

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
APRIL 13, 2009  
5:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

ABSENT: Council Members Horgan and Murphy, Borough Clerk Vivona, Attorney Pringle and Engineer Ballard.

**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.

**SUSPEND REGULAR ORDER OF BUSINESS**

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee

NAYS: None

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

**Presentation of Red Bank Board of Education 2009 Budget**

Mayor Menna noted that members of the Board of Education, including the President were in attendance, and introduced School Business Administrator Annie Darrow and Superintendent Laura Morana.

Ms. Morana thanked the Mayor and Council and said the budget for the 2009-2010 school year reflected nothing but good news in that the budget reflects a slight reduction as opposed to the increase that it typically seen. She handed out information to Council members and noted that information was also available on their website. She said a key thing the Board is looking at is student learning and said they want to maintain the welcoming, supportive and challenging learning environment they have established for all learning categories while offering whatever support is needed. She said that is what they look at as they develop their zero-based budget. She noted that the budget includes indicators of their success for developing leaders within the schools by including provisions for professional development. She said they are looking at having high quality teaching in each classroom and they have worked very hard to establish that. She said they also looked seriously at the home school community connection. She said another key element is ensuring a safe and orderly environment for the children to learn.

She said some other areas they have had to look at very closely relate to the guidelines provided by the State Department of Education and the Department of Education at the County level. She said they have the right to question any item in the budget that they feel needs further explanation. She added that when they prepared the budget, they kept the current economic climate in mind and how it would affect the community without compromising the quality of services provided to our children. She noted they also have mandates from the State Department of Education. She said they also look at enrollment patterns, not only at the Pre-K levels, but also the K through 8<sup>th</sup> grade levels. She said they anticipate an increase in enrollment of eight percent, with the highest increase at the Pre-K level. She noted that 60 additional children will be coming in through an allocation provided by the State Department of Education allowing them to expand their preschool program. Also, she continued, at the first and third grade levels, they have an increase in enrollment making a need for additional teachers. She said beginning in the 2010-2011 school year, the Middle School will begin seeing a significant increase in enrollment. She noted that every year thereafter, each grade level will see an increase of twenty percent meaning that within five or six years each grade level will have 100-110 students as compared to 75-80 that they have now.

She said the cost of Special Education is another area they have looked at closely. She noted that they have done an excellent job of supplying those services within their schools as opposed to sending the children to an out-of-district facility where tuition costs could easily go up to \$50,000 or \$60,000 not including transportation. She said they also have fixed costs associated with contract negotiations and insurance costs. She said they are looking at a budget that is responsive to the needs of the children while also responsive to the needs of the community. She noted that they also take advantage of community partnerships including the local municipal government, the Count Basie Theatre, the Two River Theatre and other wonderful donors who have provided them with financial support because they believe in their work and they are grateful for that. She said they also receive support from colleges and universities as well as the Community YMCA. She said one example she wanted to highlight was the Summer Enrichment Program they will be offering in partnership with the Borough noting that it was an eight-week program with a simple, manageable and realistic registration fee of \$75. She said any child in the town can register for a high quality enrichment recreational program.

She noted that they are very aggressive in securing grants adding that they require a great deal of writing and explanations. She said they have been very fortunate in receiving a grant for the afterschool program, known as the 21<sup>st</sup> Century Community Service Learning Program, that has provided them with \$500,000 per year over a five year period. She said they have also received a grant to support their world languages program so they can continue to provide Spanish and Chinese classes to the children. She noted that, through additional benefactors, they have been able to expand their music program with a concert band and string program. She said they have 85 children who are learning to play the violin, viola or cello beginning at the age of four. She said they have also created a college going culture that begins with their pre-school level students

She noted that there are also facilities enhancements in their budget. She said she wanted to highlight, once again, the fact that they have created a budget that is truly responsive to the needs of the community as well as of the children. She added that they are delighted with the items that are included and have a very positive outlook for what the budget will accomplish for our children in 2009 and 2010. She thanked the Council for their time and asked if they had any questions.

Councilman DuPont said it looked like they were reducing the budget. Ms. Morana confirmed that there would be a slight reduction. Councilman DuPont said he wanted to make sure that was highlighted, because in his years of living in Red Bank, he didn't think that had ever been accomplished. He said it was something that the Board and Administrators should be proud of and he was really impressed.

Ms. Darrow said she wanted to clarify that the actual tax levy would remain flat. She said the reduction was based on the decrease in debt service and the increase valuation of the town.

Councilman DuPont said he could see that the tax levy was flat but the impact on the assessed home value showed a decrease and added that, in today's environment, he felt every penny counts so he was really proud of the Board of Education and thanked them for leading the way.

Mayor Menna said, on behalf of all of the residents, he wanted to express deep appreciation and he knew it was a team effort by her very capable staff and, most importantly, by the parents who have been more supportive now than ever since he has lived in Red Bank. He told Ms. Morana that he also thought her professionalism and how they've portrayed the reality of public education in Red Bank has been very important from a State level. He added that her message has been heard and that the Governor and Commission of Education have used Red Bank as an example. He noted that the efforts of the pre-school children have been extraordinary. He credited the administration in Trenton with galvanizing the interest in public education and putting our resources into the future. He added that if you take a look at the State funding formulas, one of the reasons our budgets are adequately addressed is because there has been a substantial amount of State infusion of support for public education. He thanked Ms. Morana on behalf of everyone and also thanked the fourth graders for a musical presentation he had attended.

Ms. Morana invited everyone to come and see the schools. She said people were asked to call in the morning and they would be happy to take them around and show them what is going on in the schools. She said if anyone had any questions, to give them a call at any time.

Councilwoman Lewis said, as a former Board of Education member, she knew what was going on in the schools and she knew the hard work that they were doing and she wanted to say thank you. She added that our education system is a precious jewel and our children are precious. She said she knew the Board did an amazing amount of work and wanted to thank them. She said we have amazing kids and amazing programs and we have so much to offer and she is so proud of the work that is being done and she looks forward to continued collaboration.

Ms. Morana thanked her for her support and said it meant a lot.

Councilman Zipprich said he agreed with Councilwoman Lewis and noted that he and Councilwoman Horgan were also committed to the students of Red Bank. He added that they were very grateful for all of the effort that Ms. Morana, the Board and members of the staff contribute to the children.

Councilwoman Lee said she offered a hearty thank you.

Mayor Menna thanked Ms. Morana and Ms. Darrow for their presentation.

09-95        Mayor Menna read "A RESOLUTION APPROVING THE 2009 BUDGET OF THE SPECIAL IMPROVEMENT DISTRICT OF THE BOROUGH OF RED BANK."

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

Mayor Menna asked if any members of the public had any questions or comments in regard to the 2009 Special Improvement District budget. He explained that this was a budget crafted by the businesses themselves and they pay for it. No one appeared.

**ROLL CALL:**

AYES:        Lewis, Zipprich, DuPont, Lee

NAYS:        None

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

### **RESUME REGULAR ORDER OF BUSINESS**

Councilman DuPont offered a motion to resume the regular order of business, seconded by Councilman Zipprich.

**ROLL CALL:**

AYES:        Lewis, Zipprich, DuPont, Lee

NAYS:        None

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

### **APPROVAL OF MINUTES – March 23, 2009**

Councilwoman Lewis noted that there was a correction to the minutes regarding the vote on 09-91 stating that she had voted no.

Councilman DuPont offered a motion to approve the minutes as amended, seconded by Councilwoman Lee. Councilman Zipprich said he would abstain as he had not attended the meeting.

**ROLL CALL:**

AYES:        Lewis, DuPont, Lee

NAYS:        None

ABSTAIN:    Zipprich

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

### **MAYORAL APPOINTMENTS**

Mayor Menna appointed David Pascale as Chairman of the Human Relations Committee.

Mayor Menna noted that Mr. Pascale currently serves as Vice Chairman and that this request had come from the current Chairperson, Patricia Whyte. He said Ms. Whyte had indicated the her time availability is such that she would like to remain a regular member but thought Mr. Pascale would have more time to devote to the position.

### **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from Riverview Medical Center for free parking from May 2-May 9, 2009 during the 3<sup>rd</sup> Annual Paint the Town Pink week.

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

**ROLL CALL:**

AYES:        Lewis, Zipprich, DuPont, Lee

NAYS: None

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

Mayor Menna read a request from Riverview Medical Center for a temporary Pink Line on Broad Street during the 3<sup>rd</sup> Annual Paint the Town Pink week.

Mayor Menna asked who would pay for the work. Councilwoman Lee said she believed they had someone willing to donate their services. Administrator Sickels said it would be paid for and would consist of washable paint. He noted that the request would be subject to approval by Traffic Safety. He added that they had originally requested to paint the yellow lines pink, but that was not allowed so they came back with a proposal to paint between the yellow lines which he believed Lt. McConnell had okayed. Councilwoman Lee asked how long the paint would last. Mr. Sickels said he believed it would only last until the first rain.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee

NAYS: None

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

Mayor Menna read a request from Mt. Zion Church to hold their "Community Outreach" Program on Friday, July 24, 2009 from 6 p.m. to 8 p.m. and Saturday, July 25, 2009 from 12 p.m. to 9 p.m. and to close Tilton Avenue at its intersection with River Street and Catherine Street at its intersection with Leighton Avenue, pending approval of the Special Events Committee.

Councilwoman Lee asked that the church notify the neighbors since they are closing off a substantial amount of the block. She added that she believed that they only closed off a portion of the street last year. Mayor Menna said he thought they had closed off the block at Leighton Avenue last year and didn't believe there was an issue. Councilwoman Lee said while it may have been closed off at Leighton Avenue, she believed they were extending the hours this year. Mayor Menna asked if she would like to hold off on approving the request. She said she just wanted to have some notification go out to the neighborhood so they could give some input. Mayor Menna suggested they table the request.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee

NAYS: None

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

Mayor Menna read a request from Kaboom-Fireworks-on-the-Navesink for sole vendor status for Riverside Gardens Park and Marine Park on July 3, 2009, with a rain date of July 4, 2009.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee

NAYS: None

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

Mayor Menna read a request from Kaboom-Fireworks-on-the-Navesink to hang promotional banners on the lamp posts throughout the downtown area from June 1, 2009 to July 5, 2009.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee

NAYS: None

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

Mayor Menna read a request from Kaboom-Fireworks-on-the-Navesink to hang banners on Broad Street and Shrewsbury Avenue from June 1, 2009 to July 5, 2009 to promote the fireworks.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee

NAYS: None

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

Mayor Menna read a request from Count Basie Theatre to block off Pearl Street from the intersection of Monmouth Street to the Phoenix parking lot entrance on Saturday, May 2, 2009 for valet parking from 7:00 p.m. to 8:00 p.m., pending approval of the Chief of Police.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee

NAYS: None

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

Mayor Menna read a request from Count Basie Theatre and Red Bank Charter School Foundation for raffle licenses.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee

NAYS: None

There being four 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 asked if anyone from the audience wished to address the Council on any resolutions or ordinances for first reading.

Carl Colmorgen—67 Oakland Street—said he had a question regarding 09-102 which would authorize the approval of sidewalk cafes. He said he had concerns about the Buona Sera request and noted that there are two new Council members who were not here when resolution 08-183 was considered on September 9, 2008. He noted that at the time the establishment had requested additional tables and it was voted down unanimously by all six council members. He noted that Mayor Menna had brought up the fact that there was a lot of pedestrian traffic when the theater let out and the tables would take up a lot of space. Mr. Colmorgen said he had taken some pictures at around 12:00 today and noted that some of the tables in the picture would be in violation of last year's resolution 08-183. He also noted that the pictures showed that the placement of the tables did not allow enough walkway for pedestrians and added that that was with no one sitting at the tables. He asked the Council to consider the decision made in regard to 08-183 when they voted on the sidewalk cafes tonight and not to allow the situation to continue. He then passed the photos to the Council.

Mayor Menna suggested that since there were two new members of Council, they could table the resolution on Buona Sera so they would have a chance to review the minutes. The Council members agreed. Mayor Menna said Buona Sera would be bifurcated so the Council members could review the minutes and familiarize themselves with the issue, but they would move on the other requests. He asked Mr. Colmorgen if he had any questions about the other requests. Mr. Colmorgen said he did not and asked if Buona Sera would be allowed to leave the tables out while the Council considered the request. Administrator Sickels said he would be told to remove them.

David Prown—44 Hillside Place—said he was addressing ordinance 2009-11 regarding the appointment of two alternate commissioners for Parks and Recreation. He questioned the use of the word “commissioners” when it is not a commission but a committee. He also noted that the ordinance referred to terms starting in 1990 and asked if that needed to be updated. Attorney Hall noted that that was from the original ordinance. Mayor Menna noted that they were staggered terms. Mr. Prown also referred to section C which covered terms of removal, saying he thought it was terrific.

### **ORDINANCES – First Reading**

2009-13      Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER III, POLICE REGULATIONS, SECTION 3-9, “DISORDERLY PERSONS.”

Mayor Menna noted that this ordinance was pursuant to the recommendation of the courts, the Borough Attorney and our insurance people to make the definitions comport with State statute.

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

#### **ROLL CALL:**

AYES:      Lewis, Zipprich, DuPont, Lee

NAYS:      None

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

Public hearing and final adoption scheduled for April 27, 2009.

2009-14      Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER V, ANIMAL CONTROL, SECTION 5-1, “DOGS” AND SECTION 5-2, “PENALTIES.”

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

Councilman Zipprich asked if the Borough had a “pooper scooper” law. Mayor Menna noted that this is it, it is just amending the fines and penalties

#### **ROLL CALL:**

AYES:      Lewis, Zipprich, DuPont, Lee

NAYS:      None

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

Public hearing and final adoption scheduled for April 27, 2009.

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

2009-10      Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS, SECTION 25-2.3, “DEFINITIONS”; SECTION 25-10.11, “REGULATIONS CONTROLLING CENTRAL COMMERCIAL DISTRICT-1”; AND SECTION 25-10.12, “REGULATIONS CONTROLLING CENTRAL COMMERCIAL DISTRICT-2.”

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 Councilman Zipprich.

#### **ROLL CALL:**

AYES:      Lewis, Zipprich, DuPont, Lee

NAYS:      None

There being four 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 Lee.

Councilman DuPont said he wanted to point out that this was being done in an effort to promote bringing new businesses into our RiverCenter districts and that is was part of the Economic Forum.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee

NAYS: None

There being four ayes and no nays, the ordinance was declared adopted on final reading.

Mayor Menna noted that as a result of the Economic Development Summit a number of representations were made by the public as well as interested stakeholders in the community. He said one of those recommendations was, now that this ordinance is on the books to make it easier for people to develop, to also have some flexibility in revising some existing storefronts in other sectors of our community, specifically at our second business thoroughfare which is Shrewsbury Avenue. He said the Council was very excited about it and the grand plan was to develop an expanded RiverCenter, but noted that the economic climate is such that that not feasible at this particular time. He said now that they have moved forward positively on this first step, the Council will be given some directions and ideas to incorporate the same sort of best practice business development methodology to make it easier through our zoning process for people to open retail and mixed use businesses in existing spaces on Shrewsbury Avenue instead of spending a lot of time on the application process. He said he hoped to have a rough frame work in the next couple of weeks.

2009-11      Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER II, PARKS AND RECREATION COMMITTEE, AMENDING SECTION 2-51.1 TO PROVIDE FOR THE APPOINTMENT OF TWO ALTERNATE COMMISSIONERS.”

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 Councilman Zipprich.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee

NAYS: None

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

Mayor Menna asked Attorney Hall is it was necessary to address Mr. Prown’s concerns over the use of the word “commissioner.” Mr. Hall said the title didn’t have any legal relevance, but it would be no harm to change the word “commissioners” to “members.”

Councilman DuPont offered a motion to amend the ordinance title from “Commissioners” to “Committee Members”, seconded by Councilwoman Lee.

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee

NAYS: None

There being four ayes and no nays, the ordinance title was declared amended.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee

NAYS: None

There being four ayes and no nays, the ordinance was declared adopted on final reading as amended.

2009-12      Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER II ADDING SECTION 77, “USE OF EMINENT DOMAIN.”

Mayor Menna noted that this was something that was proffered by Councilman DuPont at the last Council meeting which would set forth the Borough in a position where eminent domain would not be favored.

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

William Myer—12 Monmouth Street—asked who sponsored this. Councilman DuPont said he did. Mr. Myer said he thought it was a good idea. He said he would like to make a couple of recommendations. First, he said, was regarding the third whereas clause. Attorney Hall said he had already gotten that one and noted that it was going to be amended from “owner occupied primary residence” to “any privately owned property” which would make it consistent with the body of the ordinance and that the change would not require that the ordinance be republished. Mr. Myer said he was also asking the Council to consider what he felt was the primary inequity of the process which is when the developer get a piece of property at a “fire sale” cost rather than at the value the property has toward the developer and the project.

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

**ROLL CALL:**

AYES: Lewis, Zipprich, DuPont, Lee

NAYS: None

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

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

**ROLL CALL:**

AYES: Lewis, Zipprich, DuPont, Lee

NAYS: None

There being four ayes and no nays, the ordinance was declared adopted on final reading as amended.

## **RESOLUTIONS**

Mayor Menna noted that the resolutions to authorize the sidewalk cafes would be considered separately rather than in one resolution as shown on the agenda.

09-102 Mayor Menna read “A RESOLUTION AUTHORIZING APPROVAL OF SIDEWALK CAFÉ FOR THE ORIGINAL SOUPMAN.”

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

**ROLL CALL:**

AYES: Lewis, Zipprich, DuPont, Lee

NAYS: None

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

09-108 Mayor Menna read “A RESOLUTION AUTHORIZING APPROVAL OF SIDEWALK CAFÉS FOR GAETANO’S AND MURPHY STYLE GRILL.”

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

**ROLL CALL:**

AYES: Lewis, Zipprich, Lee

NAYS: None

ABSTAIN: DuPont

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

09-109 Mayor Menna read “A RESOLUTION AUTHORIZING APPROVAL OF SIDEWALK CAFÉ BUONA SERA.”

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

**ROLL CALL:**

AYES: Lewis, Zipprich, DuPont, Lee

NAYS: None

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

09-103 Mayor Menna read “A RESOLUTION AUTHORIZING SALE OF PERSONAL PROPERTY.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee

NAYS: None

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

09-104 Mayor Menna read “A RESOLUTION APPOINTING SHEAN OPIE AND CHARLES BRZYSKI AS SPECIAL OFFICERS CLASS I.”

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee

NAYS: None

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

09-105 Mayor Menna read “A RESOLUTION AUTHORIZING CHANGE ORDER NO. 7 RELATED TO THE CONTRACT WITH A. MONTONE CONSTRUCTION FOR THE 2007/2008 ROAD PROGRAM.”

Engineer Kosenski noted that this resolution provided for a change order that would address additional work for the project which was primarily storm drain improvements that were found to be in need of repair during construction. He said there was also some work for an additional water main due to conditions found on the job. He added that there was also some cost in the change order for unmarked gas that caused some delay in the project. He said the total for the change order would add approximately \$50,000 to the project but asked Council members not to forget that there were approximately \$150,000 in change orders that had been reimbursed by the developer.

Councilman DuPont asked if the project was within budget. Engineer Kosenski said that it was well within budget and noted that the bids for the project had come in at about \$400,000 lower than anticipated.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee

NAYS: None

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

09-106 Mayor Menna read “A RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 RELATED TO THE CONTRACT WITH A. MONTONE CONSTRUCTION FOR THE 2007/2008 ROAD PROGRAM – SPRING STREET.”

Engineer Kosenski noted that during the construction of a handicap ramp, they found a deteriorating storm sewer that required replacement which was the reason for the change order.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee

NAYS: None

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

09-107 Mayor Menna read “A RESOLUTION SUPPORTING EFFORTS BY MONMOUTH COUNTY AND OTHER MONMOUTH COUNTY MUNICIPALITIES IN ESTABLISHING A REGIONAL SCENIC BYWAY.”

Mayor Menna noted that this had been requested by the Monmouth County Planning Board to establish places to visit as part of their scenic byway.

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

ROLL CALL:

AYES: Lewis, Zipprich, DuPont, Lee

NAYS: None

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

Councilman DuPont asked that before they moved on to the Proclamations, it would be fitting for the Council to remember Justice Daniel O’Hern and suggested nominating him for to New Jersey Hall of Fame. He said Justice O’Hern had been a favorite son of Red Bank and had specifically mentioned that he wanted to be known as being from Red Bank. He said he thought it would take an act by the Mayor to make the nomination. He spoke of Justice O’Hern’s funeral and noted that it was impressive.

Mayor Menna said he had no reservation about doing that and his only thought was that he may have already been inducted. In any event, he added, Council DuPont’s comments were appropriate and agreed that the outpouring of grief and emotion was strong that day and the entire week. He said they are in discussions with the family, in addition to Councilman DuPont’s suggestion, to appropriately acknowledge the life of a man, whose likes we are not going to see for many decades to come, here in his own community. He said the governing body will have to decide how that commemoration will be done. He added that whatever is done will be first class and appropriate which is fitting of the man and his legacy.

## **WORKSHOP**

### **Community Development Block Grant**

Engineer Kosenski said that he and Engineer Ballard had met with the Parks and Recreation Committee and spoke with several members of the Public Works Committee to talk about possible applications for the Community Development Block Grant. He said they reviewed both possible recreation projects and possible utility and road projects. He said the discussed primarily the unmet affordable housing requirement need that the Borough has in relation to the Cedar Crossings project. He said the conclusion was that the Borough should make an application for a project related to the Cedar Crossings Affordable Housing project that would consist of utility and roadway improvements in the vicinity that are necessary to support the project. He said it was his recommendation that he meet with Administrator Sickels and Acting Public Works Director Gary Watson about the details of a project to present to Public Works and Recreation and, when they are in agreement, move forward with an application based on Council concurrence.

Administrator Sickels added that such an application is consistent with the guidelines of the Community Development Block Grant Application noting that projects that support the creation or establishment of Affordable Housing have a high priority in the grant process.

Engineer Kosenski said that they have spoken with members of Community Development who feel an application in support of that project would be a good application and added that he thought they had a good shot at the application being successful.

### **Planning & Development Fees and Construction Code Fees**

Administrator Sickels noted that Council members had received in their packets a proposed ordinance for amending the Planning and Development fees. He added that as part of the budget process he had asked all Departments to review their fee schedules to come up with recommendations for increases or adjustments in the fees based on surrounding towns and other regulatory agencies. He said he hoped to have a draft for a proposed increase in Uniform Construction Code fees, which he noted haven’t been increased in over four years, within the week so they can review it before the next Council meeting..

Councilman DuPont asked when the last time the Planning and Development fees had been raised was. Mr. Sickels said he believed it was around the same time. Councilman DuPont said he understood it had been four or five years, but he questioned increasing the fees during a time of difficulty and he wondered

if that was a good thing. He added that it was also his understanding that there was going to be some reduction in those departments and wondered if that would offset the need for an increase.

Mayor Menna noted that there had been discussions about that earlier today.

Councilman Zipprich asked if the Borough Engineer was involved in the fee review process.

Mayor Menna said not really because they are internal fees. He said he thought Councilman Zipprich might be referring to escrow fees which are separate.

Administrator Sickels said the construction code fees are usually based on the State fees and the State is already mandating an increase in the fees that are paid to the State that come through the Borough. He added that the Borough fees need to cover the cost of the office and as costs increase, the fees are supposed to increase as well. He said there will be a draft for their review and for consideration at a future meeting.

Mayor Menna said that if they will also try to get Council members a sample of the fees from adjacent towns and suggested sending it to the code Committee for review and recommendation before it comes to the Council.

### **Shared Services Resolution**

Councilman DuPont noted that about a month ago the Township of Marlboro was moving forward with its shared services and he had asked if Red Bank was participating and said that we are. He said Mr. Sickels had indicated that he hadn't been to any of the meetings so he was asking what has been done since then since apparently there is about \$228,000 that might be divided amongst some of our municipalities.

Administrator Sickels noted that it was being funded through a Central Jersey Council of Governments with was a new organization that is being formed for the purpose of applying for shared services grants. He said the project that they are pushing right now is a shared service bidding for private contracting of garbage facilities. He said he has discussed private contracting for our garbage facilities with the Public Works Committee and also spoke with Mr. Watson and the Chair person. Inasmuch, he continued, as they did not think they would be participating in that project, it didn't make sense at that point to get involved with the Committee.

Councilman DuPont asked if we were represented on the Committee or if we had been attending the meetings.

Mr. Sickels said, unfortunately, the meetings are the same nights as our Council meetings. He noted that the one meeting he did attend was a daytime meeting and he expressed concerns about that and they said they were going to try to stagger the meetings so we could have better representation. He said they were very specific about the scope of their efforts at this time.

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

Councilwoman Lee reported that the Borough had received a grant and asked Engineer Kosenski to give the details. Mr. Kosenski said the Borough had received a \$250,000 grant plus a low interest loan for an artificial turf project at Count Basie Field. He said they plan to move forward with an additional application to another agency later on in the year to help supplement that project. He anticipated that would make the application in September or October. He said we were lucky to get that grant and noted that it was an amount of money that Green Acres doesn't typically give out in a grant and a very good feather in Red Bank's cap.

Administrator Sickels said that was discussed with the Parks and Recreation Committee at their meeting last week and, hopefully, with this additional source of funding and with a potential outside source of funding through an increased lease arrangement and/or a possible contribution, we may be able to make these improvements with little, if any, cost to the Borough.

Mayor Menna noted that we will keep working on it and noted that Councilwoman Lee had been meeting with Mr. Watson and Mr. Kosenski and her committee to try to get more information and hopefully will have a report at the next Council meeting.

Councilwoman Lee said they have also cleaned up the Harrison Avenue park in conjunction with Parks and Recreation. She said they have also been looking at the soil at other places where the same vendor was used. She said they have been doing a good job of replacing it and making restitution to the Borough.

Administrator Sickels reported the Councilman DuPont had brought to his attention that Verizon had lowered a cable box on a telephone pole to within pedestrian height on South Street. He said they were able to contact Verizon and express the Borough's concerns. He added that the pole was at such a bent angle that they felt it was dangerous for their worker to climb with a ladder against it. He said they ended

up having to get JCP&L involved to sink a new pole did. He said he was happy to report that that box and been relocated to a new pole and the matter has been resolved.

Councilman DuPont praised Mr. Sickels for his efforts.

Councilwoman Lewis reported that the Parks and Recreation Committee had met on the 7<sup>th</sup> of April and there were four items on the agenda to be discussed. First was the Maple Avenue project and the committee's concerns in regard to information that was shared and potential problems with things that are being done at the site in regard to DEP regulations. She said they also discussed Sunset Avenue and plans for that project. She noted that they also talked the next steps with the Boys and Girls Club as well as field usage and maintenance. She added that they has been a tremendous amount of work done at Eastside Park and also Count Basie Park and said we all know the fields get a lot of use. She said they would like to try to come up with a plan to try to make sure that the work that has been done is maintained and to see if there is anything they can do to make sure the fields are not overused and are rested properly.

Councilman Zipprich reported that the Board of Health had met in a special session to hear a presentation from the Monmouth County Board of Health and noted that there will be a follow up meeting at the end of April to discuss the Board of Health and the Monmouth County Health Commission change over. He said he has also been working with the Shade Tree Committee who is collaborating with the Red Bank School system and Board of Education for an Arbor Day celebration which is coming up at the end of April. He said the Committee is also working on an Earth Day Celebration. He said the Committee had asked Administrator Sickels to fly the Tree City flag from the flagstaff at Borough Hall in recognition of Arbor Day and Earth Day this month. He said they had also met with the Education and Technology Committee to review the RFP for the website. He said they are anxiously awaiting Councilwoman Horgan's return so they can follow up on that and get it resolved speedily. He said the Organizing for American group had reached out to him to talk about the Community Recycling Day and added that he had met with Acting Director of Public Works Watson about setting up a recycling day, that won't cost the Borough any money, to recycle electronics including computers and cell phones.

Councilman DuPont reported that the Budget Workshop was held a few weeks ago. He added that the Finance Committee is taking it under consideration and they do believe that there are some other reductions that they can make. He said they will be presenting it to the Mayor and Council in the next few weeks. He said he believed the extraordinary aid will applied for on April 15. He said he noticed that Verizon has let the Borough know that they are entitled to drops at our Municipal Buildings, firehouses, Police Department, public libraries and schools.

Mayor Menna said he was glad he mentioned that and that we are negotiating with them and there would probably be a report at the next Council meeting along with some other Verizon issues.

Councilman DuPont said he knew that we had recently received Blackberrys for some of our Departments and Verizon had indicated that they are going to provide it for free so we should take advantage of that. He also reported that he was aware of a grant from Walmart for the Small Business Sustainable Jersey Small Grant Program and he was wondering if we were in the Sustainable Jersey Certification Program because there was about \$200,000 worth of grants that we could be entitled to. Mr. Sickels said he didn't think so and Mayor Menna said he didn't know. CFO Mason said he had just gotten the memo today and hadn't had a chance to look into it, but that he would. Councilman DuPont also noted that there was another program which he thought we might already be involved in which was a program with about \$3.2 billion available for an Energy and Efficiency Conservation Block Grant Program. He asked if we had taken advantage of the opportunity for Red Bank to participate. He said it would be nice to get a couple of hundred thousand for our energy programs as well as the green programs we were trying to do. Administrator Sickels said they had had a couple of preliminary meetings but were waiting for Engineer Ballard to get back to follow up. Councilman DuPont suggested that the Environmental Commission could be a part of this.

He also noted that he thought David Prown had a wonderful suggestion for a proclamation for pronouncing the 100<sup>th</sup> Anniversary of the NAACP. Mayor Menna noted that the local chapter is working on a celebration date and that would be addressed when we get closer to that. Councilman DuPont said one final point in his report was regarding the State's Mortgage Stabilization Relief Act Notification Requirement which he said, in layman's terms, means that if someone's house is under foreclosure they are entitled to certain benefits or if they are having difficulty paying their mortgage or taxes the State has a program to assist homeowners. He encourages anyone with questions to contact the Borough and we can get them that information. He added that this was just signed a couple of months ago by the Governor and he felt in today's economic downturn it was important that everyone had knowledge of ways they can get help.

Mayor Menna reported that the school board election is April 21<sup>st</sup> and while people are used to voting in their regular election districts, this year for the first time in about 20 years, we have been forced to make a change in districts 3 and 7. He added that those are the polling places at the Red Bank Volunteer First Aid Squad. He noted that the Borough does not own that building adding that it is owned by the Red Bank First Aid Squad which is a private institution. He said they notified the Borough that they no longer

wished to host the election. He said the Borough has no control and added that he used his best efforts to try to convince them that it was a good thing to do to open up the building to the public, however, the stood firm. He said beginning with the school board election and every election thereafter until subsequent changes, we will be holding the elections for District 3 and District 7 at the First Church of Christ Scientist on Broad Street which has available parking and is handicapped accessible. He said the Church has graciously and generously offered to open its doors for the election. He added that he was sorry we had to take the move, but he wanted the public to know that our hands were tied and we could not order them to have the election at that place.

He also reported that a Kaboom fundraiser will be held on April 16 and pointed out that the Fireworks are an exceedingly expensive proposition. He that the Monmouth Boat Club has graciously and generously opened its doors for the first fundraiser for Kaboom which is Thursday the 16<sup>th</sup> at 6pm and will include a mini-show of fireworks as they do every year. He added that all contributions are needed and welcomed. He acknowledged that it was a difficult economic climate and noted that our businesses have opened up their hearts and their culinary endeavors to provide the free food for the event.

Mayor Menna noted that, as Councilman DuPont had said, we went through a difficult time as a community with Justice O'Hern's passing but said that it also offered us the opportunity to look back to see what really wonderful gems we have collectively created in terms of public service. He said in a very cynical time when public service is sometimes frowned upon by so many in our society, it was good to see the comments from people throughout the State and throughout the entire region who honored and remembered one of the brightest sons that this community every produced. He said when Councilman DuPont said we should be honoring him fittingly, we will but that it is just going to take a little bit of planning with the family and with interested stakeholders. He noted that it was a good time to reflect on what all of us can do to give back to others who need a little bit more help from those who have been graciously blessed to have a little bit more than others. He said Justice O'Hern certainly exemplified that saying that he was given brains, personality and dedication and he shared that with so many others. He added that we will never forget him.

Administrator Sickels apologized that he had one other item that should have been brought up in workshop. He said after a discussion with the Finance Committee and meetings with the various Department Heads, we will be implementing a four-day work week for the Municipal Building commencing June 1. Mayor Menna said a resolution would be needed for that. Councilwoman Lee asked it that was only for the Municipal Building. Mr. Sickels said it was adding that the Library already has staggered hours, but has been asked to reduce their hours by one fifth to realize a comparable energy savings. He said this main part of the Municipal Building go to a four day workweek and would be open from 8am to 6pm and noted that most of the meetings occur on those four days which would be Monday through Thursday and closed on Fridays. He said there would be 10 hours of operation per day, minimum. He said they talked with the court and the Office of the Courts is okay with that. He added that Public Works would remain open five days because of activities such as running the water plant and other activities that they didn't want to interfere with. He said the Senior Center will remain open five days because it is federally funded and there is a meals on wheels program. He added the some seniors go the Center for five meals a week and the cost benefit really didn't make sense there. He noted that the Police Department is a 24 hour a day operation. He said at the very least they try the four day week, commencing June 1, for the summer and see what the energy savings are and then ask the council to consider it as a year-round measure.

Mayor Menna asked that a resolution be put on the agenda for the next Council meeting to act upon that.

Councilwoman Lee asked it this had been taken to the Library Board already. Mr. Sickels said it had been discussed with the Librarian but hadn't been taken to the Board.

## **PROCLAMATIONS**

Mayor Menna read a proclamation proclaiming April 24, 2009 as the 137<sup>th</sup> Anniversary Celebration of Arbor Day in the Borough of Red Bank.

Councilman DuPont asked if the 2009 Clean Community Entitlement in the amount of \$14,223.31 would go into the general fund. Mayor Menna said that it would and CFO Mason said that it would be an amendment to the budget.

## **PAYMENT OF VOUCHERS**

09-110        Mayor Menna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$5,097,734.10."

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

## **ROLL CALL:**

AYES:        Lewis, Zipprich, DuPont, Lee

NAYS:            None

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

## OLD BUSINESS

## NEW BUSINESS

### AUDIENCE

David Prown—44 Hillside Place—said he understood the reasons for changing the Municipal Building over to a four day work week but asked the Council to have sensitivity to the Library hours. He said it was nice that it would be tested over the summer. He expressed concerns over the needs of the young people who didn't have transportation. He noted that even though Red Bank wasn't part of the County system, residents could use their facility, but they would need to use the Borough library if they need to print something or have internet access. He said he felt a 20 percent cut in hours was a big number.

Mayor Menna said they would leave that up to the Library. Councilwoman Lee said she thought it was very important for the Library Board to make the decision and noted that they are short of staff right now and had actually recent asked for expanded hours for the Library. Mr. Prown asked if the Board had the power to make the decision and Mayor Menna said they could noting that they are an autonomous Board. Administrator Sickels clarified that the Library had been asked to reduce their hours by one fifth, but not necessarily close on a particular day but possibly open later. Mayor Menna repeated that they would let the Board decide and if they felt it was a bad idea, that was fine. Mr. Prown asked in anyone on Council was on the Board and Mayor Menna replied that Councilwoman Lee was.

Mr. Prown also commented that the flyer for the Summer Camp program was a fabulous piece and said he found the price decrease fascinating. He noted that it has always been \$200 for the eight week program including two meals a day and all transportation and trips. He said now it has been reduced to \$75 and called the program a no brainer for any Red Bank family.

Councilwoman Lewis pointed out that the program was truly a collaboration with the schools and taking extensive use of the opportunity with the 21<sup>st</sup> Century Grant. She noted that there would also be scholarship opportunities available for the people that couldn't afford the \$75 adding that if parents want their children to participate, they will be able to participate. Mr. Prown asked for verification if every child that participated had to be a Red Bank resident. Councilwoman Lewis said yes. Mr. Prown said there should be some checking because people in other towns are going to want to take advantage of the bargain and may try to register under the address of a Red Bank relative.

In regard to the April 21 School Election, Mr. Prown said Ms. Morana made a great presentation and highlighted the fact that the taxes are flat or going down. He also noted that at the high school level, it was going up one dollar per month for Red Bank taxpayers as opposed to nearly \$12 a month for the other two sending districts. Mayor Menna noted that the tax rate was based on assessments.

Mr. Prown asked if Councilwoman Lewis was the contact person with the Boys and Girls Club for the Community Center. She said it was between her and Parks and Recreation Director Bob Evans. He asked if discussions have been taking place. She said maybe meeting with Mr. Taylor of the Boys and Girls Club this week. Mr. Prown asked that she keep the public posted.

Mr. Prown said he found the discussion on the RiverCenter budget interesting. He said he has noticed openings on Monmouth and Broad streets, but has seen few openings on Shrewsbury Avenue. He said it is interesting that the community has survived through very difficult economic times. He said he didn't know the answer to that.

Mayor Menna said it was "Economics 101" which was based on supply and demand and pricing. He criticized landlords for trying to get rents based on economic conditions from a number of years ago. Mr. Prown asked if there was a different prevailing thought on the west side. Mayor Menna said he had met with some west side landlords as part of discussions he had to make easier for people to come into the area and they said some have actually gone to their tenants and reduced rents just to make sure they have a visible presence. He added that he used to think that the grand plan was to continue RiverCenter onto Shrewsbury Avenue, but said he is no longer convinced that it is because it is a separate and healthy district. He added that they have said they can take care of their district and that just need a little help from government. He said it was frustrating because there were retailers that had businesses in other towns and wanted to come to Red Bank and they are being met with negativity in terms of asking prices from landlords who prefer to keep properties empty.

Steve Fitzpatrick—Hudson Avenue—asked Mayor Menna for an update on the 51 Monmouth Street property.

The Mayor said he knew that Special Counsel John Bennello had been reviewing electronic and actual documents so he could have a comprehensive review of all of the documents. He added that Mr. Bennello was in the process of formulating various opinions on what transpired but noted that the Council has not received anything back yet other than a report stating that he had gotten documents and needed some additional documents. He anticipated they would have a report within thirty days. Mr. Fitzpatrick asked for confirmation that a report would be prepared. Mayor Menna said that it would and added that, as far as he knew, there was no activity or movement on the YMCA's part. Mr. Fitzpatrick asked if there was a potential sale of the building. The Mayor said not that he knew of and added that he had spoken with members of the YMCA this week and they had indicated that there was no contract pending.

Mr. Fitzpatrick asked Councilman Zipprich and Councilwoman Lewis if they had a copy of a report that Mr. Hall and Mr. Pringle's firm had prepared last year. Mayor Menna said he thought they did, but if they didn't, they will. He also noted that that opinion may be different from the opinion that they get from Mr. Bennello.

Mr. Fitzpatrick asked Mr. Sickels about references in documents from 1998 and 1999 regarding Kidsbridge Cultural Center and the New Jersey Economic Development Authority. He noted that they had tried to apply for a loan in the amount of \$500,000. He noted that in their 1998 submission of the application, they had gotten a letter back stating that they would have a \$500,000 loan given by the EDA but that there were some contingencies. He said one of them was that the Borough would provide a loan of \$410,000. He said that reference also appeared in a letter from Amboy bank to KidsBridge referencing some secondary financing. He asked Mr. Sickels if he recalled if the town had extended a loan of \$400,000. Mr. Sickels said his recollection, off the top of his head, was that it was considered at one point, but when they found other financing, it was found it wasn't needed. He added that there was a bond ordinance that was amended and the money was used for improvements elsewhere in town including putting lights on the ball fields at Count Basie Park.

Mr. Fitzpatrick told Mayor Menna that he wanted to renew his request for the 64 documents that were not available for public inspection and noted that he has a letter to that effect. Mayor Menna said he was sure Mr. Fitzpatrick had submitted his request to the Borough Clerk under OPRA and that it was reviewed by Counsel. He added that he didn't know what 64 documents they were, but noted that they will be guided by whatever John Bennello tells them and they may in fact be cleared. Mr. Fitzpatrick said he would resubmit his OPRA request. Mr. Hall noted that Mr. Bennello already had the request. Mayor Menna said once Mr. Bennello reviewed it, he was sure he would make a determination.

Bill Myer—12 Monmouth Street—said he agreed in principle with the eminent domain ordinance and said he thought the idea of taking private properties for commercial development was a hideous concept especially as it has been applied in New Jersey. He asked how this would be binding on future Mayors and Council members. Mayor Menna replied that it is an ordinance and that it has the full effect of the law in a local municipality. He added that the only way there could be any deviation from it would be for it to be amended or repealed would be in a public forum with advertisements and public comment. Mr. Myer asked what would happen if the State, by statute, authorizes something. Mayor Menna said they State doesn't necessarily authorize it. The Galantin decision, he continued, sets forth a whole plethora of ways in which the doctrine can be applied and those particular applications for applying the Galantin decisions on eminent domain have become so burdensome for developers, and rightly so, he noted that to get there is difficult and easily challengeable. Not just by someone within 200 feet or just someone in the town, he added, but by anyone with an interest in the issue. He said the only thing this does is makes it clear that this is an eminent domain free zone which send the message don't even try to make the application for it on property that is owned by private entities. He said he thought it made it a little bit stronger adding that it doesn't necessarily take away the Galantin test, but it he thought it became a higher burden. He noted that Red Bank has had recycling and redevelopment of properties and one thing is clear, we've never used to the power of government to take someone's property. He said what this ordinance does is to codify that.

Mr. Myer said he likes the concept and said he thinks that one thing people don't like is seeing the developer get something for less than he would have to pay on the market. He added that he thought it would be a great idea to add something to say a developer should have to buy a property for what they would have to pay on the open market. Mayor Menna told Mr. Myer that, even though he may not have heard it tonight, there have been substantial disagreements expressed on this proposed ordinance and added that there are a number of local groups who feel this is not the way to go however those are primarily driven by developmental issues.

Ben Forrest—16 Locust Avenue—said he also wanted to comment on the Buona Sera request for a sidewalk café noting that he does a lot of walking in town and, while he loves seeing activity everywhere including restaurants, it is very narrow at that property. He said he and other people have ended up walking in the street there to get around the activities adding if waiter is there taking an order, it is absolutely impossible to get past on the sidewalk. He said he didn't know what the situation was but it is an issue. He said he like to see the activities, but there is a lot of congestion and sometimes multiple people end up walking in the street there.

Freddie Boynton—365 Shrewsbury Avenue—asked the Mayor for permission to speak to Administrator Sickels, Assistant Administrator Watson and the Borough Attorney after the meeting. The Mayor said absolutely and he would welcome it at any time.

#### **EXECUTIVE SESSION**

09-111        The Attorney read a resolution to adjourn to executive session to discuss personnel and property acquisition.

Councilwoman Lewis offered a motion, seconded by Councilman Zipprich to adjourn to executive session to discuss personnel and property acquisition. Minutes to be made public in 180 days.

#### **ROLL CALL:**

AYES:        Lewis, Zipprich, DuPont, Lee

NAYS:        None

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

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

#### **ROLL CALL:**

AYES:        Lewis, Zipprich, DuPont, Lee

NAYS:        None

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

#### **ADJOURNMENT**

Councilwoman Lewis offered a motion, seconded by Councilwoman Lee to adjourn the meeting.

#### **ROLL CALL:**

AYES:        Lewis, Zipprich, DuPont, Lee

NAYS:        None

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

Respectfully submitted,

Pamela Borghi