for hosting it at the Reckless Estate and said the Reckless Estate has never looked better as it was spit polished and shined by a number of volunteers from around town. He said it was a huge success and folks are emailing back and forth, visitors spent time shopping and visiting the Washington Street historic district. He said they've gotten a lot of positive feed back from the attendees.

He said a question has arisen about some properties on Monmouth Street and he wanted to find out what some of the recommendations from Code Enforcement might be on properties that have basically been abandoned or left derelict. He said he was specifically talking about the area of West and Monmouth

streets. Administrator Sickels said they could send Code Enforcement over. Mayor Menna pointed out they have already been boarded up, they are still a blight on the community and asked what else Mr. Sickels would recommend. Councilman Zipprich noted that they are not completely boarded up and that windows on the second floor are being broken. Councilman Murphy asked what the regulation was as far as the buildings being a hazard to the community. He asked where the Borough stood in regard to health and safety issues and being able to take the building down. He asked if the Borough pays for it and puts a tax lien against the property. He noted that the buildings have been vacant for quite a long time and definitely an eyesore. He asked again if the buildings could be taken down and the cost passed on to the owners. Mr. Sickels noted that the buildings are secure from entry and cannot be accessed without a ladder so under one code it probably meets the proper criteria. He added that, as far as property maintenance, he believes there might be come provisions where we could declare these properties a blight on the neighborhood, take action through the property maintenance code and direct the owners to take corrective actions. He said if they don't take corrective actions within a certain period of time, the Borough would institute the action and put a lien on the property. He suggested they research that with the Borough Attorney. Mayor Menna said the information given by Mr. Sickels is correct and what Councilman Murphy suggested is also appropriate. He added that these properties supposedly have some value, people got approvals on the properties and are sitting on it. The problem is, he continued, this is a gateway to Red Bank and the continued existence of boarded up properties on one of our major avenues and thoroughfares is really a blight on the entire community. He noted that there is a community blight act and, while he's unsure what the legal name is, it has been used very successfully in Essex County and other Monmouth County municipalities. He said if, in fact, a property owner does not remove a property that has no utilitarian or income value, then the Borough should take aggressive measures to take control and protect our neighborhood even if it means having an action begun to tear it down. He said if they don't tear it down then the town should tear it down and put a lien on the property. Councilman Murphy clarified that after the process there would be no cost to the Borough. Mr. Sickels said there would be initial front lay costs to institute the action but that would be put to a lien on the property. Councilwoman Lee asked how that would affect the taxes that they currently receive on the property once they tear it down and make it a clear lot. Mayor Menna said he was certain that the taxes we receive on the property are based on inutilite values. Attorney Hall said if you have an abandoned property it will be taxed as if it were fit for habitation and noted that one can't reduce their taxes by letting the property go to seed. Attorney Pringle added that you would be defending other values in the neighborhood. Councilman Murphy asked if it would be possible for the Administrator to look into that. Mayor Menna asked both the Attorney and the Administrator look into it. He added that it can be done and it is not just properties on Monmouth Street. He said there are other properties in individual neighborhoods and he can think of some that have been that way for twenty years. He said it doesn't do anybody any good including the people who live on the same block. Administrator Sickels said they have done two properties like that, one on Berry Street and one on Shrewsbury Avenue because they were unsafe.

Councilwoman Lewis reported that Parks and Recreation Advisory Committee met on January 28 and some of the highlights of the meeting were that a Chair and Vice Chair were elected. There was discussion about creating standard policies and procedures. There was a discussion of the Maple Avenue property contest for the children and the committee agreed that it was a good idea and that they should proceed in collaboration with the Education and Technology Committee. She noted that there is a press release that is in draft that will be going out for review by the Education and Technology Committee and they will proceed from there.

Councilwoman Horgan reported that the Environmental Commission would like to expand their membership and asked that an ordinance to include alternate members be considered at the next Council meeting. She noted that there are not currently alternate members on the Commission. She said they were also interested in taking advantage of the energy audit and asked Mr. Sickels where we were with that. She noted that we can obtain funds from the State for this. Administrator Sickels said we have to get quotes and select a vendor. He said the State will provide a certain percentage of the cost. She said the Education and Technology Committee, in regard to the website, is issuing an RFP. She said it is being reviewed at the moment and that she thought the Mayor had something to say about the website and C3.

Mayor Menna said he had announced at the last Council meeting that he had had a conversation with representatives of C3 regarding the website. He said while he did have that conversation, the information provided in that conversation was not fully in conformity with the provider's. He said he did announce that C3 would be up and running because they had done all of the work, however, there was a miscommunication. He said the work was not done so we are going to have to keep our existing web site and let the RFPs go out. He said he was sorry if anybody was led down the wrong path but he could only communicate what was communicated to him.

Councilwoman Lee noted that Public Works projects had been fully discussed, adding that the well had a couple of water main breaks which often happens after a cold snap. She said they will be repaired in the next week and she believes there will be a road closure happening on Front Street for the repair. She noted that it is general maintenance. Administrator Sickels clarified that is was a sewer break and because of the depth of the work, they may have to have a street closure. Councilwoman Lee predicted it

would be a two to three day closure. Councilman Murphy asked Mr. Sickels if they were working on it now. Mr. Sickels confirmed that they were.

Councilman Murphy thanked Mayor Menna and the Council for attending the Ex-Chief Dinner for Noel Blackwood. He said it was a nice turn out and he wanted to thank the Elks Club, the committee that put it together and the merchants who donated and participated for their support. He said it was good motivation for our Fire Department members who volunteer 24/7. He said he also wanted to dovetail on what Councilman DuPont said regarding the regional center. He said he read in the paper that Atlantic Highlands got \$460,000 of free money for sidewalks and they are called a regional center because that is where the boat comes in. He noted that Red Bank has trains that come in and out 32 to 34 times a day north and south bound. He said we have Riverview Hospital and five different buses going in five different directions. He noted that we are a hub, a transportation center. He said we spend the money and there is a very likely chance we are going to get a lump sum of money back. He said you have to spend a little to get a little. He said he understands we have to watch the budget, but the original estimate to put this together was \$100,000 and we got it down to \$50,000. He added that maybe it does have to go out for RFPs, but the fact is they are giving away free money to regional towns and you have to apply. He said he would like to be a part of the process the next time it comes across because Red Bank definitely qualifies as a regional center. He noted that the Borough not only houses Riverview Hospital and the VNA but has 38 non profits in town. He said they are here for a reason. He said they are here because the transportation system brings them here.

Councilwoman Lee said she wanted to thank DPW for the fantastic job of cleaning the streets and working the night shift.

COMMUNICATIONS AND PETITIONS

Mayor Menna read requests from the Company of Dance Arts and Red Bank Charter School Foundation 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 requests were declared approved.

Mayor Menna read a request from the Diocese of Trenton to hold their annual march from St. Anthony's Church north on Bridge Avenue to Chestnut Street to Maple Avenue to Peters Place to Broad Street to Newman Springs Road on Saturday, March 24, 2009, pending approval of the Chief of Police.

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. He noted that Ordinance 2009-3 has been removed. No one appearing he closed the public hearing.

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

ROLL CALL:

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

NAYS: None

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

ORDINANCES – First Reading

2009-4 Mayor Menna read “BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 2008-24 HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY ON OCTOBER 13, 2008 ENTITLED, “BOND ORDINANCE PROVIDING FOR VARIOUS 2008 CAPITAL IMPROVEMENTS BY THE WATER/SEWER UTILITY OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$675,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$675,000 BONDS OR NOTES TO FINANCE THE COST THEREOF,” TO AMEND THE DESCRIPTION THEREIN, TO INCREASE THE APPROPRIATION THEREIN BY \$2,410,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$2,289,500 TO FINANCE PART OF THE ADDITIONAL COST THEREOF.”

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

ROLL CALL:

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

NAYS: None

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

Public hearing and final adoption scheduled for February 23, 2009.

2009-5 Mayor Menna read “ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING THE CHAPTER VI, ALCOHOLIC BEVERAGE CONTROL, ADDING SECTION 6-5.5, “PERSONS UNDER 21 UNACCOMPANIED BY ADULTS PROHIBITED AT LICENSED PREMISES.”

Mayor Menna explained that this will authorize the Council to adopt an ordinance that deals with teen nights in various places that serve alcoholic beverages. On those particular nights, he continued, individuals who should not be drinking but want to attend those establishments must be accompanied by a parent or legal guardian. If a licensed establishment wants to have teen nights or have entertainment that caters to teen nights, they are perfectly free to do so, provided that they do not serve alcohol on that night.

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

Councilwoman Lee asked if this would be enforced by the Red Bank Police Department or the ABC. Mayor Menna said both. He said he would hope that Red Bank would enforce it, but that the ABC was also invited and encouraged to enforce it. He added that it is a problem in a number of municipalities and he thinks we have to start addressing it.

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 23, 2009.

ORDINANCES – Public Hearing & Final Adoption

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

Kim Senkeleski – 49 John Street – said her interpretation of this ordinance was that when it comes to how much a municipality can increase spending in a new year, the State of New Jersey has capped the amount

at 2.5 percent above the prior year appropriations. She said the ordinance the Mayor and Council are looking to approve tonight will allow for an increase above that 2.5 percent of one percent for a total of 3.5 percent spending in the 2009 budget which is equivalent to \$431,000. She said without the ordinance being approved, the Finance Committee would have to find cuts elsewhere in the budget for the one percent increase which is equivalent to \$123,284. She asked if this was correct. CFO Mason confirmed that it was an additional \$123,000. Ms. Senkeleski handed out a copy of a budget amendment from last year that she said showed a comparison between the 2008 proposed budget and the finalized 2008 budget. CFO Mason pointed out that the hand out was an amendment from last year's budget to include \$350,000 of extraordinary aid. She said she understood, but noted that it shows the proposed budget and the final budget. Mr. Mason noted that it had nothing to do with the Cap Bank. She said she knew that but was trying to make a point. She asked them to look under general revenues, total of Section B, state aid without offsetting appropriations. She asked CFO Mason if she was reading it right and asked if the \$355,537 represents property tax relief for extraordinary aid that was used to offset the proposed property tax increase of 7.7 cents per hundred dollars of assessed value from 2008. CFO Mason clarified that the extraordinary aid was \$350,000 and that the additional \$5,537 was in consolidated municipal tax relief which did directly reduce taxes. She noted that on the same page under number six, the total amount to be raised by taxes for support municipal budget is shown. Mr. Mason said that identifies exactly that and that one can see the reduction from the proposed. She noted that the decrease was \$354,805. Mayor Menna said that was correct. She asked if it would be correct to say that the total spending in the 2008 proposed budget actually increased by less than \$1,000 in the final budget when you compare the total amount of State aid that Red Bank received in the amount of \$355,537 versus the total decrease in the municipal spending in the amount of \$354,805. CFO Mason confirmed that was the decrease in the amount to be raised by taxes. Ms. Senkeleski continued that she was looking at the actual amount we got in State aid versus what we actually reduced it by in the final budget and the amount in State aid is higher than what we ultimately reduced our budget from. CFO Mason said there was about a \$600 or \$700 difference. He noted that also within this amendment there were increases in the gasoline because gasoline was at \$4 per gallon and he thinks legal costs were higher because of tax appeals. Councilman Murphy asked about electric and other utilities. Mr. Mason said the deductions versus the increases makes up the \$700 difference. Ms. Senkeleski said when the proposed 2008 budget was presented to the public, she stood up in front of the Mayor and Council with a document full of questions about spending. The point she was trying to make was that cuts needed to be made to the proposed budget in case we did not get the state aid to ultimately lower the burden on the tax payer. Based upon the results of the final budget and the figures already stated that we talked about, she continued, it looks like the Finance Committee at the time did not cut the final budget at all and in fact increased the dollar amount slightly from the proposed amount. CFO Mason said there were cuts and reductions. She agreed that there were cuts in certain departments, but that money was taken and put it into things like gas and legal fees. She said the point she was trying to make was that we got money from the State and not only did we not cut the proposed budget, we actually used less than \$1,000 of that State aid to put into the budget. Administrator Sickels noted that all of the State aid went into the budget. Ms. Senkeleski clarified that the proposed budget assumed there wouldn't be any State aid, and when it came in, while we used it for tax relief we didn't really cut the proposed budget. She said the only cuts were put somewhere else. Mayor Menna noted that there were a lot of tax appeals and you have to give people the money back. He asked how it would be funded unless you increase that line item noting that \$87,000 went into tax appeals. Administrator Sickels noted that she did not have the 2007 budget to show what the proposed 2008 figures were compared to the 2007 budget. He said this was the proposed budget to the final budget that was adopted after the extraordinary aid. He added that she didn't compare what it was before and what cuts were made before 2008. Ms. Senkeleski said she was only looking at 2008 and the proposed budget compared to the final budget and basically there were no cuts. With this in mind, she continued, why would the Mayor and Council vote to allow an additional \$123,000 in spending in the 2009 budget which will undoubtedly fall on the shoulders of the taxpayer. CFO Mason said the State statute allows for a 2.5 percent increase and the ordinance will allow us to go up to 3.5 percent. He added that when the budget is crafted they may not need this increase but he was recommending that it be done. She said her point in standing up here and saying this was that the same thing was done last year under Ordinance 2008-2 and that one percent was used in the 2008 budget. CFO Mason said it was not used. He then explained the Cap Bank system and noted that there are two years worth of cap banks each year and the State calculated that amount each year. He referred her to the copy of the 2008 budget, noting that it is mandated that a cap calculation be on there, and asked her to compare cap banks to see that we did not use it. She asked how much of the money did we use. Mr. Mason said he did not have the information with him. He said if he had a copy of the 2008 budget he could show her. She said in comparing the proposed budget to the final budget, it looked like we used all of the 3.5 percent. Mr. Mason again said he would have to look at the 2008 budget. She said her concern was that if we were allowing an additional one percent in spending, that they would use it. She noted she was using last year's comparison thinking that we did use it. She said it they don't add it, they will have to find it somewhere else. Administrator Sickels noted that the Borough had been doing cap bank authorizations for the past ten years, or for as long as they have had cap banks. CFO Mason noted that it is a cushion and it was not utilized last year. Ms. Senkeleski asked if it was used at all. Mr. Mason repeated that there were two banks last year and that he believes they used about \$100,000 of approximately \$300,000 but without the budget in front of him he couldn't tell her exactly.

Councilman DuPont offered a motion to close the public hearing, seconded by Councilman Zipprich.

ROLL CALL:

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

NAYS: None

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

Councilwoman Lee 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.

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 EASMENT TO THE STATE OF NEW JERSEY WITH REGARD TO MARINE PARK.”

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

Councilman DuPont offered a motion to close the public hearing, seconded by Councilwoman Lee.

ROLL CALL:

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

NAYS: None

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

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

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

09-52 Mayor Menna read “A RESOLUTION AUTHORIZING CONTRACT FOR ANIMAL WARDEN SERVICES WITH THE TOWNSHIP OF SHREWSBURY.”

Councilwoman Lee 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.

09-53 Mayor Menna read “A RESOLUTION AUTHORIZING CONTRACT FOR ANIMAL WARDEN SERVICES WITH THE BOROUGH OF FAIR HAVEN.”

Councilman Zipprich questioned if it was supposed to read \$4 per feline as stated in the minutes rather than the \$2 state in this resolution. Deputy Clerk Borghi noted that the contracts differ between towns.

Councilman Zipprich 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.

09-54 Mayor Menna read “A RESOLUTION TO COMMEMORATE THE 30TH ANNIVERSARY OF THE HOLOCAUST, GENOCIDE & HUMAN RIGHTS EDUCATION CENTER AT BROOKDALE COMMUNITY COLLEGE.”

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

ROLL CALL:

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

NAYS: None

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

09-55 Mayor Menna read “A RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE A DEVELOPER’S AGREEMENT WITH CHELSEA PLACE @ RED BANK, L.L.C.”

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

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: Lewis, DuPont

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

09-56 Mayor Menna read “A RESOLUTION AWARDING CONTRACT FOR SPONSORSHIP AND PROMOTION FOR THE 2009 RED BANK SUMMER SERIES, PRODUCED BY THE RED BANK PARKS & RECREATION DEPARTMENT.”

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: DuPont

There being five ayes and one nay, the resolution was declared approved.

09-57 Mayor Menna read “A RESOLUTION AUTHORIZING APPLICATION TO THE COUNTY OF MONMOUTH FOR A GRANT TOWARD THE COST OF A PROJECT FOR PROTECTION AGAINST BEACH EROSION.”

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.

09-58 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.

09-59 Mayor Menna read “A RESOLUTION REJECTING ALL BIDS FOR A CONTRACT RELATED TO THE CHESTNUT STREET WELL REHABILITATION PROJECT.”

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

ROLL CALL:

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

NAYS: None

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

09-60 Mayor Menna read “A RESOLUTION AMENDING THE 2008 TEMPORARY APPROPRIATIONS.”

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.

09-62 Mayor Menna read “A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING SUTTON COMMONS, L.L.C., BLOCK 113, LOT 22.01, 165 BRANCH AVENUE, RED BANK, NEW JERSEY.”

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: DuPont

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

09-63 Mayor Menna read “A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 105, LOT 1.01, THE SOVEREIGN BANK BRANCH ON BROAD STREET, RED BANK, NEW JERSEY.”

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.

09-64 Mayor Menna read “A RESOLUTION AUTHORIZING SUBMISSION OF A COMMITMENT LETTER TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FOR INCLUSION IN THE 2009 FINANCING PROGRAM FOR THE WATER TREATMENT FACILITIES IMPROVEMENT PROJECTS.”

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

ROLL CALL:

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

NAYS: None

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

09-65 Mayor Menna read “A RESOLUTION AUTHORIZING SUBMISSION OF A “LOAN APPLICATION” AND “DESIGN DOCUMENTS” TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FOR INCLUSION IN THE 2009 FINANCING PROGRAM FOR THE WATER TREATMENT FACILITIES IMPROVEMENTS PROJECTS.”

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

ROLL CALL:

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

NAYS: None

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

PROCLAMATIONS

Mayor Menna read a proclamation proclaiming March 2009 as ARC Awareness Month in the Borough of Red Bank.

PAYMENT OF VOUCHERS

09-66 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$2,968,444.45.”

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

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, Red Bank—Mr. Prown said he hoped the Council would consider a change to meeting times and specifically requested quarterly meetings on a Saturday morning. He noted that one that was held several years ago at the Senior Center was very well attended. He noted that it would also offer promotion for the Senior Center. Mayor Menna said it was a good idea, but while he favored having a meeting at the Senior Center, he said the problem with Saturday morning was that there would be an issue with individuals with certain religious convictions that would preclude them from attending and meetings on Saturday morning as it is their Sabbath. He added that we had to be sensitive to people with different traditions and noted that we are a very diverse town. He said we could talk about time or place, but if people observe a day of the week as their Sabbath, we have to be respectful of that. Councilman Murphy agreed that the Saturday meeting was well attended.

Mr. Prown thanked the Mayor for the information on the website and said he had really enjoyed the Mayor’s web messages. He asked that the Mayor revisit the idea or at least delete the old ones. Mayor Menna said he had six ready to load, but was waiting for the new site. He added that he would have to load them on the old site, probably next week.

Mr. Prown said the Mayor had indicated that at the next Council meeting there would be some discussion about the Community Center and he asked that everyone share with Councilman DuPont, the head of the committee, any documentation, questions or concerns so he has time to share with the committee or do his due diligence to clarify the issues before the next Council meeting. He also noted that Councilwoman Horgan had mentioned an ordinance to allow alternates for the Environmental Commission and asked them to consider alternate positions for the Parks and Recreation Committee as well. Councilman Murphy said there was good attendance at the last meeting and that Councilwoman Lewis had done a good job. Mr. Prown noted that they had elected a Chairperson and a Vice Chairperson and he thought that it was the first time in at least seven years and he thought there was a new found energy. Councilman Murphy said if Mr. Prown new of anyone who expressed an interest in the Committee to let them know.

John Uras—38 Washington Street—said he would like to thank the Mayor and Council for showing interest in saving the waterfront property so the residents could have river access at the end of Maple Street. He said he didn't understand the need to get the children involved in the naming of the site when they weren't involved in the clean up. He said the process of saving the property and creating a water front access is practically done and if Council members want to get the children involved they should get them involved at the start of the project so they would have a sense of pride and accomplishment. He suggested they get involved in the Marine Park project. He said he liked the name River Cove Waterfront Access noting that it has historic relevance. He said it could be ready for a ribbon cutting in May at the second annual Red Bank Day.

Councilman Murphy asked if it was actually an access. Administrator Sickels said by use it is an access but that it is whatever the Council decides to call it. Councilman Murphy asked for clarification and said that the term riverfront access doesn't necessarily mean it is an access. Mr. Sickels said they could call it access, park, place or whatever they decide. Councilwoman Lee said it would be interesting to see what the naming committee comes up with.

James Crawford—54 Leroy Place—said he agreed with the previous speaker and didn't understand, if the children weren't a factor when they were getting ready to sell the property, why were they bringing the kids into it now. He said it was something that could be handled right here and again noted the historic significance of the name River Cove. He said he was sure the teachers had enough on their plate without having to get involved in something that he feels is silly. He again noted it could be done right here and be done with it.

Councilman Murphy said he thought getting the rest of the community involved was a good thing. Councilwoman Horgan agreed. Councilman Murphy said the more minds the better and said he didn't see what the rush was.

Administrator Sickels said he felt compelled to state publicly that Council never took any overt action to sell this park. He said there was a discussion back when they were looking to cut a budget which included a review of all Borough properties. He noted that this piece came up on a list of properties that we owned. He added that when Hovnanian was building we allowed them to use the parking lot as a staging area to keep it off of Front Street and once that work was done the Borough really had no decisions on it. He said there were some offers, some suggestions from people about buying a portion of the property but that was just ideas and discussions. He noted that even during those discussions it was always about maintaining river front access at that site, there was never any discussion about eliminating that access and there was no overt action. He pointed out that they didn't even authorize an appraisal. He said it was just a bunch of thoughts about what properties do we have, what's surplus and what's the best way to go forward. He said other things became more pressing and there was no action taken. In fact, he continued, the Borough had included that space it is open space properties as far back as the early eighties. He said if it had been pursued that would have come up and it would have been a factor in the decision making. He said, just for the record, other than a private discussion by committee members, there was never any action taken by the Council to sell this property.

Carl Colmorgen—67 Oakland Street—said he had a question in regard to something he thought was approved last year which was the four way stop a Bridge Avenue and Chestnut Street. He noted that last week while he was trying to go on an emergency call with the Fire Department he was stuck as Chestnut Street. He asked if anything had been done. Mayor Menna asked Police Chief Fitzgerald what the status was. Chief Fitzgerald said everything had been approved and they were moving ahead with it. He said the problem is this time of year it is extremely difficult to get the striping down on Bridge Avenue which the State requires.

Steve Fitzpatrick—92 Hudson Avenue—said if the Governing Body had any influence in getting the Planning Board to schedule another public hearing he wanted to thank them for that. Mayor Menna said he thought it was important to reopen it. He added that if we need more time or more nights for comments, they can have more hearings. Mr. Fitzpatrick said he wanted to bring to the Council's attention that Ordinance 2009-4 reference supplementing an Ordinance from last year which was 2008-24. He said if you go on the Borough web site you will find that about three ordinances are missing which are 2008-24, 2008-25 and 2008-26 from the list of 2008 ordinances. Mayor Menna said he appreciated the comment and they would look into it. CFO Mason noted that if you go to the agenda for the meeting,

the ordinances and resolutions are listed there and that he had actual pulled 2008-24 off the web site. Mr. Fitzpatrick noted that it was not available under the link for ordinances for 2008. He said he understood Mr. Mason's point, but you would have to remember which meeting it was on the agenda. Mayor Menna said Deputy Clerk Borghi was aware of what the issue was and she would fix it.

Mr. Fitzpatrick told Attorney Hall that he had gotten his phone call this afternoon regarding 51 Monmouth Street and noted that he had said he needed about three weeks to review the file before Mr. Fitzpatrick could inspect it. Attorney Hall said he might be able to get some of it to him by the end of this week. Mr. Fitzpatrick asked him to put that in writing because it had been at least seven business days since he had made his request. He said he would rather Mr. Hall complete his review so that he could look at it upon his completion and asked him to identify whatever documents he was withholding.

Greg Held—31 Spring Street—said he wanted to thank everyone for whatever had been done down at the foot of Monmouth Street, however, if it wasn't for a citizen group he doesn't know what would have happened. He said he didn't see any person from the Council the day a bunch of volunteers went down there on a very hot day and did a lot of work. Councilwoman Horgan asked if he was talking about Maple or Monmouth because he had said Monmouth. He clarified that he meant Maple. He said all of the sudden he read in The Hub that there was interest in this by the Council when there really hadn't been any interest. He noted again that something might have happened with the property if it wasn't for a group of citizens that wanted access to the river.

He said he lived in Middletown until he was 19 and had lived in Red Bank for 47 years. He said there was one place where he could put a row boat in the river with his seven children which was at Washington Street. He thought the town had given it away but he found out there is \$100,000 we got from the hospital. Administrator Sickels clarified that it was \$200,000. Mr. Held asked where the money was. Mr. Sickels said it was in the bank. Mr. Held noted that public works folks had come down and done some work, there lots of volunteers and donations to save that piece of property. He said then he read that they wanted to have the school children put a name to it. He asked the Council if they had asked the people who put sweat, tears and time in that property to be part of a committee to come up with a name. He said he read in the paper that some Council members were not on Council when this was going on, but all of the sudden the Council is interested and said it sounded like a lot of politics. He then asked what was going to be done with the money that the hospital paid. Administrator Sickels noted that the money was earmarked for a boat ramp for launching boats and the Maple Avenue site is not appropriate for launching boats. He added that while that was his understanding of the intention, the council could decide what to do with the money at their discretion.

He also said while he realized the Council did not want to prolong this, he felt the need to say that several Council members, including most verbally Councilwoman Lee, did not want to sell that property. He said he remembered her saying she was not in favor of selling Borough properties. He said there was always a waterfront access plan and a Riverwalk that have been part of the planning documents of this town for years and all you have to do is look at the boardwalks that several properties have built there as part of their improvements and noted that all of that is part of making public space along the waterfront. He added that the Council was always interested in maintaining that as a public space but at that time they were looking at options of how to develop it and noted that other things were pressing at the time. He also said he was sure the Council appreciated all of the efforts of the volunteers, but said there were concerns and there are rules and if something is done wrong, we can get fines from the DEP. He said they wanted to make sure that whatever the volunteers did didn't come back to haunt us.

Mr. Held asked again if the Council had any plans on what to do with the money. Mayor Menna noted that when Councilman Bifani was on Council and headed public works, there were a number of different discussions. He said the money is still in trust and in escrow because there were a number of scenarios that were being contemplated in terms of using it in addition to other funds to provide waterfront access maybe not in some of the traditional areas, but certainly in town. He said they were still working on those with the County and with the State DEP. He said the money is still there and it is earmarked for that and will not be used for anything else. Mr. Held said it was a lot of money and wanted to make sure it didn't fall into the woodwork somewhere. Mayor Menna noted that, in terms of waterfront access, is was not a lot of money but it is in a dedicated fund and cannot be legally touched. He added that there have been a number of discussions but they are not at the stage where those discussions can be augmented. He said the reason for that is there are different State and regional agencies that are talking to the Borough about various funding sources.

Councilwoman Lee noted that she had spoken with Cindy Burnham in a two hour conversation and said Council members had to answer to the whole town. She said when they decide to clean up a park, they get questions about why they were cleaning up the park. She added that a citizen can go and start something, but it is very difficult for the Council to take the same approach. She said they have to answer to Federal, State and local organizations every time they make a decision to do something. She asked him not to be to hard on the Council when it comes to something like this. She said they are trying to figure out how to save it and how to get maximum exposure. She said she appreciated Ms. Burnham's work, but noted that they answer to the citizens of Red Bank. It is their park and that is who elected us to

defend it. She added that, as a Council person she just can't go buy a sign and name a park. She asked him to imagine what they would tell her if she tried to do that, no matter how much work she put into it.

Councilman Murphy said he wanted to point out what the Council did do in regard to the property. He noted that they had to go through DEP because if something got moved that shouldn't have been moved, the town gets the blame so they processed that work through T&M to move the piles. On top of that, he continued, when it came time to move the piles, they needed a mark out as far as how much they can disturb closest to the water. He said the called T&M and they went down and did the mark out. He noted that the Borough paid for both of those things. He noted that when the time came to move the piles, they couldn't get anyone to do it so Ms. Burnham called him and he called someone he knew who was in the business to come down and move the piles. He said the contractor moved it at the cost she was looking for, but there was a load of tree stumps he couldn't take. He said he then called the Department of Public Works and said Mr. Watson came down and met him on a Saturday to look at what needed to be taken away. He said they brought the loader down, they loaded the truck and took it to the Borough landfill. He said the Borough has been there when called upon and spent the money just as well. He just wanted the Council and everyone else to know that the Governing Body did participate.

Cindy Burnham—146 Harrison Avenue, Fair Haven—noted that she was a Fair Haven resident and a Red Bank tax payer for 25 years. She said she was happy the Mayor and Council had embraced this project. She added that Administrator Sickels and Councilman Murphy had been very helpful to smooth the way for a great deal of progress already made. Ms. Burnham said she wanted to correct Councilman Murphy and said that she had found the excavator, but noted that he had put it together and wanted to give him credit for that. She said she wanted to mention something that Mayor Menna had mentioned in the past and that was the fact that the site couldn't be called a park because it comes under DEP regulations and if you call it a park you have to put public bathrooms in it.

She said she was talking to Mr. Sickels last Friday night and he had suggested instead of calling it a path it could be called an access because that's what it is. She apologized and said maybe it was wrong of her to give the Council a copy of one sign that said River Cove. She said she was just trying to include the historic value of it and make it simple, green and natural because it is just an open space. She said it is not a park and it is not going to have ball fields, playgrounds or anything like that. She said the DEP had also okayed it for hand launching of small crafts and that's really why she sought it out. She said she thought it was important because they had no place to launch boats.

She said, as far as the children getting involved in it, she said she had heard it might pit schools against schools which is something the Council might want to think about. Councilwoman Lewis said there had been a few contests with the Red Bank children. Councilwoman Horgan agreed and said there was no competition in that way and said she didn't know why people were so against kids in this community and said it was upsetting to her. Ms. Burnham said she was not against kids and noted that she had three and cited various activities she had been involved in. She said she was approached by a father whose child went to the Charter School and he brought up the fact that it was a problem. She suggested that the children could be involved in either renaming Marine Park which is undergoing renovations or Eastside Park since they both have playgrounds and ball fields and since the children actually use them rather than a river access that has nothing to offer one to three year olds. She said if they really wanted to get the kids involved in something, they could be involved in the design, the conception, the completion, etc. She said they had a widely publicized clean up day last June and there were no kids there other than hers. Councilwoman Lewis asked if that information had gone out to the schools. Ms. Burnham said she had called the schools. Councilwoman Lee noted that she does beach clean ups and asked how many people will send their kids down to pick up syringes. She said we didn't even know what was there, and, as a parent, as a Council person and as a citizen, they have to answer to that when they put people out there.

Councilwoman Lewis said she felt that the Council was informed of what Ms. Burnham thought it should be named and were given some information. Ms. Burnham said, in retrospect, she should have given her opinion and offered a few different names. Administrator Sickels noted that the conversation they had was off the record and while the word access may have been suggested, it was up to the council to decide. Ms. Burnham said she was not a rogue activist and said everything she had done she had conferred with Mr. Sickels and talked to Councilman Murphy and had never done anything over anybody's head. She said she just wants to know that if the town is going to get involved in this, are they going to do some of the funding now so she doesn't have to find private donations.

Councilman Zipprich asked Ms. Burnham if there was a boat launch in her town. She said there was a place called Water Rats. He asked if it had a name and she said it was called the Water Rats.

Councilman Zipprich asked if she knew how they arrived at that name. She said she did not because she does not use it. She added that she likes to go out to Swimming River and since she's been a tax payer in Red Bank for so many years, she figured there should be some access. Councilman Zipprich recalled a conversation he had with her regarding that last fall. He noted that at the last Council meeting she had come in and handed out a suggested name and that the Council was very grateful for her taking the time out of her life to participate in this. She said if they do this name contest, she would like to see it move along and to have the children be educated on the lot so they could know why we saved it. She said they should be taught about riverfront access and open space and how we need to respect it. She said it wasn't

just a helter-skelter thing and some people had done a lot of work over there. She didn't want to see it end up with a name like Sea Gull's Nest.

Councilman Murphy said he wanted to clarify that it was not just one to three year olds that use the parks and also that as part of the Parks and Recreation Summer Program, young children build wooden boats at Monmouth Boat Club and that's where they launch them. He said it was incorrect to say the kids were not down by the river.

Ms. Burnham said she had been told that back in the 30s there was a place called the Bare Foot Yacht Club and that all of the boys that couldn't afford to go to the beach club would go down there. She said it was called the Maple Avenue pier or Maple Avenue dock and it was called the Bare Foot Yacht Club. Mr. Sickels said it was more toward the old Rullman Estate and it was J.T. Allen's pier. Ms. Burnham acknowledged he was correct.

Councilman Zipprich said he thought the important thing was that we have some unity involvement. He added that she had done a wonderful job at bringing the community together on this and he really believes that we should continue in the spirit of community.

EXECUTIVE SESSION

09-67 The Attorney read a resolution to adjourn to executive session to discuss pending litigation.

Councilwoman Horgan offered a motion, seconded by Councilwoman Lee to adjourn to executive session to discuss pending litigation. 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 DuPont offered a motion, seconded by Councilwoman Horgan 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 DuPont offered a motion, seconded by Councilwoman Horgan 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