

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
MAY 11, 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, Engineer Ballard, Engineer 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 called for a motion to table resolutions 09-96, 09-97, 09-99, 09-100 and 09-101 to give the Council an opportunity to discuss the resolutions with their attorney under Executive Session since it involved ongoing litigation. He said after the Executive Session the Council would reconvene to take formal action.

09-96 “A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 30, LOT 49.01, 64-68 WHITE STREET LD., 64-68 WHITE STREET, RED BANK, NEW JERSEY.”

09-97 A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 32.01, LOT 1.01, CITY CENTER PLAZA, LTD., 2-150 WATER STREET, RED BANK, NEW JERSEY.

09-99 A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 30, LOT 6.01, RED BANK INVESTMENT LTD., 73 WEST FRONT STREET, RED BANK, NEW JERSEY.

09-100 A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 30, LOT 12.01, RED BANK INVESTMENT CO., 43 WEST FRONT STREET, RED BANK, NEW JERSEY.

09-101 A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 30, LOT 51, RED BANK INVESTMENT CO., 70 WHITE STREET, RED BANK, NEW JERSEY.

Councilman Murphy offered a motion to table resolutions 09-96, 09-97, 09-99, 09-100 and 09-101, seconded by Councilwoman Horgan.

ROLL CALL:

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

NAYS: None

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

SUSPEND REGULAR ORDER OF BUSINESS

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

Human Relations Advisory Committee Presentation

David Pascale, Chairman of the Red Bank Human Relations Advisory Committee appeared before the Council and said members of the Committee had been brainstorming about ways to raise funds for events the Committee wanted to participate in. He said a local film maker named Andy Praskai had donated a number of t-shirts and offered to silk screen them with designs highlighting diversity. Mr. Pascale displayed samples of the designs and noted that the Committee would be selling them for \$10 apiece at Red Bank Day on May 16. He noted that the Committee had no budget and received no taxpayer money. He said any activities they participate in have to be done at no cost or they must raise funds.

Councilwoman Horgan stressed that Mr. Praskai had donated all of the materials and his time to make the t-shirts.

Mayor Menna congratulated the Committee on their efforts and offered a special thanks to Mr. Praskai for his generosity.

Councilman Zipprich said he had participated in helping Committee members to make the shirts and that it was a lot of fun.

2009 Special Improvement District Budget Public Hearing

RiverCenter Executive Director Nancy Adams and Boardmember Robin Fitzmaurice appeared to answer any questions regarding the 2009 River Center Special Improvement District budget.

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

Councilman Zipprich 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 motion was declared approved.

Mayor Menna noted that RiverCenter members had developed their own budget and spending plan and it was in the amount of \$512,120.

09-125 Mayor Menna read “A RESOLUTION ADOPTING 2009 BUDGET OF THE SPECIAL IMPROVEMENT DISTRICT.”

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.

RESUME REGULAR ORDER OF BUSINESS

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

ROLL CALL:

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

NAYS: None

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

WORKSHOP

There were no workshop items.

APPROVAL OF MINUTES – April 27, 2009

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

ROLL CALL:

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

NAYS: None

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

MAYORAL APPOINTMENTS

Mayor Menna made the following appointments:

Manny Carabel to Zoning Board of Adjustment as Alternate No. 2 for 2-year term expiring 12/31/10

Vincent Light to Zoning Board of Adjustment as Alternate No. 3 for 2-year term expiring 12/31/10

Sam Balacco to Zoning Board of Adjustment as Alternate No. 4 for 2-year term expiring 12/31/09

Mayor Menna noted that Vincent Light was a long standing member of the Borough's Rent Leveling Board and currently served as its Chairperson. Councilman DuPont noted that Mr. Light also served as a consultant with the Education and Technology Committee to assist with the design of the Borough's web page.

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

ROLL CALL:

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

NAYS: None

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman DuPont noted that South Street had been having some difficulty with cars speeding on the street and said that traffic calming suggestions that were suggested by Engineer Ballard and Councilman Murphy seem to have slowed traffic down. He said there were also suggestions to add a four way stop sign and asked the Mayor if he thought it was a good idea. Mayor Menna said he thought it was a great idea. He said, if the rest of the Council was on board, the first step would be to get input from the Traffic Division of the Police Department and added that the four way stop that was recently implemented at Bridge Avenue and Chestnut Street seems to be working. He also suggested they talk to residents on Bergen Place. Councilman DuPont noted that Councilman Murphy had also suggested that and added that it was very helpful to have Engineer Ballard and Councilman Murphy at the meeting of South Street residents.

Councilman DuPont also reported that there would be a meeting on solar panels to look into the possibility of installing them on Borough and Board of Education owned properties as a way to save money and produce revenue.

Councilman Zipprich noted that it was Historic Preservation Month. He said the Historic Preservation Commission is currently reviewing a draft of ordinances that pertain to the downtown historic district and the Washington Street historic district with Attorney Hall. He added that they hope to have it finalized for introduction at the next meeting during Historic Preservation Month. He said the National Trust for Historic Preservation had a theme of "This Place Matters" that is designed to raise awareness of the power historic preservation has to protect and enhance our homes, neighborhoods and communities. He said the organization's website is preservationnation.org. Preservation New Jersey will announce its Ten Most Historic Endangered list at the Trenton Statehouse on Tuesday, May 19, 2009 at 10 am. He noted that in 2007 Red Bank's Thomas Fortune House was added to that list.

Councilwoman Lewis reported that an ad hoc committee including members of the Education and Technology Committee, the Environmental Commission and the Parks and Recreation Advisory Committee met to review entries in the Maple Avenue property naming contest. She said there were a lot of entries that the Committee had narrowed down and they would be making an announcement of the official name on Saturday at Red Bank Day.

Councilwoman Horgan reported that there were several resolutions on tonight's agenda regarding green initiatives one of which would support participation in the Sustainable Jersey Municipal Certification Program. She noted that one of the requirements was that, once the resolution was passed, a Green Team would need to be established within three months. She said the team would be comprised of various components of the community such as religious leaders, business leaders, residents, school officials and not for profits, to work together to see what can be done. She also noted that Andre Simonsen of the Environmental Commission will be giving a Powerpoint presentation on Sustainable Jersey at the May 26 Council meeting. She said there was a resolution on the agenda regarding the Energy Audit that Administrator Sickels and a member of the

Environmental Commission had been working on. She added that with this and the solar panel project, she felt the Borough was moving in the right direction.

Councilwoman Lee reported that there were resolutions on the agenda relating to the Sunset Avenue incinerator tower. Councilman DuPont asked her when she thought it would be down. She said she hoped it would be down by September. Engineer Ballard said the goal was to get it down this year. She added that they are continuing with sampling and will be submitting an application to take it down. Councilwoman Lee said Public Works continues to work on infrastructure issues and is currently doing sidewalk work on Shrewsbury Avenue. She also thanked Public Works and the Police and Fire departments for the coming out and supporting the neighborhood at the Unity Way dedication and asked for continued support for the community.

Councilman Murphy said he wanted to dovetail on Councilman DuPont's remarks regarding the meeting on South Street. He said he had met Chief Fitzgerald and Gary Watson the next day and thanked them for their time and effort. He said they installed 25 mile per hour signs at each end of South Street and Chief Fitzgerald had contacted the bus company to reroute the buses away from the residential area. He added that the radar sign is also up on the street to advise drivers of how fast they are going. He noted that these changes were made at the request of the residents. Councilman Murphy also reported that vehicles that had been impounded over the last year were taken to auction two weeks ago and brought in \$10,000. He also commended the members of the Police and Fire departments for their great job at the Unity Way dedication.

Councilwoman Lewis said she wanted to add her thanks to Gary Watson and Bob Evans for their participation and support at the Unity Way dedication.

Mayor Menna left the meeting at 5:50 p.m. Council President Murphy presided.

Councilman Zipprich said he had one additional announcement which was that on May 17 there would be a Historic House tour by horse drawn carriage starting at 1pm and leaving from the Galleria led by Historic Preservation Chairman George Bowden.

COMMUNICATIONS AND PETITIONS

Council President Murphy read a request from RiverCenter to amend their request to hold the Streetlife program as follows, pending approval of the Special Events Committee and the Chief of Police:

1. On Saturdays from June 6, 2009 to August 29, 2009 from 6 p.m. to 9 p.m.
2. On Saturday, May 16, 2009 from 7 p.m. to 10 p.m. (Tri City Arts Tour)
3. On Saturday, June 6, 2009 from 12 p.m. to 3 p.m. and 6 p.m. to 9 p.m. (Jazz & Blues Festival)
4. On Sunday, June 7, 2009 from 12 p.m. to 3 p.m. (Jazz & Blues Festival)
5. On Saturday, July 25, 2009 from 12 p.m. to 3 p.m. and 6 p.m. to 9 p.m. (Sidewalk Sale)

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

ROLL CALL:

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

NAYS: None

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

Council President Murphy read a request from the Red Bank Area CROP Walk to hold the 29th Annual Red Bank Area CROP WALK for the Hungry on Sunday, October 18, 2009, pending approval of the Special Events Committee and the Chief of Police.

Councilwoman Horgan asked if this event would conflict with the Sheehan Run. Administrator Sickels noted that the Sheehan Run was scheduled for June.

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

ROLL CALL:

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

NAYS: None

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

Council President Murphy read a request from St. Anthony's Church to hold the 3rd Annual Sunset Gathering at the Two River Theatre on Saturday, October 10, 2009, pending approval of the Special Events Committee.

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

ROLL CALL:

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

NAYS: None

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

Council President Murphy read a request from the Metropolitan Apartment/Condominium Complex to extend their request to hang a temporary banner from the top of the building advertising that they are now leasing for an additional 90 days.

Councilwoman Lee 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.

Council President Murphy read requests from the Special Improvement District and Most Worshipful Prince Hall Grand Lodge for raffle licenses.

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

ROLL CALL:

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

NAYS: None

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

PUBLIC COMMENT ON RESOLUTIONS ON THE AGENDA AND ORDINANCES ON THE AGENDA ON FIRST READING

Council President Murphy asked if anyone from the audience wished to address the Council on any resolutions or ordinances on the agenda first reading.

David Prown – 44 Hillside Place – said he was pleased to see Ordinance 2009-17 regarding the agreement with the Boys and Girls Club. He thanked the Council for their efforts and said it was needed desperately. He asked about the time frame following tonight. Councilman DuPont noted that the Ordinance was on tonight for introduction and would be open to a public hearing and considered for final adoption at the May 26 meeting. Mr. Sickels noted that the Ordinance would authorize the Council to enter into the lease. He said the Borough will be meeting with Mr. Taylor of the Boys and Girls Club to work out details while the Ordinance is being considered so it will be ready to go. Mr. Prown asked if there would be a community advisory board. Mr. Sickels said they haven't met with Mr. Taylor yet. Councilwoman Lewis said they would take it under advisement. Mr. Prown asked if it would be open by the end of the year. Mr. Sickels said that was the goal. Councilwoman Lee said there would definitely be an opportunity for Borough residents to join the Boys and Girls Club board and that it would probably be run through the Parks and Recreation department.

Councilwoman Lewis said she had spoken with Mr. Taylor and he had said that he would be looking for community involvement and that there would be opportunities for people to get involved. She also noted that there would be a benefit concert at the Count Basie Theatre on June 26 to benefit the Boys and Girls Club of Monmouth County and that portions of the funds raised would be going to the opening of the Red Bank facility.

Councilman DuPont asked if the Borough required background checks for its volunteers. Mr. Sickels confirmed that they do.

Boris Kaufmann – 28 Riverside Avenue – thanked the Council for moving forward with the Energy Audit and the Sustainable Jersey resolutions. He also asked for an explanation of Resolution 09-134. Engineer Ballard said it was regarding an application for a DOT grant that would provide for a streetscape project on Monmouth Street to tie together the downtown area and the train station area. Councilman DuPont noted that there had been articles in the paper that outlined other towns that had received a similar grant and said it would help enhance the business district around the train station and help unite the RiverCenter district as one whole district. Mr. Kaufmann asked if the focus was on the train station. Engineer Ballard explained that it would be

for all of Monmouth Street with the streetscape portion being between Maple Avenue and the train station. She added that the road would be resurfaced between Broad Street and Maple Avenue.

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

ROLL CALL:

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

NAYS: None

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

ORDINANCES – First Reading

2009-17 Council President Murphy read “AN ORDINANCE AUTHORIZING THE EXECUTION OF A LEASE AND OPERATING AGREEMENT WITH THE BOYS AND GIRLS CLUB OF MONMOUTH COUNTY TO PROVIDE YOUTH-ORIENTED PROGRAMS AT THE BOROUGH OWNED PROPERTY LOCATED AT THE BUILDING AND PREMISES KNOWN AS 136 DRS. JAMES PARKER BOULEVARD, BLOCK 77, LOT 22.”

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: DuPont

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

Public hearing and final adoption scheduled for May 26, 2009.

ORDINANCES – Public Hearing & Final Adoption

2009-15 Council President Murphy read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS, SECTION 25-3.4, “FEES.”

Council President Murphy opened the public hearing and asked if anyone would like to speak, no one appearing he closed the public hearing.

Councilwoman Lee 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 Zipprich.

ROLL CALL:

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

NAYS: None

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

2009-16 Council President Murphy read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XI, BUILDING AND HOUSING, SECTION 11-1, “STATE UNIFORM CONSTRUCTION CODE.”

Council President Murphy opened the public hearing and asked if anyone would like to speak, no one appearing he closed the public hearing.

Councilwoman Lewis offered a motion to close the public hearing, seconded by Councilwoman Horgan.

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 Zipprich.

ROLL CALL:

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

NAYS: None

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

RESOLUTIONS

Council President Murphy noted that resolutions

- 09-96 “A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 30, LOT 49.01, 64-68 WHITE STREET LD., 64-68 WHITE STREET, RED BANK, NEW JERSEY.”
- 09-97 A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 32.01, LOT 1.01, CITY CENTER PLAZA, LTD., 2-150 WATER STREET, RED BANK, NEW JERSEY.
- 09-99 A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 30, LOT 6.01, RED BANK INVESTMENT LTD., 73 WEST FRONT STREET, RED BANK, NEW JERSEY.
- 09-100 A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 30, LOT 12.01, RED BANK INVESTMENT CO., 43 WEST FRONT STREET, RED BANK, NEW JERSEY.
- 09-101 A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 30, LOT 51, RED BANK INVESTMENT CO., 70 WHITE STREET, RED BANK, NEW JERSEY.

had been tabled earlier in the meeting.

- 09-126 Council President Murphy read “A RESOLUTION AUTHORIZING APPROVAL OF SIDEWALK CAFÉ FOR BISTRO AT RED BANK.”

Councilwoman Horgan asked about the fact that the inspection report noted the number of tables as seven and the number of chairs as fourteen but the diagram showed eight tables and sixteen chairs. Administrator Sickels explained that the applicant puts the number of tables they are requesting on their diagram. He added that when the inspector goes out to review the placement, he makes a report to reflect what he recommends.

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: DuPont

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

- 09-127 Council President Murphy read “A RESOLUTION AUTHORIZING APPROVAL OF SIDEWALK CAFÉ FOR RED RESTAURANT.”

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

ROLL CALL:

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

NAYS: None

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

09-128 Council President Murphy read “A RESOLUTION AUTHORIZING APPROVAL OF SIDEWALK CAFÉ FOR RIVERS EDGE CAFE.”

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

ROLL CALL:

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

NAYS: None

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

09-129 Council President Murphy read “A RESOLUTION AUTHORIZING APPROVAL OF SIDEWALK CAFÉ FOR SOGNO.”

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

ROLL CALL:

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

NAYS: None

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

09-130 Council President Murphy read “A RESOLUTION SUPPORTING *CLICK IT OR TICKET* SAFETY BELT MOBILIZATION.”

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

ROLL CALL:

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

NAYS: None

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

09-131 Council President Murphy read “A RESOLUTION SUPPORTING PARTICIPATION IN THE SUSTAINABLE JERSEY MUNICIPAL CERTIFICATION PROGRAM.”

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

ROLL CALL:

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

NAYS: None

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

09-132 Council President Murphy read “A RESOLUTION ACCEPTING A GRANT FROM THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY FOR PRELIMINARY ASSESSMENT, SITE AND REMEDIAL INVESTIGATION AND REPORT PREPARATION RELATED TO THE FORMER INCINERATOR SITE.”

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

ROLL CALL:

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

NAYS: None

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

09-133 Council President Murphy read “A RESOLUTION AUTHORIZING AMENDED APPLICATION TO THE COUNTY OF MONMOUTH FOR A GRANT TOWARD THE COST OF A PROJECT FOR PROTECTION AGAINST BEACH EROSION.”

Councilwoman Horgan 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.

09-134 Council President Murphy read “A RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION AND TO EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE MONMOUTH STREET – CENTERS OF PLACE IMPROVEMENTS PROJECT.”

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.

09-135 Council President Murphy read “A RESOLUTION AUTHORIZING APPROVAL OF SIDEWALK CAFÉ FOR ASHES.”

Councilwoman Horgan commented that the establishment needs to clean up cigarettes at their site because they go into the gutter. Councilman DuPont asked if there had been any more violations or charges against Ashes. Police Chief Fitzgerald said the charges were on hold. Councilman DuPont said he understood that since the charges were issued last year, the establishment had cleaned up its act and asked the Chief if that was accurate. The Chief said it was. Councilwoman Horgan said there is still a problem with the cigarettes and litter and asked if they could put ash trays outside. Councilman DuPont asked Acting Public Works Director Watson if there was a problem with littering at this location. Administrator Sickels noted that there was a new clerk at Ashes and he had met with him to resolve a lot of the Construction Code issues. He said they had paid substantial outstanding penalties and worked out a payment plan for the rest. He said they have secured their permits and cleaned up a lot of their incidental violations. He added that he felt they were going in the right direction. He suggested the concern about the cigarettes could be addressed by making that a condition of the approval and if they don't comply, the permit would be revoked. Councilwoman Horgan said her concern was that the cigarettes would be hosed into the sewer which has been a problem in the past. Councilman Murphy noted that that had been a problem last year and the situation was taken care of. He said they seemed to be keeping it clean and suggested sending a Code Enforcement Officer over to ensure they were in compliance.

Councilman DuPont offered a motion to approve the resolution as amended, 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.

09-136 Council President Murphy read “A RESOLUTION AUTHORIZING APPROVAL OF SIDEWALK CAFÉ FOR SALADWORKS.”

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.

09-137 Council President Murphy read “A RESOLUTION AUTHORIZING APPROVAL OF SIDEWALK CAFÉ FOR VIA 45.”

Councilwoman Horgan 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.

PROCLAMATIONS

Council President Murphy read a proclamation proclaiming May 2009 as National Preservation Month in the Borough of Red Bank.

Council President Murphy read a proclamation proclaiming June 2009 as Myasthenia Gravis Awareness Month in the Borough of Red Bank.

PAYMENT OF VOUCHERS

09-138 Council President Murphy read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$5,152,227.25.”

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

OLD BUSINESS

NEW BUSINESS

Councilman Zipprich noted that the Monmouth County Planning Board is seeking nominations, which are due by June 12, for Planning Merit Awards and reviewed the categories. He said the forms were available from the Monmouth County Planning Board. Councilman DuPont suggested the Council consider nominating George Bowden and Donna Barr noting the dedication shown by each and asked Administrator Sickels to take the necessary steps.

Councilman Zipprich also noted that he had met with NJTransit Officials, Margaret Mass of the Red Bank Visitor’s Center and Nancy Adams of RiverCenter to discuss wayfinding signs and the possibility of the Visitor’s Center putting up a welcome kiosk at the train station. He said they spoke about a number of issues including how to move from the train station through Red Bank using wayfinding devices. He said he thought it would be a welcome addition to the streetscape and said the engineer is working on it. He said he had also spoken to them about maintenance of the train station building and the fact that it is deteriorating.

Councilwoman Lee said she would like to see an Employee of the Month Program to recognize some of the Borough’s employees. She noted that Maria Rotolo had designed and produced a coloring book about recycling that was handed out at the Unity Way dedication. She added that this type of thing was commonplace in the Borough and she would like to see some recognition. Administrator Sickels noted that the Borough had received a \$500 Safety Incentive Award from the Joint Insurance Fund and suggested that it could be used for recognition of innovative suggestions or safe practices. Councilwoman Lee said she didn’t want to see a cash reward but suggested lunch in town.

AUDIENCE

Cindy Burnham – 146 Harrison Avenue, Fair Haven – told the Council that there had been a river sweep done at the foot of Maple Avenue and presented a collage made by Charles Ladoulis. She reviewed the activities that took place at the river sweep and spoke of the benefit of the Maple Avenue area. She asked the Council what the plan was for the area such as having T&M do a plan or having an informal plan implemented by volunteer labor.

Councilwoman Lee said the Borough’s main concern was staying in line with the DEP because the Borough is responsible for whatever happens with the property. Ms. Burnham said she had received a letter from the DEP regarding stone being used at the property and asked about the phrase “permit by rule” that was in the letter. Engineer Ballard said that there are general permits that are requested on a regular basis that have a standard form. She said there is still a lot of work required, but it uses a standard form. Ms. Burnham noted that the

letter had been sent to the Borough and that she had a copy of it and it said the Borough could apply for a “permit by rule.” She said the stone had been donated and asked if they could just get a permit to do the stone structure on the uplands and install two benches. Administrator Sickels noted that the Borough Engineer had outlined some suggestions for the property and the committee had just recently received them and would be discussing it. He added that the Committee was considering various suggestions. He said stone was one idea, but noted that there were others. Ms. Burnham asked if it was the Committee or T&M that was considering the suggestions. Mr. Sickels said it would be the Parks and Recreation Committee and Public Works Committee working together. She asked if they could use a combination of both plans to include donated material. Mr. Sickels said she was suggesting that one plan was being given more weight than the other. He said the Committee had a lot of suggestions and they may come up with a plan that encompasses one or all of the plans including the use volunteers.

Councilman DuPont asked if it would be done this summer. Engineer Ballard said she thought the application had a minimum 60 day review through DEP. Councilman Murphy said he thought that Ms. Burnham was asking for direction and if she could put stone down to complete the path. He noted that the Administrator and Engineer had stated that DEP approval would be needed to do that. Ms. Burnham said that there was already approval from the DEP. Mr. Sickels stressed that the Committee had not made a decision of whether or not to use stone.

Councilman Zipprich asked the Engineer how the Maple Avenue property fit into the Riverfront Study that was done a couple of years ago. Ms. Ballard said it was right in line and noted that the theory of the study was whenever there was an application they would try to connect waterfront properties. Administrator Sickels said it was also part of the Riverwalk. A discussion followed on the Committee and plan that was formed regarding waterfront access. Councilman Murphy noted that it had long been a plan of the Borough to ask any properties along the water to give the Borough an easement for access when the submitted applications. Councilman Zipprich noted that Ms. Burnham had put in a Herculean effort in getting the place cleaned up and they all appreciated her efforts, but he wanted to make sure it meshed with the Study that the Borough had spent money on over the years and that it was incorporated appropriately. Engineer Ballard said the idea was to have access to the waterway and, in theory, to connect a walkway. Councilwoman Lewis asked if that was the initial plan. Engineer Kosenski noted that the initial plan called for the concept of a walkway along the waterfront and that specifics for the Maple Avenue property were never designed. He added that the original plan called for an elevated walkway in that area but noted that that didn’t mean that an at-grade walkway for access wouldn’t also work. He said they had discussed the fact the stone wouldn’t really work because it would allow for weeds to grow through and the stones would be kicked out of place. He said the Committee was agreeable to a simple concept and that version was similar to a sketch Ms. Burnham had submitted. Ms. Burnham noted that three benches had been donated that should be used.

Bill Myer – 12 Monmouth Street – said he had been over to the Maple Avenue property and pointed out that the Hovnanian property next door had the same gravel and it would be consistent with what Ms. Burnham had suggested and could get for free. He added that he did not see a weed problem on that property. He suggested the Council go take a look at it. He said the stone could be put down and later removed and that it would be nice if it could be ready for people to use this summer at no cost to the Borough. Councilman DuPont said he wasn’t sure if there would be no cost and noted that the Borough had to wait 60 days for the permit. He also asked the Engineer if that meant the property couldn’t be used while they were waiting for the permit. Engineer Ballard said they could use it, they just couldn’t construct anything. Councilwoman Lewis noted that it is open for public access now, but that it is just not a sanctioned Borough park or recreation area. Mr. Myer said he imagined that, since the stone is easily removed and not at all permanent and not a structure, they could move forward with it. Engineer Kosenski said they had been told otherwise by the DEP. Mr. Sickels agreed and said the DEP said the placement of the stone requires a permit and the question is whether or not the Borough wants to use stone which the Committee has not yet decided. He said when the Parks and Recreation and Public Works committees come to a conclusion, they will present it to the Council, open it to the public for comment and it will move forward. Mr. Myer asked what the time line would be and asked if there would be a delay. Mr. Sickels said the delay was that they had been working with the DEP on other permits and issues such as the incinerator and other things. He said they had to prioritize what they were doing because there were deadlines they had to meet with other items. Mr. Myer asked if there was a plan to get this done for this summer. Mr. Sickels said yes.

Les Hathaway – 44 Ambassador Drive – said he would like to personally thank Engineer Christine Ballard for her professionalism in answering his many questions last month regarding the paving schedule for Spring Street.

David Prown – 44 Hillside Place – asked Councilman Murphy, who he noted was Police Commissioner, about the crime reports released to the media. He asked if people that are listed as Red Bank residents are actually residents of this Borough or if they may be people who are listed as Red Bank but may live in the River Plaza area of Middletown. Councilman Murphy asked Chief Fitzgerald to come forward and address the question. The Chief said, in regard to arrests that are made, some may be Middletown residents but, generally speaking, the Red Bank Police Department does try to clarify that information. Mr. Prown noted that the driver’s license may say Red Bank and asked the Chief if he was sure. He said he was positive. Mr. Prown said he was concerned about the PR value the information would have and noted that if someone lived in River Plaza, the driver’s license would say Red Bank, not River Plaza. Mr. Sickels said the Chief would know if the street was not in Red Bank and when he does the press release he tries to pinpoint the address.

Mr. Prown also asked about the four day work week and said it was positive for the employees, but noted it was a long day. He said, for residents who want to have the use of Borough Hall, he thought the estimated

savings of \$3,000 month wasn't a big enough savings to cut 20 percent of access hours to Borough services. Councilman DuPont said the Finance Committee had talked about this and noted that this is being done as a pilot program and it may not be permanent. He stressed that the Borough has to be available to serve the public and they are hoping that, through the energy audit and the four day workweek, the savings will be more than the estimated \$3,000 per month. He said they had a lengthy discussion on this and noted that the discussion originally came up last year. He said the Finance Committee wants to see that the public is being served and the Borough is saving meaningful amounts of money. He said that is what will be determined over the next couple of months and if it is not working they will consider it an idea that didn't work. Mr. Prown said he hoped that the savings did come in meaningful. He also expressed concerns about employee morale noting that it would be a nice benefit to have an extra day off but was concerned about how it would affect employees if the Borough took it back even though they had stated it was only a trial. He said he knew that \$3,000 was the number published for the estimated savings but said he assumed that was the low end and asked if there was a high end figure. Councilman DuPont said there really wasn't a cap on the high end because the energy audit may give some additional savings. He said they had a base but they didn't have a cap and added that they are just hoping that it is going to be meaningful and that by the beginning of September they will have an idea of whether or not it worked.

Vincent LaPur – 71 South Broadway, Long Branch – said he was appearing to get a response to the question he asked at the last Council meeting regarding the assessment of the Hovnanian Corporate World Headquarters. Council President Murphy asked Attorney Hall to address the question. Mr. Hall said he had looked into it and noted that Hovnanian Headquarters had filed a tax appeal meaning that they were not happy with their assessment. He added that he hadn't seen an appraisal on the property from either side yet. He recalled that Mr. LaPur had noted that the construction mortgage was \$25 million while the building was assessed at \$19.8 million and had asked why there was a difference. Mr. Hall pointed out that, as part of their construction loan, Hovnanian had to allow for several things that were not necessarily part of the building such as road improvements, infrastructure improvements, etc. and they didn't go toward the value of the building. He said the other part of the equation was regarding an appraisal technique called "value and use." He said there were a lot of features such as a moat, a waterfall and lighted floors which are improvements that cost money to construct but don't have commercial value. He added that these had value to Hovnanian because it would add prestige to their World Headquarters but would not apply to what someone would pay for the building on the open market. He said that would go toward the reason by there was a difference between the appraised value and the construction loan.

Mr. LaPur asked if that would apply to every citizen of Red Bank where if they put in a moat they would get that type of a break. Mr. Hall said they are not getting a break adding that it was not something that was assessed. Councilman DuPont compared it to installing a grandiose flag pole. Mr. Hall noted that if someone put in new windows or fancy oak paneling, it would not necessarily raise their assessment.

EXECUTIVE SESSION

09-139 The Attorney read a resolution to adjourn to executive session to discuss contract negotiations and pending litigation.

Councilman DuPont offered a motion, seconded by Councilwoman Lewis to adjourn to executive session to discuss contract negotiations and possible 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 left the meeting during Executive Session.

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

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

RESOLUTIONS

09-96 Council President Murphy read "A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 30, LOT 49.01, 64-68 WHITE STREET LD., 64-68 WHITE STREET, RED BANK, NEW JERSEY."

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

ROLL CALL:

AYES: Zipprich, Horgan, Lee

NAYS: None

ABSTAIN: Lewis, Murphy

Councilman Zipprich, Councilwoman Horgan and Councilwoman Lee all stated they were voting yes under duress.

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

09-97 Council President Murphy read “A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 32.01, LOT 1.01, CITY CENTER PLAZA, LTD., 2-150 WATER STREET, RED BANK, NEW JERSEY.

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

ROLL CALL:

AYES: Zipprich, Horgan, Lee

NAYS: None

ABSTAIN: Lewis, Murphy

Councilman Zipprich, Councilwoman Horgan and Councilwoman Lee all stated they were voting yes under duress.

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

09-99 Council President Murphy read “A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 30, LOT 6.01, RED BANK INVESTMENT LTD., 73 WEST FRONT STREET, RED BANK, NEW JERSEY.”

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

ROLL CALL:

AYES: Zipprich, Horgan, Lee

NAYS: None

ABSTAIN: Lewis, Murphy

Councilman Zipprich, Councilwoman Horgan and Councilwoman Lee all stated they were voting yes under duress.

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

09-100 Council President Murphy read “A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 30, LOT 12.01, RED BANK INVESTMENT CO., 43 WEST FRONT STREET, RED BANK, NEW JERSEY.”

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

ROLL CALL:

AYES: Zipprich, Horgan, Lee

NAYS: None

ABSTAIN: Lewis, Murphy

Councilman Zipprich, Councilwoman Horgan and Councilwoman Lee all stated they were voting yes under duress.

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

09-101 Council President Murphy read “A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 30, LOT 51, RED BANK INVESTMENT CO., 70 WHITE STREET, RED BANK, NEW JERSEY.”

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

ROLL CALL:

AYES: Zipprich, Horgan, Lee

NAYS: None

ABSTAIN: Lewis, Murphy

Councilman Zipprich, Councilwoman Horgan and Councilwoman Lee all stated they were voting yes under duress.

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

ADJOURNMENT

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

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

Respectfully submitted,

Pamela Borghi