

**MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
SEPTEMBER 8, 2009
6:30 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 August 24, 2009.

Mayor Menna noted that Ordinances 2009-30, 2009-32, 2009-33, 2009-37, 2009-38, 2009-39, 2009-40 and 2009-45 were on the agenda for public hearing, but since the meeting date had been moved up and the Planning Board had not yet review them, no formal action would be taken at this meeting.

SUSPEND REGULAR ORDER OF BUSINESS

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

2009 Municipal Budget Amendment No. 3 Public Hearing

Mayor Menna noted that this amendment would cut the initially proposed tax increase almost in half and that the average increase per household would be \$67 per year. He added that the basic change that was reflected in this amendment was a reduction in landfill costs and tipping fees as well as greater utilization of surplus.

Councilman DuPont also noted that the Borough had chosen not to seek any waiver on the levy.

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

No one appearing, Councilman DuPont offered a motion to close the public hearing, seconded by Councilwoman Lee.

ROLL CALL:

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

NAYS: None

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

09-217 Mayor Menna read “A RESOLUTION AUTHORIZING ADOPTION OF THE 2009 MUNICIPAL BUDGET.”

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 motion was declared approved.

Mayor Menna said he wanted to take the opportunity, in these difficult times, to thank Councilman DuPont as the Finance Chair as well as the members of the Finance Committee, CFO Frank Mason, Stanley Sickels and all of the Department Heads for their work and the amount of hours that were spent on the difficult task of putting the budget together. He noted that it would be even more difficult next year.

Councilman DuPont noted that the task involved countless hours, numerous phone calls and agonizing decisions. He said he also wanted to point out that reductions were achieved by introducing some green initiatives which helped to the Borough realize savings with lower tipping fees.

Public Hearing for the Monmouth County Open Space Grant: Improvements to Count Basie Park

Mayor Menna asked Engineer Ballard to briefly review the proposal. He also noted that Councilwoman Lee’s Public Works Committee and Councilwoman Lewis’ Parks and Recreation Committee had both done a lot of work on the project.

Engineer Ballard noted that this was the Public Hearing for the Monmouth County Open Space Grant Program and noted that the program awarded up to fifty percent of the project cost for a maximum cap of \$250,000. She added that, earlier this year, the Borough had been awarded \$287,000 for turf at Count Basie Park. She said they were doing a similar application to Monmouth County for an additional \$250,000 to cover project costs. She said she thought it was a great application and noted that they had met with representatives of Monmouth County. She said the fields are overused and the addition of turf will reduce maintenance costs and allow for wider use. She added that the field currently gets virtually no rest.

Administrator Sickels noted that another point that the Committees involved would like to stress was that it would allow the field to be used for sports besides football. He added that the current field is unusable after a heavy rain. With the addition of turf, he continued, football can walk off and soccer can come on and the Borough can add spring programs such as field hockey and La Crosse giving Red Bank children the added advantage that children in other towns have to prepare them to go forward in the high school.

Engineer Ballard also pointed out that Red Bank has limited field space and having a turfed field with multiple uses will really benefit the Borough.

Cindy Burnham—146 Harrison Avenue, Fair Haven—asked who used the field other than Red Bank Catholic. Engineer Ballard responded that the Red Bank Recreation Department had programs that used the field. Councilman Murphy added that all of the Red Bank School system used it as well. He also noted that Red Bank Catholic pays an annual rental fee to use the field and contributed to amenities for the field such as the scoreboard and track. Administrator Sickels noted that the Pop Warner program also used the field and that it had also just started being used for soccer.

RESUME REGULAR ORDER OF BUSINESS

Councilman DuPont offered a motion to resume 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.

WORKSHOP

Time Limited Parking Ordinance

Mayor Menna reported that as a result of litigation that Red Bank had recently won with respect to residential parking requirements that protect the Borough's residential neighborhoods, the Council would have to adopt a change to the ordinance to make it rather specific in terms of time limited parking requirements on some residential streets and asked Attorney Hall to explain further. Attorney Hall said the proposed ordinance would impose a fifteen minute on Branch Avenue and South Street. He explained that by having such a short duration it would accommodate deliveries but would allow residents to park there without any time limit whatsoever. He said he believed that was the intent of the original ordinance. He also noted that, on the recommendation of the Parking Utility, the ordinance would add a three hour parking limit on East Bergen Place. He said, as part of the judge's order, they have reviewed all of the ordinances and there are no inconsistencies. He asked the Council to consider the ordinance on tonight's agenda.

Mayor Menna said it would be added for introduction. He added that he thought it was a well thought action on the Borough's part to protect its residential neighborhoods and noted that they had offered the plaintiffs, before and during the litigation, to come up with a reasonable compromise but said ultimately they declined. He said the Borough did whatever it could to mitigate the circumstances but he felt ultimately it was the right thing to do.

Filming Ordinance

Mayor Menna said the town had been getting an increasing number of questions and requests to have public spaces and other areas available for filming. He said they have had limited experience with it, but did not have an actual ordinance in place. He said he was not suggesting that they adopt one tonight, but noted that the Borough Attorney had provided Council members with some suggestions and that if they were going to enact an ordinance they needed some reasonable parameters that are fair and will encourage people to come into town. At the same time, he continued, in addition to paying for the police overtime which was already being done, it would prudent to implement a reasonable fee for the use of the space so taxpayers can get some relief. He said he didn't think it would be much but noted that other municipalities have had reasonably good experience with such ordinances. He suggested they look at some of the other towns' ordinances to find a way to be welcoming, treat everyone the same and find a way to benefit for the Borough's taxpayers. He asked Council members to get back to the attorney with suggestions.

Councilman Zipprich said he wanted to compliment Attorney Hall for including the Special Events Committee in the review adding that he thought that was an important part of the process.

Councilwoman Lee asked if they could differentiate between a small project and a large commercial project such as MTV versus a documentary. Attorney Hall said they could look into that and noted that they had put in a reduced permit for student films. He warned that they could run into problems if they started discriminating against larger corporation versus smaller corporations. He advised the Council to look at the impact on the town adding that the more services the company is consuming or the more upheaval they were causing, that would be the basis for the amount to charge.

Councilman Zipprich asked about the Red Bank Middle School noting that they have an active film department and asked if they would get preferential treatment. Attorney Hall said that was something the Council would have to look at. He added that there was a provision for film student permits and suggested they could add a lesser charge for a high school student. He noted that they wouldn't want to impose a lot of regulations on a high school but said they should still look at whether they might be causing a fire hazard or disrupting traffic. Councilman Murphy confirmed that the requests would all go before the special events committee where all departments are represented.

Administrator Sickels noted there was a big difference between hand held class project and commercial projects with trucks and trolleys. Councilwoman Lee agreed. Attorney Hall suggested they include an exemption for filming by public entities.

APPROVAL OF MINUTES – August 24, 2009

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

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 appointed Robert J. Bifani, Jr. to the Board of Health as Alternate No. 1 for a 3-year unexpired term expiring 12/31/09 and Dr. Laura Boyin to the Board of Health as Alternate No. 2 for a 3-year unexpired term expiring 12/31/10.

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

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 Murphy had no report.

Councilwoman Lee said the Public Works Department was doing trash pick ups in preparation for and in the aftermath of the town wide yard sale which would have happening the following Saturday. She said it would be the normal pick up which had been scheduled for a year and noted that unfortunately it would fall before the yard sale event for residents on the west side of town. She said there would be a pick up after the event for residents on the east side of town. She added that the recycling center would be open

Councilwoman Horan said that she hoped everyone had registered with the Borough's website and noted that those who did had received an alert earlier in the day to advise that this meeting was taking the place of the September 14 meeting and that it was starting at 6:30pm.

Councilwoman Lewis announced that the Boys and Girls Club of Monmouth County, Red Bank Unit, would be having an open house on Saturday, the 12th, and asked everyone to attend and show support.

Councilman Zipprich said he was pleased to report that the Historic Preservation Commission was one of the first to have a video on the Borough's new website. He also noted that all of the members of the Commission, along with the Mayor, will attend the 56th annual Planning Board Dinner on the 16th to receive a 2009 Planning Merit award for their work on the Washington Street Historic District along with the Historic Element of the Master Plan. He congratulated Chairman Bowden and the Commission members for a job well done and their winning results. He also reported that the Shade Tree Committee had been offered assistance from the County Shade Tree Commission for the planting of trees. He said the Committee had submitted a list of County roads in Red Bank where trees could be planted. He also noted that the Monmouth County Regional Health Commission reminded the Red Bank Mayor and Council, employees and residents, that flu season was around the corner and that flu and pneumonia shots would be administered at the Senior Center from 9am to 11am and at Lunch Break from noon to 1pm on the 19th of October. He said cost for non-Medicare participants would be \$23 for the flu shot and \$28 for the pneumonia shot. He added that the Center for Disease Control had a list of groups on their website (cdc.gov) that they recommended receive the H1N1 vaccine along with the seasonal flu shot. He also reported that the Monmouth County Regional Health Commission will hold free rabies clinics around the County noting that the Red Bank date would be October 14 from 7 to 8 pm at the Independent Engine Firehouse, 32 Mechanic Street.

Councilman DuPont thanked the Public Works Department for making the South Street block party a success by helping with blocking the street and collecting trash. He added that he also thought the new application was very helpful. He said he wanted to note that Councilwoman Juanita Lewis would be receiving an award from Rutgers University for her work at the university. He said she would be receiving the award on September 11 and expressed his pride in her accomplishment.

Mayor Menna expressed his appreciation to Councilwoman Horgan and her committee for their work on the Borough's website. He thanked Vince Light for his assistance to the committee and for his work on two other Borough Committees. He also thanked Boris Kaufmann for his help with the website. The Mayor also noted that he has been putting up Mayor's messages recently and would continue to do so on a regular basis. He outlined several upcoming events in the Borough including the September 11 remembrance at 7pm at Riverside Gardens Park, the Town Wide Yard Sale on September 12 and the Streetfair on September 13. He added that the Borough would be receiving an award from the Monmouth County Planning Board on September 16, Gov. Kean would be receiving locally the Martin Luther King Humanitarian Award from the New Jersey Secretary of State on September 17, the dedication of Justice O'Hern Way at Locust and Shrewsbury avenues on September 27th and, finally, October 2, would be the formal dedication of the Count Basie Statue at the Red Bank Train Station Plaza.

COMMUNICATIONS AND PETITIONS

Mayor Menna read a request from Beth Rosen to film a short film between September 11, 2009 and September 16, 2009 at various locations throughout town.

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

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 residents of Hudson Avenue to hold a block party on Saturday, September 26, 2009 from 4 p.m. to 10 p.m., pending approval of the Special Events Committee.

Councilman Murphy 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

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 Murphy.

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

2009-46 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING THE CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS, SECTION 25-10.12, “DESCRIPTION OF DISTRICTS” AND SECTION 10-21, “REGULATIONS CONTROLLING AFFORDABLE HOUSING OVERLAY DISTRICT ONE (AH-1 ZONE).”

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

Councilman Zipprich asked the Engineer how they determined the sections of town labeled AH and AH1. Attorney Hall responded that AH was the area known as Cedar Crossing and AH1 was labeled such to differentiate it from Cedar Crossing. Councilman Zipprich he was asking how they arrived at those particular areas. Attorney Hall said that was what was required by COAH in order to lift the scarce resource restraints.

Mayor Menna added that he, the Planner and Administrator spent the better part of an afternoon with representatives from the Council on Affordable Housing discussing the matter.

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 September 28, 2009.

2009-47 Mayor Menna read “AN ORDINANCE AMENDING CHAPTER VII, “TRAFFIC,” SUBSECTION 7-7, “LOADING ZONES AND DROP OFF ZONES” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK.”

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 September 28, 2009.

2009-48 Mayor Menna read “AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING THE CHAPTER VII, “TRAFFIC,” SECTION 7-3.6, “PARKING TIME LIMITED ON CERTAIN STREETS,” SCHEDULE IV, “TIME LIMITED PARKING.”

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 September 28, 2009.

ORDINANCES – Public Hearing (Final Adoption Rescheduled Pending Planning Board Review)

Mayor Menna noted that the following ordinances were being carried:

2009-30 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.”

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 THE 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 THE 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."
- 2009-39 AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING THE CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS SECTION 25-10.2, "DESCRIPTION OF DISTRICTS" SECTION 10.22, "REGULATIONS CONTROLLING THE TRAIN STATION OVERLAY DISTRICT."
- 2009-40 AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING THE CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS SECTION 25-8.37, "GARAGES (INCLUDING VERTICAL PARKING GARAGES)" SECTION 25-9.13, "COMMERCIAL PARKING FACILITIES."
- 2009-45 AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING THE CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS SECTION 25-10.2, "DESCRIPTION OF DISTRICTS" SECTION 10.21, "REGULATIONS CONTROLLING AFFORDABLE HOUSING OVERLAY DISTRICT ONE (AH-1 ZONE)."

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

Ned Gaunt—RiverCenter—said he wanted to speak on the parking issue and was concerned about the properties that were 1,000 square feet or less and those that were 5,000 square feet or more and the fact that they were not based on seating but on occupancy load. He said there was confusion at the last meeting on the terminology in the code. He said RiverCenter's objective was the same as the town's which was to keep the level of parking the same as it is currently. He said they were also concerned about the FAR noting that the Council was looking to reduce the height from 50 to 40 in most of the zones and asked that if a project could meet all of the other bulk requirements and stills stay within the FAR, why they would want to reduce it.

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

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 carry the ordinances pending Planning Board review, seconded by Councilman Zipprich.

ROLL CALL:

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

NAYS: None

There being six ayes and no nays, the ordinances were declared carried.

RESOLUTIONS

09-218 Mayor Menna read “A RESOLUTION APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LETTER OF REPRESENTATION AND A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE AND DELIVERY OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY’S CAPITAL EQUIPMENT POOLED LEASE REVENUE BONDS, SERIES 2009 AND AUTHORIZING AN AUTHORIZED MUNICIPAL REPRESENTATIVE TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF SUCH BONDS.”

Councilman Murphy 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 ordinances were declared carried.

09-219 Mayor Menna read “A RESOLUTION CONFIRMING TIME AND PLACE OF BOROUGH COUNCIL MEETINGS FOR 2009.”

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.

09-220 Mayor Menna read “A RESOLUTION AUTHORIZING CONTINUATION OF A FOUR DAY WORK WEEK FOR CERTAIN BOROUGH EMPLOYEES AND OFFICES.”

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.

09-221 Mayor Menna read “RESOLUTION AUTHORIZING ACCEPTANCE OF PROPOSAL SUBMITTED FOR PROVIDING ENERGY AUDITING SERVICES IN COMPLIANCE WITH THE REQUIREMENTS OF THE NEW JERSEY LOCAL GOVERNMENT ENERGY AUDIT PROGRAM.”

A discussion followed as to whether the resolution was accepting or rejecting. Mayor Menna clarified that it was authorizing the acceptance. Engineer Ballard added that the way the bid was structured, there were separate line items for different buildings and the total proposed was above what was originally budgeted. She said they can award two of the buildings, one being 90 Monmouth Street and the other being the Senior Center, within the amount budgeted. Administrator Sickels also pointed out that the expenses were reimbursable. Engineer Ballard confirmed that the Department of Energy would reimburse 75 percent almost right away and the other 25 percent after some of the recommendations of the energy audit are implemented. She added that doing the energy audit will open up several other doors for other grant opportunities.

Councilman Zipprich asked if this would be considered a partial award of the bid. Engineer Ballard said the bid was structured so that they could only award the bid for certain buildings. She added that they knew the amount of money available and they knew that they wanted to do 90 Monmouth Street and that they had enough money for one other building.

Councilwoman Horgan asked when the project would start. Engineer Ballard said they were looking to have the audit finished by the end of the year.

Councilwoman Horgan 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.

09-222 Mayor Menna read “RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES AND INSPECTION ESCROW REGARDING KERRI MCGEEHAN, 55 FISHER PLACE, BLOCK 13, LOT 20.17, 20.18.”

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

ROLL CALL:

AYES: Lewis, DuPont, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: Zipprich

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

PROCLAMATIONS

PAYMENT OF VOUCHERS

09-224 Mayor Menna read “A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$3,091,213.85.”

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

ROLL CALL:

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

NAYS: None

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

OLD BUSINESS

Councilman Zipprich reported that the Reckless Estate on Broad Street, also known as the Women’s Club, would be the recipient of a matching grant in the amount of \$29,308 due to legislation signed by Governor Corzine. He added that it was funded by the New Jersey Historic Trust through the Garden State Historic Trust Fund. He also noted that the Governor ratified the funding for sixty preservation projects totaling \$15.5 million. He said it was nice to see that those that had been working so diligently to keep the Reckless Estate in tact had been awarded that grant.

Councilman Zipprich also noted that he and Engineer Ballard would be attending a two day conference at Liberty Science Center as part of the 400th Anniversary of Henry Hudson’s arrival in the New York harbor. He said the H2O9 forum will address issues waterfront communities like Red Bank face such as balancing commercial, nature and community. He said other topics include financing infrastructure, solutions outside the box, applying new technology to water and green thinking on sound environmental planning.

NEW BUSINESS

AUDIENCE

Wes Hathaway—44 Ambassador Drive—said he had three questions. First, he asked what the status was for project regarding the traffic lights at Maple Avenue and White Street and asked what was missing to complete the project. Administrator Sickels said he did not know but he would try to find out. Engineer Ballard said the last she was aware there was an issue with the utility pole at the intersection of Maple Avenue and Front Street and that it now had to be relocated. Mr. Hathaway said his second question was regarding the parking lot across the street from Borough Hall. Mayor Menna said they are working on it and would have more information probably by the next Council meeting. Mr. Hathaway said his third question was in regard to the video ordinance asking if the town could control the content. Mayor Menna noted that every town must designate an area of town that would be a so-called “red light district” where certain activities are permissible. He said the area in Red Bank was very limited in terms of scope and what could be done. He also said, regarding filming, the town would not be addressing content but would reserve the authority to approve or disapprove certain shooting situations.

Cindy Burnham—146 Harrison Avenue, Fair Haven—said she also had questions about the ongoing construction project on Maple Avenue and asked Mr. Sickels about the fact that he had said the construction company was going to rehab the parking lot at the foot of Maple Avenue. She asked for details on the plans for paving the lot. Mr. Sickels said the Borough needed to meet with them this week and get caught up on the project. Ms. Burnham asked if they would be paving the whole lot. Mr. Sickels said he would have to discuss it with them but noted that they were supposed to restore the lot to useable condition. She said the lot was 60-1/2 feet wide and said the company had covered about 8 feet of it. She also said the lot gets a lot of use and she would like to see it used to its maximum capacity. Councilman Murphy asked if there were meters in the lot. Mayor Menna said no, adding that it was a permit lot at one time. The Mayor also told Ms. Burnham the Borough would look into her concerns. Ms. Burnham noted that the English Plaza parking lot was only 58 feet wide and they have double head on parking at an angle and added that the lot in question was 60-1/2 feet wide so they could do double sided parking there as well. Mr. Sickels said the agreement with the contractor was to restore the parking lot and he didn’t know if they could expand it. Ms. Burnham said it was currently marked for ten cars. Mr. Sickels said the Borough originally had issued permits there for 12. Mr. Burnham suggested that if they are going to the trouble of putting in a curb, they might as well utilize the whole area.

James Irving—239 Spring Street—said he was glad to see the Council acting on the film ordinance and reviewed the history of filming projects in the Borough and other historic events. Mr. Irving also said the he felt that handicapped parking was greatly abused and he would like to see stronger enforcement. He said he thought there was only three or four on the street in the entire community and said he would like to see more. Mayor Menna said that Mr. Irving made a good point and agreed that there should be better enforcement. Mayor Menna also confirmed with Attorney Pringle that anyone with a handicap that had a handicap parking license plate and an appropriate tag may park in any other parking space and would not need to pay for the meter. Mr. Irving said if that was the case, he was unaware of it. Mayor Menna said it was state law that a handicapped person could park anywhere except the fire zone and said they would also look into seeing what they could do to add to more handicapped spaces.

Mr. Irving also expressed his concern with individuals who put used mattresses and upholstered furniture out for pick up that may be infested with bedbugs and asked that the Borough look in to enacting labeling requirements. He discussed his concern with the growing problem and asked for the Council to consider and ordinance similar to the law requiring that doors be taken off refrigerators.

Mr. Irving also asked the Council to review intersections in town that he felt may be subject to gridlock problems.

He also asked Mayor Menna about his comments regarding the “red light zone.” Mayor Menna clarified that, under state law, the Borough must include an “entertainment zone” and Red Bank did have one but it was very limited in scope.

Linda Cohen—28 Riverside Avenue—asked if there was anything that could be done regarding the Gold Street lot noting that there was a lot of construction going on and that parking was very tight. She said people were parking everywhere and asked the Borough to help. Mayor Menna said he understood her concerns and they would address it the next day.

David Prown—44 Hillside Place—also asked about the parking lot across the street. He asked who was parking in the lot and noted that it was filled with cars. Mayor Menna said he did not know who was parking there. Mr. Prown also asked about the resolution to extend the four day workweek and asked about the reported savings. Councilman DuPont said he estimated the Borough would save about \$15,000 for the year. Mr. Sickels noted that that was for electric only. Councilman DuPont said they were hoping that the four day work week would continue and noted that many Borough services could be accessed through the Borough’s website. He added that he hadn’t gotten any complaints and thought that the residents were being served. Mr. Prown said that he thought the savings wasn’t very high and asked if

there were any other factors that went into the decision. Mr. DuPont said he thought it had been working well and since the utilities had gone down they would continue the program. Mr. Prown again said he felt the cost saving were minimal. Councilman DuPont agreed that it may not seem like a lot but they were trying to take steps to reduce operating expenses. Mr. Prown pointed out that the program eliminated 20 percent of the week. Mr. Sickels added that the extension was to the end of the year and they would look at it again. He also noted that it was very cool summer and they felt that three months wasn't enough to evaluate.

EXECUTIVE SESSION

09-225 The Attorney read a resolution to adjourn to executive session to discuss personnel and contract negotiations.

Councilman Murphy offered a motion to adjourn to executive session to discuss personnel and contract negotiations, seconded by Councilman DuPont. 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.

RESOLUTION

Councilman Murphy offered a motion to resume the public portion of the meeting, 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.

09-223 Mayor Menna read "A RESOLUTION AUTHORIZING CONTRACT BETWEEN THE BOROUGH OF RED BANK AND P.B.A. LOCAL #39 FOR THE YEARS 2009 AND 2010."

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

Councilman Murphy thanked the Police Committee as well as the Council for their time and effort regarding the contract.

Mayor Menna noted that if the Council authorized the execution of the contract, it would go back to the PBA for their execution and then would come back to the Council for ratification.

ROLL CALL:

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

NAYS: None

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

ADJOURNMENT

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

ROLL CALL:

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

NAYS: None

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

Respectfully submitted,

Pamela Borghi