

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

ABSENT: Councilmen DuPont and Murphy and 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.

**SUSPEND REGULAR ORDER OF BUSINESS**

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee

NAYS: None

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

**Teacher Recognition Presentations**

Mayor Menna said they had a very important and proud moment this night to present some teacher recognition proclamations for teachers from our public schools. He said he was turning things over to Councilwoman Kathleen Horgan who serves as liaison to the Education and Technology Committee.

Councilwoman Horgan announced that the recipients of the proclamations for Teacher of the Year were Dr. Damian Oscar Medina of the Red Bank Middle School, Cassandra Dorn of Red Bank Regional High School, Karen Gerber of the Red Bank Primary School and Brenda Connie of the Red Bank Charter School.

Councilwoman Horgan noted that Ms. Dorn was unable to attend but that Jim Stefankowitz, Principal of RBR, was attending on her behalf. She invited the recipients to come forward and accept their proclamations from Mayor Menna.

Mayor Menna introduced several school officials who were present at the meeting. He then presented each of the proclamations, thanked each of the recipients for their support and extolled their accomplishments.

**RESUME REGULAR ORDER OF BUSINESS**

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee

NAYS: None

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

## WORKSHOP

There were no workshop items.

## APPROVAL OF MINUTES – June 22, 2009

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

### ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee

NAYS: None

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

## MAYORAL APPOINTMENTS

Mayor Menna appointed Josephine Martinez to the Red Bank Senior Center Advisory Committee.

## REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Lee had no report.

Councilwoman Horgan had no report.

Councilwoman Lewis reported that the Parks and Recreation Committee had met on July 6 and said the topic of discussion was the Sunset Park project and the removal of the incinerator. She added that they discussed the opportunities for funding to remove the incinerator and plans for the future of that location. She said the committee will be looking for public participation to develop a concept for the area. She said citizens that are interested in giving input on what type of recreation area to turn the property into should stay tuned. She also reported that the Parks and Recreation Committee had received a preliminary copy of the lease for the Boys and Girls Club and will be moving forward to finalize that agreement.

Councilman Zipprich reported that the Code Enforcement Committee met last Thursday. He noted that there has been a rash of graffiti incidents around the Borough and said that, while property owners have been cooperative about cleaning it up, the graffiti artists continue to tag. He added that several minors were caught the previous week and turned over by Code Enforcement Officers to the Red Bank Police Department. He also noted that the Construction Office had reported that, for the first six months of 2009 as compared to the first six months of 2008, Red Bank and Little Silver are down in permits but up in revenue by approximately \$3,000. He also reported that the Fire Marshal, Public Works and Administrative Staff really outdid themselves this year in preparing to keep Red Bank safe during Kaboom. He said he would especially like to thank Mr. Sickels and Mr. Watson and their staffs for making sure Red Bank looked good and that the food vendors were operating under safe conditions. He added that he would also like to thank them for coordinating with the Coast Guard and the DEP. He said it was a long day and he wanted to acknowledge the hard work that was done by so many dedicated Red Bank employees and members of the Kaboom Committee. He also noted that the Construction Office is working on the Storm Water Management Program with the Borough Engineers and are also monitoring restaurants' grease traps as they impact the Borough's sewer lines. He also reported that the Borough of Little Silver has retired their Fire Inspector and has asked Red Bank to take over their inspections. He said Mr. Sickels is looking this over and will advise on a possible interlocal agreement which would bring more revenue into the Borough.

Mayor Menna said he had a great deal to report upon but that the item first and foremost on the agenda was a heartfelt word of appreciation to every single member of the Borough's volunteers who served on the Kaboom Fireworks on the Navesink Committee. He said on behalf of the residents and the 150,000 visitors, he could not express how much they owed to the committee including the new volunteers that collected a lot of money for the program. He noted that the event is a tradition and that some people had thought that the Borough should not go ahead with it, but, he continued, the Committee had clear vision, foresight and planning. He added that the Committee's vision was that, even though corporate sponsorship was down and it was a difficult economic time, it was important for the community to show that there was hope and noted that the best way to do that was to show enthusiasm for a national holiday and to bring everyone together. He said that night, the Committee did that and said they were grateful for the tradition having been continued and noted that it will continue based on the model that they saw. He said even in difficult times people need an opportunity to express themselves as a family and as a community to show others that they have a spirit that, even in difficult economic times, will not be quenched. He also commented on the enthusiasm of the crowd and noted that Governor Corzine was in attendance adding that he had planned on being here for about twenty minutes and ended up staying for about three hours. He also reported that the Attorney General had also been in attendance.

Councilwoman Lee said she wanted to let everyone know that Kaboom doesn't just happen in the month before July, but that the Committee works all year long and has already started working on next year's event. She said anytime anyone can assist or join the group that it is worth it.

## COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from Hamilton Jewelers to hold the 2<sup>nd</sup> New Jersey Ferrari Rally and to close Broad Street from West Front Street to White Street on Sunday, August 9, 2009 from 12:00 to 5:00 p.m., pending approval of the Special Events Committee, RiverCenter and the Chief of Police.

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

### ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee

NAYS: None

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

Mayor Menna read a request from Broadway Diner for the use of five metered spots for vintage cars during their 50<sup>th</sup> Anniversary celebration on Tuesday, August 18, 2009 from 9 a.m. to 5 p.m.

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

### ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee

NAYS: None

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

Mayor Menna read a request from The Count the Children Movement to hold the "I-Build, U-Build, We-Build" Community Family Day in Count Basie Park on Saturday, August, 22, 2009 with a rain date of Sunday, August 23, 2009 from 12 p.m. to 9 p.m., pending approval of the Special Events Committee.

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

### ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee

NAYS: None

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

Mayor Menna read a request from The Community YMCA and the Red Bank Board of Education for waiver of application fees associated with their application for a pre-school to be located at St. Thomas Church, 26 East Sunset Avenue.

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

### ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee

NAYS: None

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

Mayor Menna read a request for raffle license from Count Basie Theatre.

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

### ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee

NAYS: None

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

Mayor Menna read a request from The Metropolitan to continue hanging a temporary banner from the top of their building for an additional 45 days to advertise that they are now leasing.

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee

NAYS: None

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

Mayor Menna read a request from Red Bank Charter School for use of Eastside Park to hold a welcome picnic on Tuesday, September 1, 2009 with a rain date of Wednesday, September 2, 2009 from 3:00 p.m. to 8:00 p.m., pending approval of the Special Events Committee.

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee

NAYS: None

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

Mayor Menna read a request from Red Bank RiverCenter for permission for businesses to place merchandise on the sidewalks in front of their stores from 5 p.m. to 9 p.m. and to extend StreetLife schedule during the hours of 6 p.m. to 9 p.m. for Third Thursdays, August 20, September 17, October 15, November 19 and December 17, 2009.

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, 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 on the agenda first reading.

Steven Hecht – 135 Branch Avenue – said he once again wanted to ask about the reason for a settlement of a tax appeal. He said he understood they couldn't discuss items that were under litigation but noted that the amount was over \$2 million. Mayor Menna said he would turn it over to the Borough Attorney. Attorney Hall noted that the property in question was assessed as if it was fully developed as approved. He added that he couldn't share all of the details, but said it came down to a decision based on litigation costs. He said it would have required extensive litigation including depositions and experts. Mr. Hecht clarified that the case involved a company with deep pockets. Attorney Hall confirmed that that was the case and added that it would require not only appraisal experts but experts in commercial real estate transactions.

Mr. Hecht asked it that implied that our assessment process was not guided by experts. Mr. Hall said that was not the case and noted that there were already experts on valuation but noted that there were claims regarding the contract of sale with a sale price of \$4 million and therefore they felt that was what it was worth. Mr. Hall said the Borough disagreed but to prove that the contract of sale was not representative of its true value would have cost a lot of money. He added that the case was settled for less than the cost of the experts that would be required to litigate. Mr. Hecht said he understood but he thought one of the issues was that he felt the taxpayers need to make sure due diligence was done so that the possibility of litigation with someone with deep pockets didn't frighten the Borough into folding.

Another issue, he continued, was that he felt it was time for taxpayers to make clear that the cost of doing business should not be on their backs. He noted that when someone buys a piece of property and makes plans to do something with it but then there is difficulty in the business community and they can't follow through on their plan immediately, that should be accepted as a cost of doing business. He said the

taxpayers should not be returning to anything to the company and felt that going into a business was taking a gamble. Attorney Hall noted that there was a constitutional right to a fair and equitable tax assessment and evidence is presented and evaluated closely. He also again stressed the consideration given to the cost of litigation and explained that this case, in particular, would have been an expensive case to litigate and would have uncertain results. Mr. Hecht asked which party would have the burden of proof. Mr. Hall explained that it would be on the taxpayer but noted that the Borough would have to present evidence to impeach their claims and evidence. He suggested that Mr. Hecht come to tax court to educate himself on the process. He also noted that Red Bank would have having hearings with the Monmouth County Tax Board on the 30<sup>th</sup> of July.

Mr. Hecht asked what the consequence would be to the Borough for this particular settlement. Mr. Hall said it would equate to roughly \$10,000 and said the litigation costs would have been well in excess of that because they would have had to hire additional experts and take depositions. Mr. Hecht also asked if members of the Council were participants in any of the discussions prior to the vote on measures like this one. Mr. Hall said they get a report from him regarding the issues in the case, what he feels the chances of success are, what the evidentiary issues are, the costs, etc. He added that if they have any questions, they can certainly ask him. Mr. Hecht said he recalled a previous time when some Council members expressed difficult and said they voted under duress. He added that, if that was the case, he would urge them to abstain.

Amy Goldsmith – 16 Locust Avenue – Mayor Menna told Ms. Goldsmith that if she was speaking regarding Ordinance 2009-23, he would like to announce that he had spoken with representatives of the O’Hern family and the consensus was that they do not wish this intent to do a good thing to be mired in any sort of controversy and as a result the Council will be entertaining an amendment to the Ordinance to designate Locust Avenue ceremoniously as O’Hern Way and there will be no official name change to Locust Avenue.

Ms. Goldsmith said she wanted to express that she appreciated the fact that the Council took action to communicate with residents of Locust Avenue. She added that there was not a controversy and said that everyone wanted to honor the judge, but felt there were other ways to do it. She noted that some of the residents on Locust Avenue have been around long enough to have known the O’Hern family. She repeated that she felt that it wasn’t a controversy but that they just wanted another way in which to honor him that would be a little less arduous for the residents. Mayor Menna noted that both goals had been accomplished. Ms. Goldsmith noted that she has spoken with the O’Hern family and said they were wonderful people and she was glad we were honoring Justice O’Hern.

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

**ROLL CALL:**

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

**NAYS:** None

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

**ORDINANCES – First Reading**

2009-26 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 25-8.29-1, “STORMWATER MANAGEMENT AND CONTROL.”

Mayor Menna noted that this was pursuant to a directive the Borough had received from the DEP which mandated that there be stormwater management regulations that applied to any private development that may have a development permit close to a waterway.

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

**ROLL CALL:**

**AYES:** Lewis, Zipprich, Horgan, 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 July 27, 2009.

**ORDINANCES – Public Hearing & Final Adoption**

2009-23      Mayor Menna read, “AN ORDINANCE OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY CHANGING THE NAME OF LOCUST AVENUE TO JUSTICE O’HERN AVENUE.”

Mayor Menna noted that the original Ordinance was to change the name of Locust Avenue to Justice O’Hern Avenue and read an amended Ordinance for Council consideration to have the street name remain Locust Avenue but have it also be granted a ceremonial name of Justice O’Hern Way.

Mayor Menna 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, Horgan, Lee

NAYS:      None

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

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

**ROLL CALL:**

AYES:      Lewis, Zipprich, Horgan, Lee

NAYS:      None

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

2009-24      Mayor Menna read, “BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 2008-24 HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY ON OCTOBER 13, 2008 ENTITLED, “BOND ORDINANCE PROVIDING FOR VARIOUS 2008 CAPITAL IMPROVEMENTS BY THE WATER/SEWER UTILITY OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$675,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$675,000 BONDS OR NOTES TO FINANCE THE COST THEREOF,” AS PREVIOUSLY AMENDED AND SUPPLEMENTED BY BOND ORDINANCE NUMBER 2009-4 FINALLY ADOPTED ON FEBRUARY 23, 2009, TO INCREASE THE APPROPRIATION THEREIN BY \$206,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$195,500 TO FINANCE PART OF THE ADDITIONAL COST THEREOF.”

Mayor Menna 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 Councilman Zipprich.

**ROLL CALL:**

AYES:      Lewis, Zipprich, Horgan, Lee

NAYS:      None

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

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

**ROLL CALL:**

AYES:      Lewis, Zipprich, Horgan, Lee

NAYS:      None

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

## RESOLUTIONS

09-173 Mayor Menna read “A RESOLUTION SUPPORTING EQUALITY AND CIVIL RIGHTS FOR LESBIAN, GAY, BISEXUAL AND TRANSGENDER AMERICANS.”

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

### ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee

NAYS: None

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

09-181 Mayor Menna read “A RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES 2009-2010.”

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

### ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee

NAYS: None

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

09-182 Mayor Menna read “A RESOLUTION AUTHORIZING RENEWAL OF CLUB LICENSES 2009-2010.”

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

### ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee

NAYS: None

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

09-183 Mayor Menna read “A RESOLUTION SUPPORTING THE *OVER THE LIMIT UNDER ARREST 2009 STATEWIDE CRACKDOWN*.”

Mayor Menna noted that this was a funding source for additional enforcement.

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

### ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee

NAYS: None

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

09-184 Mayor Menna read “A RESOLUTION SUPPORTING THE *OBEY THE SIGNS OR PAY THE FINES 2009 STATEWIDE CRACKDOWN*.”

Mayor Menna noted that this was also a funding source for additional enforcement.

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

### ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee

NAYS: None

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

09-185 Mayor Menna read “A RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT REGARDING BLOCK 37, LOT 6.01, GEMINI GROUP, L.L.C., BRIDGE AVENUE AND WEST FRONT STREET, RED BANK, NEW JERSEY.”

Councilwoman Lee offered a motion to table the resolution until there was a full Council, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee

NAYS: None

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

09-186 Mayor Menna read “A RESOLUTION REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR THE RED BANK HUMAN RELATIONS COMMITTEE IN ACCORDANCE WITH N.J.S.A. 40A:5-29.”

Mayor Menna explained that if someone donated funds to the Human Relations Advisory Committee or if they raised funds, the funds are for a specific purpose and will be used exclusively by the Committee.

Councilwoman Horgan noted that the Committee has no budget and she commended the Committee for raising the money.

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee

NAYS: None

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

09-187 Mayor Menna read “A RESOLUTION AUTHORIZING LEASE AGREEMENTS WITH FIRE AND FIRST AID COMPANIES FOR STORAGE OF VEHICLES AND EQUIPMENT.”

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee

NAYS: None

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

09-188 Mayor Menna read “A RESOLUTION AUTHORIZING PREPARATION OF BID SPECIFICATIONS AND RECEIPT OF BIDS RELATED TO DEMOLITION OF THE SUNSET AVENUE INCINERATOR.”

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

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee

NAYS: None

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

09-189      Mayor Menna read “A RESOLUTION ADOPTING A HAZARD MITIGATION PLAN.”

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

**ROLL CALL:**

AYES:      Lewis, Zipprich, Horgan, Lee

NAYS:      None

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

**PROCLAMATIONS**

**PAYMENT OF VOUCHERS**

09-190      Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,206,354.22.”

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

**ROLL CALL:**

AYES:      Lewis, Zipprich, Horgan, Lee

NAYS:      None

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

**OLD BUSINESS**

**NEW BUSINESS**

Councilman Zipprich said he would like to commend the Council for working to take down the incinerator and said it was a tribute Councilman Robert J. Bifani who started the mission. He added that he was sure many Red Bank residents would be happy when it was down.

Councilman Zipprich also reported that he had visited Princeton two weeks prior with members of the RiverCenter Board, its Executive Director Nancy Adams and Gary Watson to review the city's Parking Utility operations and garages. He said they also reviewed their metering techniques and found some creative ways that may benefit residents and businesses in Red Bank. He said Mr. Watson will discuss the ideas with the Parking Committee.

He also noted that RiverCenter, Public Works, the Navesink Maritime Heritage Association and the Monmouth County Arts Council are meeting regularly to coordinate an event called Canoes on Parade for the fall. He said he is hopeful that this event will bring visitors to town to see the handiwork of our children who build, paint and paddle these vessels. He added that they hope to have a contest and feature the winning canoe in the Halloween Parade.

**AUDIENCE**

Steven Fitzpatrick – 92 Hudson Avenue – noted that he still had an open ended OPRA request. Mayor Menna asked if it was regarding 51 Monmouth Street. Mr. Fitzpatrick confirmed that it was. Mayor Menna said it was his understanding that the OPRA request, which was made to the Municipal Clerk as was appropriate, was referred to our Borough Attorney, which was also appropriate. He noted that the Borough Attorney then made a preliminary review of it and, because of a conflict, referred the matter to John Bennello who was Special Counsel for the Borough. He asked Mr. Fitzpatrick if he had seen a reply from Mr. Bennello. Mr. Fitzpatrick said he had not. Mayor Menna said he earnestly believed that Mr. Bennello had replied. Attorney Pringle said he had sent a follow up letter that last time Mr. Fitzpatrick raised the question. Mayor Menna said he knew Mr. Bennello was aware of it and added that he would be speaking to him the next day and, if he had not replied, Mayor Menna would make sure that he did. Mr. Fitzpatrick noted that Mr. Hall's response was timely and within the seven day period, but it left the ultimate decision to Mr. Bennello. He also noted that Mr. Pringle was correct and pointed out that it had been discussed at the last meeting when Mayor Menna was not in attendance. Mayor Menna said he would contact Mr. Bennello the next day to ensure Mr. Fitzpatrick received a response.

Carl Colmorgen – 67 Oakland Street – asked for an update on the website. Administrator Sickels noted that the Department Heads had met with the website developer the previous week and the Contractor is preparing the final presentation for the Technology Committee and they hope to have it up before the end of the month.

Les Hathaway – 44 Ambassador Drive – noted that last February his brother had met someone in Florida who used to own a gallery in Red Bank and blamed the issuing of parking tickets for hurting his business. He noted that this same brother had recently been in the area for a high school reunion and received a ticket while visiting Irwin's Marina. Mr. Hathaway noted that he used the Parking Smart Card and loved it. He suggested that every time a summons was issued, the Borough issue a complimentary \$25 card to teach people to use it. Mayor Menna said he would welcome RiverCenter to send our complimentary cards.

Councilwoman Lewis offered a motion to close the audience portion of the meeting, seconded by Councilman Zipprich.

**ROLL CALL:**

AYES: Lewis, Zipprich, Horgan, Lee

NAYS: None

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

**EXECUTIVE SESSION**

**ADJOURNMENT**

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

**ROLL CALL:**

AYES: Lewis, Zipprich, Horgan, Lee

NAYS: None

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

Respectfully submitted,

Pamela Borghi