

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
JULY 27, 2009  
7:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

ABSENT: Borough Clerk Vivona, Attorney Pringle and Engineer Kosenski.

**SUNSHINE STATEMENT**

Mayor Menna requested the minutes reflect that, in compliance with Public Law 1975, Chapter 231 (Open Public Meetings Act), notice of this meeting has been provided by notifying the Asbury Park Press, the Courier, the Two River Times and the Star Ledger and by placing a notice on the bulletin board and filing same with the Borough Clerk on January 1, 2009.

**WORKSHOP**

**Residential Parking Signs for Garfield Place**

Mayor Menna noted that the Borough had received a request from residents of Garfield Place to look into residential parking signs for their street. He noted that this is one of the last streets in the Borough and is adjacent to a heavily used commercial area that includes a car dealership, offices and a supermarket. He noted that the houses in the neighborhood are mostly single family homes and the residents are having an issue with parking. He recommended that the Council direct DPW, through Director Gary Watson, to do a survey to determine how many cars are on Garfield Place, how many have driveways and what their needs are. He asked that Mr. Watson give a report back to the Council on his findings.

Councilwoman Lee suggested that they use a sticker program because she felt that there were too many signs in the Borough and she questioned how effective they were. She also noted that the stickers would identify the vehicles that belong to the residents.

Mayor Menna clarified that the survey needed to be done to make sure residents were in favor of it before they move to amend the ordinance.

**4-Way Stop Signs at Chestnut & Pearl Streets and Oakland & Pearl Streets**

Mayor Menna said this had come about because a number of residents on both Chestnut and Oakland streets had seen the success of the four way stop signs that had been placed on Chestnut Street and Bridge Avenue. He noted that people were skeptical as to whether or not they would be helpful, but added that the bottom line is that people have started driving much a lot slower in that area and the number of accidents at the intersection has decreased. He said the problem with Chestnut Street is that there is a very busy recreational facility there with a lot of pickups and dropoffs. He said a second recreational facility also has an exit out of Pearl Street adding to the difficulty. He said he thought the Borough should consider putting four way stops at those intersections. He said before that action took place, the affected residents would be notified through our Traffic Safety Office but he said many of those residents had already contacted him in favor of the change. He said he didn't see a downside and thought it would help to calm traffic. He said he would also like to see the change made at other intersections in the Borough that are problematic.

**Block Party Applications**

Mayor Menna said he thought that block parties were a good thing and that they brought neighbors together and, while they didn't want to discourage people from having block parties, the Borough thought it would be helpful for Borough Departments to be aware of them. He cited some recent and annual examples of block parties in the Borough. He said they felt a standard block party application would be helpful. He said the form was not burdensome and departments such as Public Works would be aware of issues such as clean up. Councilman DuPont said he had seen the form and thought it made sense. Mayor Menna said if there were no objections, the Borough would move forward to implement the form and approval process.

**Shared Solid Waste Services**

Mayor Menna noted that Council DuPont had mentioned this many months ago and he commended him for it. He noted the receptivity the Central Jersey Council of Mayors had had in regard to getting a projected implementation plan for looking at Shared Solid Waste Services. He said it might be helpful for the Borough to pass a resolution to join that particular Council. He noted that it would not be a commitment, but if there were any funding source, it would only be awarded to those municipalities that have joined in the cooperative scheme. He noted that when he first reviewed the issue it only dealt with seven or eight municipalities of different sizes, but when he read a recent newspaper article, he counted 26 anticipated or already existing signatories to the agreement which he said was roughly half of the municipalities in Monmouth County. He

noted that it included several sizeable municipalities such as Middletown, Asbury Park and Ocean Township. He again noted that it did not commit the Borough to anything, but would enable them to participate. He noted that if there were any fruitful negotiations or results that come from shared service awards with respect to solid waste, then it might be something the Governing Body would have to look at. He noted that they would have to pass a resolution that permits Red Bank to participate and he believed the participation fee was \$600. He said he felt they owed it to the residents to look at every available funding source. He noted that the Borough has a great department, but felt they had to look outside the box in these extraordinarily difficult, financially strapped times.

Councilman DuPont said he thought it was a wonderful opportunity that the Borough should explore. He noted that he had proposed it awhile ago and he thought it was wonderful that they were entertaining it.

09-197        Mayor Menna read “A RESOLUTION AUTHORIZING THE BOROUGH OF RED BANK TO APPLY FOR AND PARTICIPATE IN A S.H.A.R.E. REGIONAL FEASIBILITY STUDY GRANT.”

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

ROLL CALL:

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

NAYS:        None

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

#### **APPROVAL OF MINUTES – July 13, 2009**

Councilman DuPont 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.

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

Councilman DuPont noted that he had missed the last meeting but he wanted to commend the Department of Public Works and the Police Department for the wonderful job they did with the fireworks. He said it was very well attended and added that, when he went out the next morning at 6:00, the streets were clean.

Councilman Zipprich said the members of the Scenic Byways Committee had met with Donna Barr earlier in the day and noted that Ms. Barr is working on a entrance and exit to Red Bank that would comply with the Monmouth County Planning Board’s Scenic Byways Expansion Initiative. He added that she and the committee members came up with two possible routes for entrance into Red Bank that would take visitors to historic sites and open spaces and then exit to Middletown.

Councilwoman Lewis reported that there was an event on the previous Saturday that was leading up to the National Night Out event on August 4<sup>th</sup>. She said about 25 individuals met for a presentation by Investigator Fields of the Red Bank Police Department and a representative of the Monmouth County Prosecutor’s Office for a discussion of gangs and graffiti. She noted that the program was being done in cooperation with the 12<sup>th</sup> District legislators and that they were planning an event for August 4<sup>th</sup> with details to be announced. She also reported that the Boys and Girls Club held a clean up today with volunteers and donated materials.

Councilwoman Horgan had no report.

Councilwoman Lee noted that there were items on tonight’s agenda that would hopefully lead to the purchase of additional equipment for the Public Works Department. She also reported that the library had announced that there would be a Mayor’s Book Club. The Mayor said he was looking forward to it and had enjoyed meeting a couple of young authors from the area, one of which volunteers at the library. Councilwoman Lee said the library will also be hosting Family and Friends CPR Training on August 13 and Conversational English classes on Thursdays from 7 to 8:30 through August 20. She added that all of this information is available on the library’s website.

Councilman Murphy said he wanted to add to Councilwoman Lewis’ report on the National Night Out Against Crime. He said it would be on August 4 and noted that the Police Department was encouraging residents and businesses to leave their lights on in support of the event. He said they would also be sponsoring an open house between 6 and 9 pm in the Courtroom at Borough Hall where they would have exhibits of safety equipment and fingerprinting for children. He also noted that there were requests from two applicants for the Red Bank Volunteer Fire Department on tonight’s agenda. He said he had also stopped by the former Count Basie Learning Center and met the volunteers working on the renovations.

## **MAYORAL APPOINTMENTS**

Mayor Menna noted that he had one appointment this evening for someone who had long standing roots of public service through her family in the Red Bank Community for three generations. He said he wanted to nominate Barbara Boas to serve as an alternate to the Planning Board to fill the unexpired term of Christine McKenna.

## **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request for raffle license from National Multiple Sclerosis Society of Mid Jersey.

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

### **ROLL CALL:**

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

NAYS: None

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

Mayor Menna read requests from Chris Hemphill and James Hemphill for membership to Liberty Hose Company of the Red Bank Volunteer Fire Department.

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

### **ROLL CALL:**

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

NAYS: None

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

Mayor Menna read a request from MTV for filming at Riverside Gardens Park on Tuesday, August 4, 2009, pending approval of the Special Events Committee.

The Mayor noted that the Council had only received an email and asked for more information. Administrator Sickels noted that the request had just come in that day and he was planning on meeting with them to get more details. He asked that if there were any action by the Council that it be subject to approval by the Special Events Committee and the Police Department. Councilman DuPont said it appeared from the email that the request was for filming a program that would encourage students to establish goals while providing them with professional trainers, coaches and mentors to help them and would document that process. Councilman Murphy noted that it would have to go through Special Events. Mayor Menna said he didn't have a problem with it, but that he had wanted more information. Councilwoman Horgan asked if the Borough charged people when they come in to town to film and noted that it could be a revenue source. Administrator Sickels said it had been discussed at one point but the Governor's Office had asked the Borough not charge a fee to encourage the arts. Mayor Menna said he agreed with Councilwoman Horgan and noted that a lot of other municipalities charge a fee.

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.

Mayor Menna read a request from the Shade Tree Committee members to place a memorial plaque near the tree located at 90 Monmouth Street planted in memory of Christine McKenna.

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

### **ROLL CALL:**

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

NAYS: None

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

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

Mayor Menna said before he entertained comments from the audience he would like to note that the following ordinances that were on for first reading had been removed from the agenda pending additional review:

2009-32 AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS, SECTION 25-10.11, "REGULATIONS CONTROLLING CENTRAL COMMERCIAL DISTRICT-1.

2009-33 AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS, SECTION 25-10.12, "REGULATIONS CONTROLLING CENTRAL COMMERCIAL DISTRICT-2.

2009-37 AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS, SECTION 25-10.14, "REGULATIONS CONTROLLING BUSINESS RESIDENTIAL-1 DISTRICT.

2009-38 AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS, SECTION 25-10.19, "REGULATIONS CONTROLLING BUSINESS RESIDENTIAL-2 DISTRICT.

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

No one appearing, 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 request was declared approved.

**ORDINANCES – First Reading**

Mayor Menna noted that the following planning ordinances had come about as a result of Master Plan Review, hearings before the Planning Board as well as the sub-committee of the Planning Board and discussions with the Borough's professionals.

2009-25 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."

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

**ROLL CALL:**

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

NAYS: None

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

Public hearing and final adoption scheduled for August 10, 2009.

2009-28 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 25-9.12, "COMMERCIAL RECREATION FACILITIES."

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

ROLL CALL:

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

NAYS: None

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

Public hearing and final adoption scheduled for August 10, 2009.

2009-29 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 25-10.3, "USES PERMITTED AND PROHIBITED."

Mayor Menna explained that this ordinance would create and add the train station overlay. He stressed, however, that it did not create a transit village. He said it created certain design specifics with respect to a very small area around the train station that would make it possible for a property owner to develop it in a transit-friendly manner.

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

ROLL CALL:

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

NAYS: None

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

Public hearing and final adoption scheduled for August 10, 2009.

2009-30 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" AND SECTION 25-8.21(o), "OFF STREET PARKING, MINIMUM OFF STREET PARKING SPACES REQUIRED."

Mayor Menna noted that this ordinance would amend the definition for primary food establishments as well as retail food establishments and night club uses. He added that the current definitions are archaic and don't make sense. He said the gray areas can result in people spending a lot of money before the Zoning Board of Adjustment on interpretive questions and this would help to alleviate that.

Councilman Zipprich asked what the rationale was for changing the formula from number of seats to square footage. Engineer Ballard said it was because she was the first to review the plans and must determine the parking requirement which is easier to do by floor area.

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

Public hearing and final adoption scheduled for August 10, 2009.

2009-31 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 25-10.4, "REGULATIONS CONTROLLING THE RA RESIDENTIAL ZONE DISTRICTS"; SECTION 25-10.5, "REGULATIONS CONTROLLING THE RB RESIDENTIAL ZONE DISTRICT"; SECTION 25-10.6, "REGULATIONS CONTROLLING THE RB-1 RESIDENTIAL ZONE DISTRICT"; SECTION 25-10.7, "REGULATIONS CONTROLLING THE RB-2 RESIDENTIAL ZONE DISTRICT"; SECTION 25-10.8, "REGULATIONS CONTROLLING THE D RESIDENTIAL ZONE DISTRICT"; SECTION 25-10.15, "REGULATIONS CONTROLLING THE PO PROFESSIONAL OFFICE ZONE DISTRICT"; AMENDING THE SIDE YARD SETBACK REQUIREMENTS WITH RESPECT TO AIR CONDITIONING UNITS."

Mayor Menna said this was a side yard set back ordinance and dealt with many minor applications before the Zoning Board where property owners have had to spend a lot of money for professionals for installing items like air conditioning units because they do not meet set back requirements. He added that this would make it easier for people to improve their homes.

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

ROLL CALL:

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

NAYS: None

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

Public hearing and final adoption scheduled for August 10, 2009.

2009-34 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 25-10.9, "REGULATIONS CONTROLLING THE NEIGHBORHOOD BUSINESS DISTRICTS"; SECTION 25-10.15, "REGULATIONS CONTROLLING THE PO PROFESSIONAL ZONE DISTRICT"; ELIMINATING LODGES, CLUBS AND FRATERNAL ORGANIZATIONS AS PERMITTED USES IN THOSE TWO ZONE DISTRICTS."

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

ROLL CALL:

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

NAYS: None

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

Public hearing and final adoption scheduled for August 10, 2009.

2009-35 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 25-10.16, "USE REGULATIONS CONTROLLING THE WATERFRONT DEVELOPMENT DISTRICT" RESTRICTING PERMITTED USES ALONG RECTOR PLACE TO DETACHED SINGLE FAMILY DWELLINGS AND MODIFYING SIDE SETBACK REQUIREMENTS WITH RESPECT TO AIR CONDITIONERS FOR DETACHED SINGLE FAMILY DWELLINGS."

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

ROLL CALL:

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

NAYS: None

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

Public hearing and final adoption scheduled for August 10, 2009.

2009-36 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 25-10.9, "REGULATIONS CONTROLLING NEIGHBORHOOD BUSINESS DISTRICT" RELATING TO CERTAIN COMMERCIAL CHANGES OF USE."

Mayor Menna said this was particularly applicable to Shrewsbury Avenue because it would change a number of permitted uses as long as it was in the neighborhood business zone. He said it would also remove the obligation for someone to appear before the Zoning or Planning Board even if they had a parking deficiency as long as it was less than five spaces and they agreed to contribute to the parking deficiency fund.

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

ROLL CALL:

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

NAYS: None

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

Public hearing and final adoption scheduled for August 10, 2009.

2009-39 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 25-10.2, “DESCRIPTION OF DISTRICTS” AND SECTION 25-10.22, “REGULATIONS CONTROLLING THE TRAIN STATION OVERLY DISTRICT.”

Mayor Menna noted that this would apply only to the transit overlay zone and would negate the maximum density of 35 units per acre and various height requirements as well as set back lines.

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

ROLL CALL:

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

NAYS: None

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

Public hearing and final adoption scheduled for August 10, 2009.

2009-40 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 25-8.37, “GARAGES (INCLUDING VERTICAL PARKING GARAGES)” AND SECTION 25-9.13, “COMMERCIAL PARKING FACILITIES.”

Councilman Zipprich said he would like more information the ordinance. Councilman Murphy asked Engineer Ballard to give an overview. Ms. Ballard said there were two sections to the ordinance. The first, she said, was the design standards which dealt with garages whether they were underground parking lots or vertical parking garages, attached or free standing. She said it would reorganize the existing ordinance to make it more clear creating separate sections for each type of parking facility. She said the second part of the ordinance would be for conditional uses

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

ROLL CALL:

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

NAYS: None

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

2009-41 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 25-8-19(l), “MULT-FAMILY DWELLINGS – RECREATION.”

Mayor Menna said this would repeal a requirement that Red Bank adopted many years ago, along with many other municipalities, which would impose an obligation for recreation requirements as part of site plan approval for multi-units that are approved by the Planning or Zoning board. He said the reason for that was that the appellate court had ruled that municipalities were not within their legal right to compel an applicant to provide for recreational facilities if that applicant does not have any recreational enhancements on the site.

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

ROLL CALL:

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

NAYS: None

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

Public hearing and final adoption scheduled for August 10, 2009.

2009-43 Mayor Menna read, "AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XX, WATER AND SEWER, SECTION 20-4.10, "PROHIBITED DISCHARGE INTO SEWER SYSTEM" AND SECTION 20-5, "PENALTIES."

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

ROLL CALL:

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

NAYS: None

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

Public hearing and final adoption scheduled for August 10, 2009.

2009-27 Mayor Menna read, "AN ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE BOROUGH OF RED BANK, NEW JERSEY FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO."

Mayor Menna said this would not bind the municipality to actually draw down on the Monmouth County Improvement Authority money, but it would make sure the Borough reserves the ability to participate in the low interest program.

Councilman DuPont asked if there were any costs associated with the program. Mayor Menna said there was not. He also noted that the amount was being reduced from \$620,000 to \$520,000 and items had already been removed from the list.

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

ROLL CALL:

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

NAYS: None

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

Public hearing and final adoption scheduled for August 10, 2009.

2009-42 Mayor Menna read, "BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 2006-32 FINALLY ADOPTED BY THE BOROUGH COUNCIL ON JUNE 12, 2006 ENTITLED, "BOND ORDINANCE PROVIDING FOR THE CONVERSION AND DEVELOPMENT OF MUNICIPALLY OWNED LAND INTO A WATERFRONT PARK, BY AND IN THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE "BOROUGH"); APPROPRIATING \$230,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$218,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF", TO INCREASE THE APPROPRIATION THEREIN BY \$370,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$133,000 TO FINANCE PART OF THE ADDITIONAL COSTS THEREOF."

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

ROLL CALL:

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

NAYS: None

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

Public hearing and final adoption scheduled for August 10, 2009.

**ORDINANCES – Public Hearing & Final Adoption**

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 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, Horgan, Lee, Murphy

NAYS: None

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

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

**RESOLUTIONS**

09-191 Mayor Menna read “A RESOLUTION IN SUPPORT OF THE 2010 CENSUS.”

Councilman Zipprich 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.

09-192 Mayor Menna read “A RESOLUTION AUTHORIZING PLACE-TO-PLACE TRANSFER/EXPANSION OF PREMISES OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1340-32-018-012.”

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

ROLL CALL:

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

NAYS: None

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

09-193 Mayor Menna read "A RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$3,160,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2009, OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY PURSUANT TO THE 2009 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM."

Councilman DuPont said he wanted to clarify that this was for the waterfront project.

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

ROLL CALL:

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

NAYS: None

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

09-194 Mayor Menna read "A RESOLUTION AUTHORIZING EXECUTION AND DELIVERY OF LOAN AGREEMENTS TO BE EXECUTED BY THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT AND A CONTINUING DISCLOSURE AGREEMENT, ALL PURSUANT TO THE 2009 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM."

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.

09-195 Mayor Menna read "A RESOLUTION AUTHORIZING THE BOROUGH ENGINEER TO PREPARE, ADVERTISE AND RECEIVE BIDS AND TO PERFORM INSPECTION SERVICES WITH RESPECT TO WATER TREATMENT FACILITY IMPROVEMENT PROJECTS FUNDED BY THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST."

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

ROLL CALL:

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

NAYS: None

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

09-196 Mayor Menna read "A RESOLUTION AUTHORIZING THE PREPARATION, ADVERTISEMENT AND RECEIPT OF BIDS FOR TWO SOLID WASTE COLLECTION TRUCKS."

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

Councilwoman Lee noted that the Public Works fleet was in dire need and this would provide for the replacement of two trucks that the Department had been welding and soldering for years and were a hazard to employees. Councilman DuPont asked if they would be sold. Councilwoman Lee said they would be sent to the auction.

ROLL CALL:

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

NAYS: None

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

## **PROCLAMATIONS**

### **PAYMENT OF VOUCHERS**

09-198        Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,506,241.15.”

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

### **ROLL CALL:**

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

NAYS:        None

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

### **OLD BUSINESS**

### **NEW BUSINESS**

Councilman Zipprich noted that there would be a presentation at the Red Bank Public Library on August 19 from 6 to 9 pm regarding the T. Thomas Fortune house and he encouraged everyone to attend.

### **AUDIENCE**

David Prown – 44 Hillside Place – thanked the Council for the update about the Boys and Girls Club and said he was happy to see activity at the facility. He also asked for an update regarding the four day work week and asked if an analysis was available. Mayor Menna said it was too early for an analysis. Councilman DuPont agreed and said he would have a report at the end of August regarding cost savings. Mr. Prown asked if they had had any feedback from the community. Councilman DuPont said he thought the employees had enjoyed it and he hadn’t received any complaints personally. Administrator Sickels noted that some employees felt it was a long day and he hadn’t heard of any complaints from the public. Councilman DuPont said he was hoping that the updated web site would enable citizens to do more on line. He also suggested that the web site include a link to volunteer.

Mr. Prown said he wanted to credit the many local organizations that had generously donated money and/or sponsored activities for Red Bank children. He also commended the many volunteers who donated time to work with the Red Bank kids. He noted that Red Bank children have difficulty with transportation issues. He said the Borough had been very supportive in letting him use the Parks and Recreation van.

Steve Fitzpatrick – 92 Hudson Avenue – presented a letter addressed to the Borough Clerk that stated his opinion that the Borough had not responded to his OPRA request in a timely manner. He read the letter which reviewed the history of his request and the fact the Special Counsel Bonnello had not responded as promised. He said the letter was a continuance of his request of May 11, 2009 and listed the items in his request.

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

### **ROLL CALL:**

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

NAYS:        None

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

### **EXECUTIVE SESSION**

09-199        The Attorney read a resolution to adjourn to executive session to discuss contract negotiations.

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

### **ROLL CALL:**

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

NAYS:        None

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

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

**ADJOURNMENT**

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

ROLL CALL:

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

NAYS: None

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

Respectfully submitted,

Pamela Borghi